



**REGULAR JOINT MEETING OF THE
CITY COUNCIL, SUCCESSOR AGENCY, MONTCLAIR HOUSING CORPORATION,
MONTCLAIR HOUSING AUTHORITY, AND MONTCLAIR COMMUNITY FOUNDATION**

To be held in the Senior Center
5111 Benito Street, Montclair, California

AGENDA

Monday, September 21, 2020
7:00 p.m.

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

Persons wishing to speak on an agenda item, including public hearing and closed session items, are requested to complete a Speaker Card located at the entrance of the Senior Center and present it to the City Clerk prior to consideration of the item(s). Those who would like to submit written comments prior to the meeting may email their comments to cityclerk@cityofmontclair.org at least one hour prior to the meeting start time. The Mayor/Chair (or the meeting's Presiding Officer) will recognize those who have requested to speak on an item at the time of its consideration and invite those individuals up to 5 minutes to provide comments on the item at that time. The City Clerk will read aloud any comments submitted in writing during the item's consideration (limit 250 words per item).

Audio recordings of the CC/SA/MHC/MHA/MCF meetings are available on the City's website at www.cityofmontclair.org and can be accessed by the end of the next business day following the meeting.

- I. CALL TO ORDER** City Council [CC], Successor Agency Board [SA],
Montclair Housing Corporation Board [MHC],
Montclair Housing Authority Commission [MHA],
Montclair Community Foundation Board [MCF]

II. INVOCATION

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

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. PRESENTATIONS

- A. West Valley Mosquito and Vector Control District Update

VI. PUBLIC COMMENT

This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Each speaker will be afforded up to five minutes to address the City Council/Boards of Directors/Commissioners. (Government Code Section 54954.3).

Under the provisions of the Brown Act, the meeting bodies are prohibited from participating in substantial discussion of or taking action on items not listed on the agenda.

VII. PUBLIC HEARINGS

- A. Consider Setting a Public Hearing for Monday, October 5, 2020, and Continuing Adoption of Resolution No. 20-3285 Approving Tentative Tract Map No. 20273 to Subdivide a 6.68-Acre Site into Six Numbered Parcels and One Lettered Lot for a Public Park and Approving Precise Plan of Design No. 2017-20 and a Parking Management Plan for a Mixed-Use Project Within the Station District of the North Montclair Downtown Specific Plan to Said Public Hearing [CC]

- B. Consider Adoption of Resolution No. 20-3288 Adopting Findings of Fact Pursuant to the California Environmental Quality Act, Certifying the Final Environmental Impact Report for the Montclair Place District Specific Plan, and Adopting a Statement of Overriding Considerations and a Mitigation Monitoring Program (Case No. 2018-13) [CC]

Consider Adoption of Resolution No. 20-3289, a General Plan Amendment Changing the Land Use Designation for 104.35 Acres Bounded by and Including the Right-of-Way of Monte Vista Avenue on the West, the I-10 Freeway on the South, the Right-of-Way of Central Avenue on the East, and the Existing Centerline of Moreno Street on the North (31 Parcels) from “Regional Commercial” to “Planned Development” [CC]

Consider Adoption of Resolution No. 20-3290, an Amendment to Remove 104.35 Acres from Within the Boundaries of the North Montclair Specific Plan [CC]

First Reading - Consider Ordinance No. 20-991, an Amendment to the Official Zoning Map Changing the Land Use Designation of 104.35 Acres of the North Montclair Specific Plan Bounded by and Including the Right-of-Way of Monte Vista Avenue on the West, the I-10 Freeway on the South, the Right-of-Way of Central Avenue on the East, and the Existing Centerline of Moreno Street on the North (31 Parcels) from “C-3” (General Commercial) to “Specific Plan” [CC]

First Reading - Consider Ordinance No. 20-992 Adopting the Montclair Place District Specific Plan for a 104.35-Acre Site Bounded by and Including the Right-Of-Way of Monte Vista Avenue on the West, the I-10 Freeway on the South, the Right-of-Way of Central Avenue on the East, and the Existing Centerline of Moreno Street on the North (31 Parcels) Under Case No. 2018-13 [CC]

Consider Setting a Public Hearing for Second Reading and Adoption of Ordinance Nos. 20-991 and 20-992 for Monday, October 5, 2020, at 7:00 p.m. [CC]

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- C. First Reading - Consider Ordinance No. 20-993 Amending the Qualifications to Serve on the Montclair Planning Commission [CC]

Consider Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 20-993 for Monday, October 5, 2020, at 7:00 p.m. [CC]

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VIII. CONSENT CALENDAR

- A. Approval of Minutes

- 1. Regular Joint Meeting — September 8, 2020 [CC/SA/MHC/MHA/MCF]

- B. Administrative Reports

- 1. Consider Receiving and Filing of Treasurer’s Report [CC] 197

- 2. Consider Approval of Warrant Register & Payroll Documentation [CC] 198

- 3. Consider Receiving and Filing of Treasurer’s Report [SA] 199

- 4. Consider Approval of Warrant Register [SA] 200

- 5. Consider Receiving and Filing of Treasurer’s Report [MHC] 201

- 6. Consider Approval of Warrant Register [MHC] 202

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8. Consider Approval of Warrant Register [MHA]	204
9. Consider Receiving and Filing the 2020 Local Agency Biennial Notice and Directing Staff to Amend the City’s Conflict of Interest Code Pursuant to the Political Reform Act [CC]	205
C. Agreements — None	
D. Resolutions — None	
IX. PULLED CONSENT CALENDAR ITEMS	
X. RESPONSE	
A. Consider Receiving and Filing a Response to City Council Inquiry Regarding the Resumption of In-Person City Council Meetings and the Reopening of City Facilities to the Public Amidst the Novel Coronavirus Pandemic, and Providing Direction to Staff in Relation Thereto [CC]	209
XI. COUNCIL WORKSHOP	
A. Presentation by David Turch & Associates, City’s Federal Legislative Advocate <i>(The City Council may consider continuing this item to an adjourned meeting on Monday, October 5, 2020, at 5:45 p.m.)</i>	
XII. COMMUNICATIONS	
A. Department Reports	
B. City Attorney	
C. City Manager/Executive Director	
1. COVID-19 Update	
D. Mayor/Chairperson	
E. Council Members/Directors	
F. Committee Meeting Minutes <i>(for informational purposes only)</i> — None	
XIII. ADJOURNMENT	

The next regular joint meeting of the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board will be held on Monday, October 5, 2020, at 7:00 p.m.

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the meeting bodies after publication of the Agenda packet are available for public inspection in the Office of the City Clerk between 7:00 a.m. and 6:00 p.m., Monday through Thursday. Please call the City Clerk’s Office at (909) 625-9416 or send an e-mail to cityclerk@cityofmontclair.org to request an appointment to review such items. City Hall is currently closed to the public during regular business hours pursuant to state public health emergency guidance in relation to the ongoing COVID-19 pandemic.

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

I, Andrea M. Phillips, City Clerk, hereby certify that I posted, or caused to be posted, a copy of this Agenda not less than 72 hours prior to this meeting on the City’s website at <http://www.cityofmontclair.org/agendas> and on the bulletin board adjacent to the north door of Montclair City Hall at 5111 Benito Street, Montclair, CA 91763 on Thursday, September 17, 2020.



CITY COUNCIL AGENDA REPORT

DATE: SEPTEMBER 21, 2020 **FILE I.D.:** LDU350/LDU375/ENV075
SECTION: PUBLIC HEARINGS **DEPT.:** COMMUNITY DEV.
ITEM NO.: A **PREPARER:** M. DIAZ

SUBJECT: CONSIDER SETTING A PUBLIC HEARING FOR MONDAY, OCTOBER 5, 2020, AND CONTINUING ADOPTION OF RESOLUTION NO. 20-3285 APPROVING TENTATIVE TRACT MAP NO. 20273 TO SUBDIVIDE A 6.68-ACRE SITE INTO SIX NUMBERED PARCELS AND ONE LETTERED LOT FOR A PUBLIC PARK AND APPROVING PRECISE PLAN OF DESIGN NO. 2017-20 AND A PARKING MANAGEMENT PLAN FOR A MIXED-USE PROJECT WITHIN THE STATION DISTRICT OF THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN TO SAID PUBLIC HEARING

REASON FOR CONSIDERATION: Final review authority for all subdivisions of land requests, and entitlements associated with development projects within the boundaries of the North Montclair Downtown Specific Plan (NMDSP) lies with the City Council.

Staff, in consultation with the developer, is requesting that the City Council accept written and verbal comments from the public at this scheduled public hearing and continue the item to a public hearing to Monday, October 5, 2020 to allow additional time to complete the refinement of the proposed conditions of approval for the project.

BACKGROUND: *The Village at Montclair* project, initiated by Village Partners Ventures LLC, is a proposed mixed-use development project on 6.68 acres of land within the NMDSP. The subject property is located within the Station District zoning area of the North Montclair Downtown Specific Plan (NMDSP). The Arrow Station residential community is on the west, Montclair Transcenter on the north, and the Pep Boys auto store and self-serve car wash on the east.

Copies of the plans for the project have been distributed to the City Council and are also available to view on the City's website at:

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

Project Description

The project involves the development of approximately 373,660 square feet of new residential and commercial space (not including the parking garage). The commercial ground floor lease space is approximately 25,143 square feet in area. The residential component of the project includes a maximum of 360 dwelling units, including 330 permanent apartment units, and 30 additional Flex Units used as interim residences within the ground floor commercial lease space of each building. The project also features a multi-level parking structure, the dedication of 0.22-acres for a public park, and public pedestrian easements to link the project to the Arrow Station project to the west and the Montclair Transcenter to the north side of the site.

Tentative Tract Map No. 20273

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

Tentative Tract Map No. 20273 The Village at Montclair – Lot Size and Site Improvements		
Lot	Size	Proposed Site Improvements
1	0.78 ac	Multi-story building – 28 parking spaces (9 tandem) 7.5’ wide aerial easement over public sidewalk Central Solid Waste Collection/Compactor facility
2	0.52 ac	Multi-story Building
3	0.72 ac	Multi-story Building
4	0.92 ac	Multi-story Building – 5-level Parking Structure – 483 spaces 10’ wide public pedestrian easement
5	1.31 ac	Multi-story Building – Community Building ¹ 10’ wide public pedestrian easement
6	0.74 ac	Surface Parking Lot (27 spaces) and Dog Park Site of future Public Parking structure ²
“A”	0.22 ac	Public Neighborhood Park
¹ Building 4 on Lot 5 is the proposed community building for the project and includes leasing and management offices, a fitness center, meeting rooms, mail room, and community pool. ² Lot 6 is the parcel where the future public parking structure would be built on the subject site, as generally depicted in Figures 3-2 and 3-3 and described in 3.2.F of the NMDSP.		

The tentative map also includes three (3) public easements, two of which are located on Lots 4 and 5. These easements are intended to facilitate public pedestrian access to the site from the west (the Arrow Station community) and from the site to the Montclair Transcenter immediately north of the site across the rail lines. The third is an aerial easement at the north side of Building 1 to allow the design of the building to extend over the public sidewalk.

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

Public Park

The proposed public park is located at the center of the site and intended to provide an open space area to be used by future residents for open space, passive recreational activities, and public events. The new park is rectangular in shape, approximately 9,571

square feet (0.22-acre) in size, and has approximate dimensions of 54 feet wide by 190 feet long. Proposed park amenities include a tree-lined turf area, a pavilion, water feature, and seating.

Precise Plan of Design

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

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

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

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

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

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

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

¹Commercial spaces that may be used as interim residential units

Parking

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

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

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

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

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

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

The developer also proposes to manage on-site parking for the residents by assigning the number and the location of parking spaces for each residential unit. All on-street street parking would be for public use on a short-term basis (length of time to be determined by the City) for visitors and customers of commercial uses in the project

area. Public on-street parking spaces would not be assignable to any resident or a commercial use in the project.

Basic Elements of the Parking Management Plan

- **Application Process:** As part of the initial rental application process, all potential renters will be given written notice of on-site parking conditions and requirements. Further, the PMP will be available at all times on the project's website and referenced in the executed lease agreement. Lease agreement, will require a signed acknowledgment that the resident(s) agree to the terms of PMP.
- **Parking Stalls:** All parking stalls within the project (not public street parking spaces) will be identified by number to allow for easy monitoring of parking within the project site. Parking stall and unit designations are shown on a site plan within the PMP with a parking matrix identifying specific unit numbers, types, and stall assignments.
- **Assigned Spaces:** All dwelling units will be assigned a minimum of one parking space within the project area. Tandem stalls will be assigned to two-bedroom units. Not all two-bedroom units within the project will have two assigned spaces. Property management will also inform potential tenants that parking spaces within adjacent developments are not available for their use.
- **Guest Parking:** Short-term guest parking is available for visitors and future customers on public streets within the development. Any extended time parking would be accommodated on lots or within parking structures located on private property. Under no circumstances shall residents or guests be assigned a space on a public street and/or public parking lot/structure. The property manager shall be responsible for providing and managing on-site guest parking passes.
- **Parking Permit Program:** Vehicle license plates and descriptions of vehicles assigned with each unit are registered in an electronic database maintained by Property Management. In addition, vehicles will be issued a numbered and branded windshield decal, at move-in and voided upon lease termination.
- **Enforcement:**
 - The developer will install regulatory signs for on-site parking areas and structures under their control. Project signs shall state that unauthorized vehicles will be towed at vehicle owner's expense.
 - The Property Management Company will retain the services of a licensed, qualified tow company and provide emergency contact information signage within the property and will meet the signage requirement of the Montclair Municipal Code.
 - Property Management Company shall be responsible for noting and enforcing all on-site parking violations. Public street parking enforcement shall be the responsibility of the Montclair Police Department.

Solid Waste Removal Plan

The applicant has prepared a draft Solid Waste Removal Plan (SWRP) to address the collection and disposal of solid waste and recyclable materials generated by the project.

The plan proposes preliminary collection points for each multi-story building, then transferred to a final (central) collection site. The central collection point would be developed on the east side of the site behind (east side of) Building 1 and equipped with trash compactors. When full, the compacted solid waste materials would be picked up by Burrtec (current solid waste provider) for disposal off site. The SWRR would also address the collection of organic waste and bulk items.

Architecture

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

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

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

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

Landscaping/Hardscape

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

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

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

Discussion

For the past few years, City staff has worked with the applicants, their architect, and the City's architectural design consultant to ensure the project was developed in accordance with the development standards and guidelines of the NMDSP. Staff supports the proposed project, as it will result in an immediate and significant transform the appearance of the site and surrounding area. The subject site is currently comprised of old industrial structure and vacant areas. Moreover, the improvements with this project will meet the objectives of the NMDSP.

As the City's first mixed-use project, and key project in implementing the goals of the NMDSP, the project requires close attention to details. The project site is ideally located and designed to provide direct public pedestrian access to the Montclair Transcenter. As more development occurs within the boundaries of NMDSP, this project will serve as the key element in providing the essential link for access to and from the Montclair Transcenter and surrounding development.

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

Tentative Tract Map

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

Precise Plan of Design

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

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

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

A significant feature exemplifying how the project meets the design goals of the NMDSP is the attention to careful massing and varied building heights for each building that eliminates uniform building heights and monotonous building facades. There is a distinct base, middle and top to each of the buildings. There are projecting elements such as lower level roofs, canopies, balconies, and bay windows that help lower the scale of the massing to a more pedestrian level. As such, the project architecture is relatively simple in form and utilizes an appropriate range of architectural details and application of durable materials that will be long lasting. Architectural design and details are extended to all sides of the buildings. Staff believes the project architecture and colors selected for the project will help provide a comfortable level of distinction from the adjacent developments. The final architectural details for the project are subject to refinement as part of the review process for NMDSP projects by the City's consultant for Architectural Design.

Including Flex Units as interim dwelling units, the total number for the project is 360 units, achieving a density of 61 units per acre, which is consistent with the minimum density level of the SD zone. Without the Flex Units, the unit count is reduced to 330 units for a project density of 56 units per acre, approximately seven percent less than the minimum. If approved, this project will represent the highest density level achieved by any new project in the NMDSP plan area. As a mixed-use project, *The Village at Montclair* also represents a significant advancement of the transit-oriented goals set forth by the NMDSP, including the provision of pedestrian access to the Montclair Transcenter.

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

Flex Units

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

The flexibility offered by the Flex Units concept would be instrumental in ensuring that the project is not unnecessarily plagued with empty ground floor storefronts. The proposal does reserve in perpetuity a few key lease spaces in the project for the purposes of attracting restaurant uses. These spaces are marked on the plans (Page 10) and have staff support. To establish guidelines for the proposed Flex Units, conditions of approval have been added to the proposed Resolution of Approval (the resolution is not included in the agenda packet at this time because the developer and staff are in the process of refining the conditions of approval). These conditions would restrict the use of Flex Units after the residential occupancy of each building reaches full occupancy (90 percent) and limit the residential tenant use of flex spaces to short-term (one year) lease agreements. Each Flex Unit could continue as a residential use until market demand supports conversion of one or more Flex Units to a commercial use. Commercial market demand would be determined by use of an independent market study conducted by the property owner at least once every two years.

Parking and Parking Reduction Request

As noted earlier, the design of the project anticipates City Council consideration in approving the full 15 percent reduction in the number of spaces as done for previous projects. In addition, to refining the overall site plan for parking, the applicant/developer also prepared a Parking Management Plan to address the mixed-use nature of the project. Staff believes the distribution of parking for the project is appropriate to meet the overall needs of the mixed-use nature of the project, and in keeping with the goals of the NMDSP for developing a transit-oriented district (TOD) within a half-mile of public transportation.

However, to ensure that parking for residents, guests, employees, and future customers remains sufficient and readily available, proper and effective management is imperative. The applicant (developer) is aware of the City's concerns to properly control parking and has confirmed their commitment to fully implement the provisions of the proposed PMP. The Parking Management Plan, if approved, would assign parking spaces for every unit and limit the number of assigned spaces accordingly. The bulk of assigned resident parking is located in the parking structure in Building 4 and on surface parking behind Building 1. Parking on Lot 6 also provides an additional 27 spaces for the east side of the project, but is also a site for the development of a future public parking structure. Since the timing for construction of a future parking structure is unknown at this time, parking spaces on Lot 6 would be "temporary" until a new structure is constructed, or the NMDSP is amended to allow for a different use. Although not all residents may have the most conveniently located parking space, the spaces will be in secure locations and within easy walking distance of the units.

Concerning parking for visitors and future customers of retail and food uses, the project relies on 61 on-street public parking spaces for short-term use. As public spaces, street parking spaces would not be assignable to tenants nor reserved for long-term parking purposes (e.g., transit riders or long-term guests). The Montclair Police Department will responsible for enforcement of parking matters on the public streets within the project.

Based on the proposed PMP, staff believes that parking can be effectively maintained by the developer and recommends approval of the requested parking reduction and the ability to count street parking toward the overall number of required short-term parking spaces to support future commercial uses within the project.

Property Maintenance/Management

When completed, management of the project will be conducted by an on-site, institutional quality professional property management company with an on-site manager to oversee all management, leasing, and maintenance functions for the development. The selection of the property management firm retained by the property owner is subject to the approval of the Police Department.

As part of the condition to provide property management, the applicant will be required to record a Regulatory Operations Agreement against the entire property providing for the perpetual maintenance of all buildings and on-site improvements, including private parking areas and roadways, retaining walls, drainage facilities, and water and sewer systems.

In addition, City staff has begun the process of working with a consultant to lay groundwork and implement a Community Facilities District (CFD), which would overlay the subject site. Establishment of the CFD, which has been requirement since the NMDSP was originally adopted, would provide the means for collecting funds to maintain public improvements such as curb and gutter, sidewalks, paving, streetlights, street sweeping, signage, street furniture, public park elements and maintenance, and landscaping in the public right-of-way. Completion and City approval of the CFD will be a condition of approval before the final tract map can be recorded.

Solid Waste Removal Plan

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

Findings for Tentative Tract Map No. 20273

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

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

2. The Tentative Tract Map provides for land uses compatible with the "Station District" land use classification for the subject site in the NMDSP. Moreover, the design for the project is of a high quality and consistent with the high expectations of improvements for projects within the NMDSP.
- C. The subject site is physically suitable for the type and density of development proposed in the Tentative Tract Map given the overall size of the property. The site is 6.68 acres in overall area and is of a configuration that has sufficient width and depth to allow for orderly site development, the provision of open space areas between the proposed structures in the project, and sufficient setbacks from the adjacent single-family residential properties located to the west at the Arrow Station residential community. The project site is also located adjacent to fully-improved streets that will provide good access and allow for appropriate internal pedestrian and vehicular circulation. The proposed public streets within the project boundaries will be fully improved and serve to implement the eventual goal of a linked-street system that promotes walkability and connectivity to adjacent properties and uses, including a direct link to the Montclair Transcenter.
 - D. The subdivision design and improvements proposed in the Tentative Tract Map is not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. As explained in the North Montclair Downtown Specific Plan Supplemental Environmental Impact Report (SCH#2016101001) ("SEIR"), the site is surrounded by urban development and streets, does not contain any bodies of water, and is not linked to any wildlife corridors. Further, the SEIR explains that the site does not contain any known habitats of significance including rare or endangered species of plant, animal, or insect life.
 - E. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be performed per the requirements of all applicable standards and codes including the zoning and building codes. As a condition of approval, the applicant is required to submit an acoustical analysis demonstrating that interior noise standards of each unit will comply with Municipal Code requirements and applicable Mitigation Measures identified in the SEIR.
 - F. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with any easements acquired by the public at large for access through or use of the subject site because no such easements exist on the subject site. However, the map provides for new public easements specifically intended to allow for public access at key points in the new plan, and in particular or facilitate pedestrian public access from the site to the Montclair Transcenter.
 - G. The discharge of waste into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the regional water quality control board. The entire project will be required to connect to a sanitary sewage system pursuant to

California Plumbing Code and Municipal Code requirements. Sewer mains exist in the Arrow Highway right-of-way and are in close proximity to the site to facilitate ease of connection.

Precise Plan of Design Findings

- A. The proposed mixed-use project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the Station District "SD" land use designation of the NMDSP. The SD land use district is intended to establish a denser, urban-oriented, fabric of buildings, appropriate for locations in close proximity to new and existing roadways. Moreover, the NMDSP depicts the site as the focal point of the plan given its central location and planned connection point to the Montclair Transcenter. When the aforementioned connection point is completed both sides of the NMDSP will be linked by easy access between the north and south sides of the NMDSP planning area. Lastly, the mixed-use development on subject site will serve as a catalyst to further attractive urban development on Arrow Highway.
- B. The proposed project would result in a significant improvement to the appearance of the area by redeveloping an underutilized area within the NMDSP into a well-designed mixed-use development, which makes efficient use of the site and complies with the intent and applicable development standards of the NMDSP. The 360 dwelling units proposed with this project amounts to 61 units per acre which is consistent with the low end of the "SD" density range of 60-80 dwelling units per acre, and the highest density rate to date within the NMDSP and City.
- C. The site plan, building form, massing, and height will contribute to the ongoing formation of the streetscape and development pattern envisioned by the NMDSP. The proposed mix of three, four, and five-story buildings and their arrangement on the site will contribute to the ongoing transformation and improvement of the Arrow Highway streetscape envisioned by the NMDSP.
- D. The proposed architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is distinctive and appropriate for the prominent role this site plays in the development of the NMDSP. Moreover, the project design is consistent with the architectural style guidelines depicted in the NMDSP, and features high-quality exterior materials and finishes and incorporates appropriate lighting, landscaping, and hardscape materials.

Planning Commission Review and Recommendation

On December 16, 2019, the project proposal and status report was presented to the City Council and the Planning Commission during a joint public workshop meeting.

The Planning Commission also conducted a public hearing on the project at its regularly scheduled meeting on August 24, 2020. By a vote of 5-0, the Planning Commission, recommended that the City Council make findings pursuant to the California Environmental Quality Act and approve the project under Case No. 2017-20 pursuant to Resolution No. 20- 1942.

Environmental Review

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

All potentially significant environmental impacts of the proposed project that could be mitigated to less than significant levels would be mitigated to less than significant levels with mitigation measures contained in the Mitigation Monitoring and Reporting Program for the NMDSP EIR. There are no changes to the significant and unavoidable impacts disclosed in the EIR. In sum, the project would not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of non-significance.

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

FISCAL IMPACT: Approval of *The Village at Montclair* project will result in positive, long-term economic benefits for the City. The project introduces the City's first mixed-use project offering new opportunities for combined residential, office, and commercial uses. The project also serves as key link to the Montclair Transcenter and catalyst for continued improvements towards enhancing property values and achievement of transit-oriented district.

The cost to advertise in the *Inland Valley Daily Bulletin* for the proposed entitlements is reimbursable by the Village Partners Ventures LLC, pursuant to a Reimbursement Agreement with the developer.

RECOMMENDATION: Staff recommends the City Council set a public hearing for Monday, October 5, 2020, and continue Adoption of Resolution No. 20-3285 Approving Tentative Tract Map No. 20273 to subdivide a 6.68-acre site into six numbered lots and one lettered lot for a public park and approving Precise Plan of Design No. 2017-20 and a Parking Management Plan for a mixed-use project within the Station District of the North Montclair Downtown Specific Plan to said public hearing.

Exhibit B – Village at Montclair Project Site Plan Map



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

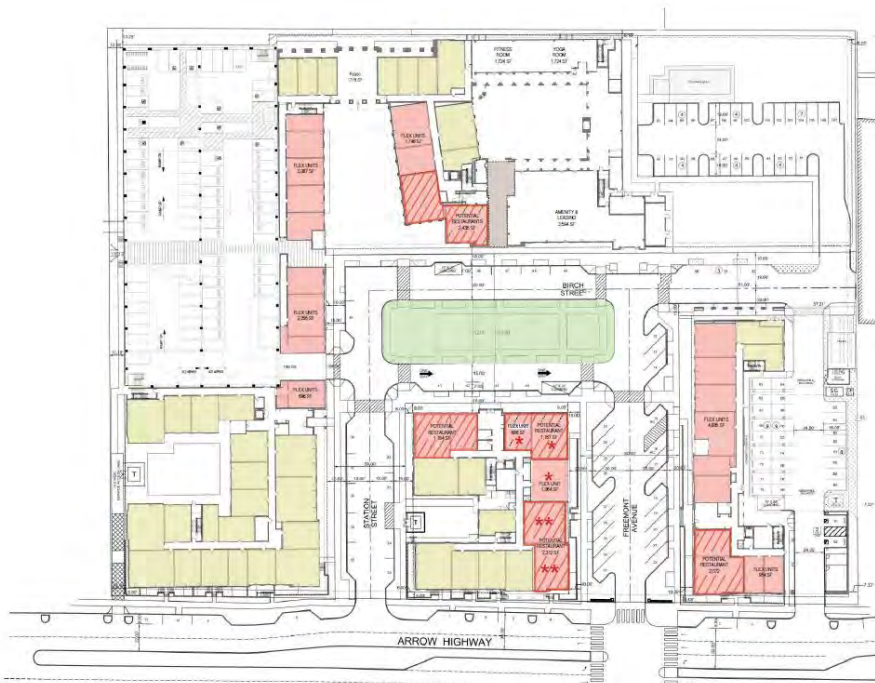


Torti Gallas + Partners
Town Planners and Architects

AHBE
Landscape Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers



First Floor Plan

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



Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers

The Village at Montclair

PARKING MANAGEMENT PLAN

August 19, 2020

I. Parking Management Plan Introduction

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

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

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

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

II. Applicability

The provisions of this PMP apply to the Village at Montclair mixed–use community and do not apply to other neighborhoods or developments within the City of Montclair. The PMP is intended to manage the parking aspects of Village at Montclair mixed–use community by providing the framework for managing parking within the project and minimizing parking impacts on the surrounding community. Residents and visitors are expected to comply with the provisions of the approved PMP, which are enforced by the owner and/or project’s property management company. Parking on public streets is enforced by the Montclair Police Department.

III. Availability of On-Site Parking

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

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

IV. Parking Space and Unit Summary

The following parking stalls are available for residents and guests:

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

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

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

Guest and Street Parking Village at Montclair		
<i>Type of Parking Space</i>	<i>Number Required</i>	<i>Location</i>
Guest/Visitor	71	Garage
Street ¹	71	Internal Streets and Along Project Frontage
<i>Total Stalls</i>	<i>142 spaces</i>	
¹ Street parking is open for use by the public and is only available for short term parking for short term visitors and retail guests of the Village at Montclair mixed-use community. Under no circumstances are street parking spaces assignable to tenants nor shall be reserved for such purposes. All vehicles parked on a public street are subject to the rules and regulations contained in the California Vehicle Code and Chapter 8.36.150 of the Montclair Municipal Code.		

V. Parking Management Plan Objective and Strategy

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

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

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

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

VI. Parking Regulations

The parking guidelines include the following:

- A. Licensed and Operable Vehicles. All vehicles and motorcycles permitted to park at the Village at Montclair mixed-use community shall be legally registered with the State of California Department of Motor Vehicles (DMV) including current tags properly affixed to the vehicle pursuant DMV regulations. Further, all vehicles shall be maintained in operational condition at all times. At no time shall inoperable vehicles be allowed to remain on the premises.

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

understand the parking rules related to parking, assigned parking spaces, and public street parking. Property management will utilize Parking Boss System (or equivalent), a cloud-based system that allows management to identify every vehicle on the property, set custom guest parking limits, provide detailed informational reports, and digitally track permits. This parking orientation will review this system with residents.

- E. Parking Acknowledgment in Lease or Rental Agreement. New residents shall also acknowledge the number of assigned parking spaces to be available for use by the new resident in their lease or rental agreement. This section of the lease or rental agreement shall state the consequences for violation of the PMP. The new resident shall initial this portion of the lease or rental agreement acknowledging parking terms.
- F. Guest Parking Notification. Tenants shall be notified that Village at Montclair mixed-use provides no on-street guest parking spaces. Moreover, parking spaces on adjacent public streets cannot be assigned as designated spaces for guests or visitors to the site. Parking spaces on public streets are only available for short-term use by the general public pursuant to the rules and regulations contained in the California Vehicle Code and Chapter 8.36.150 of the Montclair Municipal Code. Tenants are advised to notify their guests of this limitation. Visitor parking is available on the first floor of the garage under supervision of property management. All residents will be required to notify the Project's management of any overnight guests that utilize the Project's visitor parking areas. Residents will be required to provide management with the color, make and model and duration of their guests visit prior to, or immediately upon, said guest's arrival.
- G. Use of All Available Spaces. In the event that any spaces allocated to a unit are not used (e.g., a resident leases a 3-bedroom unit but only has one vehicle), the unused space may be made available for other residents' use. Additional spaces, however, will be capped at one (1) per unit so as to prevent a single resident from amassing surplus parking stalls to the detriment of other residents. Residents not utilizing all of their allocated spaces will receive a pre-agreed upon credit against their rent each month.
- H. Tandem Spaces. Tandem Spaces in the complex may only be used to park primary vehicles assigned to a specified unit. The Property Manager shall conduct an audit of tandem space usage twice annually to ensure that all residents are in compliance with this requirement.
- I. Parking of Vehicles or Motorcycles Only. Parking spaces shall be used only for the parking of registered and operable vehicles or motorcycles only. No parking space (including tandem spaces) shall be used for the purposes of storing personal belongings, storage containers of any size, commercial vans or trucks, inoperable vehicles, construction equipment/trailers, recreational vehicles or trailers, or other recreational equipment (e.g., water craft, etc.).
- J. Parking in Adjoining Neighborhoods. Residents are highly discouraged from parking in any adjoining neighborhood. Parking in existing neighborhoods invariably leads to existing resident complaints about and street parking and requests to restrict on street

parking. Residents of The Village at Montclair Project mixed-use community will be made aware of this issue during parking orientation.

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

VII. Parking Enforcement

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

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

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

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

VIII. Parking Management Plan Monitoring and Evaluation

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

IX. Parking Space Assignment

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

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

The Village at Montclair				
Parking Assignments – Visitor				
	<i>Type</i>	<i>Parking Stall Number</i>	<i>Location</i>	<i>Parking Space Type</i>
1	Visitor	G101	Garage 1st Floor	Single Space
2	Visitor	G102	Garage 1st Floor	Single Space
3	Visitor	G103	Garage 1st Floor	Single Space
4	Visitor	G104	Garage 1st Floor	Single Space
5	Visitor	G105	Garage 1st Floor	Single Space
6	Visitor	G106	Garage 1st Floor	Single Space
7	Visitor	G107	Garage 1st Floor	Single Space
8	Visitor	G108	Garage 1st Floor	Single Space

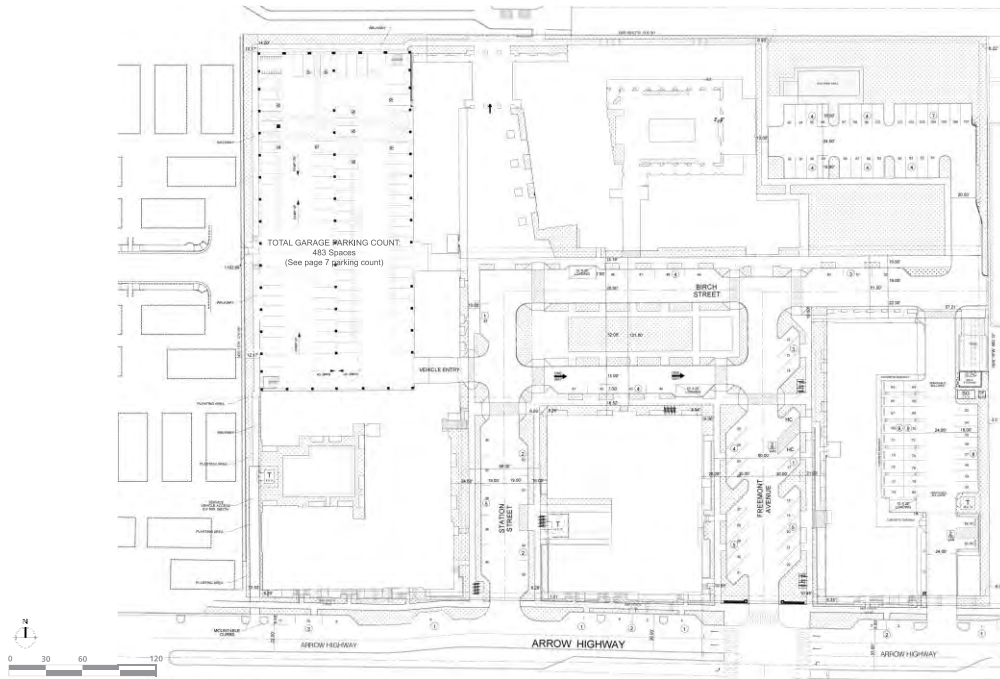
9	Visitor	G109	Garage 1st Floor	Single Space
10	Visitor	G110	Garage 1st Floor	Single Space
11	Visitor	G111	Garage 1st Floor	Single Space
12	Visitor	G112	Garage 1st Floor	Single Space
13	Visitor	G113	Garage 1st Floor	Single Space
14	Visitor	G114	Garage 1st Floor	Single Space
15	Visitor	G115	Garage 1st Floor	Single Space
16	Visitor	G116	Garage 1st Floor	Single Space
17	Visitor	G117	Garage 1st Floor	Single Space
18	Visitor	G118	Garage 1st Floor	Single Space
19	Visitor	G119	Garage 1st Floor	Single Space
20	Visitor	G120	Garage 1st Floor	Single Space
21	Visitor	G121	Garage 1st Floor	Single Space
22	Visitor	G122	Garage 1st Floor	Single Space
23	Visitor	G123	Garage 1st Floor	Single Space
24	Visitor	G124	Garage 1st Floor	Single Space
25	Visitor	G125	Garage 1st Floor	Single Space
26	Visitor	G126	Garage 1st Floor	Single Space
27	Visitor	G127	Garage 1st Floor	Single Space
28	Visitor	G128	Garage 1st Floor	Single Space
29	Visitor	G129	Garage 1st Floor	Single Space
30	Visitor	G130	Garage 1st Floor	Single Space
31	Visitor	G131	Garage 1st Floor	Single Space
32	Visitor	G132	Garage 1st Floor	Single Space
33	Visitor	G133	Garage 1st Floor	Single Space
34	Visitor	G134	Garage 1st Floor	Single Space
35	Visitor	G135	Garage 1st Floor	Single Space
36	Visitor	G136	Garage 1st Floor	Single Space
37	Visitor	G137	Garage 1st Floor	Single Space
38	Visitor	G138	Garage 1st Floor	Single Space
39	Visitor	G139	Garage 1st Floor	Single Space
40	Visitor	G140	Garage 1st Floor	Single Space
41	Visitor	G141	Garage 1st Floor	Single Space
42	Visitor	G142	Garage 1st Floor	Single Space
43	Visitor	G143	Garage 1st Floor	Single Space
44	Visitor	G144	Garage 1st Floor	Single Space

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

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

Draft – Exhibit A

Site Plan
Scale: 1"=60'

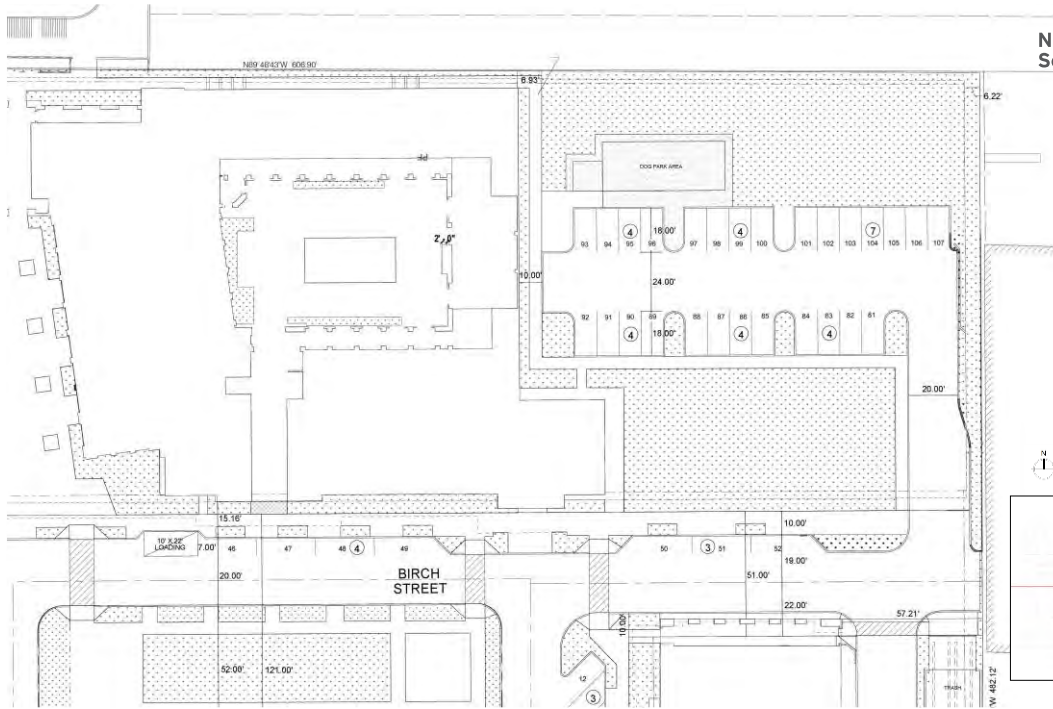


 Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

 VILLAGE PARTNERS, INC.
Developers

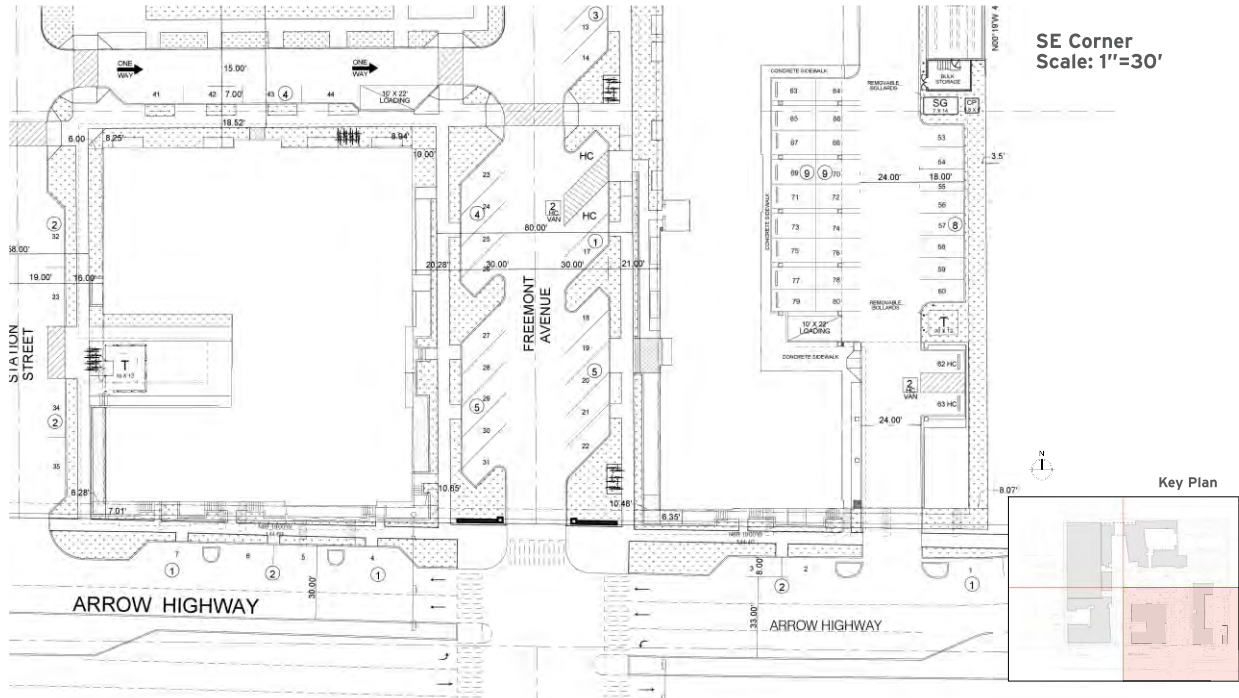
NE Corner
Scale: 1"=30'



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THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

 VILLAGE PARTNERS, INC.
Developers



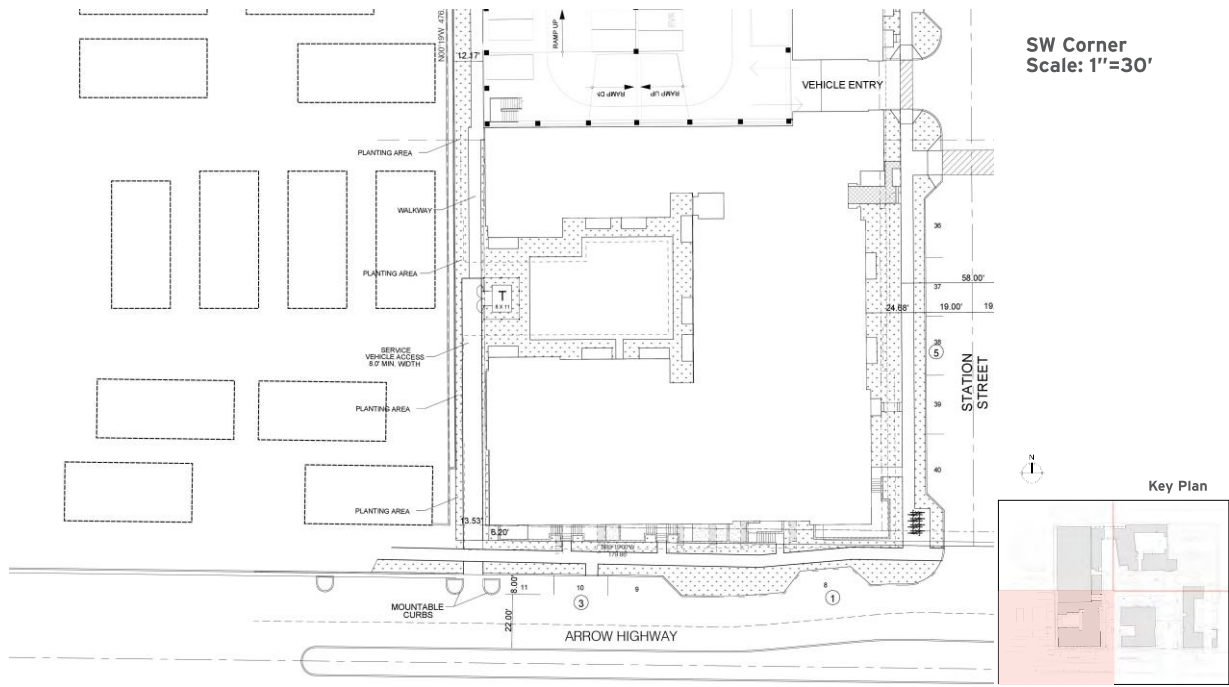
SE Corner
Scale: 1"=30'

Key Plan

 Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

 VILLAGE PARTNERS, INC.
Developers



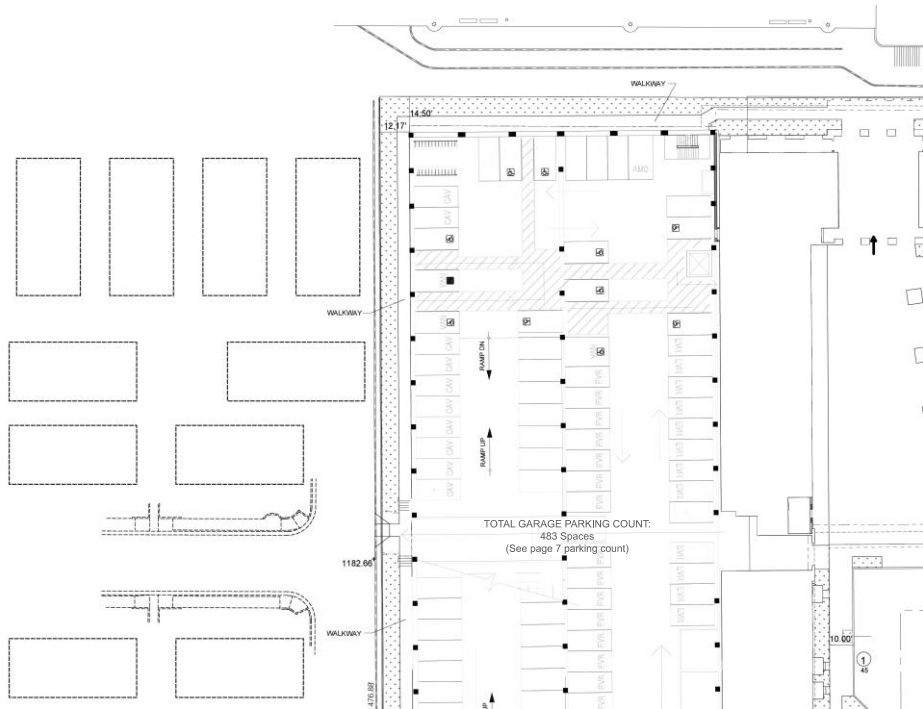
SW Corner
Scale: 1"=30'

Key Plan

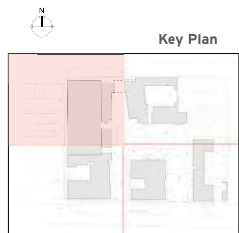
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NW Corner
Scale: 1"=30'

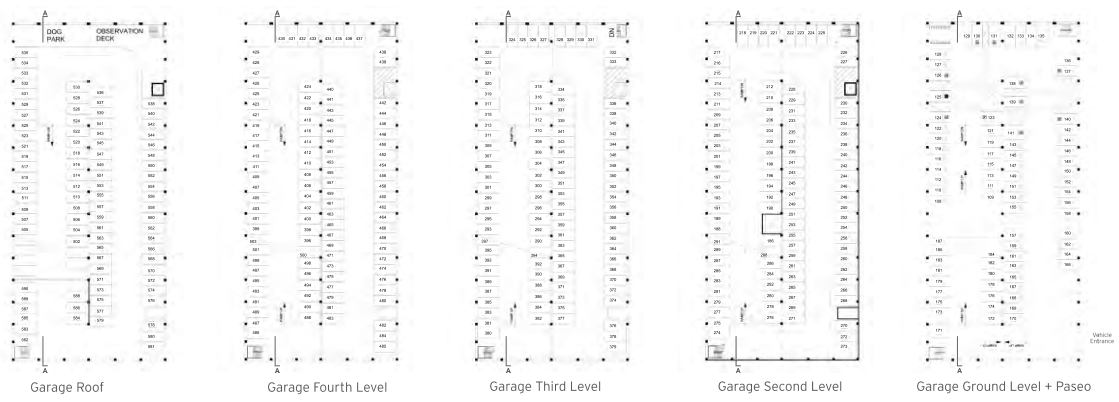


TOTAL GARAGE PARKING COUNT:
483 Spaces
(See page 7 parking count)

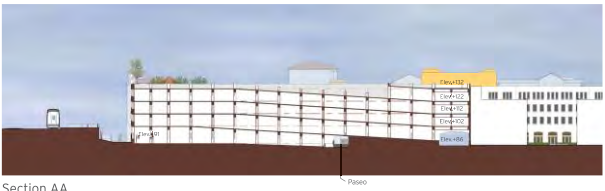
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MONTCLAIR, CA
AUGUST 19, 2020

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Developers



Garage Parking Count
Scale: 1"=60'



Section AA

Garage Parking Tabulation

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

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THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers



CITY COUNCIL AGENDA REPORT

DATE: SEPTEMBER 21, 2020 **FILE I.D.:** ENV075/LDU457/LDU462
SECTION: PUBLIC HEARINGS **DEPT.:** COMMUNITY DEV.
ITEM NO.: B **PREPARER:** M. DIAZ
SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 20-3288 ADOPTING FINDINGS OF FACT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MONTCLAIR PLACE DISTRICT SPECIFIC PLAN, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING PROGRAM (CASE NO. 2018-13)

CONSIDER ADOPTION OF RESOLUTION NO. 20-3289, A GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FOR 104.35 ACRES BOUNDED BY AND INCLUDING THE RIGHT-OF-WAY OF MONTE VISTA AVENUE ON THE WEST, THE I-10 FREEWAY ON THE SOUTH, THE RIGHT-OF-WAY OF CENTRAL AVENUE ON THE EAST, AND THE EXISTING CENTERLINE OF MORENO STREET ON THE NORTH (31 PARCELS) FROM "REGIONAL COMMERCIAL" TO "PLANNED DEVELOPMENT"

CONSIDER ADOPTION OF RESOLUTION NO. 20-3290, AN AMENDMENT TO REMOVE 104.35 ACRES FROM WITHIN THE BOUNDARIES OF THE NORTH MONTCLAIR SPECIFIC PLAN

FIRST READING - CONSIDER ORDINANCE NO. 20-991, AN AMENDMENT TO THE OFFICIAL ZONING MAP CHANGING THE LAND USE DESIGNATION OF 104.35 ACRES OF THE NORTH MONTCLAIR SPECIFIC PLAN BOUNDED BY AND INCLUDING THE RIGHT-OF-WAY OF MONTE VISTA AVENUE ON THE WEST, THE I-10 FREEWAY ON THE SOUTH, THE RIGHT-OF-WAY OF CENTRAL AVENUE ON THE EAST, AND THE EXISTING CENTERLINE OF MORENO STREET ON THE NORTH (31 PARCELS) FROM "C-3" (GENERAL COMMERCIAL) TO "SPECIFIC PLAN"

FIRST READING - CONSIDER ORDINANCE NO. 20-992 ADOPTING THE MONTCLAIR PLACE DISTRICT SPECIFIC PLAN FOR A 104.35-ACRE SITE BOUNDED BY AND INCLUDING THE RIGHT-OF-WAY OF MONTE VISTA AVENUE ON THE WEST, THE I-10 FREEWAY ON THE SOUTH, THE RIGHT-OF-WAY OF CENTRAL AVENUE ON THE EAST, AND THE EXISTING CENTERLINE OF MORENO STREET ON THE NORTH (31 PARCELS) UNDER CASE NO. 2018-13

CONSIDER SETTING A PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NOS. 20-991 & 20-992 FOR MONDAY, OCTOBER 5, 2020, AT 7:00 P.M.

REASON FOR CONSIDERATION: The State Planning and Zoning Law (California Gov. Code §65000 et seq.) and the Montclair Development Code require that the City Council hold a public hearing to consider the General Plan amendment, specific plan amendment, and zone change that are proposed for the property.

BACKGROUND: In 1998, the City adopted the *North Montclair Specific Plan* (NMSP) that established the framework for development in the area of the City laying largely north of the I-10 Freeway (approximately 640 acres), including the Plan Area anchored by the Montclair Place mall (formerly Montclair Plaza - an existing 1.2 million square-foot multi-tenant regional retail commercial center). The NMSP has served the City well, but has become largely out of date (adopted January 5, 1998 - Resolution No. 97-2163).

The proposed *Montclair Place District Specific Plan* (MPDSP) for 104.35 acres (Plan Area) of the NMSF presents a new vision for the Plan Area that would result in the creation of a pedestrian-oriented, multi-modal, mixed-use downtown district within walking and biking distance of the Montclair Transcenter, where the existing Montclair Place mall and commercial developments immediately surrounding the mall currently stand. The boundary of the Plan Area for the proposed MPDSP Area is depicted in **Exhibit A**.

In 2014, CIM Group acquired Montclair Plaza from CW Capital Asset Management. Upon acquiring the 75-acre mall portfolio, CIM Group pursued and obtained City approval in 2015 of a development project aimed at expanding retail space within the context of a new exterior design of the mall and surrounding properties. However, due to lingering economic impacts of the Great Recession and major structural changes occurring in the retail industry, the approved plan was not implemented. As a result, and in discussion with the City, it was determined to pursue a new direction for the mall and surrounding properties.

The planning firms of Studio 111 and Moule & Polyzoides Architects and Urbanists (M&P) participated in the formation of the conceptual framework for the MPDSP. The City retained M&P to prepare and complete the MPDSP and entered into a reimbursement agreement with CIM Group to cover the costs for various consultants employed in developing the plan, preparation of environmental documents, and legal review.

The MPDSP includes new land use designations, regulations, development standards and design guidelines for future development. As such, the MPDSP will enable the future development of commercial, multifamily residential, hotel, and mixed-use projects by creating new land use zones for parcels within the Plan Area and provide form-based code development standards and architectural guidelines to guide development within the MPDSP area through 2040.

The proposed project would require the following discretionary approvals:

1. Certification and Adoption of the Final EIR (Resolution No. 20-3288)
2. General Plan Amendment (GPA) (Resolution No. 20-3289)
3. Specific Plan Amendment (Resolution No. 20-3290)
4. Zone Change (Ordinance No. 20-991)
5. Approval of the MPDSP (Ordinance No. 20-992)

Project Description

The primary goal of the MPDSP is to create a pedestrian-oriented, multi-modal, mixed-use downtown district within walking and biking distance of the Montclair Transcenter and the anticipated extension of the Foothill Gold Line that would extend light rail line service to the City of Montclair. The new downtown environment is based on a new interconnected network of tree-lined streets that connect parks, greens, and plazas. Buildings would be built close to, and directly accessible from, the sidewalk. Parking would be located behind buildings or be subterranean.

As such, the MPDSP will enable the future development of commercial, multifamily residential, hotel, and mixed-use projects by creating new land use zones for parcels within the Plan Area and provide form-based code development standards and architectural guidelines to guide development within the MPDSP area through 2040. These standards complement the development of standards and architectural guidelines contained in those of the North Montclair Downtown Specific Plan (NMDSP). The MPDSP document contains illustrated plans, perspective renderings, and precedent images.

A key feature of the MPDSP is the demolition of all or a portion of the existing mall, some or all appurtenant freestanding outbuildings and portions of the existing surface parking lots and the parking structure to construct a pedestrian-oriented, mixed-use downtown district, with structured parking facilities through a series of planned phases.

The maximum number of dwelling units envisioned by the MPDSP is 6,321 dwelling units (approximately 5 million square feet) and the total additional commercial square footage envisioned by the MPDSP is approximately 512,000 square feet. Additionally, the MPDSP includes provisions for the construction of a hotel with approximately 100 to 200 rooms.

The proposed MPDSP would create new land use zones for parcels within the Plan Area depicted in Figure 2-6 of the MPDSP document, and are summarized below:

- **District Corridor (COR).** The District Corridor zone would apply to parcels along the western portion of the Plan Area adjacent to Monte Vista Avenue. Mixed-use buildings accommodating a mix of residential and commercial uses would be allowed to extend up to 55 feet in height.
- **District Place (PLA).** The District Place zone would apply to the southern portion of the Plan Area. Buildings would be allowed to extend up to 55 feet in height and would accommodate office, and other commercial uses. While residential uses would be allowed in this district, they would be generally discouraged due to freeway proximity.
- **District Commons (COM).** The District Commons zone would allow for urban, mixed-use buildings extending up to 90 feet in height and situated at or near the sidewalk. Primary building access would be from the sidewalk, and parking would be behind buildings or subterranean.
- **District Center (CEN).** The District Center zone would allow for urban, mixed-use buildings ranging between 55 feet to 240 feet in height. This zone would be located in the area primarily occupied by the existing mall building.

The MPDSP also addresses the following key elements necessary to support development in the Plan Area:

- Infrastructure - describes the proposed distribution, location, and extent of the utilities infrastructure (water, sewer, storm water, power, natural gas, telephone, and cable) and other facilities necessary to support the proposed development. It includes a street network plan and associated cross sections; a bicycle and pedestrian connectivity plan to nearby transit (the Montclair Transcenter and adjacent bus lines), nearby schools, and parks; the approach for parking, including on-street parking, park-once structures and parking management strategies.
- Open Space and Landscape - describes the various components of the Plan Area's public realm, including streetscape improvements and proposed open spaces. It includes standards for streetscapes, such as a street tree master plan and conceptual layouts for various streets within the Plan Area.
- Development Code - a form-based code that enables a varied mix of uses, including residential, office, service, retail, civic, and institutional, uses, and provides development standards (building height, setbacks, frontage requirements, on-site open space, parking placement and standards) and building design standards (massing, articulation, materials, openings, landscape, screening, signage, public art, etc.)

- **Implementation** – this chapter discusses the key economic goals, policies, and actions for implementation of the MPDSP, the subdivision of property, any necessary on-site street parking, park, and infrastructure improvements, and a description of strategies for funding these improvements.

The DEIR and the proposed MPDSP documents are currently available for review on the City’s website at:

<https://www.cityofmontclair.org/city-government/community-development/planning-division/current-projects-in-montclair>

General Plan and Zoning Map Amendments

The Plan Area is currently identified as “Regional Commercial” by the General Plan, and C3 General Commercial by the Montclair Zoning Map. The current land use designations only allow commercial uses and development, and would not allow for mixed-use projects or housing as proposed by the MPDSP. Thus, in order to facilitate the implementation of the MPDSP, the current land use designations of the Plan Area must be changed. The proposed land use designation changes are as follows:

Proposed General Plan and Zoning Land Use Amendments for Plan Area¹			
<i>Current Land Use Designation</i>		<i>Proposed Land Use Designation</i>	
<i>General Plan</i>	<i>Zoning</i>	<i>General Plan</i>	<i>Zoning</i>
Regional Commercial	C3 General Commercial (NMSP)	Planned Development	Specific Plan

¹ Plan Area: Approximately 104.35 acres site (Plan Area) bounded by and includes the right-of-ways of Monte Vista Avenue on the west, the I-10 on the south, and Central Avenue on the east, and the existing centerline of Moreno Street.

The proposed General Plan Amendment (GPA) is the first request of the year and, if approved, would be consistent with Government Code Section 65358(b) that limits GPAs to a maximum of four times in a calendar year.

Specific Plan Amendment

The Project also necessitates an amendment to the *North Montclair Specific Plan* (NMSP) to remove the Plan Area and readjust the boundaries of the NMSP as depicted in **Exhibit B**. If approved, the existing C3 zoning of Plan Area would be replaced with the proposed mixed-use zones of the MPDSP, thereby enabling the future development of commercial, office, multifamily residential, hotel, and mixed-use projects.

Discussion

In recent years, major changes affecting the retail industry have occurred, due in part to the impact of e-commerce. The subsequent change in customer shopping practices, including the closing of stores by major anchor tenants, necessitated a change in direction for the mall. In recognition of these major trends, the City, in partnership with the CIM Group, owner of the mall, and majority property owner in the Plan Area, embarked on the process to reimagine and plan for its redevelopment.

The resulting MPDSP document represents a bold and transformative vision of the future for the Plan Area. In particular, the MPDSP envisions the possible demolition of all, or a portion of, the existing mall, some or all appurtenant freestanding outbuildings, and

portions of the existing surface parking lots and parking structure to construct a new pedestrian-oriented, mixed-use downtown district.

The process included adding housing at various densities into the mix of uses to support the envisioned commercial office and retail uses. The MPDSP was designed to be complementary to the goals and design strategies of the existing NMDSP, which abuts the north boundary of the MPDSP. Both documents will share common form-based code design standards. New standards for the Plan Area regarding existing and new land uses, setbacks and building heights, parking, landscape, and signage are all intended to lead to the formation of a distinctive and attractive “downtown” streetscape and development pattern. Projects already developed under the existing NMDSP represent a good start at implementing the vision of a walkable and integrated downtown environment that the City desires to see continue and to build upon.

The MPDSP would allow existing uses to remain and undergo limited improvement until such time that ownership or economic conditions become conducive to allow redevelopment of a given site according to the standards of the MPDSP.

All new projects within the MPDSP boundaries will be subject to outside architectural review prior to review and consideration by the Planning Commission. The Planning Commission will make recommendations to the City Council regarding individual new projects within the MPDSP, and the City Council will have final approval authority.

General Plan Amendment Findings

The following findings are proposed for the General Plan Amendment related to the Plan Area of the MPDSP:

- A. The proposed General Plan Amendment (GPA) of the Plan Area to “Planned Development” would be integrated and compatible with the Land Use and Community Design Elements of the General Plan in that it provides for the adoption and implementation of Specific Plans for large and unique areas of the community to promote the efficient utilization and consolidation of land (LU-1.1.2.). The MPDSP proposal encompasses a large land area with defined boundaries and adequate shape (a crisp polygon) uniquely situated to facilitate the goals of developing a plan consistent with the General Plan’s policy to establish an effective balance of land use, circulation, transportation, community design, commercial and housing all of which are objectives contained in the MPDSP. The proposed GPA will not result in the removal or division of any existing residential neighborhoods adjacent to the site but would allow for the site to transition from dated commercial land uses and structures, and vacant parcels to new mixed-use development consistent with new land use designations and high-quality design guidelines for new development. As such, the GPA would provide the base for establishing the framework necessary to allow for the transformation of the Plan Area into a new downtown area for the City.
- B. The GPA is integrated and compatible with the Circulation Element. The GPA would be consistent with the General Plan’s overall goal of providing residents and visitors of the City of Montclair a circulation network which provides safe and efficient travel within and through the community. The proposed street layout for the Plan Area, as shown in the MPDSP, anticipates the construction of a new public street network that would support efficient internal circulation and connectivity to existing streets (Monte Vista and Central Avenues, and Moreno Street) and transit alternatives in close proximity to the Plan Area. Moreover, the GPA would allow the site to be

directly connected to efforts being made to develop and expand the creation of a walkable community, and to increase use of public transit that is accessible at multiple surrounding points, including the Transcenter.

- C. The GPA is integrated and compatible with the Housing Element in that it provides for development of the site with housing not currently allowed under the current General Plan and/or zoning land use designations. The GPA would allow for the appropriate zoning designation that opens the way to develop housing on the site within immediate proximity to a mix of goods and services allowed by the MPDSP. In addition, the GPA would enable the City to meet projected housing needs of the community and region. The GPA and related zone change to Specific Plan does not displace existing housing but would facilitate the development of additional housing units and commercial uses in the MPDSP. The potential for adding new housing units allowed by the GPA would contribute to the availability of housing units within the City and towards implementing the goals of the City's adopted Housing Element (2104) and upcoming update in 2021.
- D. The GPA is integrated and compatible with the Conservation Element in that it provides uses that would not disrupt the orderly conservation, development, and utilization of natural resources. The project site is a fully developed piece of land, improved with a regional mall. The Plan Area is surrounded on all sides by existing development and there are no special natural resources on site. The City's General Plan does not designate any areas of the City – including the project site -- as being within a habitat conservation plan (*City of Montclair General Plan 1999*). Furthermore, the City is not within any of the regional conservation plans designated by the state (CDFW 2014). As such, implementation of the Proposed GPA would not conflict with any applicable habitat conservation plan or natural community conservation plan. More specifically, the subject site is characterized as a mix of commercial retail and food uses, structures, parking fields, and a few small vacant parcels with no significant vegetation. The vacant areas at the subject location are highly disturbed, graded to varying degrees, and support only minimal amounts of low growing vegetation (mostly annual weeds).
- E. The GPA is integrated and compatible with the Open Space Element in that it provides for uses that are consistent with and promote the adopted goals and policies for preserving and managing open space within the City. No open space resources exist within the Plan Area. However, with the GPA and related zone change new development on the site will be subject to the provisions of the MPDSP which includes requirements for landscaping (trees and vegetation) and the integration of a number of new open space/recreational spaces as part of the design of future projects, which are not currently present on the site.
- F. The GPA is integrated and compatible with the Noise Element in that it provides a pattern of land uses that minimizes the exposure of community residents to excessive noise. The Montclair General Plan requires future development to comply with the standards of the Noise Element. The proposed GPA would allow the subject site to transition from one of buildings large and small separated by large parking fields into new walkable, tree-lined streets, and well-designed and situated buildings that incorporate up-to-date sound attenuation methods to minimize the noise experienced by users within buildings. The development of new residential units in the Plan Area would be required to comply with the Noise Element standards, but also utilize site plan and building design strategies to reduce noise impacts to adjacent properties and future residents. Moreover, mitigation

measures identified in the EIR are designed to address future short-term and long-term noise impacts associated with new development.

- G. The GPA is integrated and compatible with the Safety Element in that it provides an appropriate land use distribution and orientation that protects the community from unreasonable risks associated with seismic, geologic, flood, and wildfire hazards. Given the urbanized nature of the site and relatively gentle slope, there is no serious threat from wildland fires or geological instability. However, the General Plan recognizes the City's location within Seismic Zone 4, which is considered the most active seismic zone in the state. Further, there are no designated "Earthquake Fault Zones" in the City or the subject site as confirmed by the Alquist-Priolo Earthquake Fault Zoning Maps, geologic hazard overlays in the City of Montclair's General Plan Safety Element, and the County of San Bernardino's Land Use Plan General Plan (City of Montclair 1999 and County of San Bernardino 2010). Finally, as standard practice for all development in the City, and as specifically required by proposed Mitigation Measures contained in the EIR prepared for the MPDSP, all future development projects on the subject site will be required to comply with the Uniform Building Code standards and regulations, which include proper soil preparation and compaction requirements for construction

Zone Change Findings

- A. The Zone Change of the Plan Area to "Planned Development" would officially change the current Montclair Zoning Map and related documents from the current C3 zoning designation assigned to the site by the underlying North Montclair Specific Plan. The new designation of "Specific Plan" would be consistent with the manner in which other Specific Plans in the City are officially designated on the Zoning Map. The Specific Plan land use designation would then accommodate the proposed MPDSP and the creation of the new sub-zoning districts - District Corridor (COR), District Place (PLA), District Commons (COM), and District Center (CEN), proposed for the Plan Area. Further, the zone change to "Specific Plan" would be consistent with the proposed General Plan Amendment to re-designate the Plan Area from "Regional Commercial" to "Planned Development."
- B. Uses of the Plan Area authorized by the Zone Change promote and achieve the intended goals of the MPDSP mixed-use project. Further, new residential and mixed-use development pursuant to the new land use zones of the MPDSP would be consistent with the General Plan's Land Use and Community Design Elements policies that encourage projects that effectively balance land use, circulation, transportation, community design, and housing objectives.
- C. The Zone Change is reasonably related to the public welfare of the citizens of the City of Montclair and the surrounding region because the change would enable the City to employ good zoning practices that seek to integrate the uses on this very prominent piece of property with surrounding uses and the City's overall goals for a more walkable community. Without the proposed zone change, the above goals could not be achieved. Moreover, the changes promote additional housing opportunities in the City of Montclair using designs that are compatible with the high-quality design guidelines contained in the proposed MPDSP.

Specific Plan Amendment Findings – Removal of Plan Area from the NMSP

- A. The Specific Plan Amendment to remove the Plan Area from the current boundaries of the NMSP is appropriate to allow the establishment of the MPDSP in its place and thereby authorize land uses that are compatible with the Planned Development land use classification and land uses specified in the MPDSP, and as reflected in the DEIR prepared for the project.
- B. Uses of the Plan Area authorized by an approved MPDSP will promote and achieve the development of residential and mixed-use projects pursuant to the proposed policies and design guidelines of the MPDSP. The new land use designations would thereby authorize land uses and development of the Plan Area in an orderly manner pursuant to established regulations and guidelines of the new Montclair Place District Specific, which are not provided for in the NMSP.
- C. The proposed Specific Plan Amendment to remove the Plan Area from the planning area of the NMSP will not adversely affect or prevent the application of current regulations and standards pertaining to the area remaining under the jurisdiction of the NMSP.

Specific Plan Adoption Findings – Adoption of New MPDSP

- A. The adoption of the new MPDSP represents a comprehensive and bold vision of the future for the Plan Area. The MPDSP envisions the possible demolition of all, or a portion of, the existing mall, some, or all, appurtenant freestanding outbuildings, and portions of the existing surface parking lots and parking structure, to construct a new pedestrian-oriented, mixed-use downtown district.
- B. The MPDSP will complement the goals and design strategies of the existing NMDSP that abuts the north boundary of the MPDSP. Both documents share common form-based code design standards and emphasis on high-quality design and materials. New standards for the Plan Area regarding existing and new land uses, setbacks and building heights, parking, landscape, and signage to guide the formation of a distinctive and attractive “downtown” streetscape and development pattern.
- C. The MPDSP provides the framework to implement a mix of uses including housing at various densities and integrated ground floor retail and office uses. All new projects within the MPDSP boundaries will be subject to outside architectural review prior to consideration by the Planning Commission. Subsequent to Commission approval, all major projects in the Plan Area would be forwarded to City Council for final consideration and determination.
- D. The MPDSP is consistent with the General Plan in that the MPDSP proposal encompasses a large land area with defined boundaries and adequate shape (a crisp polygon) uniquely situated to facilitate the goals of developing a plan consistent with the General Plan’s policy to establish an effective balance of land use, circulation, transportation, community design, commercial and housing all of which are objectives contained in the MPDSP.

Environmental Review

The City is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15000 et seq.) for the MPDSP Project. As such, it is responsible for preparing environmental documentation in accordance with CEQA to determine if approval of the discretionary actions requested

and subsequent development in the MPDSP area could have a significant impact on the environment.

The City prepared an Initial Study (IS)/Notice of Preparation (NOP) for the MPDSP Project, and it was circulated for a 30-day review period between May 20, 2019 and June 18, 2019 in accordance with State CEQA Guidelines section 15082(a). Based on that IS, the City determined that an EIR would need to be prepared for the Project.

According to the DEIR, the proposed Project would result in “no impact” or a “less than significant impact” in the following environmental impact categories: agricultural and forestry resources, land use and planning, mineral resources, noise, and wildfire. Furthermore, the DEIR indicated that -- with the incorporation of mitigation measures identified in the DEIR -- the proposed Project would have less than significant impacts in the following categories: aesthetics, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, tribal cultural resources, and utilities and service systems. Finally, the DEIR identifies that the proposed Project would have a significant and unavoidable impact in the following environmental impact categories: air quality, greenhouse gas emissions, population and housing, public services, recreation, and transportation.

A Notice of Completion for the DEIR was prepared and filed with the Office of Planning and Research on July 10, 2020, in accordance with State CEQA Guidelines section 15085. In accordance with state law, the City of Montclair released for public review and comment a Draft Environmental Impact Report (DEIR) on July 10, 2020. The 45-day public comment period ran from July 10, 2020, to August 24, 2020.

As required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the DEIR to the public at the same time that the City sent the Notice of Completion to the Office of Planning and Research, by mailing to neighboring property owners within a 300-foot radius of the MPDSP boundaries and posting a copy of the NOA with the County Clerk. During the review and comment period, the City received correspondence from five commenters.

The City has prepared written responses to the comments it received during the public comment period. The City’s written responses to comments received during the public comment period, and any relevant errata, have been incorporated into the Final EIR for the project. None of the comments received on the Draft EIR required revisions to the document that would trigger recirculation under State CEQA Guidelines, section 15088.5. Thus, on September 11, 2020, the Final EIR was provided to commenting public agencies – at least ten (10) days prior to the City Council’s consideration of the Final EIR.

The Draft EIR together with the comments on the Draft EIR, the written responses to the comments on the Draft EIR, the errata to the Draft EIR, and all technical appendices to the Draft EIR constitute the Final EIR for the project. The Final EIR represents the City’s independent judgment and is deemed adequate for purposes of the City Council’s decision-making on the Project.

Should the City Council adopt staff’s recommendation, staff will prepare, execute and file with the San Bernardino County Clerk a Notice of Determination for the Project.

Planning Commission Recommendation

On August 10, 2020, the Planning Commission reviewed the proposed Montclair Place District Specific Plan, and DEIR prepared for the project. The Planning Commission received public comments and, by a unanimous 5-0 vote, recommended that the City Council certify the proposed FEIR and approve the proposed MPDSP pursuant to Planning Commission Resolution No. 20-1943.

FISCAL IMPACT: Approval of the Montclair Place District Specific Plan will result in positive, long-term economic benefits for the City. The MPDSP offers new opportunities for combined residential, office, and commercial uses which are not possible with existing NMS. The MPDSP presents a new element of flexibility to respond to major changes affecting the retail industry and the desire for more integrated development that will enhance property values and choices for the residents of the City.

The cost to advertise in the *Inland Valley Daily Bulletin* for the proposed entitlements is reimbursable by the CIM Group pursuant to Reimbursement Agreement No. 17-76

RECOMMENDATION: Staff recommends the City Council find the proposed Final EIR, General Plan Amendment, Zone Change, Amendment to the North Montclair Specific Plan, and Montclair Place District Specific Plan to be complete and appropriately prepared for the proposed project, by taking the following actions:

1. Adopt Resolution No. 20-3288 adopting findings of fact pursuant to the California Environmental Quality Act, certifying the Final Environmental Impact Report (SCH# 2019050011) for the Montclair Place District Specific Plan and adopting a statement of overriding considerations and a mitigation monitoring program (Case No. 2018-13).
2. Adopt Resolution No. 20-3289, a General Plan Amendment changing the Land Use Designation for 104.35 acres bounded by and including the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, the right-of-way of Central Avenue on the east, and the existing centerline of Moreno Street on the north (31 parcels) from "Regional Commercial" to "Planned Development."
3. Adopt Resolution No. 20-3290, an amendment to remove 104.35 acres from within the boundaries of the North Montclair Specific Plan.
4. Conduct the first reading of Ordinance No. 20-991, an amendment to the official Zoning Map changing the Land Use Designation of 104.35 acres of the North Montclair Specific Plan bounded by and including the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, the right-of-way of Central Avenue on the east, and the existing centerline of Moreno Street on the north (31 parcels) from "C-3" (General Commercial) to "Specific Plan."
5. Conduct the first reading of Ordinance No. 20-992 adopting the Montclair Place District Specific Plan for a 104.35-acre site bounded by and including the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, the right-of-way of Central Avenue on the east, and the existing centerline of Moreno Street on the north (31 parcels) under Case No. 2018-13.
6. Set a public hearing for second reading and adoption of Ordinance Nos. 20-991 and 20-992 for Monday, October 5, 2020, at 7:00 p.m.

EXHIBIT "A"
CASE NO. 2018-13 - MONTCLAIR PLACE DISTRICT SPECIFIC PLAN
PLAN AREA



LEGEND
■ ■ Plan Area Boundary

MONTCLAIR PLACE SPECIFIC PLAN
September 21, 2020

RESOLUTION NO. 20-3288

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR, ADOPTING FINDINGS OF FACT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2019050011) FOR THE PROJECT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROPERTY (CASE NO. 2018-23)

WHEREAS, on November 2, 2017, the City of Montclair (“City”) initiated the process to develop a new Specific Plan for the Montclair Place mall and surrounding properties in order to lay the framework for the creation of a new pedestrian-oriented, multi-modal, mixed-use downtown district to be known as the *Montclair Place District Specific Plan* (“MPDSP” or the “Project”); and

WHEREAS, MPDSP encompasses 31 parcels totaling approximately 104.35 acres (“Plan Area”) bounded by and includes the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, Central Avenue on the east, and the existing center line of Moreno Street on the north; and

WHEREAS, the subject parcels within the 104.35-acre Plan Area are currently designated by the General Plan Land Use Map as “Regional Commercial” and has a corresponding consistent zoning designation of “C3 General Commercial” per the North Montclair Specific Plan (“NMSP”); and

WHEREAS, the MPDSP would replace the existing C-3 zoning of the NMSP for project site and introduce new mixed-use zones, to enable the future development of commercial, office, multi-family residential, hotel, and mixed-use projects within walking and biking distance of the nearby Montclair Transcenter; and

WHEREAS, a key feature of the MPDSP would provide for the demolition of all or a portion, of the existing Mall, some, or all, appurtenant free-standing outbuildings, and portions of the existing surface parking lots, to construct a pedestrian-oriented, mixed-use downtown district, with structured parking facilities through a series of planned phases; and

WHEREAS, the proposed maximum number of dwelling units for the Plan area envisioned under the MPDSP is approximately 5 million square feet of residential uses (or 6,321 dwelling units); and

WHEREAS, the total additional commercial square footage envisioned under the MPDSP is approximately 512,000 square feet. Additionally, the MPDSP includes provisions for the construction of a hotel with approximately 100 to 200 rooms; and

WHEREAS, the proposed Project requires a general plan amendment, zone change and specific plan amendment to facilitate the adoption and implementation of the MPDSP; and

WHEREAS, the subject site is largely developed with existing commercial retail and restaurant uses in large and small structures, and associated parking fields; and

WHEREAS, the MPDSP is a “project” under the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.: “CEQA”); and

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

WHEREAS, in accordance with State CEQA Guidelines section 15063, the City prepared an Initial Study to determine if the Project could have a significant effect on the environment; and

WHEREAS, the IS/NOP was issued for a 30-day review period between May 20, 2019 and June 18, 2019, in accordance with State CEQA Guidelines section 15082(a) and eight (8) comment letters/emails were received during the IS/NOP review period; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on May 28, 2019, at City Hall to solicit comments on the IS/NOP; and

WHEREAS, based on the information contained in the Initial Study, which concluded that the Project could have a significant impact on the environment, the City determined that an Environmental Impact Report ("EIR") should be prepared in order to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, a Draft EIR ("DEIR") was prepared, incorporating comments received during the NOP review period, and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the DEIR to the public at the same time that the City sent the Notice of Completion to the Office of Planning and Research, by mailing to neighboring property owners within a 300-foot radius of the MPDSP boundaries and posting a copy of the NOA with the County Clerk; and

WHEREAS, the DEIR evaluating the Project's environmental effects and alternatives was circulated for public review and comment between July 10, 2020 and August 24, 2020; and

WHEREAS, the DEIR determined that mitigation measures were required to mitigate some impacts to a less than significant level; and

WHEREAS, the DEIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts; and

WHEREAS, during the public comment period, copies of the DEIR and technical appendices were available for review and inspection at City Hall and on the City's website; and

WHEREAS, pursuant to State CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day public review and comment period; and

WHEREAS, during the review and comment period, the City received correspondence from five commenters; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on August 10, 2020, to consider the Proposed MPDSP and the DEIR, pursuant to State CEQA Guidelines section 15025(c), at which hearing, members of the public were afforded an opportunity to comment upon the Proposed MPDSP and the DEIR to consider and make a recommendation to the City Council regarding the MPDSP and the DEIR pursuant to State CEQA Guidelines section 15025(c); and

WHEREAS, the City has prepared a Final EIR, consisting of the written comments received during the review and comment period on the DEIR; written responses to those comments; and an errata showing revisions to the DEIR. For the purposes of this Resolution, the "EIR" shall refer to the DEIR, as revised by the Final EIR, together with the other sections of the Final EIR; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to timely commenting public agencies at least ten (10) days prior to the City Council's consideration of the Final EIR; and

WHEREAS, on September 21, 2020, the City Council held a public hearing on the Project, at which all persons wishing to testify were heard; and

WHEREAS, the environmental impacts identified in the EIR that the City finds are of no impact or constitute a less than significant impact and do not require mitigation are described in Section II of the CEQA Findings of Fact, attached hereto as **Exhibit A**; and

WHEREAS, the environmental impacts identified in the EIR as potentially significant but which the City finds can be mitigated to a level of less than significant through the incorporation of feasible Mitigation Measures identified in the EIR and set

forth herein, are described in Section III of the CEQA Findings of Fact, attached hereto as **Exhibit A**; and

WHEREAS, the City finds that even with the incorporation of all feasible mitigation measures, the environmental impacts that are identified in the EIR that are significant and unavoidable are set forth in Section IV of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the cumulative impacts of the Project identified in the EIR and set forth herein, are described in Section V of the CEQA Findings of Fact, attached hereto as **Exhibit A**; and

WHEREAS, the significant and irreversible environmental changes that would result from the Project, but which would be largely mitigated, and which are identified in the EIR and set forth herein, are described in Section VI of the CEQA Findings of Fact, attached hereto as **Exhibit A**; and

WHEREAS, the existence of any growth-inducing impacts resulting from the Project identified in the EIR and set forth herein, are described in Section VII of the CEQA Findings of Fact, attached hereto as **Exhibit A**; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section VIII of the CEQA Findings of Fact, attached hereto as **Exhibit A**; and

WHEREAS, because the EIR identified significant and unavoidable impacts, the City Council explains its reasoning for recommending the adoption of the Project despite those impacts in the Statement of Overriding Considerations, as set forth in Section IX of the CEQA Findings of Fact, attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the Mitigation Monitoring and Reporting Program setting forth the mitigation measures to which the City shall bind itself in connection with adopting the Project is attached hereto as **Exhibit B**; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, the City has not received any comments or additional information that constitute substantial new information requiring recirculation of the EIR or any portion thereof under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

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

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. RECITALS. The City Council hereby adopts the recitals in this resolution as if fully set forth herein.

SECTION 2. ENVIRONMENTAL REVIEW. As the decision-making body for the City, and in the City's roll as lead agency under the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), the City Council has reviewed and considered the information relating to the Project contained within the EIR and all supporting documentation,

together with all oral and written comments received during the public review process, and all other related documents, which are available at City Hall and which are incorporated by reference herein. The City Council finds that the EIR reflects the independent judgment and analysis of the City. The City Council further finds that the EIR contains a complete and accurate reporting of environmental impacts associated with the Project, and was prepared in compliance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines. The City Council further finds and declares that the City has not received any evidence of new significant impacts, as defined by State CEQA Guidelines, section 15088.5, after circulation of the EIR which would require recirculation. No substantial changes to the Project have occurred that would require a supplemental or subsequent EIR.

SECTION 3. FINDINGS OF FACT. In accordance with the State CEQA Guidelines, sections 15091 and 15093, the City Council hereby adopts the Environmental Findings of Fact attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth herein.

SECTION 4. CERTIFICATION OF EIR. In accordance with State CEQA Guidelines, sections 15090, the City Council hereby certifies that:

- A. The EIR is an accurate and objective statement that has been completed in compliance with CEQA and the State CEQA Guidelines.
- B. The City Council has been presented with and has reviewed and considered the information contained in the EIR prior to approving the Project.
- C. The EIR reflects the City Council's independent judgment and analysis.

SECTION 5. MITIGATION MONITORING AND REPORTING PROGRAM. Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program ("MMRP") attached hereto as **Exhibit B** and incorporated herein by this reference. The City Council finds that the MMRP is designed to ensure that, during the implementation of the Project, the City and any other responsible parties implement the components of the Project and comply with the mitigation measures identified in the MMRP. To the extent there is any conflict between the MMRP, the EIR, or the Findings of Fact, the terms and provisions of the MMRP shall control.

SECTION 6. CUSTODIAN OF RECORDS. The location and custodian of the documents and any other material, which constitute the record of proceedings upon which the City Council based its decision, is as follows: Director of Community Development, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477.

SECTION 7. NOTICE OF DETERMINATION. The City Council hereby directs staff to prepare and file a Notice of Determination with the County Clerk of the County of San Bernardino within five working days of the execution of this Resolution and approval of the Project and with the Office of Planning and Research.

SECTION 8. EFFECTIVE DATE. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED this XX day of XX, 2020.

Mayor

ATTEST:

City Clerk

Attachments: Exhibit A - Findings of Fact and Statement of Overriding Considerations
Exhibit B - Mitigation Monitoring and Reporting Program (SCH No. 2019050011)

I, Andrea M. Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 20-3288 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2020, and that it was adopted by the following vote, to-wit:

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

Andrea M. Phillips
City Clerk

EXHIBIT A
FINDINGS OF FACT

SECTION I: INTRODUCTION

Public Resources Code section 21002 states that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Section 21002 further states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Pursuant to section 21081 of the Public Resources Code, a public agency may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the agency makes one or more of the following written finding(s) for each of those significant effects accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

As indicated above, section 21002 requires an agency to “avoid or substantially lessen” significant adverse environmental impacts. Thus, mitigation measures that “substantially lessen” significant environmental impacts, even if not completely avoided, satisfy section 21002’s mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 [“CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level”]; *Las Virgenes Homeowners Fed., Inc. v. County of Los Angeles* (1986) 177 Cal. App. 3d 300, 309 [“[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible”].)

While CEQA requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts, an agency need not adopt infeasible mitigation measures or alternatives. (Pub. Resources Code, § 21002.1(c) [if “economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency”]; see also State CEQA Guidelines, § 15126.6(a) [an “EIR is not required to consider alternatives which are infeasible”].) CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (Pub. Resources Code, § 21061.1.) The State CEQA Guidelines add “legal” considerations as another indicia of feasibility. (State CEQA Guidelines, § 15364.) Project objectives also inform the determination of “feasibility.” (*Jones v. U.C. Regents* (2010) 183 Cal. App. 4th 818, 828-829.) “[Feasibility] under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) “Broader considerations of policy thus come into play when the decision making body is considering actual feasibility.” (*Cal. Native Plant Soc’y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000 (“*Native Plant*”); see also Pub. Resources Code, § 21081(a)(3) [“economic, legal, social, technological, or other considerations” may justify rejecting mitigation and alternatives as infeasible] (emphasis added).)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.) In addition, perfection in a project or a project’s environmental alternatives is not required; rather, the requirement is that sufficient information be produced “to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” Outside agencies (including courts) are not to “impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken.” (*Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 287.)

SECTION II: FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

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.

A. AESTHETICS

1. Scenic Vistas

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

Finding: Less than significant. (Draft EIR, pp. 3.1-6 – 3.1-7.)

Explanation: There are no designated scenic vistas from public vantage points in the planning area. There are no scenic views from area roadways or other vantage points within the surrounding area onto the Plan area. Views from public areas near the planning area are dominated by commercial and residential development. Development permitted under the MPDSP would result in similar (if not improved) visual character of the area. However, the views of the San Gabriel Mountains to the north, which can be particularly prominent visual features under optimal atmospheric conditions, could be partially blocked by the implementation of future projects under the MPDSP.

Implementation of the MPDSP would permit the development of a varied mix of uses, including residential, office, service, retail, civic, and institutional uses, within the Plan area and along street frontages of Monte Vista Avenue, Central Avenue, and the I-10 freeway. The MPDSP provides flexibility in design, allowing for development to occur incrementally and in response to changing market conditions. As such, the ultimate disposition of the street and block layout, the types of buildings that are built, and the extent to which the existing structures are retained or dismantled, may vary. Nonetheless, the MPDSP would permit development throughout the Plan area, and in the Plan's District Center (i.e., the District that allows for the most intense development patterns), the MPDSP would allow for the development of buildings up to 258 feet tall (inclusive of parapets and roofs). Because the existing General Commercial zone currently allows for development of buildings up to 75 feet tall (and existing buildings in the Plan area range in height between approximately 30 feet and 75 feet), future development within the Plan area could result in varying degrees of increased blockage of prominent landforms (i.e., the San Gabriel Mountains) north of the Plan area. For viewers along Monte Vista Avenue and Central Avenue, existing views of the San Gabriel Mountains to the north would be relatively unchanged. Development along these street frontages would result in a minor degree of blockage of peripheral views to the mountains when viewed across the Plan area; however, direct views of the mountains to the north would remain for viewers on Monte Vista Avenue and Central Avenue, as development would not directly be located within or beyond these streets. For viewers present south of the Plan area (i.e., eastbound motorists on the I-10 freeway), development along the Plan area's southern border would result in a more severe degree of blockage of the San Gabriel Mountains. However, the increased view blockage would be experienced briefly by motorists travelling at high speeds (i.e., 65-70 miles per hour) and changes to the landscape would occur within the peripheral field of vision of mobile receptors. These motorists would be accustomed to the degree of blockage resulting from implementation of the MPDSP, as existing development and mature landscaping associated with the surrounding area intermittently blocks views along the segment of the I-10 freeway near the Plan area, and expectations for uninterrupted scenic viewing opportunities would be low. Moreover, views to the mountains would be restored immediately upon passing the Plan area and would continue to be available on an intermittent basis heading into the communities of Upland and Claremont. In addition, the I-10 freeway is not designated by the state or City of Montclair as a scenic corridor offering particularly scenic vistas such that the roadway draws motorists on account of the scenic qualities of the visible landscape. Rather, the I-10 freeway is an interstate highway that traverses the highly urbanized Greater Los Angeles Metropolitan Area. Therefore, due to the brief duration of increased view blockage to the San Gabriel Mountains along the Plan area frontage of the I-10 freeway, the presence of existing development, and the lack of scenic designation of the I-10 freeway, future redevelopment of the Plan area would not result in a substantial adverse effect on a scenic vista, and impacts would be less than significant.

2. Scenic Resources

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

Finding: No Impact. (Draft EIR, Appendix A, pp. 37 - 38.)

Explanation: There are no officially designated state scenic highways, as identified by the California Scenic Highway Program (Caltrans 2011). Additionally, the City contains no scenic highway corridors (City of Montclair 1999). Therefore, the Proposed Project would not damage scenic resources within a state scenic highway. Additionally, the Plan area is already fully developed with the existing mall and other commercial uses, as well as parking lots. Thus, there are no rock outcroppings or other scenic resources on the Plan area. Although the Proposed

Project would remove some of the existing trees from the Plan area, those trees are ornamental in nature and would be replaced as part of the landscaping improvement proposed by the project.

The Montclair Plaza was originally constructed in 1968. While small portions of the original shopping center are still intact, the addition of numerous retail stores inside the mall (including the addition of a second story), and new adjoining department stores have greatly changed the look and feel of the Montclair Plaza from its original 1968 design. For this reason, the mall no longer retains requisite integrity and does not appear eligible under California Register of Historical Resources (CRHR) Criterion 3 for architectural associations. Further, there is no evidence to warrant consideration under CRHR Criterion 4. Consequently, the Montclair Plaza does not appear eligible under any of the City of Montclair's landmark designation criteria and is not considered a historical resource under CEQA. Accordingly, no impact would occur under the Proposed Project.

3. Visual Character

Threshold: In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public view of the site and its surroundings?

Finding: Less than significant. (Draft EIR, pp. 3.1-8 – 3.1-10.)

Explanation: The Plan area is subject to the City's General Plan, which contains goals, objectives, and implementing policies relating to scenic quality. The MPDSP would be consistent with the goals, objectives, and implementing policies relating to scenic quality.

The Project as proposed includes the adoption of the MPDSP, which would create a new comprehensive policy framework to guide future development within the Plan area. Chapter 5, Development Code, of the MPDSP includes a form-based zoning framework that would provide development standards (building height, setbacks, frontage requirements, on-site open space, parking placement and standards) and building design standards (massing, articulation, materials, openings, landscape, screening, signage, etc.). The chapter also provides subdivision and block size requirements and standards for streetscape, landscape, hardscape, and public art that occurs within public streets and publicly accessible parks, plazas, and greens. Upon approval of the Proposed Project, the new regulations outlined in the MPDSP Development Code would replace the underlying zoning regulations. All future development within the Plan area would be required to conform to these regulations. According to the MPDSP, these standards were designed to regulate the manner in which individual parcels and blocks are developed to create a diverse and finely-grained development. Furthermore, all future development applicants would be subject to an external peer review to ensure compliance with the development standards and design guidelines outlined in the MPDSP. The required external peer review would be conducted by an architect, urban designer, or planner in private practice, as chosen by the review authority. Conformance with the proposed development standards would ensure compatibility with adjoining properties, ensure a high standard of architectural quality and design variety, and ensure consistency with the MPDSP. Approval of the MPDSP would establish development standards and regulations for the Plan area and other associated discretionary approvals included as part of the Proposed Project (i.e., General Plan Amendment and zone change). Therefore, upon approval of the MPDSP, the Proposed Project would not conflict with applicable zoning regulations governing scenic quality.

In addition, implementation of the Proposed Project would not conflict with Title 9, Public Facilities and Public Places, of the City's Municipal Code (which includes regulations adopted for the purpose of the protecting and preserving trees planted within the City rights-of-way and at City facilities, and are therefore regulations pertaining to scenic quality). Existing ornamental trees are located throughout the Plan area within raised planters and landscape islands throughout the parking lot, as well as immediately adjacent to the Plan area within raised landscape medians within the public right-of-way. Should future development pursuant to the MPDSP include landscape improvements located within the public right-of-way (i.e., between a private property line and the curb or street), the future developer would be required to replace City Street trees at a minimum ratio of 1:1 for each tree removed. For trees located on private property, the City has the discretion to require future development to mitigate for the loss of any trees. More importantly, however, the MPDSP includes Street Trees and Parkways standards to ensure that future development pursuant to the MPDSP provides trees and landscaping (and includes minimum landscape standards) to enhance the streetscape and supplement open space areas within the Plan Area. Because these Street Trees and Parkways standards would be part of the MPDSP, future development projects would be required to undergo an external peer review to ensure future projects meet these tree provision requirements and provide for a high standard of landscape quality. As discussed above, given the required compliance of future projects pursuant to the MPDSP with the City's tree policy, and upon approval of

the MPDSP, the Proposed Project would not conflict with applicable zoning regulations governing scenic quality, and impacts would be less than significant.

B. AGRICULTURE AND FOREST RESOURCES

1. Farmland Conversion

Threshold: Would the Project 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, Appendix A, p. 41.)

Explanation: The Proposed Project will be constructed within the existing Montclair Place site. The Plan area is designed as "Urban and Built-Up Land" by the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program (DOC 2016a). The DOC (2016) defines "Urban and Built-Up Land" as occupied structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. Since the Plan area is already developed and is not located on any Farmland designations, no conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use would occur with implementation of the Proposed Project. As such, no impact would result under the Proposed Project.

2. Agricultural Zoning

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

Finding: No impact. (Draft EIR, Appendix A, p. 41.)

Explanation: The Plan area is currently zoned C-3 – General Commercial (City of Montclair 2013). According to the DOC's Williamson Act Map, there are no Williamson Act contracts on the Plan area (DOC 2016b). Since the Plan area is not an agricultural land use and is not under a Williamson Act contract, no impact to an agricultural use or Williamson Act contract would occur under the Proposed Project.

3. Forest Land

Threshold: Would the Project 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))?

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

Threshold: Would the Project 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, Appendix A, pp. 41 – 42.)

Explanation: The Plan area is zoned C-3 - General Commercial (City of Montclair 2013). No forest land, timberland, or Timberland Production areas (as defined in California Public Resources Code Sections 12220 (g), 4526, or 51104 (g)) are located within or adjacent to the Plan area. Therefore, the Proposed Project would not conflict with existing zoning for forest land, timberland, or Timberland Production areas, or result in the loss or conversion of forest lands to non-forest uses, as none exist. The Proposed Project would be constructed within an existing commercial site. Therefore, no impact to forest land or timberland would occur.

C. AIR QUALITY

1. Other Adverse Emissions

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

Finding: Less than significant. (Draft EIR, p. 3.2-49.)

Explanation: Odors would be potentially generated from vehicles and equipment exhaust emissions during construction of the project. Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment, architectural coatings, and asphalt pavement application. Such odors would disperse rapidly from the Plan area and generally occur at magnitudes that would not affect substantial numbers of people.

Therefore, impacts associated with odors during construction would be less than significant.

Land uses and industrial operations that typically are associated with odor complaints include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding facilities (SCAQMD 1993). While the Proposed Project does not propose the aforementioned odor-generating land uses, based on potential types of land uses presented in Table 3.2-7 during the operational phase of the Proposed Project, anticipated odors could be generated from retail land uses, including food-service odors. However, while some odors could be produced by the restaurants and other food and drinking places, these types of uses already exist within the Plan area and are not generally considered sources of objectionable odors. Furthermore, the Proposed Project would comply with SCAQMD Rule 402, Nuisance, which prohibits the release of odors which may cause annoyance to a considerable number of persons. Therefore, the potential for the Proposed Project to generate an odor impact is considered less than significant.

D. BIOLOGICAL RESOURCES

1. Sensitive Species

Threshold: Would the Project 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. (Draft EIR, Appendix A, pp. 46 - 47.)

Explanation: Under existing conditions, the Proposed Plan area is developed with commercial structures and surface parking lots. Planters with ornamental trees, shrubs, and grasses are scattered sparsely throughout the surface parking lots. The Plan area is entirely covered with impervious surfaces with the exception of the planters and two vacant dirt lots, one of which is located at the northeastern corner of the site and the other of which is located at the southwestern corner of the site. These vacant areas are small in size, are highly disturbed, and support minimal amounts of low-growing vegetation. Therefore, while the site contains some vegetation and small amounts of unpaved areas, the vegetation is ornamental in nature, and the Plan area is entirely surrounded with urban development. The site has been developed for approximately 45 years. As such, the minimal amounts of vegetation on the site and the two vacant, dirt areas would not likely serve as suitable habitat for wildlife. Therefore, the Plan area and the project vicinity are highly urbanized with few natural areas that could support wildlife.

According to an electronic database review of the Ontario quadrangle and nine surrounding quadrangles in the California Natural Diversity Database (CNDDDB), several sensitive species have historically been sighted in areas throughout the Ontario quadrangle. While sensitive species are known to occur within the general vicinity of the Plan area, based on the disturbed and developed condition of the site and the relative lack of suitable habitat, the potential for any known sensitive species to occur on the site is low. Furthermore, according to the CNDDDB, no candidate, sensitive, or special-status wildlife or plant species have been historically sighted on the Plan area or within a one-mile radius of the Plan area. Additionally, the City's General Plan states that "significant wildlife population no longer exists in the study area due to the elimination of wildlife habitat" (City of Montclair 1999). For the above reasons, implementation of the Proposed Project is not expected to result in the removal of sensitive species and is not expected to directly impact sensitive species, since none are expected to be present on-site. As such, the Proposed Project would have a less-than-significant impact on sensitive or special-status species.

2. Riparian Habitat

Threshold: Would the Project 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: No Impact. (Draft EIR, Appendix A, p. 47.)

Explanation: The Proposed Project is currently developed with commercial uses and is surrounded by commercial and residential uses. The site supports limited ornamental vegetation consisting of ornamental trees, grasses, and shrubs. Because the vegetation is ornamental in nature and is situated in an urban environment, it does not constitute a sensitive natural community in itself. Thus, riparian habitats and sensitive natural communities do not exist on the Plan area, and the Proposed Project would result in no impact on riparian habitats and other sensitive natural communities.

3. Wetlands

Threshold: Would the Project 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: No Impact. (Draft EIR, Appendix A, pp. 47 - 48.)

Explanation: The Plan area has been developed for approximately 50 years and does not contain any water courses or riparian areas. Furthermore, the Plan area does not contain any federally protected wetlands (USFWS 2018). The San Antonio Wash and several associated water storage basins are located west of the Plan area, with the nearest water storage basin located approximately ¼ mile to the west of the western Plan area boundary. These basins are mapped as freshwater ponds by the U.S. Fish and Wildlife Service National Wetlands Inventory. They are also mapped as being diked/impounded or excavated, indicating that the ponds are substantially modified and/or created by artificial means (USFWS 2018). These basins are surrounded by urban development, and the Plan area is separated from these basins and from the San Antonio Wash by residential and commercial development and by a six-lane roadway (Monte Vista Avenue). Due to the modified nature of the nearby water course and water storage basins, the urbanized nature of the Plan area and its surroundings, and the absence of any federally protected wetlands on the Plan area, implementation of the Proposed Project would result in no impact to federally protected wetlands.

4. Local Policies and Ordinances

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

Finding: Less than significant. (Draft EIR, Appendix A, pp. 49 – 51.)

Explanation: **Tree Policy.** The City has an adopted Tree Policy that provides guidelines for the protection and preservation of trees planted within the City's rights-of-way and at City facilities (Montclair Municipal Code Section 9.28). The Tree Policy contains a provision that prohibits private property owners from performing any planting, pruning, removing, and spraying of a City tree. The Tree Policy also contains the Oak Tree Preservation Guidelines, which prohibits the removal of oak trees within the City on public or private property without obtaining written approval from the City. The Plan area does not contain Oak trees; therefore, implementation of the Proposed Project would not conflict with the Oak Tree Preservation Guidelines. However, the Plan area has boundaries along several City streets (Moreno Street, Central Avenue, and Monte Vista Avenue). There are several street trees located along these streets. The project applicant would be required to comply with the City's Tree Policy relative to the treatment of any street trees within City rights-of-way. Under the Tree Policy, the City's street trees may be considered for removal under the following conditions: if a tree is diseased or infested, if a tree is causing a liability, if a tree is damaging hardscape such as sidewalks or driveways, if a tree is causing serious damage to the structural integrity of a building, if the tree must be removed to allow for construction, and/or if a tree is causing damage to a sewer. At full build-out approximately 427 trees would be removed. Approximately 30 of these are located on the Unitarian Universalist church property, and the remaining are located in the existing parking lot. In the event that trees within the City's right-of-way are removed for the purposes of developing the Proposed Project, the applicant would be required to obtain an encroachment and construction permit from the City's Public Works Department. Additionally, the Proposed Project would result in approximately 675 new trees being planted as street trees and trees in parks. Any trees proposed within the City's right-of-way would be required to conform with the guidelines provided in the City's Tree Policy, which include specifications for tree species, sizes, spacing, quantity, and tree guards (City of Montclair 2018).

The landscaping design and implementation of the Proposed Project would comply with the Tree Policy, as well as the City's General Plan, and the Montclair Municipal Code. Due to the requirement to comply with the City's policies that protect street trees and require trees to be incorporated into commercial project design, implementation of the Proposed Project would not conflict with the City's policies protecting biological resources, and impacts would be less than significant.

5. Habitat Conservation Plans

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

Finding: No Impact. (Draft EIR, Appendix A, pp. 51 - 52.)

Explanation: The City's General Plan does not designate any areas of the City as being within a habitat conservation plan (City of Montclair 1999). Furthermore, the City is not within any of the regional conservation plans designated by the state (CDFW 2017). As such, implementation of the Proposed Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat plan. No impact would occur.

E. CULTURAL RESOURCES

1. Historical Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to State CEQA Guidelines, section 15064.5?

Finding: Less than significant. (Draft EIR, Appendix A, pp. 54 - 56.)

Explanation: The project proposes substantial alteration/partial demolition of the existing Montclair Plaza Mall, built in 1968. In consideration of whether or not the Proposed Project would adversely impact a historical resource under CEQA, the property's historical significance and integrity was considered within the appropriate historic context, and in consideration of both the California Register of Historical Resources (CRHR) and City of Montclair's local landmark designation criteria (Municipal Code 11.56.060).

Montclair Plaza was built in 1968 and has served as an important economic resource to the City, particularly during the community's early stages of development in the 1960s and 1970s. However, the mall does not appear to be associated with any persons or events significant to the history of the region (CRHR Criteria 1 and 2). In addition to a lack of significant historical associations, Montclair Plaza also demonstrates an overall lack of integrity, as it has been substantially altered from its original form. In the mid-1980s, Montclair Plaza underwent a major renovation by Homart Development Company, which included the addition of 80 new retailers, a food court, a new 186,000 square foot Sears department store, and a new 125,000 square foot Nordstrom's department store (Los Angeles Times 1985).

In regards to the department stores, prominent architectural firm Welton Becket and Associates designed the original May Company building (now Macy's), however, alterations have affected the architectural integrity of the original design. A comparison of current and historic aerial photographs of the building indicate that a large addition was built at the west elevation between the years 1994 and 2002 (NETR 1994; NETR 2002). This likely occurred during the building's ownership transitions from May Company to Robinsons- May to Macy's. Additional observed alterations include reconfiguration of the doors and windows at the storefront entrances, removal of original linear design features over the front entrances, removal of original exterior cladding, and modification of the original horizontal banding at the roofline. Welton Becket and Associates designed eight other May Company stores in the 1960s and 1970s throughout southern California, including one in Cleveland Ohio (OAC 2011). A very similar, and likely more intact, Welton Becket May Company design can be found at the Westfield Plaza Camino Real shopping center in Carlsbad.

The Broadway store, located on the east side of the Plaza, was designed by the architectural firm Charles Luckman and Associates of Beverly Hills. While the building does appear to retain integrity of design, it does not appear to be a particularly notable work of the famous firm. In the southland region alone, Charles Luckman and Associates designed Broadway stores in Northridge (c. 1971), Cerritos (c. 1971), Carson (c. 1974), West Covina (c. 1962), and Puente Hills (c. 1974). In fact, numerous Broadway department stores constructed in the 1960s (designed by various architects) bear a similar resemblance to the Montclair Plaza store. Buena Ventura Plaza in Ventura (c. 1963), Century City (c. 1964), Stonewood Center in Downey (c. 1965), the Huntington Center in Huntington Beach (c. 1965), Inland Center in San Bernardino (c. 1966), West Covina Plaza (c. 1962), and the Mall at Orange in the City of Orange (c. 1971) all exhibited examples of a Contemporary-style cube mass Broadway store. As noted by The Department Store Museum (2018): "The Broadway developed a signature look for its suburban stores, which numbered in the thirties by 1979. Earlier stores (including those in Arizona) were composed of a large mass of patterned block which used the Southern California sun to great advantage."

In 2018, the Broadway building was demolished to make way for a new AMC theater and restaurant building that was envisioned and approved with the Montclair Plaza Expansion and Remodel project approved for the CIM Group (new owners of the property) under Case 2017-5B. As currently proposed, the AMC Theater and restaurant building would be constructed in the same footprint as the existing Broadway building and tire store site.

The JC Penney store, located in the center of the Plaza, was designed by the architectural firm Burke, Kober, Nicolais, and Archuleta. A comparison of current and historic aerial photographs of the building indicate that a large addition was built at the south elevation between the years 1980 and 1994 (NETR 1980). This alteration is significant because it effectively covers the original storefront. While small portions of the original shopping center are still intact, the addition of numerous retail stores inside the mall (including the addition of a second story), and new adjoining department stores have greatly changed the look and feel of the Montclair Plaza from its original 1968 design. For this reason, the mall no longer retains requisite integrity and does not appear eligible under CRHR Criterion 3 for architectural associations. Further, there is no evidence to warrant consideration under CRHR Criterion 4. Finally, for all of the reasons stated above, the Montclair Plaza does not appear eligible under any of the City Montclair's landmark designation criteria and is not considered a historical resource under CEQA. Impacts would be less than significant under the Proposed Project.

2. Human Remains

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

Finding: Less than significant. (Draft EIR, Appendix A, p. 57.)

Explanation: There is no indication that human remains are present within the boundaries of the Proposed Project area. In the unlikely event that excavation activities during the Proposed Project inadvertently discover buried human remains, compliance with Section 7050.6 states, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or are believed to be Native American, s/he shall notify the NAHC in Sacramento within 48 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains. Therefore, based on compliance with existing state law, impacts associated with the discovery of human remains would be less than significant.

F. ENERGY

1. Energy Efficiency Plans

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

Finding: Less than significant. (Draft EIR, p. 3.3-28.)

Explanation: Title 24 of the California Code of Regulations contains energy efficiency standards for residential and nonresidential buildings based on a state mandate to reduce California's energy demand. Specifically, Title 24 addresses a number of energy efficiency measures that impact energy used for lighting, water heating, heating, and air conditioning, including the energy impact of the building envelope such as windows, doors, wall/floor/ceiling assemblies, and roofs.

Part 6 of Title 24 specifically establishes energy efficiency standards for residential and nonresidential buildings constructed in the State of California in order to reduce energy demand and consumption. Part 11 of Title 24 also includes the CALGreen standards, which established mandatory minimum environmental performance standards for new construction projects. The Proposed Project would comply with Title 24, Part 6 and Part 11, per state regulations. In addition, mitigation measure **MM-AQ-7** would require that each future development project within the MPDSP incorporate various energy conservation measures in order to reduce the Proposed Project's electrical consumption during operation. Based on the foregoing, the Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency; therefore, impacts during construction and operation of the Proposed Project would be less than significant. No mitigation is required.

G. GEOLOGY AND SOILS

1. Fault Rupture, Seismic Groundshaking, Seismic-Related Ground Failure and Landslides

Threshold: Would the Project 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. 3.4-14; Appendix A, pp. 61 – 62.)

Explanation: Fault Rupture. The Plan area is not located within an “Earthquake Fault Zone” as indicated by Alquist-Priolo Earthquake Fault Zoning Maps (DOC 2000). This is confirmed by geologic hazard overlays in the City of Montclair’s General Plan Safety Element and the County of San Bernardino’s Land Use Plan General Plan, which also indicates that the Plan area is not within a County-designated fault zone (City of Montclair 1999 and County of San Bernardino 2010). Review of the Fault Activity Map of California indicates that besides “active” faults (generally defined as those that have evidence of rupture in the last 10,000 years), there are also no Quaternary-active faults crossing or adjacent to the Plan area (California Geological Survey 2010). As such, the Proposed Project would not expose people or structures to potential substantial adverse effects from rupture of a known earthquake fault. Therefore, impacts would be less than significant under the Proposed Project.

Ground Shaking. The Plan area would likely be subjected to strong ground motion from seismic activity similar to that of the rest of the seismically active Southern California and proximity to the San Andreas Fault, the Cucamonga Fault, San Jose Fault, and the Red Hill Fault. These faults, as well as numerous other regional faults are capable of producing moderate to large earthquakes that could significantly affect the City, including the Plan area. However, the project site is not within any Earthquake Hazard Zone or found on an Alquist–Priolo Earthquake Fault Zoning Map (DOC 2000). As such, the project site would not be affected by ground shaking any more than any other area in seismically active Southern California. The Proposed Project would be developed in accordance with the provisions of the current California Building Code (CBC) (or most applicable building code) and requirements of the local building official. The local building official implements and enforces local amendments to the CBC and any more stringent geologic hazard regulations and guidelines than provided for under state law through building/grading permit requirements and associated plan checks. Any new structures on the project site, and any seismic upgrades (if required by the CBC or local building official), would be designed in accordance with current building code provisions, which will minimize to an acceptable level the potential effects of strong ground shaking. Therefore, impacts would be less than significant under the Proposed Project.

Liquefaction. Previous soil explorations in the vicinity of the MPDSP area did not encounter groundwater to a depth of 50 feet bgs, and multiple well readings in the Proposed Project vicinity suggest that groundwater levels are more than 400 feet bgs. In addition, neither the CGS nor the County of San Bernardino determined that the MPDSP area is in a zone of liquefaction. Regardless, the Proposed Project would be required to complete a standard geotechnical study during the design phase of the MPDSP, in accordance with the CBC and local construction guidelines. Recommendations provided in the geotechnical report would ensure that any geologic hazards associated with seismic-related ground failure would be mitigated prior to development. Moreover, development of the Proposed Project would not result in an increase of saturated or loose soils compared to existing conditions. As such, the Proposed Project would not increase or exacerbate the potential for liquefaction or lateral spreading to occur and, therefore, would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismically-related ground failure. As a result, impacts would be less than significant, and no mitigation is required.

Landslides. According to the County of San Bernardino’s Land Use Plan General Plan Geologic Hazard Overlays Map, the Plan area is not located in an area designated as susceptible to earthquake-induced landslides (County of San Bernardino 2010). The Plan area is currently developed and gently slopes towards the south and west. Therefore, impacts would be less than significant under the Proposed Project.

2. Soil Erosion

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

Finding: Less than significant. (Draft EIR, Appendix A, pp. 62 – 63.)

Explanation: The project construction would expose soils and likely increase potential for erosion. However, the Proposed Project would employ water quality Best Management Practices (BMPs) during construction in accordance with a Stormwater Pollution Prevention Plan (SWPPP) and the Statewide Construction General Permit. Furthermore, the applicant would be required to incorporate Low Impact Development (LID) standards into project design to minimize, to the

maximum extent practicable, long-term effects resulting from changes in post-storm runoff patterns. Examples of LID designs include installation and maintenance of landscaped areas and paving or landscaping all disturbed areas in order to minimize erosion. Therefore, impacts would be less than significant under the Proposed Project.

3. Unstable Soils

Threshold: Would the Project 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. (Draft EIR, pp. 3.4-14 – 3.4-15.)

Explanation: The Proposed Project would not increase the potential for liquefaction and lateral spreading to occur, as the Project would not increase the presence of loose, saturated soils beneath the site. In addition, the Plan area is located on gently sloping ground and is not located near any unstable slopes. Although Project construction may result in construction of temporary slopes during soil excavations and trenching, as well as permanent cut- and fill-slopes, these slopes would be constructed in accordance with recommendations in a standard geotechnical report, which would be completed during the design phase of individual MPDSP projects, in accordance with the CBC and local construction guidelines.

Recommendations included in the geotechnical report would ensure that slopes are constructed safely and development of individual projects would not result in or exacerbate geologic hazards associated with unstable soils and seismically-induced ground failure. Therefore, the potential impacts associated with liquefaction/lateral spreading and landslides would be less than significant. No mitigation is required.

Subsidence. The Proposed Project is located in an area that has been historically prone to subsidence as a result of groundwater withdrawal. However, as a result of the 1978 adjudication, the Chino Groundwater Basin has incorporated safety measures, including managed groundwater extraction rates and oversight from the Chino Basin Watermaster, to effectively reduce the potential for overextraction of the basin. In addition, Project construction and operation would not exacerbate the potential for subsidence to occur. Therefore, the Proposed Project would not be located on a geologic unit that is unstable due to subsidence or would become unstable as a result of Project development, and potentially result in on- or off-site subsidence. Impacts associated with subsidence would be less than significant. No mitigation is required.

Collapsible Soils. Soils in the vicinity of the Plan area are generally comprised of medium dense to dense alluvial sands and silty sands, which are typically not conducive to soil collapse. Nevertheless, Project structures would be constructed in accordance with recommendations of a standard, site-specific geotechnical investigation. In addition, structures would be built in compliance with CBC requirements, including allowable load-bearing values of soils (Sections 1806 and 1806A); the design of embedded posts and poles (Sections 1807 and 1807A), and foundations (Sections 1808 and 1808A); and design of deep foundations (Sections 1810 and 1810A), which are designed to assure safe construction requirements appropriate to site conditions. Therefore, the Proposed Project would not be located on a geologic unit that is unstable due to soil collapse, or would become unstable as a result of Project development, and potentially result in on- or off-site soil collapse. Potential impacts associated with collapsible soils would be less than significant. No mitigation is required.

4. Expansive Soils

Threshold: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?

Finding: Less than significant. (Draft EIR, pp. 3.4-15 – 3.4-16.)

Explanation: Expansive soils are clay-rich soils that shrink when dry and swell when wet. This change in volume can exert substantial pressure on foundations, resulting in structural distress and/or damage. Soils in the vicinity of the Plan area are generally comprised of medium dense to dense alluvial sands and silty sands, which typically lack substantial amounts of clay, and thus are usually not conducive to soil expansion. In addition, construction of individual projects within the MPDSP would be completed in accordance with recommendations of a standard geotechnical report, which would be completed during the design phase of each project, as required by the CBC and local construction guidelines. Structures would be built in compliance with the CBC and the local building codes, which includes measures to alleviate expansive soil potential, if present. As a result, the Proposed Project would not increase or exacerbate the potential for expansive soils to occur

and would not create substantial direct or indirect risks to life or property. As such, impacts would be less than significant. No mitigation is required.

5. **Septic Tanks**

Threshold: Would the Project 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, Appendix A, p. 64.)

Explanation: The Proposed Project does not include the use of septic tanks. Therefore, no impact would occur.

H. **HAZARDS AND HAZARDOUS MATERIALS**

1. **Airport Safety**

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 project result in a safety hazard for people residing or working in the project area?

Finding: Less than significant. (Draft EIR, Appendix A, pp. 69 - 70.)

Explanation: The nearest public airport to the Plan area is the Cable Airport, located approximately 1.44 miles northeast of the Plan area. According to Map 3A of the Cable Airport Land Use Compatibility Plan (ALUCP), the Plan area is located within Zone E, which allows normal land compatibility related to noise, safety, and airspace protection criteria (City of Upland 2015).

In addition, the Ontario International Airport (ONT) is located approximately 4 miles southeast of the Plan area. The ONT ALUCP establishes compatibility policies for airport land use impacts related to safety, noise, airspace protection, and overflight. As shown in Figure 2-1 of the ONT ALUCP, the Plan area is located within the Airport Influence Area (AIA) of ONT, and thus, is subject to the ONT ALUCP (City of Ontario 2011). According to Policy Map 2-2, Compatibility Policy Map: Safety Zones (City of Ontario 2011), the Plan area is not located within any safety zones. According to Policy Map 2-4, Compatibility Policy Map: Airspace Protection Zones, in the ONT ALUCP (City of Ontario 2011), the proposed building heights will be within the allowable height in the ONT ALUCP and is not subject to the Federal Aviation Administration height notification area. Based on the ONT Land Use Compatibility GIS Analysis Tool and Policy Map 2-5, Compatibility Policy Map: Overflight Notification Zones, in the ONT ALUCP (City of Ontario 2011), the Plan area is subject to the real estate transaction disclosure policy. The applicant will comply with the real estate transaction disclosure policy of the ONT ALUCP which requires avigational easement dedication and recorded overflight notification.

Further, as indicated in Table 2-1 of the ALUCP, the Proposed Project is subject to the ONT Inter-Agency Notification Process. The ONT Inter-Agency Notification Process involves submitting a Project Comment Worksheet to the City of Ontario, which contains project details to enable Affected Agencies to comment upon. Commenting Agencies have 15 calendar days to review and comment on the Worksheet. Agencies that do not respond within 15 days are considered to have no comments and subsequently to be in agreement with the project's consistency. If the Submitting Agency disagrees with comments received on the Worksheet by the Affected Agency, staff of both agencies are encouraged to collaborate to seek solutions. If disagreements regarding consistency remain, the Submitting Agency or any Commenting Agency may request a Mediation Board hearing to mediate the dispute. Prior to project approval, the Proposed Project, must be deemed consistent with the ONT ALUCP. This consistency would be determined through the Inter-Agency Notification Process. Specifically, either no comments on a Project Comments Worksheet are received or comments are resolved based on staff coordination or a Mediation Board hearing. Therefore, based on the Proposed Project's compliance with the ONT ALUCP, the potential safety hazards impacts to people working or residing at the Plan area near a public airport is considered less than significant.

2. **Emergency Plans**

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

Finding: Less than significant. (Draft EIR, Appendix A, p. 71.)

Explanation: The City adopted an emergency operations plan that follows the California Office of Emergency Services' multi-hazard functional planning guidelines. The City's

Emergency Operations Plan was approved by the California Emergency Management Agency on September 26, 2009 (City of Montclair 2002). The City's existing emergency operations plan includes a basis for conducting and coordinating operations in the management of critical resources during emergencies; a mutual understanding of authority, responsibilities, functions, and operations of civil government emergencies; and a basis for incorporating into the city emergency organization, nongovernmental agencies and organizations having resources necessary to meet foreseeable emergency requirements (City of Montclair 1999). Additionally, mutual aid/automatic aid and cooperation with surrounding jurisdictions will occur in accordance with the California master Mutual Aid Agreement. The City's Fire Department has mutual aid and automatic aid agreements with all surrounding communities, has enhanced emergency services response protocols with the City of Upland, and is a member of the San Bernardino County Fire Department CONFIRE Joint Powers Authority (JPA) for emergency dispatch services (City of Montclair Agenda Report 2013). CONFIRE is a multi-agency emergency fire- and medical service-only dispatch center that provides direct fire/EMS dispatch services 24 hours, 7 days a week. CONFIRE JPA also functions as the Operational Area's dispatch for the County (City of Montclair 2014). The Proposed Project shall comply with the City's Emergency Operations Plan. Emergency vehicle access to the Plan area during construction and operation of the Proposed Project will be provided along Monte Vista Avenue, Moreno Street, and Central Avenue. The proposed site plan, including the access driveways, will be reviewed and approved by the City during plan check review and prior to approval by the City's Planning Commission and City Council. Adherence to these requirements would reduce potential impacts related to emergency plans to a less-than-significant level for the Proposed Project.

3. Wildland Fire

Threshold: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Finding: Less than significant. (Draft EIR, Appendix A, pp. 71 – 72.)

Explanation: The Plan area is located within an urban setting, surrounded by retail, single-family and multi-family residential properties to the north, the I-10 Freeway to the south, the Montclair East Shopping Center and other commercial uses to the east, and single-family and multi-family residential properties, Moreno Elementary School, and Serrano Middle School to the west. Because of the urbanized nature of the City, wildland fires do not pose a serious threat; however, the only areas subject to such fires are the vacant lands within the City (City of Montclair 1999). During preparation of the City's General Plan, the General Plan noted that there were no vacant lots identified as potential fire hazards (City of Montclair 1999). Currently, open areas within close proximity of the Plan area are located to the north. As such, implementation of the Proposed Project is not likely to expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Impacts are less than significant. No mitigation is required.

I. HYDROLOGY AND WATER QUALITY

1. Groundwater Supplies

Threshold: Would the Project 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, pp. 3.7-18 – 3.7-21.)

Explanation: Groundwater Recharge. Updated figures of the Chino Groundwater Basin completed for the Chino Basin Watermaster's 2016 State of the Basin Report (Watermaster 2017) indicate groundwater is present at a depth of approximately 550 feet below ground surface in the Plan area. This groundwater appears to be mounded below the San Antonio Creek recharge basins to the west of the Plan area. These basins are operated by the Chino Basin Water Conservation District and the Chino Basin Watermaster, and are designed to recharge groundwater that would otherwise be lost to local communities (Chino Basin Water Conservation District 2020). As part of the Chino Basin Facilities Improvement Program, 17 existing flood retention facilities were modified and two new spreading facilities/percolation ponds were constructed, from 2004 to 2014. The waters recharged at these facilities include stormwater, recycled water, imported water, and dry-weather runoff. The recharge of dry-weather runoff is intermittent and can occur at most of the spreading basins. The recharge basins have enabled the Chino Basin Water Conservation District and the Chino Basin Watermaster to recharge about 360,000 acre-feet of stormwater and supplemental water into the Chino Basin (Chino Basin Watermaster and IEUA 2018). Specific to the Proposed Project, Montclair Basin #3 captures all flows from the Plan area (personal communication, Joe Rosales, NPDES Coordinator, City of Montclair). The average stormwater recharge in Montclair Basin #3 from 2004 to 2017 was 953 AFY Basin

(Chino Basin Watermaster and IEUA 2018). Since the Plan area currently has mostly impervious surfaces, it is unlikely that groundwater mounding beneath the recharge basins has occurred as a result of recharge at the Plan area. Construction and operation of the Proposed Project is not expected to negatively affect groundwater recharge in the area, or the general direction and velocity of groundwater movement within the underlying groundwater table, as the Proposed Project would not increase impervious surfaces and associated denied recharge. Proposed Project landscaping, as illustrated in the proposed Montclair Place District Zoning figure in the Water Supply Assessment prepared for this EIR (Appendix H-1), would increase the amount of groundwater recharge below the Plan area, resulting in beneficial impacts. Impacts would be less than significant. As such, construction and implementation of the Proposed Project would not adversely impact groundwater recharge in the Plan area.

Groundwater Supply. Based on the MVWD 2015 UWMP, MVWD's groundwater supply is pumped from the Chino Groundwater Basin. As previously discussed, the DWR has determined that the Chino Groundwater Basin has a very low priority in regards to enacting a GSP. In addition, this basin is adjudicated, limiting the amount of groundwater that can be extracted, thus reducing the potential for groundwater overdraft to occur. According to the site-specific WSA, in 2018, MVWD received approximately 45.3% of its water supply from groundwater pumped from the Chino Groundwater Basin. The Proposed Project is estimated to generate a water demand of 767 AFY in 2040, which is 531 AFY greater than calculated water demand under current development conditions. This increase in water demand would represent an increase of less than 4.5% in MVWD service area demand or an approximate 2.0% increase in groundwater demand (Appendix H-1). The 2015 MVWD UWMP has planned growth within the MVWD service area over the next 20 years. MVWD has made an allowance for future demand estimates based on historical growth rates in its service area. Based on these projections, MVWD has adequately made allowance for water supply-demand increases for both domestic and commercial water supply, including groundwater, over the next 20 years. According to the MVWD 2015 UWMP, MVWD projects an increase in water demand of 1,164 AFY from 2020 (35,200 AFY) to 2040 (36,364 AFY) (MVWD 2016). As a result, the Proposed Project would represent approximately 45.6% of this projected growth. If recent trends continue, groundwater would represent approximately 20.3% of this growth. As demonstrated in Draft EIR Table 3.7-4, Table 3.7-5, and Table 3.7-6, an analysis of water supply and demand projections for MVWD (Appendix H-1), including the Proposed Project, demonstrates that projected supplies exceed demand through the year 2040, under normal, single-dry, and multiple-dry year scenarios. These projections consider land use, water development programs and projects, and water conservation.

In addition, MVWD has the opportunity to increase supply to meet future demands through the following measures: 1) production of groundwater based on safe yield allocation and utilization of water in storage; 2) increasing imported water purchases, if available and if there is available WFA capacity; and 3) purchasing additional recycled water, if available. Collectively, these additional options, when coupled with regional groundwater management plans and the regulatory bindings of the groundwater basin, would enable MVWD to maintain a sustainable supply of groundwater from now into the future, including sufficient groundwater supply for the Proposed Project (Appendix H-1). Therefore, the Project would not substantially decrease groundwater supplies and would not impede sustainable groundwater management of the basin. Impacts would be less than significant.

2. Erosion or Siltation

Threshold: Would the Project 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 impede or redirect flood flows?

Finding: No Impact. (Draft EIR, Appendix A, pp. 75 – 76.)

Explanation: According to the Federal Emergency Management Agency's Flood Hazard Map (Flood Insurance Rate Map No. 06071C8605H), the Plan area is located in Zone X, which are areas determined to be outside of the 0.2% annual chance floodplain (FEMA 2018). Additionally, the City of Montclair's General Plan Public Health and Safety Element classifies the entire city as "Zone C," which is a zone protected from 100-year flood hazards; as such, FEMA rescinded the Flood Insurance Rate Map for the City (City of Montclair 1999). Further, as indicated on the County of San Bernardino's Land Use Plan General Plan Hazard Overlays map, the Plan area is not within a 100-year flood zone (County of San Bernardino 2007). Therefore, the Proposed Project would not impede or redirect flood flow. No impacts associated with impeding or redirecting flood flows would occur.

3. Flood Hazard

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

Finding: Less than significant. (Draft EIR, Appendix A, p. 76.)

Explanation: Due to its distance from the Pacific Ocean, the Plan area would not be exposed to inundation by a tsunami. A seiche, or standing wave, typically occurs in partially or fully enclosed bodies of water such as lakes, reservoirs, or bays, often resulting from seismic disturbance. The Plan area is not located within close proximity of a body of water that would likely produce a seiche hazard. Mudflow is a response to heavy rainfall in steep terrain (made more likely in recent burn areas). Because the Plan area is currently developed and flat-lying, it is not subject to mudslides. For these reasons, impacts resulting from inundation by seiche, tsunami, or mudflow would be less than significant under the Proposed Project.

4. Water Quality Control Plan

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

Finding: Less than significant. (Draft EIR, Appendix A, p. 76.)

Explanation: The Proposed Project would be required to comply with regional and local regulations requiring preparation of a water quality control plan, and would not obstruct existing plans. In addition, the Proposed Project is not considered a suitable site for groundwater recharge and would not introduce impervious areas over a significant groundwater recharge zone. Therefore, impacts associated with conflict with a water quality control plan or sustainable groundwater management plan would be less than significant.

J. LAND USE AND PLANNING

1. Established Communities

Threshold: Would the Project physically divide an established community?

Finding: Less than significant. (Draft EIR, Appendix A, pp. 77 – 78.)

Explanation: Implementation of the Proposed Project would not physically divide an established community. The Plan area is located in a developed urban area and is currently developed with an existing mall and associated surface parking lots and appurtenant out-buildings. The Plan area is bordered to the north, east, and west by roadways with four to six lanes each. (Moreno Street is to the north, Central Avenue is to the east, and Monte Vista Avenue is to the west.) North of the Plan area, across Moreno Street, land uses consist of commercial developments and single- and multi-family residential uses. East of the Plan area, across Central Avenue, land uses consist of the Montclair East Shopping Center and other commercial uses. West of the Plan area, across Monte Vista Avenue, land uses consist of single- and multi-family residential developments, institutional uses, and Moreno Elementary School. The Plan area is bordered in part to the south by the I-10 Freeway. Implementation of the Proposed Project includes the redevelopment of the existing mall with residential and mixed uses. While there are residential neighborhoods in the vicinity of the Plan area, the site does not contain any neighborhoods that would be removed or divided as a result of the Proposed Project. Thus, the Proposed Project would result in a less-than-significant impact to established communities.

2. Conflicts With Plans

Threshold: Would the Project 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, pp. 3.8-9 – 3.8-36.)

Explanation: SCAG 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy: The Proposed Project would not conflict with the applicable goals in the RTP/SCS adopted for the purpose of avoiding or mitigating an environmental effect. Draft EIR Table 3.8-1, Consistency with SCAG's 2020-2045 RTP/SCS Goals, demonstrates how the Proposed Project promotes consistency with the guiding principles and policies of the RTP/SCS.

City of Montclair General Plan: The MPDSP land uses designations are consistent with the 1999 City of Montclair General Plan. Draft EIR Table 3.7-2 provides a consistency analysis for the proposed MPDSP and the City's applicable General Plan elements. General Plan elements evaluated for consistency include the Land

Use Element, Circulation Element, Community Design Element, and Open Space Element.

City of Montclair Housing Element: The City's Housing Element was updated in 2014. Draft EIR Table 3.8-2 provides a consistency analysis for the updated Housing Element.

City of Montclair Municipal Code: The Montclair Zoning Code (Title 11), in conformance with the General Plan, regulates land use development in the City. In each zone, the zoning regulations specify the permitted and prohibited uses, and the development standards, including setbacks, height, parking, and design standards, among others. When a specific plan is adopted, the specific plan may effectively supersede portions or all of the current zoning regulations for specified parcels or plan area, and becomes an independent set of zoning regulations that provide specific direction to the type and intensity of uses permitted, and may define other types of design and permitting criteria. The MPDSP is adopted by ordinance and serves as the primary zoning document for the Plan area. Where the MPDSP is silent, the relevant sections and requirements of the zoning regulations shall apply.

Decision Making Authority: The Planning Commission shall administer the regulations of Title 11 and amendments, act as a Board of Zoning Adjustment, hear and act upon all matters involving variances and conditional use permits, recommend the revocation of conditions use permits, hear and act upon suspensions or modifications of planned rights-of-way, hear and act on appeals from any action taken by an administrative official in the administration and/or enforcement of the provisions of this title, and perform such other duties as are requested by the City Council.

Prior to the Planning Commission hearing in consideration of a project, the City has set forth provisions as part of the development review process to streamline the review process involved in properly coordinating the physical aspects of a proposed development. A Development-Review Committee, established by the City Council, reviews the preliminary development proposal and provides a list of recommendations and conditions. The list is then forwarded to the Planning Commission for consideration as a condition of project approval. All final considerations for project approvals are made by the Planning Commission, and not the Development-Review Committee (Montclair Zoning Code Chapter 11.06).

Should the project require a zoning amendment, as is the case with the Proposed Project, applications shall be filed with the Secretary of the Planning Commission and accompanied by enough information to ensure the Planning Commission has the fullest practical presentation of facts for the permanent record. A public hearing is then scheduled and appropriate notice is given per the provisions described in Chapter 11.84.040 of the Montclair Zoning Code. If, from the facts presented to the Planning Commission in the application, at the public hearing, the Planning Commission approves the proposed change or amendment by a two-thirds vote, the Planning Commission shall recommend such proposed change or amendment to City Council. The City Council will then consider the Planning Commission report, after it has conducted a public hearing, to approve, modify, or disapprove the recommendations of the Planning Commission (Montclair Zoning Code Chapter 11.84)

Approval of the Proposed Project, in accordance with the provisions outlined in Title 11 of the Montclair Zoning Code, would ensure compliance with applicable development standards. Additionally, through the application process, the City would thoroughly review all plans for the Proposed Project to ensure compliance with the Montclair Municipal Code, and other relevant plans, policies, and regulations. Therefore, the Proposed Project would not conflict with the Montclair Zoning Code.

Conclusion: The Proposed Project would be consistent with the SCAG 2020-2045 RTP/SCS, City of Montclair General Plan, City of Montclair Housing Element, City of Montclair Municipal Code (Title 11), NMSP, and NMDSP. The proposed MPDSP proposes to implement design guidelines to create a mix of residential and commercial land uses. The design guidelines would promote the transformation of the Plan area from the underutilized Montclair Place Mall and surrounding commercial uses, into a mixed-use downtown district within walking and biking distance of the Montclair Transcenter and anticipated extension of the Foothill Gold Line. The mix of land uses within the Plan area, including single- and multi-family residential, and commercial uses, which would reduce automobile trips by creating a pedestrian-oriented, multi-modal, park-once environment. The building design utilized to guide this development would include a variety of building types, concentration of main street retail facing streets, and diverse housing choices. Additionally, the walkable, interconnected streets are intended to provide an inviting public realm with a transit-oriented mix of uses and enable a variety of alternative path movements. The MPDSP sets forth the development standards of the Plan area; however, where the document does not specific development

standards, the existing NMSP and Montclair Municipal Code shall be the controlling documents. Thus, the Proposed Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant. No mitigation is required.

K. MINERAL RESOURCES

1. Regional and Statewide Mineral Resources

Threshold: Would the Project 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: No Impact. (Draft EIR, Appendix A, pp. 78 – 79.)

Explanation: As indicated on California Geological Survey maps, the City lies within the Claremont-Upland Production-Consumption region for Portland Cement Concrete-grade aggregate. The Plan area is primarily located within a Mineral Resource Zone 2, as mapped by the California Geological Survey. A designation of Mineral Resource Zone 2 is assigned to areas where geologic data indicates that significant mineral resources are present. In this case, the mineral resources that may be present are Portland Cement Concrete-grade aggregate. As such, the City as a whole, including the Plan area, may contain mineral resources that have been identified by the state (California Geological Survey 2007).

As described in the City's General Plan, Montclair is located on an alluvial fan created by deposits brought down by water movement from the mountain ranges to the north of the City. The material composition of the alluvium is generally gravelly cobbled, or stony, coarse granite that can be extracted and used for sand and gravel resources. Several areas adjacent to the San Antonio Wash have supported surface mining operations in the past. The San Antonio Wash is located approximately 0.3 mile west of the western boundary of the Plan area. All mining operations have subsequently become inactive due to poor economic return. As extraction operations cut deeper into the earth, the quality of the material declined, and the cost of processing the material increased. Mining operations within the City have attained these depths, causing a negative cost/benefit relationship (City of Montclair 1999). As such, while mining operations once occurred within the City, they no longer occur there today. Furthermore, while the Plan area is located in the vicinity of the San Antonio Wash, it is not directly adjacent to the wash. Additionally, the Plan area has been occupied by the mall since 1968 and is surrounded on all sides by roadways, residential development, and commercial development. As such, in the unlikely event that mineral extraction activities were to resume within the City, the Plan area under existing conditions would not be expected to support such activities. Therefore, the Proposed Project would not lead to the loss of availability of regionally important mineral resources in the City, and no impact would result.

2. Locally-Important Mineral Resource

Threshold: Would the Project 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: No Impact. (Draft EIR, Appendix A, p. 79.)

Explanation: The City's General Plan states that several areas adjacent to the San Antonio Wash have supported surface mining operations in the past. However, the City no longer contains mineral extraction land uses, as the areas used for these purposes no longer support economically viable mining operations (City of Montclair 1999). In addition, the Plan area is currently designated by the City's General Plan as Regional Commercial and is zoned C-3 General Commercial-North Montclair Specific Plan. Thus, the current General Plan and zoning designation do not identify the Plan area as an important mineral resource recovery site. Furthermore, the Plan area is not located in the areas that supported mining activities and has been occupied by the Mall since 1968. For these reasons, implementation of the Proposed Project would not result in the loss of availability of a locally important mineral resource and no impact would occur.

L. NOISE

1. Noise Standards

Threshold: Would the Project 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, pp. 3.9-15 – 3.9-28.)

Explanation: On-site noise-generating activities associated with the Proposed Project would include short-term construction as well as long-term operational noise associated with the Proposed Project. The Proposed Project would also generate off-site traffic noise along various roadways in the area.

Construction Noise (Short-Term Impacts). Construction noise and vibration are temporary phenomena. Construction noise and vibration levels vary from hour to hour and day to day, depending on the equipment in use, the operations performed, and the distance between the source and receptor. Equipment that would be in use during construction would include, in part, graders, backhoes, excavators, dump trucks, loaders, cranes, dozers, scrapers, cement pump trucks, pavers, rollers, welders, concrete saws, and air compressors. Usually, construction equipment operates in alternating cycles of full power and low power, producing average noise levels over time that are less than the listed maximum noise level. The average sound level of construction activity also depends on the amount of time that the equipment operates and the intensity of construction activities during that time.

Aggregate noise emission from Proposed Project construction activities, broken down by sequential phase, was predicted for two distances to the nearest existing noise-sensitive receptor: 1) from the nearest position of the construction site boundary; and, 2) from the geographic center of the construction site of each phase location, which serves as the time-averaged location or geographic acoustical centroid of active construction equipment for the phase under study. The intent of the former distance is to help evaluate anticipated construction noise from a limited quantity of equipment or vehicle activity expected to be at the boundary for some period of time, which would be most appropriate for phases such as site preparation, grading, and paving. The latter distance is used in a manner similar to the general assessment technique as described in the FTA guidance for construction noise assessment, when the location of individual equipment for a given construction phase is uncertain over some extent of (or the entirety of) the construction site area. Because of this uncertainty, all the equipment for a construction phase is assumed to operate—on average—from the acoustical centroid. For each of the seven proposed buildout phases (A through G) associated with the Proposed Project, Draft EIR Table 3.9-6 summarizes these two distances to the apparent closest noise-sensitive receptor for each of the six sequential construction phases as well as the overall nearest position of the construction site boundary. Where other technical disciplines in this EIR may refer to only six Proposed Project buildout phases, the construction noise analysis considered seven distinct geographic areas associated with progressive buildout as depicted in "Chapter 6 Implementation" of the April 30, 2020 Draft Specific Plan because the intensity of construction activity would geographically shift over time, and thus, result in different site boundary and acoustical centroid locations, which result in different distance to nearest receptors.

A Microsoft Excel-based noise prediction model emulating and using reference data from the Federal Highway Administration Roadway Construction Noise Model (RCNM) (FHWA 2008) was used to estimate construction noise levels at the nearest occupied noise-sensitive land use. Input variables for the predictive modeling consisted of the equipment type and number of each (e.g., two graders, a loader, a tractor), the duty cycle for each piece of equipment (e.g., percentage of time within a specific time period, such as an hour, when the equipment is expected to operate at full power or capacity, and the distance from the noise-sensitive receiver. The predictive model also considered how many hours that equipment may be on site and operating (or idling) within an established work shift. Conservatively, no topographical or structural shielding was assumed in the modeling.

The estimated construction noise levels are predicted to be as high as 80 dBA Leq over an 8-hour period at the nearest existing residences (as close as 130 feet away) when site preparation activities take place near the western and northern project boundaries. These estimated noise levels at a source-to-receiver distance of 130 feet would occur when noted pieces of heavy equipment would each operate for a cumulative period for 8 hours a day. The predicted operation of construction equipment and processes do not exceed noise levels of 80 dBA Leq, which the FTA recommends as a daytime threshold for construction noise exposure over an 8-hour period at a residential receptor. Construction activities associated with the Proposed Project would take place within the hours of 7:00 a.m. and 8:00 p.m. in accordance with the City's General Plan and Municipal Code. In summary, typical construction noise during allowable daytime hours would not exceed the FTA guidance-based standard. Thus, temporary construction-related noise impacts would be less than significant.

Roadway Traffic Noise. Potential noise effects from vehicular traffic were assessed using the FHWA Traffic Noise Model (TNM) version 2.5 (FHWA 2004) as well as FHWA Traffic Noise Model algorithms to calculate distances to noise contours for each of the roadway segments surrounding the Proposed Project boundary.

On-site Traffic Noise Effects. Aside from exposure to aviation traffic noise, current CEQA noise-related guidelines do not require an assessment of exterior-to-interior noise intrusion, environmental noise exposure to occupants of newly-created project residences, or environmental noise exposure to exterior non-residential uses attributed to the development of the Proposed Project. Nevertheless, the California Building Code (CBC) requires that interior background noise levels not exceed a CNEL of 45 dB within habitable rooms.

The on-site traffic noise information (as presented in Table 3.9-8) identifies expected outdoor noise exposure levels, which can be utilized for future site planning within the Proposed Project boundaries. As needed, future site-specific projects implemented as part of Proposed Project buildout would be required to demonstrate compatibility with respect to the appropriate jurisdictional guidance and policies, which may include project-specific acoustical analyses that evaluate the effects of adequate building sound insulation and other noise-reducing measures. By way of example, an exterior traffic noise level of 70 dBA CNEL predicted at the façade of a newly-built residential unit would indicate that the exterior-to-interior sound insulation performance of the façade's wall assembly (including fenestration, as applicable) would need to be at least 25 dBA (i.e., 70-25=45) so as to yield a CBC-required 45 dBA CNEL interior noise level due to exterior noise intrusion. In some cases, such predictive analyses of proposed development may conclude that noise and vibration impacts may be significant. Thus, implementation of project design feature **PDF-1** would help demonstrate that the expected resultant interior background noise level for planned project inhabited rooms would meet the state and City interior noise standard of 45 dBA CNEL. On-site traffic noise impacts would be less than significant.

PDF-1

Prior to the issuance of any building permits, an acoustical analysis report describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards shall be submitted to the City for approval along with satisfactory evidence which indicates that the sound attenuation measures specified in the approved acoustical report(s) have been incorporated into the design of projects. Additionally, prior to the issuance of any Certificates of Use and Occupancy, field-testing in accordance with California Administration Code Title 25 regulations maybe required by the City, to verify compliance with Sound Transmission Class (STC) and Impact Insulation Class (IIC) design standards.

Off-site Traffic Noise Impacts. The Proposed Project would result in the creation of additional vehicle trips on local arterial roadways (i.e., Moreno Street, Monte Vista Avenue, and Central Avenue), which could result in increased traffic noise levels at adjacent noise-sensitive land uses. In particular, the Proposed Project would create additional traffic along Moreno Street, Monte Vista Avenue, and Central Avenue, which according to traffic impact assessment (Dudek 2020) would add an estimated 27,042 average daily trips to these segments and adjacent roadways surrounding the Plan area.

Noise levels were modeled at representative noise-sensitive receivers ST1 through ST8. Demonstrating validity of the TNM model, predicted traffic noise levels for the existing (2020) without Proposed Project case shown in Draft EIR Table 3.9-9 compare well (i.e., within an average difference of 1.9 dBA) with the measured Leq magnitudes from Draft EIR Table 3.9-2. Hence, on the basis of the TNM model accuracy for the existing (2020) without project case, future traffic noise levels can be predicted with confidence in the method.

The City's Noise Element establishes a policy for exterior sensitive areas to be protected from high noise levels. The Noise Element sets 65 dBA CNEL for the outdoor areas and 45 dBA CNEL for interior areas as the normally acceptable levels. However, existing levels from traffic already exceed this threshold. Such impacts are considered significant when they cause an increase of 3 dB from existing noise levels. An increase or decrease in noise level of at least 3 dB is required before any noticeable change in community response would be expected (Caltrans 2013a). The receivers were modeled to be 5 feet above the local ground elevation. Draft EIR Table 3.9-9 shows that at all eight listed representative receivers, the addition of Proposed Project traffic to the roadway network would result in a CNEL increase of less than 3 dB, which is below the discernible level of change for the average healthy human ear. Thus, a less-than-significant impact is expected for Proposed Project-related off-site traffic noise increases affecting existing residences in the vicinity.

Stationary Operations Noise. Stationary sources of noise can include a variety of on-site intermittent acoustical contributors such as amplified music from outdoor dining or other commercial areas (or what may be the result of interior space music momentarily emanating from an open door), speech from pedestrians or patrons of an outdoor dining area, audible safety or security alarms, and occasional vehicle door closures. But of larger concern are stationary sources of noise such as electro-mechanical equipment (e.g., rooftop HVAC systems) that must continuously operate to provide required ventilation and reliable indoor comfort for

Proposed Project residential and non-residential uses. Because individual site development details within the Proposed Project boundary are preliminary or speculative at this time, the stationary operational noise analysis broadly considered two scenarios as follows: typical *daytime* conditions – during daytime or “business hours” (i.e., between 7:00 a.m. and 10:00 p.m.), and typical *nighttime* conditions – during nighttime or external to “business hours” (i.e., between 10:00 p.m. and 7:00 a.m.).

Prediction of stationary operational noise from amplified music, speech, and major sources of sound-producing mechanical equipment (e.g., rooftop HVAC systems) attributed to the Proposed Project involved creation of a sound propagation model using the CadnaA software program. Draft EIR Table 3.9-10 compares the predicted aggregate Proposed Project operation noise emission levels from HVAC, speech, and amplified music and the applicable City of Montclair daytime noise thresholds. Draft EIR Table 3.9-11 compares the predicted aggregate Proposed Project operation noise emission levels from HVAC and the applicable City of Montclair nighttime noise thresholds. Contrast of only the predicted HVAC noise levels with these more stringent nighttime limits is appropriate because the HVAC systems would be expected to operate continuously and through nighttime hours while daytime intermittent sound sources from pedestrians, potential outdoor music, etc. would diminish or not occur outside of commercial business hours. Even under these conservative sound modeling conditions, no exceedances with respect to the municipal standards are expected; thus, operational noise impact from stationary sources during daytime and nighttime hours is less than significant.

2. Vibration

Threshold: Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Finding: Less than significant. (Draft EIR, pp. 3.9-28 – 3.9-29.)

Explanation: Construction activities may expose persons to excessive groundborne vibration or groundborne noise, causing a potentially significant impact. Caltrans has collected groundborne vibration information related to construction activities (Caltrans 2013b). Information from Caltrans indicates that continuous vibrations with a PPV of approximately 0.2 ips is considered annoying. For context, heavier pieces of construction equipment, such as a bulldozer that may be expected on the Plan area, have peak particle velocities of approximately 0.089 ips or less at a reference distance of 25 feet (DOT 2006).

Groundborne vibration attenuates rapidly, even over short distances. The attenuation of groundborne vibration as it propagates from source to receptor through intervening soils and rock strata can be estimated with expressions found in FTA and Caltrans guidance.

Construction vibration, at sufficiently high levels, can also present a building damage risk. However, the predicted 0.008 ips PPV at the nearest residential receiver 130 feet away from on-site operation of the bulldozer during grading would not surpass the guidance limit of 0.3 to 0.5 ips PPV for preventing damage to residential structures (Caltrans 2013b). Because the predicted vibration level at 130 feet is less than both the annoyance and building damage risk thresholds, vibration from project conventional construction activities is considered less than significant. No mitigation is required.

Once operational, the Proposed Project would not be expected to feature major on-site producers of groundborne vibration. Anticipated mechanical systems like pumps are designed and manufactured to feature rotating components (e.g., impellers) that are well-balanced with isolated vibration within or external to the equipment casings. On this basis, potential vibration impacts due to Proposed Project operation would be less than significant. No mitigation is required.

3. 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: Less than significant. (Draft EIR, Appendix A, pp. 82 – 83.)

Explanation: There are no private airstrips in the project vicinity; therefore, the Proposed Project would not expose people residing or working in the project area to excessive noise levels. The nearest public airport to the Plan area is the Cable Airport, located approximately 1.44 miles northeast of the Plan area. According to Map 3A of the Cable Airport Land Use Compatibility Plan (ALUCP), the Plan area is located within Zone E, which allows normal land compatibility related to noise, safety, and airspace protection criteria (City of Upland 2015).

In addition, the Ontario International Airport (ONT) is located approximately 4 miles southeast of the Plan area. The ONT Airport Land Use Compatibility Plan (ALUCP) establishes compatibility policies for airport land use impacts related to safety, noise, airspace protection, and overflight. As shown in Figure 2-1 in the Ontario International Airport (ONT) Airport Land Use Compatibility Plan (ALUCP), the Plan area is located within the Airport Influence Area (AIA) of ONT, and thus, is subject to the ONT ALUCP. According to Figure 2-3, Compatibility Policy Map: Noise Impact Zones of the ONT ALUCP (City of Ontario 2011), the Plan area is not located within a noise impact zone. According to Policy Map 2-4, Compatibility Policy Map: Airspace Protection Zones, in the ONT ALUCP (City of Ontario 2011), the proposed building heights are within the allowable height in the ONT ALUCP. Therefore, the Proposed Project is not subject to the Federal Aviation Administration height notification area. Based on the ONT Land Use Compatibility GIS Analysis Tool and Policy Map 2-5, Compatibility Policy Map: Overflight Notification Zones, in the ONT ALUCP (City of Ontario 2011), the Plan area is subject to the real estate transaction disclosure policy. The applicant will comply with the real estate transaction disclosure policy of the ONT ALUCP which requires avigational easement dedication and recorded overflight notification.

Further, as indicated in Table 2-1 of the ALUCP, the Proposed Project is subject to the ONT Inter-Agency Notification Process. The ONT Inter-Agency Notification Process involves submitting a Project Comment Worksheet to the City of Ontario, which contains project details to enable Affected Agencies to comment upon. Commenting Agencies have 15 calendar days to review and comment on the Worksheet. Agencies that do not respond within 15 days are considered to have no comments, and subsequently agree with the project's consistency. If the Submitting Agency disagrees with comments received on the Worksheet by the Affected Agency, staff of both agencies are encouraged to collaborate to seek solutions. If disagreements regarding consistency remain, the Submitting Agency or any Commenting Agency may request a Mediation Board hearing to mediate the dispute. Prior to project approval, the Proposed Project, must be deemed consistent with the ONT ALUCP. This consistency would be determined through the Inter-Agency Notification Process. Specifically, either no comments on a Project Comments Worksheet are received or comments are resolved based on staff coordination or a Mediation Board hearing. Therefore, based on the Proposed Project's compliance with the ONT ALUCP, the Proposed Project would not expose people residing or working in the project area to excessive noise levels. Impacts would be less than significant under the Proposed Project.

M. POPULATION AND HOUSING

1. Displacement of Housing

Threshold: Would the Project 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: No impact. (Draft EIR, Appendix A, p. 84.)

Explanation: The Proposed Project would involve demolition of the existing mall, strip commercial development, freestanding restaurants, major furniture store, and surface parking; and construction of residential and mixed-use commercial development. As no housing exists within the Plan area, implementation of the Proposed Project would not result in the displacement of existing housing. Implementation of the Proposed Project would include redevelopment of the existing mall to allow for residential and commercial uses. The Proposed Project would likely increase the number of jobs available at the Plan area relative to the number of jobs that are currently available at the Plan area. As such, additional employment on the Plan area would not displace substantial numbers of people. Consequently, implementation of the Proposed Project would not lead to the construction of housing elsewhere. As such, there would be no impact.

N. PUBLIC SERVICES

1. Police Protection

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for 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 performance objectives for police protection?

Finding: Less than significant. (Draft EIR, pp. 3.11-10 – 3.11-11.)

Explanation: Police protection services in the City are provided by the Montclair Police Department (Police Department), which is headquartered on the northwest corner of Arrow Highway and Monte Vista Avenue, at 4870 Arrow Highway. The Police

Department serves an approximately 5.5 square-mile community with approximately 40,402 residents as of 2018 (SCAG 2016). The Police Department employs 53 sworn officers and 32 full and part-time civilian support personnel, including 5 reserve officers and 2 chaplains.

Implementation of the Proposed Project would result in the development of 6,321 additional residential units, supporting a residential population of approximately 18,331 persons, which would result in changes to both the makeup and population in this portion of the Police Department's service area. This anticipated population increase would result in an increase in activity in the planning area, which would potentially lead to an increase in the number of calls that the Police Department receives from the Plan area. With additional residents in the planning area, future development under the Proposed Project may adversely affect service levels or response times and may result in the need for additional or expanded police facilities to maintain existing police department service ratios, response times, or other performance objectives.

Only one officer is currently assigned to the Plan area under existing conditions; as such, the Police Department anticipates that an increase in sworn officers, dispatch personnel, and/or parking enforcement would be recommended under the Proposed Project. However, the Proposed Project would not result in a deviation from the average response times currently recorded as the Plan area is accessible via many thoroughfares and cross streets. Additionally, all development proposed under the MPDSP would result in the payment of both developer's fees and property taxes, both of which would result in additional revenue available to the City and, indirectly, would result in increased revenue available to the Police Department. As the Proposed Project is not anticipated to impact the Department's average response times, the Proposed Project would not result in the need for new or physically altered police facilities, and impacts to police protection services would be less than significant.

2. Schools

Threshold: Would the Project 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 performance objectives for schools?

Finding: Less than significant. (Draft EIR, pp. 3.11-11 – 3.11-14.)

Explanation: The Plan area is served by the Ontario-Montclair School District and the Chaffey Joint Union High School District. Ontario-Montclair School District is a K-8 school district in San Bernardino County that covers all of Montclair and a large portion of Ontario. It serves approximately 24,000 students, and the district feeds into Chaffey Joint Union High School District. Moreno Elementary School and Serrano Middle School of the Ontario-Montclair School District are the closest elementary and middle school to the planning area, located approximately 350 feet west and 750 feet west, respectively, of the Plan area. Montclair High School of the Chaffey Joint Union High School District serves the entire City and is located approximately 0.7-mile southwest of the Plan area.

According to the California Department of Education, Moreno Elementary School serves students in kindergarten through grade 6. The current total enrollment of the school is 545 students. According to the Ontario-Montclair School District, the capacity of Moreno Elementary is 569 students. Serrano Middle School serves grades 7 and 8 and the current total student population is 849 students. According to the Ontario-Montclair School District, Serrano Middle School has capacity for 746 students. Montclair High School currently has 2,882 students enrolled in grades 9-12. The Chaffey Joint Union High School District reports a slightly lower enrollment at Montclair High School of 2,856 students, and estimates the capacity of the high school to be approximately 3,483 students.

The need for new school facilities is typically associated with a population increase that generates an increase in enrollment large enough to warrant the improvement of existing, or the construction of new, school facilities. Although the General Plan states that school facilities are sufficient to serve the future needs of the City, the growth projected under the Proposed Project was not included in this assessment. Future development under the Proposed Project would support an estimated 18,331 additional residents in the City, which would result in changes to both the makeup and population in the school districts.

The Chaffey Joint Union High School District uses a slightly different generation rate of 0.085 student per dwelling unit. As such, the addition of 6,321 dwelling units (specifically, apartments) would result in an additional 537 students to the high school district. According to the Chaffey Joint Union High School District, Montclair High School could accommodate the additional 537 students and the

school district does not plan to expand and/or improve facilities in order to accommodate the increase in enrollment.

The Ontario-Montclair School District uses a generation rate of 0.14 students per dwelling unit for elementary students and a generation rate of 0.03 students per dwelling unit for middle school students. As such, the addition of 6,321 dwelling units would result in an additional 885 elementary school children and 190 middle school children into the Plan area. According to the Ontario-Montclair School District, the District's existing facilities and staff are not sufficient to accommodate the addition of 1,075 new students to the Plan area.

Of the three schools closest to the Plan area, Montclair High School is the only school with existing availability to serve the estimated students generated by the Project. However, estimated student generation as a result of the Project is considered conservative, as it assumes all students residing within the planning area would be new to the districts, which is unlikely. Additionally, elementary and middle school students residing within the Plan area would be able to attend other schools within Ontario-Montclair School District with availability.

Per SB 50, or the Leroy F. Greene School Facilities Act of 1998, and Section 17620 of the Education Code, the governing board of any school district may levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district. SB 50 amends Section 17620 of the Education Code to authorize school districts to levy statutory developer fees at levels that may be significantly higher than those previously permitted, but also provides new and stricter standards for school districts to follow when levying fees. The payment of school impacts fees under SB 50 is deemed full and complete mitigation for project-related impacts to school facilities.

In the event that a total of 1,6126 students were to be added to the Ontario-Montclair School District and the Chaffey Joint Union High School District due to future development under the Proposed Project, this addition would occur over a phased 20-year period and could potentially result in the need for new schools in the area. However, developers proposing projects within the MPDSP area are required to pay applicable school impact fees. Pursuant to Government Code Section 65996, payment of school impact fees in accordance with Government Code Section 65995 is deemed full and complete mitigation for potential impacts to schools caused by development. Therefore, implementation of the Proposed Project would result in a less than significant impact to schools.

3. **Other Public Facilities - Libraries**

Threshold: Would the Project 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 performance objectives for libraries?

Finding: Less than significant. (Draft EIR, p. 3.11-16.)

Explanation: Other public facilities and services provided within the City include library services and City administrative services. Library services are provided at the Montclair Branch Library, which is located at 9955 Fremont Avenue. The library is a part of the San Bernardino County Library System (SBCL). Because the library is part of a greater network of other county library services, residents and registered borrowers have access to over three million titles. Residents from future development under the Proposed Project could use library services. The Proposed Project would include 6,321 new dwelling units, which could result in approximately 18,331 new residents. However, since the overall residential growth associated with the Proposed Project would occur gradually over a roughly 20-year period, the impact on library and other administrative services would also be gradual and most likely commensurate with overall increased funding and staffing levels expected during that time frame. Therefore, it is anticipated that existing library and City administrative services would be sufficient or require a slight increase over time to accommodate the increased demand due to implementation of the Proposed Project, and no new or physically altered governmental facilities would be necessary. Accordingly, implementation of the Proposed Project would result in a less than significant impact to library services.

O. **TRANSPORTATION / TRAFFIC**

1. **Plans, Policies, and Ordinances**

Threshold: Would the Project 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. 3.13-16 – 3.13-23.)

Explanation: The Proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

2020-2045 RTP/SCS Consistency Analysis. The Proposed Project would not conflict with the applicable goals in the RTP/SCS, as illustrated in Draft EIR Table 3.8-1.

City of Montclair Circulation Element. The Proposed Project is determined to be consistent with the applicable goal (CE-1.0.0) and policies (except CE-1.1.6 – LOS) of the City of Montclair General Plan Circulation Element. Although the City's LOS policy was determined to no longer be applicable as a transportation impact under CEQA per SB 743, the following intersections would not comport with Policy CE-1.1.6 of the City's General Plan, as they would operate or are forecast to operate at unsatisfactory (LOS E or F) conditions during either the AM or PM peak hours:

Existing

- Mills Avenue/San Jose Avenue (LOS F in AM peak hour)

Existing plus Project

- Monte Vista Avenue/San Jose Street (LOS E in PM peak hour)
- Benson Avenue/Palo Verde Street – 5th Street (LOS E in PM peak hour)
- Mills Avenue/San Jose Avenue (LOS F in AM peak hour; LOS E in the PM peak hour)
- Benson Avenue/San Bernardino Street (LOS E in PM peak hour)
- Mills Avenue/Orchard Street (LOS F in AM peak hour)

General Plan Year 2040

- Mills Avenue/Moreno Street (LOS E in PM peak hour)
- Mills Avenue/San Jose Avenue (LOS F in both peak hours)
- Benson Avenue/ Palo Verde Street – 5th Street (LOS F in PM peak hour)
- Mills Avenue/San Jose Avenue (LOS F in both peak hours)
- Benson Avenue/San Bernardino Street (LOS E in AM peak hour; LOS F in PM peak hour)
- Mills Avenue/Orchard Street – Lincoln Street (LOS F in both peak hours)

General Plan Year (2040) plus Project

- Mills Avenue/Moreno Street (LOS E in PM peak hour)
- Fremont Avenue/Moreno Street (LOS E in PM peak hour)
- Mills Avenue/San Jose Avenue (LOS F in both peak hours)
- Benson Avenue/ Palo Verde Street – 5th Street (LOS F in PM peak hour)
- Monte Vista Avenue/Baseline Road (LOS E in PM peak hour)
- Mills Avenue/San Jose Avenue (LOS F in both peak hours)
- Benson Avenue/San Bernardino Street (LOS F in both peak hours)
- Mills Avenue/Orchard Street – Lincoln Street (LOS F in both peak hours)

Improvements were recommended in the TIA for the intersections listed above, and the Proposed Project would be required to pay their fair-share costs to the City. This City does not currently have a fair-share program (or similar fee program) but will establish one for the Proposed Project upon approval of the MPDSP. However, the following intersections were determined to remain inconsistent with the City's LOS Policy CE-1.1.6 due to the proposed MPDSP improvements designed to comport with other General Plan Circulation Element policies and/or unavailable right of way to implement the recommended improvements:

- Monte Vista Avenue/San Jose Street
- Moreno Street/Fremont Avenue

Although development of the MPDSP would exceed the LOS goals stated in Policy CE-1.1.6, LOS can no longer be used to determine significant transportation impacts under EQA and SB 743. Furthermore, the Proposed Project would be consistent with all other policies of the City's Circulation Element (Policies CE-1.1.0 to CE-1.1.16) related to commercial and recreational vehicle parking, bicycle and pedestrian circulation, truck routes, and improved freeway service. Therefore, impacts related to the City's General Plan Circulation Element policies would be less than significant.

Roadway Network. The MPDSP includes modifications to the three existing arterial and collector streets surrounding the Proposed Project (Central Avenue, Moreno Street, and Monte Vista Street).

Central Avenue

A decreased median width and subsequent removal of one left-turn lane along Central Avenue would result in the removal of one northbound left-turn lane at both the Central Avenue/Montclair Place and Central Avenue/Moreno Street intersections. It must be noted that removing one lane at each of these intersections would decrease the available northbound left-turning capacity; however, this loss in capacity would not conflict with applicable plans or policies. Both intersections would continue to operate at LOS D or better in accordance with

the City's Policy CE-1.1.6 in both existing and long-term buildout conditions, and the increased sidewalk widths would promote Policies CE-1.1.7 and CE-1.1.9 regarding pedestrian circulation and walkability between major pedestrian generators.

Moreno Street

As the median and right of way widths would decrease, and Class II bike lanes would be added to Moreno Street under these modifications, removal of one eastbound left-turn lane and one eastbound through lane at the Central Avenue/Moreno Street intersection would be necessary, along with the removal of one westbound left-turn lane at the Fremont Avenue/Moreno Street and Monte Vista Avenue/Moreno Street intersections. One westbound and one eastbound through lane would also need to be removed at each intersection to accommodate the proposed modifications. As noted for the removal of left-turn lanes at the two intersections along Central Avenue, reduction in capacity along Moreno Street and at corresponding intersections noted here would also occur. This loss in capacity would conflict with the City's Policy CE-1.1.6 at the intersection of Moreno Street and Fremont Avenue in long-term buildout conditions. However, the increased sidewalk widths would promote Policies CE-1.1.7 and CE-1.1.9 regarding pedestrian circulation and walkability between major pedestrian generators.

Monte Vista Avenue

With the addition of a Class IV bikeway and parking along Monte Vista Avenue, and reduction of one travel lane in each direction, it is assumed that one southbound through lane would be removed at the Monte Vista Avenue/San Jose Street intersection. As noted above, reduction in capacity from removal of lane(s) would occur. This loss in capacity would conflict with the City's Policy CE-1.1.6 at the intersection of Monte Vista Avenue and San Jose Street in both existing and long-term buildout conditions. However, the increased sidewalk widths would promote Policies CE-1.1.7 and CE-1.1.9 regarding pedestrian circulation and walkability between major pedestrian generators.

These roadway capacity reductions on Central Avenue, Moreno Street, and Monte Vista Avenue are components of the MPDSP and are proposed to enhance non-motorized, pedestrian, and bicycle circulation within, and around, the Specific Plan area. Monte Vista Avenue north of the I-10 freeway, Arrow Highway, and Central Avenue are designated as part of the San Bernardino County CMP Network. All intersections along Monte Vista Avenue, Arrow Highway, and Central Avenue operate at, or are forecast to operate at, LOS E or better, per San Bernardino CMP criteria in existing and long-term conditions.

Bicycle Network. The Rambla and Fremont Avenue roadways within the Plan area are designed to accommodate bicyclists, electric scooter riders, and other alternative forms of micro transportation. Although all other internal streets within the Plan area do not include specific bicycle facilities, the MPDSP identifies built-in traffic calming strategies, including narrow lanes, on-street parking, and street trees that would be more conducive to bicycle and micro transportation modes.

Additionally, improvements to the infrastructure of the adjacent collectors and arterials would connect the MPDSP with the City's bicycle network. A Cycle Track (Class IV bikeway) is proposed along Monte Vista Avenue to connect the Plan area with the Transcenter and Pacific Electric Trail to the north, as well as with residential areas south of I-10. Along with the Monte Vista Avenue Cycle Track proposed within the MPDSP, the City's planned bicycle network includes the addition of a Class II bike lane along Monte Vista Avenue, north of Moreno Street, and Moreno Street, east of Monte Vista Avenue, adjacent to the Plan area.

Pedestrian Network. The intent of the specific plan is to provide a framework for redeveloping and infilling the specific plan area over time with a network of pedestrian-friendly blocks and streets that promote walking and bicycling; a continuous network of publicly accessible open spaces; buildings that accommodate a variety of uses and are designed with massing configurations and architectural styles consistent with the spirit of a downtown setting; active building frontages that enhance the pedestrian activity of the streets; parking that is seamlessly integrated through on-street and subterranean parking, and lined parking garages.

These points indicate that the MPDSP prioritizes development with a pedestrian-oriented focus. Although the majority of the existing Montclair Plaza and surrounding roadways have basic sidewalk, curb, and gutter facilities, the overall layout of the site is currently designed to prioritize vehicle, not pedestrian, accessibility and travel. All street types (with exception to the alley) proposed in the MPDSP, include at least sidewalks or some form of pedestrian accessibility. The majority of internal street types include 12-foot sidewalks along both sides of the street, and Fremont Avenue and the Rambla, the two major streets within the Plan area, are also designed with 14-foot and 36-foot-wide pathways within their medians, respectively.

Additionally, open spaces and greenways are proposed throughout the Plan area. These open spaces are connected to retail areas and residential neighborhoods through the MPDSP street network, and the proposed streetscape would be designed to provide a pedestrian-friendly experience, encouraging foot traffic throughout the Plan area.

Furthermore, Fremont Avenue, north of the Plan area, would provide direct pedestrian access, via a new connection to the existing tunnel at the Montclair Transcenter in conjunction with buildout of the North Montclair Downtown Specific Plan (NMDSP). The proposed Village at Montclair project would be built with the connection to the existing tunnel as described in Section 4.2.010 of the NMDSP. Development of this connection to the existing tunnel would reduce the travel distance for pedestrians commuting from the Plan area to the Transcenter.

Although development of the MPDSP would result two intersections no longer able to satisfy the LOS stated in Policy CE-1.1.6 of the Circulation Element, CEQA can no longer determine significant transportation impacts under SB 743. Additionally, development of the MPDSP would be consistent with the other Circulation Element policies, particularly promoting Policies CE-1.1.7 and CE-1.1.9 regarding pedestrian circulation and walkability between major pedestrian generators. Therefore, the Proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and its impact to transportation plans and programs would be less than significant.

2. Vehicle Miles Traveled (VMT)

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

Finding: Less than significant. (Draft EIR, pp. 3.13-23 – 3.13-29.)

Explanation: Project Trip Generation. Trip generation estimates for the MPDSP are based on daily and AM and PM peak hour trip generation rates obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Handbook, 10th Edition* (2017). The MPDSP would result in the demolition of all or a portion of the existing mall, some or all appurtenant free-standing outbuildings, and portions of the existing surface parking lots, to construct a pedestrian-oriented, mixed-use downtown district, with structured parking facilities through a series of planned phases. Therefore, the trip generation estimates for the existing mall were determined by applying trip generation rates to all entitled land uses. As the existing mall includes only retail land uses, the Former Land Use trip generation estimates were then deducted from the trip generation estimates for all proposed retail (non-residential or office) land uses in the MPDSP to determine the net new trips added to the transportation network.

The Former Land Use generates 58,327 daily trips, 1,958 AM peak hour trips (1,147 inbound and 811 outbound), and 5,635 PM peak hour trips (3,133 inbound and 2,502 outbound). The Proposed Land Use would generate 93,050 daily trips, 4,440 AM peak hour trips (2,141 inbound and 2,299 outbound), and 8,496 trips during the PM peak hour (4,464 inbound and 4,032 outbound).

Additionally, trip reductions for pass-by trips, internal trip capture, and estimated transit trips were applied to both Former and Proposed land uses. Based on these trip reductions, the Former Land Use generates approximately 48,837 net daily trips, 1,600 net AM peak hour (938 inbound and 662 outbound), and 3,887 net PM peak hour trips (2,247 inbound and 1,640 outbound); and the Proposed Land Use would generate approximately 75,879 net daily trips, 3,718 AM peak hour trips (837 inbound and 1,281 outbound), and 5,713 net PM peak hour trips (3,001 inbound and 2,712 outbound). Therefore, as shown in Draft EIR Table 3.13-1, 27,042 net new daily trips, 2,118 net new AM peak hour trips (837 inbound and 1,281 outbound), and 1,826 PM peak hour trips (754 inbound and 1,072 outbound trips) would be generated with implementation of the MPDSP.

VMT Analysis. The Proposed Project's VMT analysis was based on the SBTAM (Year 2012). Consistent with standard modeling practice, to identify VMT from the project, a TAZ for the Proposed Project was included in the model and select zone runs were conducted. Since the primary purpose of SB-743 is to reduce home-based automobile travel, only the VMT related to home-based passenger vehicle travel are reported for the Proposed Project and the City of Montclair.

The findings of the Proposed Project's VMT analysis for the base year are shown in Draft EIR Table 3.13-2.

- **Residential VMT:** VMT per capita for the Proposed Project is 5.97 and for the City of Montclair is 20.43. Therefore, the Proposed Project's VMT/capita is 70.8% lower than the City's VMT per capita.

- **Non-Residential VMT:** VMT per employee for the Proposed Project is 13.9 and the City of Montclair is 16.16. Therefore, the Proposed Project's VMT/employee is 14.0% lower than the City's VMT per employee.
- **Total VMT:** VMT per service population (i.e., sum of population and employees) for the Proposed Project is 8.37 and for the City of Montclair is 19.27. Therefore, the Proposed Project's VMT/service population is 56.5% lower than the City's VMT per service population.

The Proposed Project's residential VMT and total VMT per service population exceed a level of 15% below existing/base year (2012 per the SBTAM validation year) VMT per capita and VMT per service population. The Proposed Project's VMT per employee is 14.0% lower than the existing City VMT per employee. Since the Proposed Project is a mixed-use development, the total VMT per service population is the appropriate indicator of the Proposed Project's travel characteristics. Therefore, since the Proposed Project's VMT per service population (8.37) would be less than 15% of the City's existing/base year VMT (15% of 19.27 = 16.38), the Proposed Project's impact to VMT would be less than significant.

Furthermore, the Proposed Project would be most directly served by Metrolink's San Bernardino Line which runs west to east from Los Angeles County to San Bernardino County with its terminus at Los Angeles Union Station and San Bernardino – Downtown Station. The closest station is the City's Transcenter located north of the Plan area. The proposed Village Montclair project, in conjunction with buildout of the NMDSP, would construct access to the existing tunnel at the Transcenter which would provide a more direct access between the Plan area and Transcenter. Also, the northwest portion of the Plan area is located within a Transit Priority Area in the year 2045.

3. Emergency Access

Threshold: Would the Project result in inadequate emergency access?

Finding: Less than significant. (Draft EIR, p. 3.13-38.)

Explanation: In terms of emergency access, the structure of the downtown center proposed in the MPDSP would be built across individual blocks, creating a "network of thoroughfares." As stated in the MPDSP, the "interconnected block and thoroughfare pattern provides multiple routes that diffuse vehicular traffic, while providing more options for emergency personnel to reach a distressed location." The MPDSP also indicates that street intersections would be designed with minimal curb radii as a traffic calming measure and as a method to reduce crossing distances for pedestrians. Prior to construction of street intersections, consultation with emergency departments would be required during City and Montclair Fire Department design review to ensure fire trucks and other emergency equipment would be able to navigate the proposed minimal curb radii, and that the radii are consistent with the applicable City of Montclair standards and specifications. Additionally, during construction of the MPDSP, lane closures along sections of the adjacent roadways (Monte Vista Avenue, Moreno Street, and Central Avenue) may occur and will be reviewed by the Public Works and Fire Departments. Traffic control plans may be required upon review. Therefore, impacts related to inadequate emergency access would be less than significant.

P. TRIBAL CULTURAL RESOURCES

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)?

Finding: Less than significant. (Draft EIR, p. 3.14-15.)

Explanation: A records search of the CHRIS at the SCCIC was conducted on August 2, 2018 and April 3, 2019. The CHRIS search included a review mapped prehistoric, historical, and built-environment resources; Department of Parks and Recreation site records; technical reports; archival resources; and ethnographic references. Additional consulted sources include historical maps of the Proposed Project site, the NRHP, the CRHR, the California Historic Property Data File, the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility. No previously recorded TCRs listed in the CRHR or a local register were identified within the Proposed Project site. Further, no TCRs have been identified by California Native American tribes

as part of the City's AB 52 and SB 18 notification and consultation process. Impacts are considered less than significant.

Q. UTILITIES AND SERVICE SYSTEMS

1. Relocation and Construction of New Facilities

Threshold: Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage facilities, the construction or relocation of which could cause significant environmental effects?

Finding: Less than significant. (Draft EIR, pp. 3.15-14 – 3.15-18.)

Explanation: Water Facilities. The Proposed Project would involve the construction of water distribution infrastructure (i.e., pipes, valves, meters) to provide domestic water, firewater, and irrigation water to the Plan area. Based on a conceptual utility study, Project construction would occur over seven phases (Phases A through G). Each phase would incrementally add new 12-inch water lines within the Plan area. In total, approximately 12,675 feet of new 12-inch water lines would be added as a result of Project development. Most of the existing 12-inch water lines would remain intact and these new lines would supplement and connect the existing water line system. These water lines would connect to off-site water mains within Monte Vista Avenue, Moreno Street, and Central Avenue. All construction work, including construction-related traffic control within the City public right-of-way would be subject to City municipal code requirements. Other than the lateral connections from the Plan area to existing water mains, the Proposed Project is not expected to require or result in construction or expansion of off-site infrastructure.

Installation of new 12-inch water lines and associated laterals would consist of either trenching to the depth of pipe placement or using a variety of different trenchless technology, which causes substantially less ground disturbance. Utility construction would primarily occur within the Plan area, but would also occur within adjacent City streets, as new water lines would tie into existing water mains within the street. Staging areas would be confined to the Plan area.

Trenching results in a temporary stockpiling of soil along the length of the trench, pending backfilling, which could result in potential short-term erosion induced siltation of nearby waterways. Trenchless technology only requires temporary stockpiling of soil adjacent to excavations on both ends of long sections of pipe. Standard best management practices (BMPs), installed as part of an NPDES-mandated Stormwater Pollution Prevention Plan (SWPPP), would reduce potential water quality impacts to less-than-significant levels. As such, impacts associated with construction of new water infrastructure would be less than significant.

Wastewater Conveyance. The Proposed Project would be served by existing sewer mains located within Monte Vista Avenue and San Jose Street, to the east and south of the Plan area, respectively. Each phase would incrementally add new sewer lines within the Plan area. In total, approximately 1,450 feet of 8-inch, 810 feet of 10-inch, 430 feet of 12-inch, 3,900 feet of 15-inch, and 360 feet of 18-inch of new sewer lines would be added as a result of Project development. Most of the existing sewer lines would remain intact and these new 8-inch to 18-inch lines would supplement and connect the existing wastewater system. These sewer lines would connect to an off-site 10-inch sewer main within Monte Vista Avenue. This existing 10-inch sewer main has been identified within the City Sewer Master Plan as sufficient in the current condition. However, due to the age of the line, the primary point of connection for the site, at the intersection of Monte Vista Avenue and San Jose Street, has been recommended in the Master Plan to be relined.

Off-site wastewater flow would substantially increase following completion of the Proposed Project. As a result, the sewer line connecting the existing 10-inch VCP at the intersection of Monte Vista Avenue and San Jose Street would need to be upsized to accommodate flows from the proposed 8-inch to 18-inch pipes. In addition, the increase in wastewater flow would require the existing 10-inch VCP under Monte Vista Avenue, south of San Jose Street, to be upsized. These sewer line upgrades are based on comparisons in wastewater flow between existing and proposed conditions. Unit flow rates for each land use are based on the City Sewer Master Plan (June 2017).

As discussed for water lines, all construction work of sewer tie-ins/lateral connections and upgraded sewer mains within the City public right-of-way, including construction-related traffic control, would be subject to City municipal code requirements. Installation of new sewer lines and associated laterals would consist of either trenching to the depth of pipe placement or using a variety of different trenchless technology, both which could result in potential short-term erosion induced siltation of nearby waterways. Standard BMPs, installed as part of an NPDES mandated SWPPP, would reduce potential water quality impacts to

less-than-significant levels. As such, impacts associated with construction of sewer infrastructure would be less than significant.

Wastewater Treatment. The projected wastewater output associated with the Proposed Project is approximately 2.22 mgd, which would represent a net increase of 1.58 mgd of wastewater compared to existing conditions (0.64 mgd). Wastewater from the Plan area would flow through existing sewer mains to either the CCWRF, which has a design flow capacity of 11.4 mgd and treats approximately 7.0 mgd, or the RP-1, which has a design flow capacity of 44.0 mgd and treats an average influent of 28.0 mgd. Collectively, the remaining capacity at these facilities is 20.4 mgd. The average additional flow of wastewater generated by the Proposed Project at the final build-out would represent an increase of approximately 7.7% of the remaining treatment capacity of the CCWRF and RP-1. Additionally, the Proposed Project would incorporate water efficiency measures, such as low-flow plumbing fixtures and xeriscaped lawns. These measures would be designed to minimize wastewater generation to the maximum extent practicable.

Based on the remaining treatment capacity, in combination with water efficiency measures, the Proposed Project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities. Impacts would be less than significant.

Storm Water Drainage Facilities. The Plan area and surrounding area are characterized as an urban, developed commercial and residential area with limited pervious surfaces. Planters with ornamental trees, shrubs, and grasses are scattered sparsely throughout the Plan area. The predominance of impervious surfaces prevents water from percolating into the ground, increasing the amount of runoff reaching the storm drain infrastructure. In addition, implementation of the Proposed Project would not result in an increase of impermeable surfaces.

Each phase would incrementally add new 18-inch to 36-inch storm drains within the Plan area. In total, approximately 3,180 feet of 18-inch, 1,095 feet of 24-inch, 2,065 feet of 30-inch, and 220 feet of 36-inch new storm drains would be added as a result of Project development. Most of the existing storm drains would remain intact and these new storm drains would supplement and connect the existing storm drain system. These storm drains were designed for peak discharge from a 25-year storm event, such that on-site flooding would not occur. These storm drains would connect to existing off-site infrastructure.

The northwest corner of the Plan area drains to a depression and into the 18-inch RCP that transitions into the 24-inch RCP, connecting to the 48-inch RCP under Monte Vista Avenue. In the southwest corner of the Plan area, stormwater flows off-site at two locations, including: 1) the ¼-acre Black Angus restaurant parking lot discharges via a parkway drain into Monte Vista Avenue, and 2) the retail center parking area discharges to curb and gutter along the southern property boundary, which in turn appears to connect to the 8- by 4-foot RCB along the north side of the I-10 freeway. Because impervious surfaces would not increase as a result of the Proposed Project, stormwater runoff volume and flow rates from the Plan area would not increase.

As a permittee subject to the MS4 permit, the City of Montclair is responsible for ensuring that all new development and redevelopment projects comply with the performance criteria contained in the MS4 Permit and does so primarily through enforcement of Montclair Municipal Code Chapter 9.24 (Storm Drain System). The Proposed Project is a redevelopment project, which is defined as the addition or replacement of 5,000 or more square feet of impervious surface on an already developed site, and thus, will be required to control pollutants, pollutant loads, and runoff volume emanating from the Plan area by: (1) minimizing the impervious surface area and implementing source control measures, (2) controlling runoff from impervious surfaces using structural BMPs (e.g., infiltration, bioretention and/or rainfall harvest and re-use), and (3) ensuring all structural BMPs are monitored and maintained for the life of the Proposed Project. With the implementation of these water quality control features, runoff from the Plan area would be reduced in comparison to existing conditions. Therefore, no new off-site/downstream storm drain construction would be required.

As discussed for water lines, all construction work of storm drain tie-ins within the City public right-of-way, including construction-related traffic control, would be subject to City municipal code requirements. Installation of new storm drains would consist of either trenching to the depth of pipe placement or using a variety of different trenchless technology, both which could result in potential short-term erosion induced siltation of nearby waterways. Standard BMPs, installed as part of an NPDES-mandated SWPPP, would reduce potential water quality impacts to less-than-significant levels. As such, impacts associated with construction of storm drain infrastructure would be less than significant.

2. Water Supplies

Threshold: Would the Project 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, pp. 3.15-21 – 3.15-23.)

Explanation: MVWD is the water purveyor for the Proposed Project. In 2018, MVWD received approximately 45.3% of its water supply from groundwater, 42.4% from imported water, 2.3% from entitlement water deliveries, and 10% from recycled water from the IEUA. Future development under the Proposed Project would result in 6,321 additional dwellings units and an additional 513,000 square feet of commercial uses compared to existing conditions.

According to the site-specific WSA, the Proposed Project is estimated to generate a water demand of 767 AFY in 2040, which is 531 AFY greater than calculated water demand under current development conditions. Approximately 83.6% (641 AFY) of water demand for the Project is proposed for residential land use categories, whereas 5.3% (40.4 AFY) of the water demand is proposed for commercial land use, and 11.1% (85.1 AFY) is proposed for open space land use (outdoor irrigation).

The 2015 MVWD UWMP has planned growth within the MVWD service area over the next 20 years. MVWD has made an allowance for future demand estimates based on historical growth rates in its service area. MVWD has identified several projects that would enable the District to meet future water demands for its service area. For example, the Chino Basin Watermaster, in partnership with IEUA, have begun to implement a suite of yield enhancement and production sustainability projects to increase recharge and maintain sustainable production in the Chino Basin. Furthermore, the District has identified opportunities to expand the direct and indirect reuse of recycled water to offset or enhance potable water supplies. Several other partnerships and capital improvement projects are additionally being considered to develop more reliable, cost-effective water supplies (MVWD 2016).

Collectively, these additional measures expand regional water supply and enable MVWD to meet or exceed the water demand of the District's service area for now and into the reasonably foreseeable future. Based on these projections, MVWD has adequately made allowance for water supply-demand increases for both domestic and commercial water supply, including groundwater, over the next 20 years. According to the MVWD 2015 UWMP, MVWD projects an increase in water demand of 1,164 AFY from 2020 (35,200 AFY) to 2040 (36,364 AFY) (MVWD 2016). As a result, the Proposed Project would represent approximately 45.6% of this projected growth. However, MVWD's projected water resources for 2040 is approximately 51,828 AFY.

An analysis of water supply and demand projections for MVWD, including the Proposed Project, demonstrates that projected supplies exceed demand through the year 2040, under normal, single-dry, and multiple-dry year scenarios. These projections consider land use, water development programs and projects, and water conservation. As the MVWD would have sufficient water supplies available to serve the Project during normal, dry, and multiple dry years, impacts would be less than significant.

3. Wastewater Capacity

Threshold: Would the Project 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, pp. 3.15-23 – 3.15-24.)

Explanation: At the final build-out, the Proposed Project would not generate wastewater that would exceed the municipal wastewater trunk capacity. Off-site wastewater would be conveyed through municipal sewage infrastructure to IEUA's CCWRF or RP-1, which collectively have the capacity to treat 55.4 mgd of wastewater and treat, on average, 27.4 mgd of wastewater. The average net wastewater expected to be generated by the Proposed Project is approximately 1.58 mgd. Projected wastewater from the Project would represent approximately 7.7% of the remaining capacity of the treatment facilities. Therefore, the Project would have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

In addition, MVWD is empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' sewerage system for increasing the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the

sewerage system to accommodate the Proposed Project. Furthermore, water conservation measures are established by the City's General Plan (e.g., xeriscaping, improved irrigation systems, public education about conservation) would be implemented and would help reduce the amount of wastewater generated by the Project. As a result, Proposed Project impacts would be less than significant.

4. Solid Waste

Threshold: Would the Project 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, pp. 3.15-24 – 3.15-27.)

Explanation: Construction. Project demolition and construction waste quantities are based on CalEEMod, USEPA, and CIWMB waste generation factors. Waste values were generated, assuming that construction would occur in six phases over 20 years, beginning in January 2021. Each phase of construction is estimated to result in the demolition of 41,390 square feet of building space and the export of 10,000 cubic yards of soil. Cumulatively, the Project would demolish approximately 251,581 square feet of building space and export 60,000 cubic yards of soil. In addition, construction of the Project would result in the cumulative development of approximately 5,000,000 square feet of residential buildings and 512,635 square feet of non-residential structures. Approximately 11.42 tons/day of demolition waste and approximately 1.65 tons/day of construction waste would be generated by the Proposed Project.

Currently, per CALGreen, 65% of construction and demolition waste must be diverted from landfills. As such, at least 65% of all construction and demolition debris from the Proposed Project (8.50 tons/day) would be diverted and recycled. Any hazardous wastes that are generated during construction activities would be managed and disposed of in compliance with all applicable federal, state, and local laws. The remaining 35% of construction and demolition material (4.57 tons/day) that is currently not required to be recycled, would either be disposed of or voluntarily recycled at a solid waste facility with available capacity. As previously described, the San Timoteo Landfill is the only landfill in San Bernardino County to accept inert solid waste, has a daily maximum permitted throughput of 2,000 tons/day, has a remaining capacity of 11,402,000 cubic yards, and is expected to remain open for another 23 years. The 35% of construction and demolition waste generated by the Proposed Project would represent approximately 0.23% of the available daily capacity at the landfill. Therefore, Proposed Project demolition and construction would not 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 (e.g., CALGreen standards). Impacts during construction would be less than significant.

Operation. Once operational, the Proposed Project would produce solid waste on a regular basis associated with operation and maintenance activities. Existing solid waste generation attributable to the Plan area is 4.46 tons/day. Solid waste generated by the Proposed Project would be approximately 10.80 tons/day, which would represent a net increase of 5.54 tons/day compared to existing conditions.

The City's commercial use is currently served by Burrtec Waste Industries for solid waste collection and disposal. Waste would likely be hauled to the nearest landfills, which includes the Mid-Valley and San Timoteo Sanitary Landfills. The Mid-Valley Landfill has a permitted throughput of 7,500 tons/day and is expected to remain open for another 13 years. The net solid waste generated by the Proposed Project during operations would represent approximately 0.74% of the total daily capacity of permitted at the landfill. In addition, the San Timoteo Sanitary Landfill, which has a maximum permitted throughput of 2,000 tons/day, is expected to remain open for another 23 years. The net increase in waste generated by the Proposed Project during operations would represent approximately 0.28% of the available daily capacity at the landfill.

Once the Mid-Valley and San Timoteo Sanitary Landfills reach capacity, additional landfills and strategies would be identified, so that disposal needs continue to be met. Further, there are landfills within the County with up to 52 years of remaining life. For example, the Barstow Sanitary Landfill is expected to remain open for another 51 years, and the Landers Sanitary Landfill is expected to remain open another 52 years. As such, in the event of the closure of the Mid-Valley and San Timoteo Sanitary Landfills, other landfills in the region would be able to accommodate solid waste from the Proposed Project, and regional planning efforts would ensure continued landfill capacity into the foreseeable future. Therefore, the Proposed Project would not 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. Impacts during operation would be less than significant.

5. Solid Waste Laws

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

Finding: Less than significant. (Draft EIR, p. 3.15-27.)

Explanation: Solid waste from commercial uses in the City is sorted at one of five regional transfer stations, the closest of which is the West Valley Transfer Station. Solid waste is then transported to either the Mid-Valley Sanitary Landfill or the San Timoteo Sanitary Landfill. These facilities are regulated under federal, state, and local laws. Additionally, the City of Montclair is required to comply with the solid waste reduction and diversion requirements set for in AB 939, AB 341, AB 1327, and AB 1826. Per AB 341, businesses that generate 4 cubic yards or more of commercial solid waste per week are required to arrange for organic waste recycling services. The threshold for recycling requirements may be decreased by 2 cubic yards per week as of January 2020. In addition, as previously described, waste diversion and reduction during Project construction and operations would be completed in accordance with CALGreen standards and City diversion standards. As a result, the Proposed Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste and impacts would be considered less than significant.

R. WILDFIRE

1. Response Plans

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

Finding: Less than significant. (Draft EIR, Appendix A, p. 99.)

Explanation: According to the California Department of Forestry and Fire Protection's Fire Hazard Severity Zones maps, the entire City of Montclair and the Plan area is neither moderately, highly, or very highly susceptible to wildland fire (CAL FIRE 2019). Additionally, the Proposed Project must comply with the City's Emergency Operations Plan for all construction and operation. Emergency vehicle access to the Plan area during construction and operation of the Proposed Project will be provided along Monte Vista Avenue, Moreno Street, and Central Avenue. The proposed site plan, including the access driveways, will be reviewed and approved by the City during plan check review and prior to approval by the City's Planning Commission and City Council. Adherence to these requirements would reduce potential impacts related to emergency plans to a less than significant level for the Proposed Project.

2. Pollutant Concentrations

Threshold: Due to slope, prevailing winds, and other factors, would the Project 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, Appendix A, p. 100.)

Explanation: The Plan area is not located in a high fire hazard severity zone. The Plan area is surrounded by mostly developed properties on all sides. Under existing conditions, the Plan area is currently developed and gently slopes towards the south and west. The Plan area is entirely developed with impervious areas, which are not susceptible to exacerbating wildfire risks. Further, the Plan area does not contain extensive amounts of vegetation or wildland fuel. Therefore, it is not anticipated that the Proposed Project, due to slope, prevailing winds, and other factors, would exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No impact would occur.

3. Infrastructure Risks

Threshold: Would the Project require the installation or maintenance of associated infrastructure (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: Less than significant. (Draft EIR, Appendix A, p. 100.)

Explanation: The Proposed Project would involve implementation of the MPDSP to assign and create Plan land use zones for parcels within the Plan area. The Proposed Project would construct surface parking lots, new internal circulation roadways, and infrastructure for the proposed development. It is not anticipated that installation or maintenance of the road would exacerbate fire risk, since the road would be

surrounded by developed land on all sides. Further, the Plan area is located in a predominantly developed area, and would connect to existing utilities. The Proposed Project would not require installation or maintenance of other associated infrastructure such as fuel breaks, power lines, or other utilities that would exacerbate fire risk. Impacts would be less than significant.

4. **Runoff Risks**

Threshold: Would the project 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, Appendix A, pp. 100 – 101.)

Explanation: The Plan area is not located in a high fire hazard severity zone. According to the County of San Bernardino's Land Use Plan General Plan Geologic Hazard Overlays Map, the Plan area is not located in an area designated as susceptible to earthquake-induced landslides (County of San Bernardino 2010). The Plan area is currently developed and gently slopes towards the south and west; however, the Plan area and surrounding lands are relatively flat. Further, the existing Plan area is paved and it is unlikely that the Proposed Project would expose people or structures to downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes. No impact would occur.

SECTION III: IMPACTS THAT ARE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

The City Council hereby finds that Mitigation Measures have been identified in the EIR and these Findings that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

A. AESTHETICS

1. Lighting and Glare

Threshold: Would the proposed project create a new source of substantial light or glare that would adversely affect day or nighttime views?

Finding: Less than significant with mitigation. (Draft EIR, Appendix A, pp. 38 - 40.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Currently there are numerous sources of nighttime lighting on the Plan area and in the surrounding areas, including nighttime lighting from the existing Montclair East Shopping Center, located east of the Plan area; nighttime lighting from retail, single-family and multi-family residential properties north of the Plan area; nighttime lighting from single-family and multi-family residential properties, retail uses, the Unitarian Universalist Congregation and International Montessori School, and Moreno Elementary School west of the Plan area; and the I-10 Freeway and commercial uses south of the Plan area.

Project construction could introduce light and glare during short-term construction activities. However, Proposed Project construction would occur eight hours a day, five days a week, in compliance with the City's Noise Ordinance, and any lighting from construction activities would cease upon construction completion.

The Proposed Project would have light sources associated with urban areas, such as indoor lighting emanating from building interiors through windows. The proposed lighting would be directed, oriented, and shielded to prevent light from shining onto the adjacent church, and school and nearby residences. While the lighting proposed by the Proposed Project would increase lighting on the Plan area compared to current conditions, with the implementation of mitigation measure **MM-AES-1**, the City would review the project lighting and signage plan to ensure that lights are located, directed, and shielded in a manner that complies with City Codes and does not create a substantial new source of light to adjacent properties and would not adversely affect daytime or nighttime views in the area. Since project details are still being reviewed by the City, a lighting plan is yet to be finalized. However, the lighting provided on the Plan area would be required to comply with lighting standards established in the City's Municipal Code, as well as lighting levels established for safety purposes in the City's Building Security Requirements, which were developed pursuant to Section 10.16.030, Building Security Rules and Regulations, in the City's Municipal Code.

The Building Security Requirements state that all exterior doors of commercial structures must be equipped with a lighting device providing a minimum maintained one-foot candle of light at ground level during hours of darkness. All parking lots for use by the general public that provide more than 10 spaces must

have a minimum maintained one-foot candle of light on the parking surface from dusk until the termination of business on every operating day. At all other hours of darkness, a minimum maintained 0.25-foot candle of light must be provided at the ground level. The Building Security Requirements also state that exterior lighting must not shine away from the subject property (City of Montclair 2015). Section 11.66.030, Parking Improvements, in the Municipal Code requires light to be directed onto the parking area and away from adjacent properties. Where light spillage on adjacent properties is a concern (i.e., residences to the north and west), the Proposed Project would be required to include light controlling devices, such as light guards. The light-controlling devices would reduce glare on adjacent sensitive receptors. The proposed windows and windows from the proposed retail buildings would be made of non-reflective material and would not add a new source of substantial glare. Given these factors, the contribution of light and glare emitted from the Proposed Project would be less than significant with mitigation incorporated.

MM-AES-1

The project applicant shall prepare lighting and signage plans for the Proposed Project depicting the proposed locations and heights of light poles and signs. Concurrent with the building permit submittal, the project applicant shall incorporate lighting design specifications to meet the City's minimum safety and security standards as outlined in the City's Building Security Requirements. The following measures shall be included in all lighting plans:

• Luminaires shall be designed with cutoff-type fixtures or features that cast low-angle illumination to minimize incidental spillover of light onto adjacent private properties. Fixtures that shine light upward or horizontally shall not spill any light onto adjacent properties.

• Luminaires shall provide accurate color rendering and natural light qualities. Low-pressure sodium and high-pressure sodium fixtures that are not color-corrected shall not be used, except as part of an approved sign or landscape plan.

• Luminaire mountings shall be downcast and pole heights minimized to reduce potential for back scatter into the nighttime sky and incidental spillover light onto adjacent properties. The height of light poles shall be reviewed and approved by the City to ensure consistency with the City's Municipal Code requirements. Luminaire mountings shall be treated with non-glare finishes.

The City Council finds Mitigation Measure **MM-AES-1** is feasible, is adopted, and will further reduce impacts to light and glare. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Proposed Project that mitigate or avoid the potentially significant impacts of the Proposed Project regarding light and glare, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to light and glare. (Draft EIR, pp. 3.1-11 – 3.1-12.)

B. BIOLOGICAL RESOURCES

1. Wildlife Movement

Threshold: Would the Project 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 with mitigation. (Draft EIR, Appendix A, pp. 48 - 49.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: There are no wetlands or running waters within the Plan area, and therefore, the Proposed Project would have no potential to affect the movement of migratory fish. The Plan area has been developed for approximately 50 years and is located within a developed, urbanized area. The nearby San Antonio Wash is channelized and would not be expected to support substantial fish populations. Additionally, as stated in the City's General Plan, wildlife populations are no longer existing in the City due to the elimination of habitat. As the City is not expected to support wildlife populations and does not contain wildlife habitat, the Plan area is not part of a wildlife corridor. Although the Proposed Project would be limited to developed and disturbed land, direct impacts to migratory nesting birds must be avoided to comply with the Migratory Bird Treaty Act and California Fish and Game Code. Migratory or nesting birds that would have the potential to utilize the on-site trees would be protected under the Migratory Bird Treaty Act. Thus, mitigation measure **MM-BIO-1** would be required to minimize any potential impacts to nesting birds and raptors.

MM-BIO-1

Prior to the issuance of a demolition, grading, and/or building permit for activities during the avian nesting season (generally February through August), a qualified biologist shall conduct a nesting bird survey within 7 days of vegetation clearing, cutting, or removal activities. The survey would consist of full coverage of the proposed project footprint and an appropriate buffer, as determined by the biologist. If no active nests are discovered or identified, no further mitigation is required. In the event that active nests are discovered on site, a suitable buffer determined by the biologist (e.g., 30 to 50 feet for passerines) shall be established around any active nest. No ground-disturbing activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Limits of construction to avoid a nest shall be established in the field by the biologist with flagging and stakes or construction fencing. Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. The results of the survey shall be documented and filed with the City of Montclair within 5 days after the survey.

The City Council finds that Mitigation Measure **BIO-1** is feasible, is adopted, and will further reduce impacts related to wildlife corridors. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to wildlife corridors, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to wildlife corridors. (Draft EIR, Appendix A, pp. 48 - 49.)

C. CULTURAL RESOURCES

1. Archaeological Resources

Threshold: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines, section 15064.5?

Finding: Less than significant with mitigation. (Draft EIR, Appendix A, pp. 56 – 57.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: The California Historical Resources Information System records search of the Proposed Project area and a one-mile radius conducted by staff at the San Bernardino Archaeological Information Center on August 2, 2018 indicates that no previously recorded archaeological resources are located within the Proposed Project area. The records search identified 19 previous cultural resources studies and three cultural resources within one-mile of the project area, however most of these consist of built environment resources and none are located within close enough proximity to be impacted by the Proposed Project.

Because the project area was developed over 50 years ago and contains no exposed sediment, an archaeological survey was not warranted. The lack of previously recorded resources within and around the Proposed Project area indicate that the project area has a low sensitivity for encountering below ground resources. While no archaeological resources were identified as a result of the records search, there is a possibility of encountering previously undiscovered archaeological resources at subsurface levels during ground-disturbing activities associated with the Proposed Project. In the event that archaeological resources are encountered during construction activities of the Proposed Project, mitigation measure **MM-CR-1** shall be implemented to ensure that impacts to archaeological resources are less-than-significant with mitigation.

MM-CR-1

In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Proposed Project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, shall evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find as determined by the archaeologist, the archaeologist may decide to record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted. Preservation in place shall be the preferred means of mitigation, if determined to be feasible by the archaeologist and the City.

The City Council finds that Mitigation Measure **MM-CR-1** is feasible, is adopted, and will further reduce impacts related to archeological resources. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been

required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to archeological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to archeological resources. (Draft EIR, Appendix A, pp. 56 – 57.)

D. ENERGY

1. Wasteful Use of Energy

Threshold: Would the Project result in a potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Finding: Less than significant with mitigation. (Draft EIR, pp. 3.3-16 – 3.3-28.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Implementation of the Proposed Project would increase the demand for electricity and natural gas in the MPDSP area, as well as gasoline consumption during construction and operation of future development relative to existing uses.

Electricity

Construction. Temporary electric power for as-necessary lighting and electronic equipment (such as computers inside temporary construction trailers and heating, ventilation, and air conditioning) during construction would be provided by SCE. The amount of electricity used during construction would be minimal; typical demand would stem from the use of electrically powered hand tools and several construction trailers by managerial staff during the hours of construction activities. The majority of the energy used during construction would be from petroleum. The electricity used for construction activities would be temporary and minimal; therefore, impacts would be less than significant. No mitigation is required.

Operation. The operational phase would require electricity for multiple purposes including building heating and cooling, lighting, appliances, electronics, and water and wastewater conveyance. As a conservative analysis, CalEEMod default values for electricity consumption for the Proposed Project and Existing Scenario land uses were applied in this analysis (CAPCOA 2017). As shown in Draft EIR Tables 3.3-1 and 3.3-2, buildout of the MPDSP is estimated to have a total electrical demand of 64,638,634 kWh per year (or 64 million kWh per year) for facility usage and water/wastewater conveyance. Existing land uses are estimated to have a total electrical demand of 30,423,442 kWh per year (or 30 million kWh per year) for facility usage and water/wastewater conveyance. The net change in estimated electricity consumption between the Proposed Project and Existing Scenario is estimated to be a net increase of 34,215,193 kWh per year respectively. San Bernardino County's annual electricity use is approximately 15 billion kWh per year. Therefore, the net increase in electrical consumption would be a small percentage (0.23%) of the County's annual use. The Proposed Project would be built in accordance with the most current Title 24 standards at the time of construction, which would help reduce energy consumption. In addition, implementation of mitigation measures **MM-AQ-7** and **MM-GHG-1** would require that each future development project within the MPDSP incorporate various energy conservation measures in order to reduce the Proposed Project's overall electrical consumption during operation. Therefore, due to the inherent increase in the efficiency of building code regulations, as well as the implementation of mitigation measures **MM-AQ-7** and **MM-GHG-1** set forth below, the Proposed Project would not result in a wasteful use of energy. Impacts related to operational electricity use would be less than significant with mitigation incorporated.

Natural Gas

Construction. Natural gas is not anticipated to be required during construction of the Proposed Project. Fuels used for construction would primarily consist of diesel and gasoline, which are discussed under the subsection Petroleum, below. Any minor amounts of natural gas that may be consumed as a result of Proposed Project construction would be temporary and negligible, and would not have an adverse effect; therefore, impacts would be less than significant. No mitigation is required.

Operation. Natural gas consumption during operation would be required for various purposes, including building heating and cooling. For building consumption, default natural gas generation rates in CalEEMod for the Proposed Project and Existing land uses and climate zone were used. As shown in Draft EIR Table 3.3-3, buildout of the MPDSP would consume approximately 107,888,186 kBtu per year. The Existing Scenario is estimated to consume approximately 30,176,403 kBtu per year. The net change in estimated natural gas consumption between the Proposed

Project and the Existing Scenario is estimated to be an increase of 77,711,783 kBtu per year. The County's annual natural gas consumption is estimated to be 500 million therms per year. Therefore, the Proposed Project's net increase in natural gas consumption of 77,711,783 kBtu (or 1,078,882 therms) per year would be a small percentage (0.22%) of the County's annual consumption. In addition, the Proposed Project is subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Title 24, Part 11, contains additional energy measures that are applicable to the Proposed Project under CALGreen. Prior to Specific Plan approval, the applicant would ensure that the Proposed Project would meet Title 24 requirements applicable at that time, as required by state regulations through the plan review process. Therefore, due to the inherent increase in efficiency of building code regulations, the Proposed Project would not result in a wasteful use of energy. Impacts related to operational natural gas use would be less than significant. No mitigation is required.

Petroleum

Construction. Petroleum would be consumed throughout construction of the Proposed Project. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction, and VMT associated with the transportation of construction materials and construction worker commutes would also result in petroleum consumption.

Heavy-duty construction equipment associated with construction activities, vendor trucks, and haul trucks would rely on diesel fuel. Construction workers would travel to and from the Plan area throughout the duration of construction. It was assumed that construction workers would travel in gasoline-powered vehicles. Heavy-duty construction equipment of various types would be used during construction. CalEEMod was used to estimate construction equipment usage. Based on that analysis, diesel-fueled construction equipment would operate for an estimated 477,390 hours. Fuel consumption from construction equipment was estimated by converting the total CO₂ emissions from each construction phase to gallons using conversion factors for CO₂ to gallons of gasoline or diesel. The conversion factor for gasoline is 8.78 kilograms per metric ton CO₂ per gallon, and the conversion factor for diesel is 10.21 kilograms per metric ton CO₂ per gallon (The Climate Registry 2020). The estimated diesel fuel use from construction equipment is shown in Draft EIR Table 3.3-5. Fuel consumption from worker, vendor, and haul truck trips was estimated by converting the total CO₂ emissions from the construction phase to gallons using the conversion factors for CO₂ to gallons of gasoline or diesel. Worker vehicles are assumed to be gasoline fueled, whereas vendor and haul trucks are assumed to be diesel fueled. The estimated fuel use for worker vehicles, vendor trucks, and haul trucks are presented in Draft EIR Table 3.3-6, Table 3.3-7, and Table 3.3-8, respectively.

As shown in Tables 3.3-6 through 3.3-8, the Proposed Project is estimated to consume approximately 2,995,997 gallons of petroleum during the construction phase. For disclosure, by comparison, approximately 571 billion gallons of petroleum would be consumed in California over the course of the Proposed Project's construction phase, based on the California daily petroleum consumption estimate of approximately 78.6 million gallons per day (EIA 2019c). Thus, the total expected petroleum use from the Proposed Project's construction represents approximately 0.0005% of California's consumption of petroleum over the construction duration. With the implementation of mitigation measure **MM-AQ-1** and CARB's Airborne Toxics Control Measure, future development projects within the MPDSP would be required to restrict heavy-duty diesel vehicle idling time to five minutes, which would reduce petroleum usage. Overall, because petroleum use during construction would be temporary, and would not be wasteful or inefficient, impacts would be less than significant. No mitigation is required.

Operation. The fuel consumption resulting from the Proposed Project's operational phase would be attributable to various vehicles associated with each land use. Petroleum fuel consumption associated with motor vehicles traveling within the City during operation is a function of VMT. The MPDSP is designed to and operate complete streets that enable safe, comfortable, and attractive access and travel for pedestrians, bicyclists, motorists, and transit users. Trip generation rates for the Proposed Project and the Existing Scenario were based on the Traffic Impact Analysis (TIA). Similar to construction worker and vendor trips, fuel consumption for operation was estimated by converting the total mobile source CO₂ emissions from the Proposed Project and Existing land uses to gallons using the conversion factors for CO₂ to gallons of gasoline or diesel.

As depicted in Draft EIR Table 3.3-9, mobile sources from the MPDSP would result in approximately a maximum of 9,406,161 gallons of petroleum fuel usage per year. The Existing Scenario land use mobile sources would result in approximately 7,949,068 gallons of petroleum fuel usage per year. As such, the net change in petroleum fuel usage between the Proposed Project and the Existing Scenario land uses is 1,457,093 gallons per year. For disclosure, by comparison, California as a whole consumes approximately 28.7 billion gallons of petroleum per year (EIA

2019c). Over the lifetime of the Proposed Project, the fuel efficiency of the vehicles being used is expected to increase. As such, the amount of petroleum consumed as a result of vehicular trips to and from the Proposed Project during operation would decrease over time. There are numerous regulations in place that require and encourage increased fuel efficiency. For example, CARB has adopted an approach to passenger vehicles that combines the control of smog-causing pollutants and GHG emissions into a single, coordinated package of standards. The approach also includes efforts to support and accelerate the number of plug-in hybrids and zero-emissions vehicles in California (CARB 2011). In addition, implementation of mitigation measures **MM-AQ-4** through **MM-AQ-6** would reduce the Proposed Project's petroleum usage during operation. As such, operation of the Proposed Project is expected to use decreasing amounts of petroleum over time due to advances in fuel economy. In summary, the MPDSP would increase petroleum use during operation as a result of the proposed changes within the City, but due to efficiency increases, this use would diminish over time. Petroleum consumption associated with the Proposed Project would not be considered inefficient or wasteful and would result in a less-than-significant impact. No mitigation is required.

The City Council finds that Mitigation Measures **MM-AQ-1**, **MM-AQ-4** through **MM-AQ-7** and **MM-GHG-1** set forth below are feasible, are adopted, and will further reduce impacts related to consumption of energy resources. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to consumption of energy resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to energy resources. (Draft EIR, pp. 3.3-16 – 3.3-28.)

E. GEOLOGY AND SOILS

1. Paleontological Resources

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

Finding: Less than significant with mitigation. (Draft EIR, Appendix A, pp. 64 – 65.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: The Plan area is not known to be associated with any paleontological resources or unique geologic features. A soils and geology report was prepared by Geotechnologies, Inc. for the Plan area. The soils and geology report indicates that the project area is underlain by Quaternary aged young alluvial fan deposits and is therefore unlikely to result in the loss of any unique geologic feature or paleontological resource.

Additionally, a paleontological records search was performed by the Natural History Museum of Los Angeles County on June 20, 2016 for the Plan area. The records search determined surface grading or very shallow excavations in the younger Quaternary Alluvium exposed in the Plan area probably will not uncover significant vertebrate fossil remains. Deeper excavations that extend down into older Quaternary deposits, however, may well encounter significant fossil vertebrate specimens. Therefore, in the event that paleontological resources are inadvertently encountered during construction activities of the Proposed Project, the following mitigation measure shall be implemented to ensure that impacts to paleontological resources or unique geological features are not significant. Upon the implementation of mitigation measure **MM-GEO-1**, the Proposed Project would result in less-than-significant impacts with mitigation to paleontological resources.

MM-GEO-1

In the event that paleontological resources (fossil materials) are exposed during construction activities for the Proposed Project, all construction work occurring within 50 feet of the 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 will 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.

The City Council finds that Mitigation Measure **MM-GEO-1** is feasible, is adopted, and will further reduce impacts related to paleontological resources. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been

required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to paleontological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to paleontological resources. (Draft EIR, Appendix A, pp. 64 – 65.)

F. HAZARDS AND HAZARDOUS MATERIALS

1. Hazardous Materials and Accident or Upset

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

Threshold: Would the Project 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 with mitigation. (Draft EIR, pp. 3.6-10 – 3.6-16.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Demolition Activities. Future development and redevelopment projects pursuant to the MPDSP may require the demolition of existing buildings and structures associated with the specific development site. Due to the age of the buildings and structures throughout the Plan area (many over 50 years old), it is likely that asbestos-containing materials (ACM) and lead-based paints (LBP), as well as other building materials containing lead (e.g., ceramic tile), were used in their construction. Demolition of these building and structures can cause encapsulated ACM (if present) to become friable and, once airborne, would be considered a carcinogen. Demolition of the existing buildings and structures can also cause the release of lead into the air if not properly removed and handled. The United States Environmental Protection Agency (EPA) has classified lead and inorganic lead compounds as "probable human carcinogens" (EPA 2020). Such releases could pose significant risks to persons living and working in and around the Plan area, as well as to project construction workers.

Abatement of all ACM and LBP encountered during any future building demolition activities would be required to be conducted in accordance with all applicable laws and regulations, including those of the EPA (which regulates disposal); US Occupational Safety and Health Administration; US Department of Housing and Urban Development; Cal/OSHA (which regulates employee exposure); and South Coast Air Quality Management District (SCAQMD). For example, the EPA requires that all asbestos work performed within regulated areas be supervised by a person who is trained as an asbestos supervisor (EPA Asbestos Hazard Emergency Response Act, 40 CFR 763). SCAQMD's Rule 1403 requires that buildings undergoing demolition or renovation be surveyed for ACM prior to any demolition or renovation activities. Should ACM be identified, Rule 1403 requires that ACM be safely removed and disposed of at a regulated disposal site, if possible. If it is not possible to safely remove ACM, Rule 1403 requires that safe procedures be used to demolish the building with asbestos in place without resulting in a significant release of asbestos to the environment. Additionally, during demolition, grading, and excavation, all construction workers would be required to comply with the requirements of Title 8 of the California Code of Regulations, Section 1529 (Asbestos), which provides for exposure limits, exposure monitoring, respiratory protection, and good working practices by workers exposed to asbestos.

Cal/OSHA Regulation 29 (CFR Standard 1926.62) regulates the demolition, renovation, or construction of buildings involving lead-based materials. It includes requirements for the safe removal and disposal of lead, and the safe demolition of buildings containing LBP or other lead materials. Additionally, during demolition, grading, and excavation, all construction workers would be required to comply with the requirements of Title 8 of the California Code of Regulations, Section 1532.1 (Lead), which provides for exposure limits, exposure monitoring, respiratory protection, and good working practice by workers exposed to lead.

However, to further prevent impacts from the potential release of ACM or LBP associated with individual development projects under the MPDSP, an ACM and LBP survey of existing buildings and structures would be required prior to demolition activities, as outlined in mitigation measure **MM-HAZ-1**. Per mitigation measure **MM-HAZ-1**, if ACM or LBP are encountered during the survey, the abatement, containment, and disposal of such materials shall be conducted in accordance with the applicable regulatory measures. Mitigation measure **MM-HAZ-1** would ensure that future persons performing demolition activities on site would not be adversely affected by the release of potentially hazardous materials currently on site. Therefore, through compliance with all applicable laws and regulations, as well as the implementation of mitigation measure **MM-HAZ-1**, hazardous impacts related to the release of ACMs and LBP would not occur.

Compliance with applicable laws and regulations, as well as implementation of mitigation measure **MM-HAZ-1**, would be ensured through the City's development review and building plan check process. As such, impacts during demolition are considered less than significant with mitigation incorporated.

Grading Activities. Grading activities of the individual future development projects that would be accommodated by the MPDSP would involve the disturbance of on-site soils. Based on the results of the Phase I ESA (which included a review of historical aerial photographs and topographic maps, regulatory agency records, interviews, information obtained online, and a site reconnaissance), no RECs were identified within the Plan area. On-site conditions relating to hazards and hazardous materials have remained relatively unchanged since the Phase I ESA was prepared, and no new violations have been reported within the Plan area since that time (DTSC 2020; SWRCB 2020). Additionally, grading activities associated with the shopping mall expansion did not reveal the presence of contaminated soils on-site. Therefore, given that no contaminated materials are anticipated to be encountered within the Plan area, impacts relating to grading activities would be less than significant. No mitigation is required.

Construction Activities. Relatively small amounts of commonly used hazardous substances, such as gasoline, diesel fuel, lubricating oil, grease, and solvents would be used during demolition and construction of the Proposed Project. Construction contractors are responsible for accident prevention and containment, and construction specifications would include provisions to properly manage hazardous substances and wastes. Contractors are required to comply with applicable laws and regulations regarding hazardous materials and hazardous waste management and disposal. Examples of hazardous materials management include preventing the disposal or release of hazardous materials onto the ground or into groundwater or surface water during construction and providing completely enclosed containment for all refuse generated in the Plan area. In addition, construction waste, including trash, litter, garbage, solid waste, petroleum products, and any other potentially hazardous materials, would be removed and transported to a permitted waste facility for treatment, storage, and/or disposal from the Plan area. Once construction is complete, fuels and other petroleum products would no longer remain on-site. Through compliance with local, state, and federal regulations, implementation of the Proposed Project would not create a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials. As such, impacts during construction are considered less than significant.

Project Operation. Future development in the Plan area would be guided by the Land Use and Development Goals and Land Use Matrix of the Montclair Place District Specific Plan. Implementation of the Land Use and Development Goals would create a policy framework for transforming the Plan area into a pedestrian-oriented, multi-modal, mixed-use downtown district within walking and biking distance of the Montclair Transcenter and the anticipated extension of the Foothill Gold Line railway. The Land Use Matrix provides the recommended uses in each of the seven land use categories within the Plan area. The land uses include residential, office, service, retail, civic, and institutional, uses.

Routine operation of the Proposed Project would include the use of various hazardous materials, including chemical reagents, solvents, fuels, paints, and cleansers. These materials would be used for building and grounds maintenance. Many of the hazardous materials used for building and grounds maintenance would be considered household hazardous wastes and/or universal wastes by the EPA, which regards these types of wastes to be common to businesses and households and to pose a lower risk to people and the environment relative to other hazardous wastes, when they are properly stored, transported, used, and disposed of in accordance with local, state, and federal laws.

The Proposed Project could also include operation of medical uses, such as medical research and development, laboratory uses, operation of specialized equipment, outpatient care, medical clinics, and medical offices. These uses could involve a variety of potentially hazardous medical materials, which would be stored and used on-site, as well as transported to and from the site for delivery and disposal. Potentially hazardous medical materials that may be used on-site include pharmaceuticals, regulated medical waste, sterilants, disinfectants, medical oxygen, biohazardous materials, radioactive materials, medical sharps, and stains used in laboratories. The hazardous materials used during operation of the Proposed Project could be used on-site, transported to and from the Plan area, and ultimately disposed of off-site. During these processes, there is the potential for a hazardous materials incident to occur, if hazardous substances are handled improperly or unsafely such that the substance is released or the public is exposed to the substance. However, the use, storage, and transport of hazardous materials and wastes are subject to applicable federal, state, and local health and safety regulations (e.g., RCRA and the Hazardous Waste Control Act "cradle to grave" requirements). All hazardous materials generated and/or used within the Plan area would be managed in accordance with all relevant federal, state, and local laws,

including the California Hazardous Waste Control Law (California Health and Safety Code Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (22 CCR 4.5). Furthermore, compliance with OSHA workplace and work practices requirements would avoid the exposure of persons and the environment to hazardous materials.

Medical wastes are regulated by state laws that set forth specific requirements for handling, treating, storing, and disposing medical waste. Any medical-related waste, in the event it is generated, would be stored on-site per regulatory and industry procedures and transported off-site by qualified vendors in accordance with applicable regulations. Pursuant to the California Medical Waste Management Act of 1990, any potential future medical uses would be required to prepare a medical waste management plan (MWMP) for submittal to the CDPH's Medical Waste Management Program, in the event that any potential future medical uses generate medical wastes. The MWMP must describe the types and amounts of medical waste generated and how the waste would be disposed. Additionally, California Health and Safety Code, Division 20, Chapter 6.95, requires preparation of a hazardous materials business plan (HMBP) for any business using 55 gallons (liquid) or 500 pounds (solid) or more of hazardous materials. HMBPs contain information on hazardous materials inventory, inspections, training, recordkeeping, and reporting and is submitted electronically through the California Environmental Reporting System. Any future potential medical uses would generate medical waste similar to the types of medical waste currently generated within the vicinity of the Plan area at the nearby medical campuses (namely, the Montclair Hospital Medical Center). In addition to the regulations and practices described above, the following requirements would apply to storage and handling of medical wastes and other hazardous wastes within the Plan area: (1) hazardous materials are required to be stored in designated areas designed to prevent accidental release; (2) OSHA requirements prescribe safe work environments for workers working with materials that present a moderate explosion hazard, high fire or physical hazard, or health hazard; (3) federal and state laws related to the storage of hazardous materials would be complied with to maximize containment and provide for prompt and effective clean-up in case of an accidental release; and (4) Hazardous Materials Inventory and Response Planning Reports would be filed with the City in accordance with Unified Program Permit requirements. Compliance with applicable regulations involving hazardous materials and potentially hazardous medical materials during operation would ensure that such materials are transported, used, and disposed in a manner that minimizes potential effects to workers, the public, and the environment. Due to the types of materials that could be used within the Plan area and the existing regulations that are required, it is not expected that the Proposed Project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Upon compliance with applicable regulations, operational impacts would be less than significant. No mitigation is required.

MM-HAZ-1

Prior to the issuance of demolition permits for any buildings or structures that would be demolished in conjunction with individual development projects that would be accommodated by the Montclair Place District Specific Plan, the project applicant/developer shall conduct the following inspections and assessments for all buildings and structures on site and shall provide the City of Montclair Building Official with a copy of the report of each investigation or assessment.

1. The project applicant shall retain a California Certified Asbestos Consultant (CAC) to perform abatement project planning, monitoring (including air monitoring), oversight, and reporting of all asbestos-containing materials (ACM) encountered. The abatement, containment, and disposal of all ACM shall be conducted in accordance with the South Coast Air Quality Management District's Rule 1403 and California Code of Regulation Title 8, Section 1529 (Asbestos).

2. The project applicant shall retain a licensed or certified lead inspector/assessor to conduct the abatement, containment, and disposal of all lead waste encountered. The contracted lead inspector/assessor shall be certified by the California Department of Public Health (CDPH). All lead abatement shall be performed by a CDPH-certified lead supervisor or a CDPH-certified worker under the direct supervision of a lead supervisor certified by CDPH. The abatement, containment, and disposal of all lead waste encountered shall be conducted in accordance with the US Occupational Safety and Health Administration Rule 29, CFR Part 1926, and California Code of Regulation, Title 8, Section 1532.1 (Lead).

3. Evidence of the contracted professionals attained by the project applicant shall be provided to the City of Montclair Community Development Department. Additionally, contractors performing ACM and lead waste removal shall provide evidence of abatement

activities to the City of Montclair Community Development Department and to the South Coast Air Quality Management District.

The City Council finds that Mitigation Measure **MM-HAZ-1** is feasible, is adopted, and will further reduce impacts related to hazardous materials or accident or upset. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding hazardous materials or accident or upset, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to hazardous materials or accident or upset. (Draft EIR, pp. 3.6-10 – 3.6-16.)

2. Hazards Near Schools

Threshold: Would the Project 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 with mitigation. (Draft EIR, pp. 3.6-16 – 3.6-17; Final EIR, pp. 3-1 – 3-2.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: There are five schools located within 0.25 mile of the Plan area. International Montessori School is located on the west side of the Plan area on the Unitarian Universalist church property; Moreno Elementary School is located approximately 0.08 mile west of the Plan area; Serrano Middle School is located approximately 0.16 mile west of the Plan area; US Colleges of San Bernardino is located approximately 0.25 mile east of the Plan area; and OPARC (a center for adults with disabilities) is located approximately 0.25 mile northeast of the Plan area. Implementation of the Proposed Project could result in the handling of hazardous materials, substances, or waste during demolition, grading, and construction activities. However, compliance with local, state, and federal regulations, as well as mitigation measure **MM-HAZ-1**, would ensure that the handling of hazardous materials, substances, and wastes is conducted in a safe manner and does not result in adverse effects to surrounding land uses. As such, construction of the Proposed Project is not expected to create a significant hazard to nearby schools, and children, teachers, staff, and visitors at the nearby schools would not be exposed to hazardous materials.

During operation of the Proposed Project, hazardous materials that are routinely used for building and grounds maintenance would be present on-site, such as chemical reagents, solvents, fuels, paints, and cleansers. The Proposed Project could also involve the use, storage, transport, and disposal of a variety of medical materials and medical wastes, some of which may be considered hazardous. A release or accident involving potentially hazardous materials and/or wastes may create a hazard for the public, with the potential to affect students, staff, and visitors at nearby schools. However, due to the types of materials that would be used on the Plan area and the existing regulations that are required to be put in place, the Proposed Project is not expected to create a significant hazard to nearby schools, and children, teachers, staff, and visitors at the nearby schools would not be exposed to hazardous materials.

Many of the hazardous materials that would be used for building and grounds maintenance are common to businesses and households and pose a lower risk to people and the environment relative to some less common hazardous materials. Furthermore, such materials would be stored, transported, used, and disposed of in accordance with local, state, and federal laws, which would minimize the potential for such materials be released to the environment and to affect nearby schools. Additionally, hazardous materials and medical wastes would be handled in accordance with an MWMP and an HMBP. These plans would set forth safety and management protocols for medical wastes and other hazardous materials. Implementation of these plans would ensure that hazardous materials used any potential future medical use would be handled and treated in a manner that minimizes releases and accidents to the extent practicable. These plans would also require oversight and enforcement from CDPH's Medical Waste Management Program, from the City, and from SBCFD. The hazardous materials used on-site would also be subject to a variety of local, state, and federal laws, which require proper handling and storage of hazardous materials. Upon preparation and implementation of a MWMP and a HMBP, as well as compliance with applicable federal, state, and local regulations for the use of hazardous materials, the Proposed Project is not expected to result in effects related to hazardous materials or hazardous emissions at nearby schools. As such, upon compliance with applicable regulations involving hazardous materials, operational impacts would be less than significant.

The City Council finds that Mitigation Measure **MM-HAZ-1** is feasible, is adopted, and will further reduce impacts related to hazards near schools. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding hazardous materials near schools, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to hazardous materials near schools. (Final EIR, pp. 3-1 – 3-2.)

3. Waste Sites

Threshold: Would the Project 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 with mitigation. (Draft EIR, pp. 3.6-17 – 3.6-18.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Government Code, Section 65962.5, combines several regulatory lists of sites that may pose a hazard related to hazardous materials or substances. According to Government Code, Section 65962.5(a), there are no hazardous materials or waste sites located within the Plan area (DTSC 2007). According to the Phase I Environmental Site Assessment (ESA) prepared for the Plan area by the Orin Group in 2010, the Plan area is listed on the HAZNET and RCRA-SQG database for disposing of asbestos-containing waste. However, no violations were reported. The Phase I ESA determined that the disposing of asbestos-containing waste is not likely to impact future use of the Plan area. Two 50-gallon diesel above-ground storage tanks were noted for the emergency generators at the Plan area as well as waste oil and new oil containers at Mountain View Tires. However, no signs of leaks were noted and storage of these materials appeared satisfactory, and the Mountain View Tire facility has since been demolished to accommodate the under-construction mall expansion. The Phase I ESA ultimately concluded that no recognized environmental conditions were identified. Additionally, on-site conditions relating to hazards and hazardous materials have remained relatively unchanged since the Phase I ESA was prepared, and no new violations have been reported within the Plan area since that time (DTSC 2020; SWRCB 2020).

The existing retail buildings were constructed in 1968 with refurbishments in the mid-1980s. Due to the age of the on-site structures, lead-based paint and asbestos-containing materials may be present. To further prevent impacts from the potential release of ACM or LBP associated with individual development projects under the MPDSP, an ACM and LBP survey of existing buildings and structures would be required prior to demolition activities, as outlined in mitigation measure **MM-HAZ-1**. Per mitigation measure **MMHAZ-1**, if ACM or LBP are encountered during the survey, the abatement, containment, and disposal of such materials shall be conducted in accordance with the applicable regulatory measures. Mitigation measure **MM-HAZ-1**, set forth above, would ensure that future persons performing demolition activities on-site are not be adversely affected by the release of any on-site potentially hazardous materials. Based on the above discussion, implementation of both phases of the Proposed Project would result in a less than significant impact with mitigation incorporated.

The City Council finds that Mitigation Measure **MM-HAZ-1** is feasible, is adopted, and will further reduce impacts related to waste sites. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding waste sites, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to waste sites. (Draft EIR, pp. 3.6-17 – 3.6-18.)

G. HYDROLOGY AND WATER QUALITY

1. Water Quality Standards

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

Finding: Less than significant with mitigation. (Draft EIR, pp. 3.7-16 – 3.7-18.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Short Term Impacts of Construction and Demolition. The Proposed Project would include demolition and construction activities that together would result in land disturbances of approximately 104.35 acres. Such activities have the potential to adversely affect the quality of stormwater runoff through increases in turbidity, sedimentation, and construction-related pollutants, including building materials (e.g., paint, stucco), chemicals, liquid products, and petroleum products used in building construction or the maintenance of heavy equipment.

Because land disturbance for Proposed Project construction activities would exceed one acre, a General Construction Activity Stormwater Permit (Construction General Permit, Order 2009-0009- DWQ) issued by the SWRCB would be required prior to the start of construction within the Plan area. Specifically, the Construction General Permit requires that the following be kept on-site at all times: (i) a copy of the Notice of Intent to Comply with Terms of the General Permit to Discharge Water Associated with Construction Activity; (ii) a waste discharge identification number issued by the SWRCB; (iii) a SWPPP and Monitoring Program Plan for the construction activity requiring the construction permit; and (iv) records of all inspections, compliance and non-compliance reports, evidence of self-inspection, and good housekeeping practices.

The SWPPP requires the construction contractor to implement water quality BMPs to ensure that water quality standards are met, and that stormwater runoff from the construction work areas do not cause degradation of water quality in receiving water bodies (in this case the regional storm drain system, San Antonio Creek, Chino Creek, the Prado Flood Basin, the Santa Ana River, and its discharge into the Pacific Ocean). The SWPPP must describe the type, location, and function of stormwater BMPs to be implemented, and must demonstrate that the combination of BMPs selected are adequate to meet the discharge prohibitions, effluent standards, and receiving water limitations contained in Construction General Permit. Mitigation measure **MM-HYD-1** includes examples of construction water quality BMPs that are standard for most construction sites subject to the Construction General Permit and would be implemented as part of the Proposed Project. These BMPs would include, but are not limited to, the installation of runoff control devices, stockpiling of contaminated and exposed soils, and materials pollution management. These measures would be refined and/or added to as necessary by a qualified SWPPP professional during the construction phase of the Proposed Project to meet the performance standards in the Construction General Permit. Construction stormwater quality-related mitigation measure **MM-HYD-1** would reduce impacts associated with erosion-induced siltation of downstream drainages and incidental spills of petroleum products, by providing preventative and management BMPs, such that impacts during construction are less than significant with mitigation incorporated.

Long Term Impacts of Project Operation and Maintenance. Land uses on-site that could contribute pollutants to stormwater runoff in the long term include uncovered parking areas (through small fuel and/or fluid leaks), uncovered refuse storage/management areas, landscape/open space areas (if pesticides/herbicides and fertilizers are improperly applied), and general litter/debris (e.g., generated during facility loading/unloading activities). In addition, there is the potential for small quantities of lead, asbestos, and petroleum-based fuel wastes to be generated, stored, and/or handled on site. To the extent these wastes are stored in areas exposed to stormwater runoff, there could be water quality impacts as a result. However, the implementation of mitigation measure **MM-HAZ-1** would ensure that proper characterization and disposal of such waste occurs, and that such wastes are not exposed to stormwater runoff.

During storm events, the first few hours of moderate to heavy rainfall could wash a majority of pollutants from the paved areas where, without proper stormwater controls and BMPs, those pollutants could enter the municipal storm drain system before eventually being discharged to San Antonio Creek and Chino Creek. The majority of pollutants entering the storm drain system in this manner would be dust, litter, and possibly residual petroleum products (e.g., motor oil, gasoline, diesel fuel). Certain metals, along with nutrients and pesticides from landscape areas, can also be present in stormwater runoff. Between periods of rainfall, surface pollutants tend to accumulate, and runoff from the first significant storm of the year ("first flush") would likely have the largest concentration of pollutants. Given the large size (232 square miles) and highly urbanized character of the Chino Creek watershed, the Plan area contribution to pollutant loads to receiving waters would be negligible (even if uncontrolled). However, because water quality is a cumulatively significant issue in the region, even small contributions could be cumulatively significant.

As a permittee subject to the MS4 permit, the City of Montclair is responsible for ensuring that all new development and redevelopment projects comply with the performance criteria contained in the MS4 Permit and does so primarily through enforcement of Montclair Municipal Code Chapter 9.24 (Storm Drain System). The Proposed Project is a redevelopment project, which is defined as the addition or replacement of 5,000 or more square feet of impervious surface on an already

developed site, and thus, will be required to control pollutants, pollutant loads, and runoff volume emanating from the Plan area by: (1) minimizing the impervious surface area and implementing source control measures, (2) controlling runoff from impervious surfaces using structural BMPs (e.g., infiltration, bioretention and/or rainfall harvest and re-use), and (3) ensuring all structural BMPs are monitored and maintained for the life of the Proposed Project. More specifically, implementation of a WQMP, LID strategies, and water quality-related mitigation measure **MM-HYD-2** would reduce potential water quality impacts by filtering out pollutants during Proposed Project operations, prior to discharge from the Plan area. As a result, impacts would be less than significant with mitigation incorporated.

MM-HYD-1

Prior to issuance of a grading permit by the City of Montclair Public Works Department for individual projects within the Specific Plan area, a Storm Water Pollution Prevention Plan (SWPPP) shall be developed. The SWPPP shall be implemented during Project grading, excavations, and construction. The following list includes, but is not limited to, examples of construction water quality Best Management Practices (BMPs) that are standard for most construction sites subject to the Construction General Permit:

- a) Silt fences and/or fiber rolls installed along limits of work and/or the Project construction site;***
- b) Stockpile containment and exposed soil stabilization structures (e.g., visqueen plastic sheeting, fiber rolls, gravel bags and/or hydroseed);***
- c) Runoff control devices (e.g., fiber rolls, gravel bag barriers/chevrons, etc.) used during construction phases conducted during the rainy season;***
- d) Wind erosion (dust) controls;***
- e) Tracking controls at the site entrance, including regular street sweeping and tire washes for equipment;***
- f) Prevention of fluid leaks (inspections and drip pans) from construction vehicles;***
- g) Materials pollution management;***
- h) Proper waste/trash management; and***
- i) Regular inspections and maintenance of BMPs.***

These BMPs shall be refined and/or added to as necessary by a Construction General Permit SWPPP Practitioner (QSP) and/or Qualified SWPPP Developer (QSD), as certified by the California Stormwater Quality Association, to meet the performance standards in the Construction General Permit.

MM-HYD-2

Prior to issuance of a building permit by the City of Montclair Public Works Department for individual projects within the Plan area, the Applicant shall include operational non-structural BMPs to address water quality impacts as part of the proposed Business Plan. These BMPs shall be annually inspected by the City NPDES Coordinator for compliance with the regional NPDES permit and Montclair Storm Water Ordinance. These operational BMPs shall include, but not be limited to:

- a) Regular sweeping of all open and planter areas, at a minimum, on a weekly basis in order to prevent dispersal of pollutants that may collect on those surfaces;***
- b) Regular pruning of the trees and shrubs in the planter areas to avoid formation of dried leaves and trigs, which can clog surface inlets and drains;***
- c) Use of trash and recycling containers that, if located outside, are fully enclosed and watertight in order to prevent contact of stormwater with wastewater, which can be a potential source of bacteria and other pollutants in runoff;***
- d) Provide educational training materials for the property owners, such that the owners are aware of the structural BMPs installed in the Plan area, and their maintenance requirements;***

e) Provide materials to brief property owners about chemical management and proper methods of handling and disposing of wastes; and

f) Minimization of pesticide and fertilizer use, to the maximum extent practicable, with on-site landscaping.

The City Council finds that Mitigation Measures **MM-HYD-1** and **MM-HYD-2** are feasible, are adopted, and will further reduce impacts related to water quality. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding water quality, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to water quality. (Draft EIR, pp. 3.7-16 – 3.7-18.)

2. Erosion or Siltation

Threshold: Would the Project 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; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Finding: Less than significant with mitigation. (Draft EIR, pp. 3.7-21 – 3.7-22.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: The Proposed Project would redevelop a currently developed site that includes asphalt-parking areas, pavements, and buildings. Construction activities associated with Project development would temporarily alter existing drainage patterns, which could result in an increase of on- and off-site erosion or siltation rates, runoff rates, and downstream pollutants. However, mitigation measure **MM-HYD-1** would reduce impacts associated with erosion-induced siltation of downstream drainages and incidental spills of petroleum products, by providing preventative and management BMPs, such that construction impacts are reduced to a less than significant level. Once developed, no increases in impermeability, impermeable surface area, nor slope are planned for the Proposed Project, and no increases in stormwater runoff are expected. Additionally, stormwater management practices mandated by the City's LID Ordinance are intended to encourage stormwater capture, infiltration, and re-use, resulting in beneficial impacts associated with a decrease in the rate and amount of surface runoff from the Plan area.

A WQMP would be required because the Proposed Project is a redevelopment project that would create and/or replace more than 5,000 square feet of impervious surface. WQMP requirements impose rainwater LID strategies with goals to mitigate the impacts of increased runoff and stormwater pollution as close to its source as possible. LID promotes the use of natural infiltration systems, evapotranspiration, and the re-use of stormwater. The goal of these LID practices is to remove nutrients, bacteria, and metals from stormwater while also reducing the quantity and intensity of stormwater flows. Through the use of various infiltration strategies, LID is aimed at minimizing impervious surface area. Where infiltration is not feasible, the use of bioretention, rain gardens, green roofs, and rain barrels that will store, evaporate detain, and/or treat runoff may be used. In order to prevent urban pollutant introduction into the municipal storm drain system, the Proposed Project would also be designed in compliance with Section 402(p) of the Clean Water Act and the Porter-Cologne Water Quality Act. This mandates that MS4 discharges to surface waters be regulated by an NPDES permit, as well as Santa Ana RWQCB requirements regulating the issuance of waste discharges to City drainages and requirements regulating stormwater discharges and non-stormwater discharges. In addition, as previously discussed, upon exiting the Plan area, all stormwater would be captured by Montclair Basin #3. Stormwater infiltration into this sandy recharge basin would remove residual concentrations of pollutants. Therefore, stormwater infiltration in the recharge basin, implementation of a WQMP, LID strategies, and water quality-related mitigation measure **MM-HYD-2** would reduce potential water quality impacts by filtering out pollutants during Proposed Project operations, such that impacts would be less than significant with mitigation incorporated.

The City Council finds that Mitigation Measures **MM-HYD-1** and **MM-HYD-2** are feasible, are adopted, and will further reduce impacts related to erosion and siltation. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1),

changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding erosion and siltation, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to erosion and siltation. (Draft EIR, pp. 3.7-21 – 3.7-22.)

H. PUBLIC SERVICES

1. Fire Protection

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for 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 performance objectives for fire protection?

Finding: Less than significant with mitigation. (Draft EIR, pp. 3.11-9 – 3.11-10.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Fire protection services and emergency medical services are provided by the Montclair Fire Department. The Fire Department's Station #151 is closest to the planning area and would be the first responder to any individual site within the Proposed Project's Plan area. In the event that Station #151 could not meet the immediate needs of a call for services independently or did not have capability to address the full extent of a larger incident, Station #152 would respond or provide support, as would those jurisdictions bound by the regional Mutual Aid Agreements.

Future development under the Proposed Project would be subject to the existing Fire Department requirements for fire sprinkler systems, fire alarm systems, fire flow, and equipment and firefighter access, as well as International Fire Code requirements. Additionally, all development proposed under the MPDSP would result in the payment of both developer's fees and property taxes, both of which would result in additional revenue available to the City and, indirectly, would result in increased revenue available to the Fire Department. Developer's fees cannot be used for personnel; however, assuming that the City routed increased property tax revenues to the Fire Department as development and population increases in the planning area, impacts to the Fire Department as a result of the Proposed Project would be partially alleviated. Additionally, the Proposed Project would be implemented in a phased manner over an approximately 20-year period, and any development proposed under the MPDSP would be subject to independent environmental review, per Public Resources Code (PRC) Section 21157.1 and State CEQA Guidelines 15152. Furthermore, the City and Montclair Fire Department would be required to review the MPDSP Fire Master Plan during design review.

Nonetheless, implementation of the Proposed Project would result in the development of 6,321 additional residential units supporting a residential population of approximately 18,331 persons in addition to commercial uses, which would result in changes to both the makeup and population in this portion of the fire service area. Using the Southern California Association of Government's (SCAG) population generation factor of 2.9 persons per household (SCAG 2019a), the Proposed Project could support a residential population of approximately 18,331 persons. Given this population increase, the Fire Department estimates that buildout of the Proposed Project would result in the need for expanded facilities, new equipment and/or additional personnel in order to maintain existing fire department service ratios, response times, and other performance objectives (Zacile Rosette, pers. comm. 2019b). Therefore, impacts to fire protection services as a result of implementing the Proposed Project is potentially significant. However, with the implementation of mitigation measure **MM-PUB-1**, impacts would be less than significant with mitigation incorporated.

MM-PUB-1: *Future development within the MPDSP area shall adhere to State and local law, including the California Code of Regulations, Title 24 (fire Code) and PRC 21157.1. As such, applicants of all future development within the MPDSP area shall be required to pay fees consistent with the requirements of Resolution 11-2872 of the City Council of the City of Montclair Adopting Local Goals and Policies for Community Facilities Districts.*

The City Council finds that Mitigation Measure **MM-PUB-1** is feasible, is adopted, and will further reduce impacts related to fire protection services. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to fire protection services, as identified in the EIR. Therefore, impacts are considered less than significant.

Mitigation measures will further reduce impacts related to fire protection services.
(Draft EIR, pp. 3.11-9 – 3.11-10.)

I. TRIBAL CULTURAL RESOURCES

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: (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, pp. 3.14-15 – 3.14-16.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: There are no resources on the Proposed Project site that have been determined by the City to be significant pursuant to the criteria set forth in PRC Section 5024.1. Further, no TCRs were identified in the Proposed Project site by California Native American tribes as part of the City's AB 52 and SB 18 notification and consultation process.

One response to AB 52 outreach letters to tribal contacts was received by the City requesting consulting party status. On October 1, 2018, Chairman Andrew Salas of the Gabrieleno Band of Mission Indians – Kizh Nation, responded via email. In the response letter, Chairman Salas requests consulting party status. Additionally, Chairman Salas provided a map of tribal territories and county boundaries, including mitigation measures for tribal cultural resources within the Kizh Nation Tribal Territory, though the letter did not identify any TCRs or other known cultural resources that could be directly impacted by the Proposed Project.

As no information regarding TCRs has been received by the City, the City has determined that no TCRs are present in the Proposed Project site. However, there is still a low potential for unknown subsurface TCRs to be impacted by the Proposed Project, which could result in a significant impact. Therefore, protocols for the inadvertent discovery of TCRs is included as mitigation measure **MM-TCR-1**, and treatment of TCRs during unanticipated find is included as **MM-TCR-2**, which would reduce the potential impact to a less-than-significant level. As such, impacts would be less than significant with mitigation incorporated.

MM-TCR-1: ***Prior to the issuance of any grading permit for the Proposed Project, the City of Montclair (City) shall ensure that the Project applicant retain the services of a Tribal monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation for Native American monitoring during ground-disturbing activities. This provision shall be included on Proposed Project plans and specifications. Ground disturbing activities are defined by the Gabrieleno 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, boring, grading, excavation, drilling, and trenching, within the Plan 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 be approved by the Gabrieleno Band of Mission Indians-Kizh Nation and shall be present on site during the construction phases that involve any ground-disturbing activities. 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, for any tribal cultural resources and/or archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act (CEQA), California Public Resources Code (PRC) Division 13, Section 21083.2 (a) through (k).***

If evidence of any 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. The recovery process shall not unreasonably delay the construction process.

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, including construction activities, locations, soil, and any cultural materials identified. The on-site

monitoring shall end when the project site grading and excavation activities are completed or when the monitor has indicated that the site has a low potential for tribal cultural resources and/or archaeological resources.

MM-TCR-2:

All tribal cultural resources and/or archaeological resources unearthed by Proposed Project construction activities shall be evaluated by the qualified archaeologist and Native American monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation. Upon discovery of any archaeological resources, construction activities shall cease in the immediate vicinity of the find until the find can be assessed. Construction work shall be permitted to continue on other parts of the Project site while evaluation and, if necessary, preservation measures take place (State 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. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

The City Council finds that Mitigation Measures **MM-TCR-1** and **MM-TCR-2** are feasible, are adopted, and will further reduce impacts related to tribal cultural resources. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to tribal cultural resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to tribal cultural resources. (Draft EIR, pp. 3.14-15 – 3.14-16.)

J. UTILITIES AND SERVICE SYSTEMS

1. Relocation and Construction of New Facilities

Threshold: Would the Project require or result in the relocation or construction of new or electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Finding: Less than significant with mitigation. (Draft EIR, pp. 3.15-19 – 3.15-21.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).)

Explanation: Electric Power. Upgrades would be required with respect to electric power, based on the change in land use. Electric power would be part of a dry utility package that would be installed on-site and in the adjacent public roadways to provide service to the Project. Each phase would incrementally add new electrical infrastructure within the Plan area. Based on a conceptual utility study, it appears sufficient electrical source is available to complete Phases A through D of the Proposed Project. However, depending on the final layout of these early phases, there will be a need for multiple relocation orders with SCE to reconfigure the existing underground electrical facilities to match with the proposed development layout. The relocation work orders may also require some updating to the existing electrical systems to bring the system up to the current standards and to account for the potential increase in load demand.

As discussed for water lines, all construction work of electric power tie-ins within the City public right-of-way, including construction-related traffic control, would be subject to City municipal code requirements. Installation of new electric lines and associated laterals would consist of either trenching to the depth of pipe placement or using a variety of different trenchless technology, both which could result in potential short-term erosion induced siltation of nearby waterways. Standard BMPs, installed as part of an NPDES-mandated SWPPP, would reduce potential

water quality impacts to less-than-significant levels.

However, based on the conceptual utility study, it is unclear whether SCE would have sufficient power to supply the later stages of development (Phases E through G). In a worst-case scenario, SCE may require that the Applicant balance the overall electrical load of the development on different Edison circuits. This task may mandate additional off-site infrastructure improvements by the Applicant, including new or extended off-site backbone system upgrades on the three surrounding streets in order to bring additional electrical circuits to the Plan area. Completion of these improvements could result in unknown environmental impacts. As such, mitigation measure **MM-UTIL-1** would be required. Impacts would be less than significant with mitigation.

Natural Gas. Upgrades would be required with respect to natural gas, based on the change in land use. Natural gas would be part of a dry utility package that would be installed on-site and in the adjacent public roadways to provide service to the Project. Based on a conceptual utility study, it appears sufficient natural gas is available to complete Phases A through G of the Proposed Project. Gas mainlines are located in City streets on all three sides of the Plan area. The existing on-site natural gas main/service branches would be reconfigured to account for the proposed development layout, but this is typical of any proposed development. The Applicant would tie the upgraded gas system into all three surrounding streets.

As discussed for water lines, all construction work of natural gas tie-ins within the City public right-of-way, including construction-related traffic control, would be subject to City municipal code requirements. Installation of new natural gas lines and associated laterals would consist of either trenching to the depth of pipe placement or using a variety of different trenchless technology, both which could result in potential short-term erosion induced siltation of nearby waterways. Standard BMPs, installed as part of an NPDES-mandated SWPPP, would reduce potential water quality impacts to less-than-significant levels. As such, impacts associated with construction of natural gas infrastructure would be less than significant.

Telecommunication. Upgrades would be required with respect to telecommunication infrastructure, based on the change in land use. Telecommunication would be part of a dry utility package that would be installed on-site and in the adjacent public roadways to provide service to the Project. Based on a conceptual utility study, it appears that Frontier Communication (telephone services) and Spectrum (CATV) have enough existing source on-site to serve Phases A through D of the Proposed Project; only minor upgrades would be required. The existing system would require relocation in some areas, based on the ultimate layout of the phased development.

As discussed for water lines, all construction work of telecommunication tie-ins within the City public right-of-way, including construction-related traffic control, would be subject to City municipal code requirements. Installation of new telecommunication lines and associated laterals would consist of either trenching to the depth of pipe placement or using a variety of different trenchless technology, both of which could result in potential short-term erosion induced siltation of nearby waterways. Standard BMPs, installed as part of an NPDES-mandated SWPPP, would reduce potential water quality impacts to less-than-significant levels.

However, existing Frontier and Spectrum infrastructure may not be sufficient to support Phases E through G of the Proposed Project. At a minimum, infrastructure relocation would be required and new or extended off-site backbone system work may be required on the three surrounding streets in order to bring additional telephone and CATV facilities to the Plan area. Completion of these improvements could result in unknown environmental impacts. As such, mitigation measure **MM-UTIL-2** would be required. Impacts would be less than significant with mitigation.

MM-UTIL-1

Prior to issuance of a grading permit by the City of Montclair Public Works Department for individual projects within Phases E through G of the Specific Plan area, the Applicant shall demonstrate that Southern California Edison has sufficient infrastructure capacity to accommodate the electric power requirements for completion of each Specific Plan phase. In the event such infrastructure is not available, the environmental impacts associated with installation of such infrastructure shall be evaluated in project-specific California Environmental Quality Act documents.

MM-UTIL-2

Prior to issuance of a grading permit by the City of Montclair Public Works Department for individual projects within Phases E through G of the Specific Plan area, the Applicant shall demonstrate that the Specific Plan area telecommunication provider has sufficient infrastructure capacity to accommodate the telecommunication requirements for completion of each Specific Plan phase. In the event such infrastructure is not available, the environmental impacts associated with installation of such infrastructure shall be evaluated in project-specific California Environmental Quality Act

documents.

The City Council finds that Mitigation Measures **MM-UTIL-1** and **MM-UTIL-2** are feasible, are adopted, and will further reduce impacts related to dry utility facilities. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to dry utility facilities, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts related to dry utility facilities. (Draft EIR, pp. 3.15-19 – 3.15-21.)

SECTION IV: IMPACTS THAT CANNOT BE FULLY MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The City Council hereby finds that, despite the incorporation of Mitigation Measures identified in the EIR and in these Findings, the following environmental impacts cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

A. AIR QUALITY

1. Air Quality Plans and Air Quality Standards

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

Finding: Significant and unavoidable. (Draft EIR, pp. 3.2-34 – 3.2-36.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: The Plan area is located within the SCAB under the jurisdiction of the SCAQMD, which is the local agency responsible for administration and enforcement of air quality regulations for the area. The SCAQMD has established criteria for determining consistency with the AQMP, currently the 2016 AQMP, in Chapter 12, Sections 12.2 and 12.3, in the SCAQMD CEQA Air Quality Handbook (SCAQMD 1993). The criteria are as follows (SCAQMD 1993):

- **Consistency Criterion No. 1:** The Proposed Project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards of the interim emissions reductions specified in the AQMP.
- **Consistency Criterion No. 2:** The Proposed Project will not exceed the assumptions in the AQMP or increments based on the year of project buildout and phase.

Consistency Criterion No. 1. The Proposed Project would result in a potentially significant impact associated with the violation of an air quality standard. Because the Proposed Project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, the Proposed Project would potentially conflict with Consistency Criterion No. 1 of the SCAQMD CEQA Air Quality Handbook.

Consistency Criterion No. 2. While striving to achieve the NAAQS for O₃ and PM_{2.5} and the CAAQS for O₃, PM₁₀, and PM_{2.5} through a variety of air quality control measures, the 2016 AQMP also accommodates planned growth in the SCAB. Projects are considered consistent with, and would not conflict with or obstruct implementation of, the AQMP if the growth in socioeconomic factors (e.g., population, employment) is consistent with the underlying regional plans used to develop the AQMP (per Consistency Criterion No. 2 of the SCAQMD CEQA Air Quality Handbook).

The SCAQMD primarily uses demographic growth forecasts for various socioeconomic categories (e.g., population, housing, employment by industry) developed by the SCAG for its RTP/SCS (SCAG 2016), which is based on general plans for cities and counties in the SCAB, for the development of the AQMP emissions inventory (SCAQMD 2017). Although the Connect SoCal (2020-2045 RTP/SCS) is the most recent RTP/SCS, the SCAQMD is still in the early stages of updating their AQMP. Therefore, the SCAG 2016 RTP/SCS and associated Regional Growth Forecast would be applicable in this analysis. Because the 2016 RTP/SCS and Regional Growth Forecast are generally consistent with the local plans; therefore, the 2016 AQMP is generally consistent with local government plans.

The 1998 North Montclair Specific Plan (NMSP) identified the Plan area is zoned C-3 (General Commercial). The C-3 General Commercial Zone is the designation intended for general business uses in the City of Montclair. The uses that would be located within the Plan area (such as retail stores, restaurants/cafes, and

theaters) are all permitted or conditionally permitted uses within the C-3 zone. These uses would be consistent with those allowed in the C-3 zone and would also be consistent with the Regional Commercial General Plan designation. In order to construct the Proposed Project, approval of a Specific Plan Amendment and a General Plan Amendment from the City are required, would be required to remove the Plan area from the underlying NMSP boundary and allow for the development of residential land uses.

The MPDSP would provide a residential population of 18,331 people and 1,404 jobs. The Proposed Project would exceed the SCAG population, housing, and employment growth projections for the City; however, the Proposed Project would represent a nominal percentage of the overall projected population, housing, and employment projections for the County and SCAG region. Therefore, the Proposed Project would not stimulate substantial growth outside of the Plan area. Furthermore, development resulting from the Proposed Project would improve overall design, create pedestrian facilities, and incorporate transportation elements to improve the overall accessibility, walkability, and visual appeal.

While the MPDSP is a planning document and does not include any physical improvements or projects at this time, future development facilitated by project approval would create a number of temporary, construction related jobs, as well as, permanent jobs associated with the new developments. The City of Montclair is expected to have a jobs-to-housing ratio of 1.87 by 2045, which is higher than San Bernardino County and the SCAG region by 0.04 and 0.55, respectively. This means that the City is considered to be "jobs rich," indicating it would not be required to commute outside the City for employment in 2040. While it is uncertain where future place of residence would be for employees working within the Plan area it is reasonable to assume that a large percentage of these jobs would be filled by persons already living within the City. The total potential increase in population generated by development of the MPDSP (18,331 persons) represents approximately 175% (or 1.7 times) the projected population increase in the City, approximately 2.72% of the projected population increase in the County, and approximately 0.6 % of the projected population increase in the SCAG region. Although the Proposed Project exceeds the population growth projections of the City, the Proposed Project is within the population growth projections in the County and the SCAG region.

Based on these considerations, vehicle trip generation and planned development for the site are concluded to have been anticipated in the SCAG growth projections and implementation of the Proposed Project would not result in a conflict with, or obstruct implementation of, the applicable air quality plan (i.e., SCAQMD 2016 AQMP). Accordingly, the project would meet Consistency Criterion No. 2 of the SCAQMD CEQA Air Quality Handbook.

Thus, the project would potentially result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, and would potentially conflict with Consistency Criterion No. 1. Implementation of the Proposed Project would be not exceed the demographic growth forecasts in the SCAG 2016 RTP/SCS; therefore, the Proposed Project would be consistent with the SCAQMD 2016 AQMP, which based future emission estimates on the SCAG 2016 RTP/SCS. Thus, the Proposed Project would not conflict with Consistency Criterion No. 2. However, because the Proposed Project would potentially conflict with Consistency Criterion No. 1, mitigation measures **MM-AQ-1** through **MM-AQ-3** are required to reduce criteria air pollutant emissions generated during construction of the Proposed Project. Additionally, mitigation measures **MM-AQ-4** through **MM-AQ-7** are required to reduce criteria air pollutant emissions generated from operation of the Proposed Project. However, even with the implementation of these mitigation measures, impacts related to the Proposed Project's potential to conflict with or obstruct implementation of the applicable air quality plan would remain significant and unavoidable.

MM-AQ-1

Construction Equipment Emissions Reductions. During Proposed Project construction, the applicant shall incorporate the following measures to reduce construction criteria air pollutant emissions, including VOC, NOx, PM10, and PM2.5, generated by construction equipment used for future development projects implemented under the proposed MPDSP:

a) For off-road equipment with engines rated at 75 horsepower or greater, no construction equipment shall be used that is less than Tier 4 Interim. An exemption from these requirements may be granted by the City in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment.¹ Before an exemption

¹ For example, if a Tier 4 Interim piece of equipment is not reasonably available at the time of construction and a lower tier equipment is used instead (e.g., Tier 3), another piece of equipment could be upgraded from a Tier 4 Interim to a higher tier (i.e., Tier 4 Final) or replaced with an alternative-fueled (not diesel-fueled) piece of equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Interim standards.

may be considered by the City, the applicant shall be required to demonstrate that two construction fleet owners/operators in the Los Angeles Region were contacted and that those owners/operators confirmed Tier 4 Interim or better equipment could not be located within the Los Angeles region.

b) Minimize simultaneous operation of multiple construction equipment units. During construction, vehicles in loading and unloading queues shall not idle for more than 5 minutes, and shall turn their engines off when not in use to reduce vehicle emissions.

c) Properly tune and maintain all construction equipment in accordance with manufacturer's specifications;

d) Where feasible, employ the use of electrical or natural gas-powered construction equipment, including forklifts and other comparable equipment types.

e) To reduce the need for electric generators and other fuel-powered equipment, provide on-site electrical hookups for the use of hand tools such as saws, drills, and compressors used for building construction.

f) Develop a Construction Traffic Control Plan to ensure construction traffic and equipment use is minimized to the extent practicable. The Construction Traffic Control Plan shall include measures to reduce the number of large pieces of equipment operating simultaneously during peak construction periods, scheduling of vendor and haul truck trips to occur during non-peak hours, establish dedicated construction parking areas to encourage carpooling and efficiently accommodate construction vehicles, identify alternative routes to reduce traffic congestion during peak activities, and increase construction employee carpooling.

MM-AQ-2

Fugitive Dust Control. During Proposed Project construction, the applicant shall incorporate the following measures to reduce construction fugitive dust emissions (PM10 and PM2.5), generated by grading and construction activities of future development projects implemented under the proposed MPDSP, consistent with SCAQMD Rule 403, with a goal of retaining dust on the site:

a) Water, or utilize another SCAQMD-approved dust control non-toxic agent, on the grading areas at least three times daily to minimize fugitive dust.

b) All permanent roadway improvements shall be constructed and paved as early as possible in the construction process to reduce construction vehicle travel on unpaved roads. To reduce fugitive dust from earth-moving operations, building pads shall be finalized as soon as possible following site preparation and grading activities.

c) Stabilize grading areas as quickly as possible to minimize fugitive dust.

d) Apply chemical stabilizer, install a gravel pad, or pave the last 100 feet of internal travel path within the construction site prior to public road entry, and to on-site stockpiles of excavated material.

e) Remove any visible track-out into traveled public streets with the use of sweepers, water trucks, or similar method as soon as possible.

f) Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads. Unpaved construction site egress points shall be graveled to prevent track-out.

g) Wet wash the construction access point at the end of the workday if any vehicle travel on unpaved surfaces has occurred.

h) Cover haul trucks or maintain at least 2 feet of freeboard to reduce blow-off during hauling.

i) Evaluate the need for reduction in dust generating activity, potential to stop work, and/or implementation of additional dust control measures if winds exceed 25 miles per hour.

j) Enforce a 15-mile-per-hour speed limit on unpaved surfaces.

k) Provide haul truck staging areas for the loading and unloading of soil and materials. Staging areas shall be located away from sensitive receptors, at the furthest feasible distance.

l) Construction Traffic Control Plans shall route delivery and haul trucks required during construction away from sensitive receptor locations and congested intersections, to the extent feasible. Construction Traffic Control plans shall be finalized and approved prior to issuance of grading permits.

m) Review and comply with any additional requirements of SCAQMD Rule 403.

MM-AQ-3

Architectural Coating VOC Emissions. To address the impact relative to VOC emissions, Super-Compliant VOC-content architectural coatings (0 grams per liter to less than 10 grams per liter VOC) during Proposed Project construction, the applicant shall ensure the construction/application of paints and other architectural coatings to reduce ozone precursors. If paints and coatings with VOC content of 0 grams/liter to less than 10 grams/liter cannot be utilized, the developer shall avoid application of architectural coatings during the peak smog season: July, August, and September. The developer shall procure architectural coatings from a supplier in compliance with the requirements of SCAQMD's Rule 1113 (Architectural Coatings).

MM-AQ-4

Vehicle Miles Traveled Reduction Strategies. The City shall ensure the implementation of Transportation Demand Management (TDM) measures to facilitate increased opportunities for transit, bicycling, and pedestrian travel, as well as provide the resources, means, and incentives for ride-sharing and carpooling to reduce vehicle miles traveled and associated criteria air pollutant emissions. The following components are to be included in the TDM Program:

Bicycle and Pedestrian Travel

a) Develop a comprehensive pedestrian network designed to provide safe bicycle and pedestrian access between the various internal Proposed Project land uses, which will include design elements to enhance walkability and connectivity and shall minimize barriers to pedestrian access and interconnectivity. Physical barriers, such as walls or landscaping, that impede pedestrian circulation shall be eliminated.

b) The Proposed Project design shall include a network that connects the Proposed Project uses to the existing off-site facilities (e.g., existing off-site bike paths).

c) Proposed Project design shall include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways shall be designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others.

d) Provide bicycle parking facilities along main travel corridors: one bike rack space per 20 vehicle/employee parking spaces or to meet demand, whichever results in the greater number of bicycle racks.

e) Provide shower and locker facilities to encourage employees to bike and/or walk to work: one shower and three lockers per every 25 employees.

Ride-Sharing and Commute Reduction

f) Promote ridesharing programs through a multi-faceted approach, such as designating a certain percentage of parking spaces for ridesharing vehicles; designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles; or providing a website or message board for coordinating rides.

g) Implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip reduction strategies. Implementing commute trip-reduction strategies without a complementary marketing strategy would result in lower VMT reductions. Marketing strategies may include: new employee orientation of trip reduction

and alternative mode options; event promotions; or publications.

h) One percent (1%) of vehicle/employee parking spaces shall be reserved for preferential spaces for car pools and van pools.

i) Coordinate with the Southern California Association of Governments (SCAG) for carpool, vanpool, and rideshare programs that are specific to the Proposed Project.

j) Implement a demand-responsive shuttle service that provides access throughout the MPDSP area, to the park-and-ride lots, and to the nearby transit centers.

Transit

k) Bus pull-ins shall be constructed where appropriate within the Plan area.

l) Coordinate with SCAG on the future siting of transit stops/stations within or near the MPDSP.

MM-AQ-5 *Encourage Electric Vehicles. The City shall ensure that each development project in the Plan area incorporate the following:*

a) Designate 10% of parking spaces to be for electric and alternative fuel vehicles.

b) Install Level 2 EV charging stations in 6% of all parking spaces.

MM-AQ-6 *Idling Restriction. For Proposed Project land uses that include truck idling, the City shall ensure that each implementing development project minimize idling time of all vehicles and equipment to the extent feasible; idling for periods of greater than five (5) minutes shall be prohibited. Signage shall be posted at truck parking spots, entrances, and truck bays advising that idling time shall not exceed five (5) minutes per idling location. To the extent feasible, the tenant shall restrict idling emission from trucks by using auxiliary power units and electrification. Each cold storage dock door shall provide electrification for transport refrigeration units (TRUs).*

MM-AQ-7 *Energy Conservation. The City shall ensure that each development project incorporate the following conservation measures into proposed building plans:*

a) Install a solar photovoltaic rooftop system to reduce the electric demand from the local grid.

b) Install Energy Star rated heating, cooling, lighting, and appliances.

c) Outdoor lighting shall be light emitting diodes (LED) or other high efficiency lightbulbs.

d) Provide information on energy efficiency, energy efficient lighting and lighting control systems, energy management, and existing energy incentive programs to future tenants.

e) Non-residential structures shall meet the U.S. Green Building Council standards for cool roofs. This is defined as achieving a 3-year solar reflective index (SRI) of 64 for a low-sloped roof and 32 for a high-sloped roof.

f) Outdoor pavement, such as walkways and patios, shall include paving materials with 3-year SRI of 0.28 or initial SRI of 0.33.

g) Construction of modest cool roof, defined as Cool Roof Rating Council (CRR) Rated 0.15 aged solar reflectance and 0.75 thermal emittance.

h) Use of Heating, Ventilation and Air Conditioning (HVAC) equipment with a Seasonal Energy Efficiency Ratio (SEER) of 12 or higher.

i) Installation of water heaters with an energy factor of 0.92 or higher.

j) Maximize the use of natural lighting and include daylighting (e.g., skylights, windows) in rooms with exterior walls that would normally be occupied.

k) Include high-efficacy artificial lighting in at least 50% of unit fixtures.

l) Install low-NOx water heaters and space heaters, solar water heaters, or tankless water heaters.

m) Use passive solar cooling/heating.

n) Strategically plant trees to provide shade.

o) Structures shall be equipped with outdoor electric outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment.

Implementation of mitigation measures **MM-AQ-1** through **MM-AQ-7** would reduce construction and operational emissions; however, due to the lack of project-specific information, the effectiveness in reducing construction and operational emissions cannot be accurately quantified. Therefore, the potential for the Proposed Project to conflict with the SCAQMD 2016 AQMP is significant and unavoidable. (Draft EIR, p. 3.2-57.)

2. Cumulatively Considerable Pollutant Emissions

Threshold: Would the Project result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Finding: Significant and unavoidable. (Draft EIR, pp. 3.2-37 – 3.2-42.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: Construction. Construction of the Proposed Project would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and VOC off-gassing) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and for dust, the prevailing weather conditions. Therefore, such emission levels can only be approximately estimated with a corresponding uncertainty in precise ambient air quality impacts.

Criteria air pollutant emissions associated with temporary construction activity were quantified using CalEEMod. Construction emissions were calculated for the estimated worst-case day over the construction period associated with each phase and reported as the maximum daily emissions estimated during each year of construction (2020 through 2039). Construction schedule assumptions, including phase type, duration, and sequencing, were based on CalEEMod default values and is intended to represent a reasonable scenario in the absence of Proposed Project-specific information.

Implementation of the Proposed Project would generate criteria air pollutant emissions from entrained dust, off-road equipment, vehicle emissions, architectural coatings, and asphalt pavement application. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM10 and PM2.5 emissions. The Proposed Project would be required to comply with SCAQMD Rule 403 to control dust emissions generated during the grading activities. Standard construction practices that were assumed to be employed to reduce fugitive dust emissions, and were quantified in CalEEMod, include watering of the active sites two times per day depending on weather conditions. Internal combustion engines used by construction equipment, vendor trucks (i.e., delivery trucks), and worker vehicles would result in emissions of VOCs, NOx, CO, PM10, and PM2.5. The application of architectural coatings, such as exterior application/interior paint and other finishes, and application of asphalt pavement would also produce VOC emissions; however, the contractor is required to procure architectural coatings from a supplier in compliance with the requirements of SCAQMD's Rule 1113 (Architectural Coatings).

Draft EIR Table 3.2-9 presents the estimated maximum daily construction emissions generated during construction of the Proposed Project. The values shown are the maximum summer or winter daily emissions results from CalEEMod. If multiple large construction projects within the Plan area occur simultaneously, it is possible that cumulative impacts associated with air quality violations could occur.

Because construction specifications are not currently available, under a conservative scenario where maximum emissions from each assessed construction phase would occur concurrently, estimated Proposed Project emissions would exceed the SCAQMD thresholds for VOC and NOx. Emissions of CO, SOx, PM10, and PM2.5 are not estimated to exceed SCAQMD thresholds. Impacts associated with Proposed Project-generated construction criteria air pollutant emissions would be significant and unavoidable.

Operation. Operation of the Proposed Project would generate VOC, NOx, CO, SOx, PM10, and PM2.5 emissions from mobile sources, including vehicle trips; area sources, including the use of consumer products, architectural coatings for repainting, and landscape maintenance equipment; and energy sources, including combustion of fuels used for space and water heating. Pollutant emissions associated with long-term operation of the Proposed Project and the Existing Scenario were quantified using CalEEMod. Mobile source emissions were estimated in CalEEMod based on project-specific trip rates. CalEEMod default values were used to estimate emissions from area and energy sources for both the Proposed Project and Existing Scenario.

Draft EIR Table 3.2-11 presents the net change maximum daily area, energy, and mobile source emissions associated with operation of the Proposed Project in 2040 and operation under the Existing Scenario in 2020, and the estimated net change in emissions (Proposed Project minus the Existing Scenario). The values shown are the maximum summer or winter daily emissions results from CalEEMod.

The net change in combined daily area, energy, and mobile source emissions from the Proposed Project and the Existing Scenario would exceed the SCAQMD operational thresholds for VOC, PM10, and PM2.5; NOx, CO, and SOx emissions are not anticipated to exceed SCAQMD thresholds. Emissions are limited to sources that are estimated in CalEEMod and sources where project-specifics are available or can be reasonably estimated using CalEEMod. Impacts associated with Proposed Project-generated operational criteria air pollutant emissions would be significant and unavoidable.

Thus, prior to mitigation, the Proposed Project would result in emissions that would exceed the SCAQMD thresholds for VOC and NOx, during construction, as well as VOC, PM10, and PM2.5 exceedances during operations. Notably, since the emission-based thresholds used were established to provide project-level estimates of criteria air pollutant quantities that the SCAB can accommodate without affecting the attainment dates for the ambient air quality standards, and since the EPA and CARB have established the ambient air quality standards at levels above which concentrations could be harmful to human health and welfare, with an adequate margin of safety, elevated levels of criteria air pollutants above adopted thresholds as a result of the Proposed Project's construction and operation could cause adverse health effects associated with these pollutants. Mitigation measures **MM-AQ-1** through **MM-AQ-3** are required to reduce criteria air pollutant emissions generated during construction of the Proposed Project. In addition, mitigation measures **MM-AQ-4** through **MM-AQ-7** are required to reduce criteria air pollutant emissions generated from operation of the Proposed Project. However, even with the implementation of these mitigation measures, impacts associated with criteria air pollutant emissions generated during construction and operation of the Proposed Project would be significant and unavoidable. (Draft EIR, p. 3.2-57.)

3. Sensitive Receptors

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

Finding: Significant and unavoidable. (Draft EIR, pp. 3.2-42 – 3.2-48.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: Localized Significance Thresholds Analysis. Sensitive receptors are those individuals more susceptible to the effects of air pollution than the population at large. People most likely to be affected by air pollution include children, the elderly, and people with cardiovascular and chronic respiratory diseases. According to the SCAQMD, sensitive receptors include residences, schools, playgrounds, childcare centers, long-term healthcare facilities, rehabilitation centers, convalescent centers, and retirement homes (SCAQMD 1993).

The closest off-site sensitive receptors to the Plan area are single-family and multi-family residences which surround the Plan area, located on the north side of Moreno Street and the west side of Monte Vista Avenue. Furthermore, the closest schools to the Plan area are Moreno Elementary School, which is located approximately 370 feet to the west and Serrano Middle School, which is located approximately 850 feet to the west. Construction activities generated by future projects under the Proposed Project would take place at various locations within the Plan area, both near and far from adjacent existing sensitive receptors. For example, future construction associated with redevelopment of the Vista Moreno Plaza site would take place within approximately 100 feet of residential uses (along Moreno Street) and approximately 370 feet of the Moreno Elementary School. Therefore, given that the closest existing sensitive receptors are located within approximately 100 feet of Proposed Project construction sites, these sensitive receptors would be exposed to localized air quality impacts resulting from future construction activities under the Proposed Project.

An LST analysis was prepared to determine potential impacts to nearby sensitive receptors during construction of the project. SCAQMD also recommends the evaluation of localized NO₂, CO, PM₁₀, and PM_{2.5} impacts as a result of construction activities to sensitive receptors in the immediate vicinity of the Plan area. The impacts were analyzed using methods consistent with those in SCAQMD's Final LST Methodology (2009). Hauling of soils and construction materials associated with the project construction are not expected to cause substantial air quality impacts to sensitive receptors along off-site roadways. Emissions from the trucks would be relatively brief in nature and would cease once the trucks pass through the main streets.

Construction activities associated with the Proposed Project would result in temporary sources of on-site fugitive dust and construction equipment emissions. Off-site emissions from vendor trucks, haul trucks, and worker vehicle trips are not included in the LST analysis. The most stringent SCAQMD localized significance criteria for SRA 32 (for 1-acre project sites corresponding to a distance to a sensitive receptor of 25 meters, which represents a conservative analysis) is presented in Draft EIR Table 3.2-12 and compared to the maximum daily on-site construction emissions generated during the Proposed Project.

Construction activities would generate PM₁₀ and PM_{2.5} emissions in excess of site-specific LSTs. As such, mitigation measures **MM-AQ-1** through **MM-AQ-3** are required to reduce criteria air pollutant emissions generated during construction of the Proposed Project. However, even with the implementation of these mitigation measures, site-specific construction impacts during construction of the Proposed Project would be significant and unavoidable.

Carbon Monoxide Hot Spots. Mobile source impacts occur on two scales of motion. Regionally, travel resulting from development allowed by the MPDSP would add to regional trip generation and increase the vehicle miles traveled within the local airshed and the SCAB. Locally, traffic generated as a result of development allowed by the MPDSP would be added to the area's roadway system near the MPDSP area. If such traffic occurs during periods of poor atmospheric ventilation, is composed of a large number of vehicles cold-started and operating at pollution-inefficient speeds, and is operating on roadways already crowded with non-Specific Plan area traffic, there is a potential for the formation of microscale CO hotspots in the area immediately around points of congested traffic. Because of continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the SCAB is steadily decreasing.

At the time that the SCAQMD 1993 Handbook was published, the SCAB was designated nonattainment under the CAAQS and NAAQS for CO. In 2007, the SCAQMD was designated in attainment for CO under both the CAAQS and NAAQS as a result of the steady decline in CO concentrations in the SCAB due to turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities. The SCAQMD conducted CO modeling for the 2003 AQMP (Appendix V: Modeling and Attainment Demonstrations, SCAQMD 2003) for the four worst-case intersections in the SCAB: (1) Wilshire Boulevard and Veteran Avenue, (2) Sunset Boulevard and Highland Avenue, (3) La Cienega Boulevard and Century Boulevard, and (4) Long Beach Boulevard and Imperial Highway. At the time the 2003 AQMP was prepared, the intersection of Wilshire Boulevard and Veteran Avenue was the most congested intersection in Los Angeles County, with an average daily traffic volume of about 100,000 vehicles per day. Notably, the Central Avenue and Interstate 10 (I-10) eastbound ramps intersection have the highest average daily traffic volume within the Plan area of 41,526 vehicles per day, as identified in the Proposed Project's TIA. Using CO emission factors for 2002, the peak modeled CO 1-hour concentration was estimated to be 4.6 ppm at the intersection of Wilshire Boulevard and Veteran Avenue. When added to the maximum 1-hour CO concentration from 2016 through 2018 at the Upland monitoring station which was 1.9 ppm in 2017, the 1-hour CO would be 6.5 ppm, while the CAAQS is 20 ppm.

The 2003 AQMP also projected 8-hour CO concentrations at these four intersections for 1997 and from 2002 through 2005. From years 2002 through 2005, the maximum 8-hour CO hotspot was 3.8 ppm at the Sunset Boulevard and Highland Avenue intersection (2002; 3.4 ppm at the Wilshire Boulevard and Veteran Avenue in 2002). Adding the 3.8 ppm to the maximum 8-hour CO concentration from 2016 through 2018 at the Upland monitoring station which was 1.4 ppm in 2017, the 8-hour CO would be 5.2 ppm, while the CAAQS is 9.0 ppm.

As such, potential operational impacts, from future development allowed by the MPDSP, associated with CO hotspots would be less than significant. No mitigation is required.

Toxic Air Contaminants. Construction. The Proposed Project could result in TAC exposure to existing or future sensitive land uses during construction. Diesel equipment would be subject to the CARB air toxic control measures for in-use off-road diesel fleets, which would minimize DPM emissions; however, the levels of potential emissions in relation to the location of sensitive receptors cannot be estimated with a level of accuracy due to the absence of construction specific information (i.e., construction phasing, equipment fleet, and haul truck trips, etc.) for the Proposed Project. As such, potential health risk of exposing sensitive receptors to construction-generated TAC emissions, primarily DPM, would be significant and unavoidable.

Operation. The Proposed Project includes residential and commercial land uses which may result in the generation of TACs. Potential sources of TAC emissions from the Proposed Project include, but are not limited to: emergency generators, boilers, broilers (meat cooking), ovens, offroad equipment (e.g., forklifts), truck idling, and transport refrigeration units. However, because the type and location of Proposed Project land uses and tenants have not been identified, the potential health risk associated with buildout of the Proposed Project cannot be accurately estimated. Due to the uncertainty of Proposed Project land uses and tenants and their associated TAC emissions, as well as the potential location of additional sensitive receptors and the effectiveness of TAC reduction measures, the Proposed Project would have a significant and unavoidable health risk impact during operation.

Health Impacts of Other Criteria Air Pollutants. The SCAQMD and the San Joaquin Valley Air Pollution Control District (SJVAPCD) have indicated that it is not feasible to quantify project-level health impacts based on existing modeling (SCAQMD 2015b; SJVUPCD 2015). Even if a metric could be calculated, it would not be reliable because the models are equipped to model the impact of all emission sources in an air basin on attainment and would likely not yield valid information or a measurable increase in ozone concentrations sufficient to accurately quantify ozone-related health impacts for an individual project.

Construction of the Proposed Project could result in emissions that would exceed the SCAQMD thresholds for criteria air pollutants including regional VOC and NOx emissions and localized PM10 and PM2.5 emissions. Operation of the Proposed Project would result in emissions that would exceed the SCAQMD thresholds for criteria air pollutants including VOC, NOx, CO, PM10, and PM2.5. VOCs and NOx are precursors to O3, for which the SCAB is designated as nonattainment with respect to the NAAQS and CAAQS. The health effects associated with O3 are generally associated with reduced lung function. The contribution of VOCs and NOx to regional ambient O3 concentrations is the result of complex photochemistry. The increases in O3 concentrations in the SCAB due to O3 precursor emissions tend to be found downwind from the source location to allow time for the photochemical reactions to occur. However, the potential for exacerbating excessive O3 concentrations would also depend on the time of year that the VOC emissions would occur because exceedances of the O3 ambient air quality standards tend to occur between April and October when solar radiation is highest. The holistic effect of a single project's emissions of O3 precursors is speculative because of the lack of quantitative methods to assess this impact. Nonetheless, because VOC and NOx emissions associated with Proposed Project construction and operation would exceed the SCAQMD mass daily construction threshold, it could minimally contribute to regional O3 concentrations and the associated health impacts. Accordingly, the health impacts of other criteria air pollutants are considered significant and unavoidable.

Health impacts that result from NO2 and NOx include respiratory irritation. Although the Proposed Project's construction would generate NOx emissions that would exceed the SCAQMD mass daily thresholds, construction and operation of the Proposed Project is not anticipated to contribute to exceedances of the NAAQS and CAAQS for NO2 because the SCAB is designated as in attainment of the NAAQS and CAAQS for NO2 and the existing NO2 concentrations in the area are well below the NAAQS and CAAQS standards. Nonetheless, because there are nearby receptors to be affected by off-road construction equipment and operational sources of NOx, potential health impacts associated with NO2 and NOx are considered significant and unavoidable.

CO tends to be a localized impact associated with congested intersections. The associated potential for CO hotspots were discussed previously and are determined to be a less-than-significant impact. However, operation of the Proposed Project would generate CO emissions that would not exceed the SCAQMD thresholds. Therefore, the Project's CO emissions would minimally contribute to significant health effects associated with this pollutant. Construction of the Proposed Project would not exceed the SCAQMD threshold for PM10 or PM2.5; however, operation of the Proposed Project would exceed thresholds for PM10 or PM2.5. As such, the Proposed Project would potentially contribute to exceedances of the NAAQS and CAAQS for particulate matter or would obstruct the SCAB from coming into attainment for these pollutants. Because the Project's potential contribution of particulate matter during construction and operation, associated health impacts are considered significant and unavoidable. In summary, because construction and operation of the Proposed Project could result in exceedances of the SCAQMD significance thresholds for VOC, NOx, PM10, and PM2.5, the potential health impacts associated with criteria air pollutants are considered significant and unavoidable. Notably, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days, and there are currently no modeling tools that could provide reliable and meaningful additional information regarding health effects from criteria air pollutants generated by individual projects. As previously discussed, at the time of this EIR's preparation, no expert agency, including the SCAQMD (SCAQMD 2015b), the CARB, or the EPA, has approved a quantitative method too reliably, meaningfully, and consistently translate the mass emission estimates for the criteria air pollutants resulting from the proposed project to specific health effects. Mitigation measures **MM-AQ-8** and **MM-AQ-9** are required to reduce the potential for the Proposed Project to expose sensitive receptors to TACs and the associated health risk.

MM-AQ-8

Toxic Air Contaminant Reduction. At the time of discretionary approval of new sources of TAC emissions in close proximity to existing sensitive land uses, the City shall require development projects to implement applicable best management practices, as necessary and feasible, that will reduce exposure to TACs. Such measures may include the installation of non-diesel fueled generators or the installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy. Specific reduction measures will be evaluated and determined depending on proposed land use TAC sources and feasibility.

MM-AQ-9

Health Risk Assessment Requirements. Consistent with the California Air Resources Board's recommendations on siting new sensitive land uses, a formal health risk assessment shall be performed under the following conditions:

a) Distribution Centers. For any distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week located within 1,000 feet of a sensitive receptor. In addition, configuration of entry and exit points of the distribution center shall be considered to minimize exposure to sensitive receptors.

b) Gasoline Dispensing Facilities. For any large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater) within 300 feet of a sensitive receptor. For any typical gas dispensing facility (with a throughput of less than 3.6 million gallons per year) within 50 feet of a sensitive receptor.

c) Dry Cleaners Using Perchloroethylene. For any dry cleaning operation within 300 feet of a sensitive receptor. For operations with three or more machines, consult with the South Coast Air Quality Management District for when a health risk assessment shall be prepared as the distance to the closest sensitive receptor may be less than 300 feet.

d) Other Sources of Toxic Air Contaminants. For other sources of TACs, the City shall evaluate the need to prepare a health risk assessment based on the types of TACs and the distance to sensitive receptors.

All new development undergoing discretionary review would be required to evaluate existing TAC exposure and incorporate available reduction measures, if necessary; however, due to the uncertainty of future sensitive receptor locations and the effectiveness of TAC reduction measures, The Proposed Project's impact related to exposure of sensitive receptors to TAC would remain significant and unavoidable. (Draft EIR, p. 3.2-57.)

B. GREENHOUSE GASES

1. Emissions Generation

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

Finding: Significant and unavoidable. (Draft EIR, pp. 3.5-36 – 3.5-38.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: Construction. *Construction Emissions.* Construction of the Proposed Project would result in GHG emissions, which are primarily associated with use of off-road construction equipment and on-road vehicles (haul trucks, vendor trucks, and worker vehicles). The SCAQMD *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold* (2008) recommends that, “construction emissions be amortized over a 30-year project lifetime, so that GHG reduction measures will address construction GHG emissions as part of the operational GHG reduction strategies.” Thus, the total construction GHG emissions were calculated, amortized over 30 years, and added to the total operational emissions for comparison with the GHG significance threshold of 3,000 MT CO₂e per year. Therefore, the determination of significance is addressed in the operational emissions discussion following the estimated construction emissions. CalEEMod was used to calculate the annual GHG emissions. Construction of the Proposed Project is assumed to last a total of approximately 20 years. Onsite sources of GHG emissions include off-road equipment and off-site sources including haul trucks, vendor trucks, and worker vehicles. The estimated total GHG emissions during construction of would total approximately 29,560 MT CO₂e over the assumed 30-year construction period. Estimated Proposed Project-generated construction emissions amortized over 30 years would be approximately 985 MT CO₂e per year.

Operation Emissions. Operation of the Proposed Project and operation under the Existing Scenario would generate GHG emissions through motor vehicle trips; landscape maintenance equipment operation (area source); energy use (natural gas and electricity); solid waste disposal; and water supply, treatment, and distribution and wastewater treatment. CalEEMod was used to calculate the annual GHG emissions. The estimated operational Proposed Project-generated and Existing Scenario GHG emissions from area sources, energy usage, motor vehicles, solid waste generation, and water usage and wastewater generation, and the net change in emissions (Proposed Project minus the Existing Scenario) are shown in Draft EIR Table 3.5-4. Estimated annual Proposed Project-generated GHG emissions would be approximately 105,638 MT CO₂e per year as a result of Proposed Project operations only. As the Existing Scenario is estimated to generate 81,226 MT CO₂e per year, the net change in GHG emissions is estimated to be 24,412 MT CO₂e per year. After accounting for amortized Proposed Project construction emissions, total net GHGs generated by the Proposed Project would be approximately 25,398 MT CO₂e per year. As such, annual operational GHG emissions with amortized construction emissions would exceed the SCAQMD threshold of 3,000 MT CO₂e per year. Therefore, the Proposed Project’s GHG contribution would be cumulatively considerable and mitigation measures **MM-AQ-1**, **MM-AQ-4** through **MM-AQ-7**, and **MM-GHG-1** and **MM-GHG-2**, are required to help reduce the Proposed Project’s operational emissions. However, due to the lack of project-specific information, the effectiveness in reducing GHG emissions during construction and operation cannot be accurately quantified. Therefore, the potential for the Proposed Project to generate GHG emissions that may have a significant impact on the environment and conflict with an applicable GHG-reduction plan, policy, or regulation is significant and unavoidable.

MM-GHG-1 ***Water Conservation. The City shall ensure that each development project incorporate the following water conservation measures into building plans:***

- a) Install low-water use appliances and fixtures***
- b) Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces***
- c) Implement water-sensitive urban design practices in new construction***
- d) Install rainwater collection systems where feasible.***

MM-GHG-2

Solid Waste Reduction. The City shall ensure that each development project provide storage areas for recyclables and green waste and food waste storage, if a pick-up service is available.

Implementation of mitigation measures **MM-AQ-1, MM-AQ-4, MM-AQ-5, MM-AQ-6, MMAQ-7, MM-GHG-1, and MM-GHG-2** would reduce construction and operation GHG emissions; however, due to the lack of project-specific information, the effectiveness in reducing GHG emissions during construction and operation cannot be accurately quantified. Therefore, the potential for the Proposed Project to generate GHG emissions that may have a significant impact on the environment and conflict with an applicable GHG-reduction plan, policy, or regulation is significant and unavoidable. (Draft EIR, p. 3.5-49.)

2. Emission Reduction Plans

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

Finding: Significant and unavoidable. (Draft EIR, pp. 3.5-39 – 3.5-48.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: The City does not have an adopted GHG emissions reduction plan. The City's General Plan identifies a wide range of goals and policies to increase the use of renewable energy, conserve energy and water, and improve transportation options. Future development within the MPDSP area would be subject to various regulations of local, state, and federal agencies. In addition, implementation of mitigation measures **MM-AQ-1, MM-AQ-4 through MM-AQ-7, and MM-GHG-1 through MM-GHG-2**, would reduce the Proposed Project's mobile emissions, energy consumption, water usage, and solid waste generation. Accordingly, the Proposed Project would not conflict with City GHG emission reductions policies or plans.

Consistency with the 2016-2040 RTP and 2020-2045 SCAQMD AQMP. SCAG's 2020-2045 RTP/SCS is a regional growth-management strategy that targets per capita GHG reduction from passenger vehicles and light-duty trucks in the Southern California region. The 2020-2045 RTP/SCS incorporates local land use projections and circulation networks in city and county general plans. Typically, a project would be consistent with the RTP/SCS if the project does not exceed the underlying growth assumptions within the RTP/SCS. The MPDSP would provide a residential population of 18,331, 6,321 dwelling units, and 1,404 jobs. The Proposed Project would exceed the SCAG population, housing, and employment growth projections for the City; however, the Proposed Project would represent a nominal percentage of the overall projected population, housing, and employment projections for the County and SCAG region. Implementation of the MPDSP would create a number of temporary, construction related jobs, as well as, permanent jobs associated with the new developments. The City of Montclair is expected to have a jobs-to-housing ratio of 1.87 by 2045, which is higher than San Bernardino County and the SCAG region by 0.04 and 0.55, respectively. This means that the City is considered to be "jobs rich," indicating it would not be required to commute outside the City for employment in 2040. The total potential increase in population generated by development of the MPDSP (18,331 persons) represents approximately 175% (or 1.7 times) the projected population increase in the City, approximately 2.72% of the projected population increase in the County, and approximately 0.6% of the projected population increase in the SCAG region. Although the Proposed Project exceeds the population growth projections of the City, the Proposed Project is within the population growth projections in the County and the SCAG region. As shown in Draft EIR Table 3.5-5, the Proposed Project would be consistent with all goals within SCAG's 2020-2045 RTP/SCS.

Consistency with CARB's Scoping Plan. The Scoping Plan (approved by CARB in 2008 and updated in 2014 and 2017) provides a framework for actions to reduce California's GHG emissions and requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. The Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32 and establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions. Draft EIR Table 3.5-6 highlights measures that have been, or will be, developed under the Scoping Plan and presents the Proposed Project's consistency with Scoping Plan measures (CARB 2008). The Proposed Project would comply with all regulations adopted in furtherance of the Scoping Plan to the extent required by law and to the extent that they are applicable to the Proposed Project.

Consistency with EO S-3-05 and SB 32. EO S-3-05 establishes that GHG emissions should be reduced to 2000 levels by 2010, to 1990 levels by 2020, and to 80% below 1990 levels by 2050. SB 32 establishes a statewide GHG emissions reduction target whereby CARB, in adopting rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions, shall ensure that statewide GHG emissions are reduced to at least 40% below 1990 levels by December 31, 2030. Total Proposed Project emissions, including operation and amortized construction, would be approximately 25,398 MT CO₂e per year. As such, the Proposed Project (without mitigation) would generate GHG emissions that may interfere with the implementation of GHG reduction goals for 2030 and 2050. Therefore, the Proposed Project would potentially conflict with plans, policies, or regulations adopted for the purpose of reducing GHG emissions, and would result in a significant and unavoidable impact.

Implementation of mitigation measures **MM-AQ-1, MM-AQ-4, MM-AQ-5, MM-AQ-6, MM-AQ-7, MM-GHG-1, and MM-GHG-2** would reduce construction and operation GHG emissions; however, due to the lack of project-specific information, the effectiveness in reducing GHG emissions during construction and operation cannot be accurately quantified. Therefore, the potential for the Proposed Project to generate GHG emissions that may have a significant impact on the environment and conflict with an applicable GHG-reduction plan, policy, or regulation is significant and unavoidable. (Draft EIR, p. 3.5-49.)

C. POPULATION AND HOUSING

1. Population Growth

Threshold: Would the Project 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: Significant and unavoidable. (Draft EIR, pp. 3.10-9 – 3.10-14.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: The maximum development potential allowed under the MPDSP would provide a residential population of 18,331, 6,321 dwelling units, and 1,404 jobs. The Proposed Project would exceed the SCAG population, housing, and employment growth projections for the City; however, the Proposed Project would represent a nominal percentage of the overall projected population, housing, and employment projections for the County and SCAG region. Although the Proposed Project exceeds the City's projected population growth, the Proposed Project would not stimulate substantial growth outside of the Plan area. Additionally, the Proposed Project would contribute to the County's RHNA housing production goals. Further, the Proposed Project would contribute to the City's job-housing balance, but providing more housing units than jobs in a "jobs rich" City.

Nonetheless, the Proposed Project's estimated population of 18,331 persons, 6,321 dwelling units, and 1,404 jobs would exceed SCAG's growth projections for the City. To reduce potential impacts that substantial population growth could have on the environment, mitigation measures **MM-AES-1, MM-AQ-1 through MM-AQ-9, MM-GHG-1, MM-GHG-2, MM-HAZ-1, MM-HYD-1, MM-HYD-2, MM-PUB-1, MM-TCR-1, and MM-TCR-2** are included within the EIR. Additionally, present reduced project alternatives, both of which discuss a reduction in development potential and its potential to lessen environmental impacts associated with the Proposed Project. However, even upon implementation of mitigation measures identified throughout the EIR, implementation of the MPDSP would still exceed SCAG's forecasted population growth within the City. Therefore, impacts related to population growth are considered significant and unavoidable.

D. PUBLIC SERVICES

1. Parks

Threshold: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for 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 performance objectives for parks?

Finding: Significant and unavoidable. (Draft EIR, pp. 3.11-14 – 3.11-15.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: The City had an estimated population of 40,402 people in 2018 (SCAG 2019b). Assuming 46.27 acres of developed, operating parkland within the City, the current parkland ratio is approximately 1.15 acres for every 1000 residents. Based on the Citywide goal of three acres per every 1,000 residents, the City currently has a parkland deficiency of approximately 74.9 acres.

The increased demand for neighborhood, regional, and state parks is most commonly associated with a substantial population increase such that existing parks and recreational amenities become over-utilized and deteriorate as a result. Implementation of the MPDSP would include 6,321 new residential units. To determine the Proposed Project's population generation, the number of proposed units is multiplied by the average household size in the SCAG region. According to SCAG's 2020-2045 RTP/SCS, there was an increase in average household size in the SCAG region from 3.0 in 2010 to 3.1 in 2016, but it is anticipated the average household size will decline from 3.1 in 2016 to 2.9 in 2045 (SCAG 2016). Using this factor of 2.9 persons per household and a total of 6,321 dwelling units, the Proposed Project could support a residential population of approximately 18,331 persons. This localized population growth is not accounted for in the City's population projections. As such, the addition of approximately 18,331 people to the Plan area has the potential to further deteriorate City and Regional parks and recreational facilities, which are already over-utilized under existing conditions.

The Proposed Project would offset a portion of these impacts to parks and recreational facilities through the provision of eight neighborhood parks and amenities (plazas, and pedestrian paseos) surrounded by multi-family residences and/or offices, and lined with ground floor neighborhood-serving retail stores. These parks would accommodate a variety of amenities, such as playgrounds, dog parks, basketball courts, walking paths, and open lawns for informal picnics, family ball games, and sunbathing (City of Montclair 2020). However, the total acreage of these proposed parks, approximately 8 acres combined, would not meet the City's parkland ratio requirements per Municipal Code, Section 11.38.080, under existing or proposed conditions. As per the Specific Plan, parks, plazas and open spaces shall remain open to the public year-round and in perpetuity, and shall be accessible to pedestrians. With the addition of approximately 18,331 people to the Plan area, the Proposed Project would be required to provide approximately 55 acres of parkland to adequately serve the proposed dwelling units, under the City's parkland ratio requirements of three (3) acres per 1,000 residents. As such, the Proposed Project would be required to further mitigate impacts to parks and recreational facilities.

Per California Government Code Section 66477, or, the Quimby Act (which is incorporated by reference into the City's Municipal Code, Section 11.38.080), developers are required to dedicate land and/or pay in lieu fees in order to mitigate anticipated impacts to parks and recreational facilities. The Proposed Project's 6,321 housing units would provide for approximately 18,331 people. Based on the City's requirement to provide three acres of parkland and recreational facilities for every 1,000 residents, the applicant would be required to either provide approximately 55 acres of parkland or to mitigate impacts to parks and recreation through payment of a comparable in lieu fee. Per the provisions listed above, and outlined in the City's Municipal Code, Section 11.38.080, prior to Project approval, the Applicant would coordinate with the City Planning Commission in order to determine the appropriate recourse for impacts to parks and recreation. All multi-family residential projects are subject to a parkland development impact fee that requires land dedication (431 square feet/unit) or payment of an in lieu fee (\$2,800) on a per unit basis. In the past, projects in the City that include a required public open space or park area were able to use this collected fee to partially offset the cost for completing their respective public park or open space improvements. With adherence to State and local law, and compliance with applicable fees as determined by the City Planning Commission, impacts to existing parks and recreational facilities as a result of Project implementation would be reduced. However, considering the existing deficiency of recreational facilities in the City, the limited availability of land for new park space, and the estimated increase in population as a result of the proposed dwelling units, implementation of the Proposed Project would exacerbate the City's existing park shortage. All 13 existing parks within the City are located approximately 0.02 to 2.3 miles from the Plan area and could experience a substantial increase in use such that substantial physical deterioration of the facility could occur as a result of the Project. Therefore, impacts to existing neighborhood and regional parks and/or recreational facilities is determined to be significant and unavoidable.

E. RECREATION

1. Increased Use

Threshold: Would the Project 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, pp. 3.12-10 – 3.12-13.)

Explanation: The City had an estimated population of 40,402 people in 2018 (SCAG 2019). Assuming 46.27 acres of developed, operating parkland within the City and the estimated City population in 2018, the current parkland ratio is approximately 1.15 acres for every 1000 residents. Based on the Citywide goal of three (3) acres per every 1,000 residents, the City currently has a parkland deficiency of approximately 74.9 acres.

The increased demand for neighborhood, regional, and state parks is most commonly associated with a substantial population increase such that existing parks and recreational amenities become over-utilized and deteriorate as a result. Implementation of the MPDSP would include 6,321 new residential units. To determine the Proposed Project's population generation, the number of proposed units is multiplied by the average household size in the SCAG region. According to SCAG's 2020-2045 RTP/SCS, there was an increase in average household size in the SCAG region from 3.0 in 2010 to 3.1 in 2016, but it is anticipated the average household size will decline from 3.1 in 2016 to 2.9 in 2045 (SCAG 2016). Using this factor of 2.9 persons per household and a total of 6,321 dwelling units, the Proposed Project could support a residential population of approximately 18,331 persons. This localized population growth is not accounted for in the City's population projections. As such, the addition of approximately 18,331 people to the Plan area has the potential to further deteriorate City and Regional parks and recreational facilities, which are already over-utilized under existing conditions.

The Proposed Project would offset a portion of these impacts to parks and recreational facilities through the provision of eight neighborhood parks and amenities (plazas, and pedestrian paseos) surrounded by multi-family residences and/or offices, and lined with ground floor neighborhood-serving retail stores. These parks would accommodate a variety of amenities, such as playgrounds, dog parks, basketball courts, walking paths, and open lawns for informal picnics, family ball games, and sunbathing (City of Montclair 2020). However, the total acreage of these proposed parks, approximately 8 acres combined, would not meet the City's parkland ratio requirements per Municipal Code, Section 11.38.080, under existing or proposed conditions. As per the Specific Plan, parks, plazas and open spaces shall remain open to the public year-round and in perpetuity, and shall be accessible to pedestrians. With the addition of approximately 18,331 people to the Plan area, the Proposed Project would be required to provide approximately 55 acres of parkland to adequately serve the proposed dwelling units, under the City's parkland ratio requirements of three (3) acres per 1,000 residents. As such, the Proposed Project would be required to further mitigate impacts to parks and recreational facilities.

Per California Government Code Section 66477, or, the Quimby Act (which is incorporated by reference into the City's Municipal Code, Section 11.38.080), developers are required to dedicate land and/or pay in lieu fees in order to mitigate anticipated impacts to parks and recreational facilities. Per Section 11.38.080 of the City's Municipal Code, the parkland dedication or park fees shall be required in accordance with one or more outlined provisions. The Proposed Project's 6,321 housing units would provide for approximately 18,331 people. Based on the City's requirement to provide three acres of parkland and recreational facilities for every 1,000 residents, the applicant would be required to either provide approximately 55 acres of parkland or to mitigate impacts to parks and recreation through payment of a comparable in lieu fee. Per the City's Municipal Code, Section 11.38.080, prior to Project approval, the Applicant would coordinate with the City Planning Commission in order to determine the appropriate recourse for impacts to parks and recreation. All multifamily residential projects are subject to a parkland development impact fee that requires land dedication (431 square feet/unit) or payment of an in lieu fee (\$2,800) on a per unit basis. In the past, projects in the City that include a required public open space or park area were able to use this collected fee to partially off-set the cost for completing their respective public park or open space improvements. With adherence to State and local law, and compliance with applicable fees as determined by the City Planning Commission, impacts to existing parks and recreational facilities as a result of Project implementation would be reduced. However, considering the existing deficiency of recreational facilities in the City, the limited availability of land for new park space, and the estimated increase in population as a result of the proposed dwelling units, implementation of the Proposed Project would exacerbate the City's existing park shortage. All 13 existing parks within the City are located approximately 0.02 to 2.3 miles from the Plan area and could experience a substantial increase in use such

that substantial physical deterioration of the facility could occur as a result of the Project. Therefore, impacts to existing neighborhood and regional parks and/or recreational facilities is determined to be significant and unavoidable.

2. **Construction and Expansion**

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

Finding: Significant and unavoidable. (Draft EIR, pp. 3.12-13 – 3.12-14.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: The MPDSP would provide for the demolition of all or a portion of the existing Montclair Place Mall, some or all appurtenant free-standing outbuildings, and portions of the existing surface parking lots, to construct a pedestrian-oriented, mixed-use downtown district, with structured parking facilities through a series of planned phases. As stated above, the Proposed Project would include the provision of eight neighborhood parks varying in size, surrounded by multi-family residences and/or offices lined with ground floor neighborhood-serving retail stores. These parks would accommodate a variety of amenities, such as playgrounds, dog parks, basketball courts, walking paths, and open lawns for informal picnics, family ball games, and sunbathing (City of Montclair 2020). However, as described above, the total acreage of these proposed parks (approximately 8 acres combined) would not meet the City's parkland ratio requirements of three (3) acres per 1,000 residents per Municipal Code, Section 11.38.080, under existing or proposed conditions. With the addition of approximately 18,331 people to the Plan area, the Proposed Project would be required to provide approximately 55 acres of parkland to adequately serve this estimated increase in population as a result of the Project. The construction of these parks and associated recreational amenities is analyzed throughout this EIR. Although construction of the proposed neighborhood park facilities is not anticipated to result in any adverse effects on the environment, the Proposed Project would not meet the City's 3 acres of parkland for every 1,000 citizens standard and would therefore exacerbate the City's existing park shortage; resulting in the need for the construction or expansion of recreational facilities.

As stated above, the Proposed Project would be required to coordinate with the City Planning Commission in order to determine the appropriate recourse for impacts to parks and recreation. Compliance with applicable fees as determined by the City Planning Commission would reduce potential impacts to parks and recreational facilities. However, even with payment of applicable fees, the required construction or expansion of recreational facilities due to existing park deficiencies exacerbated by the Proposed Project could result in an adverse physical effect on the environment. Therefore, impacts are determined to be significant and unavoidable.

F. **TRANSPORTATION/TRAFFIC**

1. **Design Hazards**

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

Finding: Significant and unavoidable. (Draft EIR, pp. 3.13.29 – 3.13-36.) 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 EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. 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. (State CEQA Guidelines, section 15091(a)(2).) Additionally, specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

Explanation: **Project Site Access.** The MPDSP identifies 10 intersections that would provide access to and/or access from the Plan area. Four driveways are identified along Monte Vista Avenue, five driveways are identified along Moreno Street, and one driveway is identified along Central Avenue. The MPDSP also would propose to remove the southern legs (existing Montclair Plaza driveways) of the Lindero Avenue and Target Lane signalized intersections with Moreno Street. Reconfiguration of these intersections as three leg intersections (either maintained

as signalized intersections or converted to unsignalized intersections) would be required. Since all Plan area access driveways and intersections will be required to be constructed consistent with City of Montclair driveway and intersection standards and specifications, impacts to Plan area access would be less than significant.

Freeway Ramp Queuing. As the Proposed Project has the potential to add traffic to nearby freeway facilities, a queuing analysis was conducted at the following 7 freeway off-ramp intersections within the study area to determine the potential for queuing onto the freeway mainline. Queuing was analyzed utilizing the SimTraffic software, which calculates the 95th percentile (design) queue.

Existing Conditions. As shown in Draft EIR Table 3.13-3, peak 95th percentile queues are forecast to exceed some of the storage pocket lengths at the freeway off-ramps of the following intersections:

- Central Avenue/I-10 westbound ramps
- Monte Vista Avenue/I-10 westbound ramps
- Central Avenue/SR-60 westbound ramps
- Central Avenue/SR-60 eastbound ramps

While off-ramp queues during the AM peak hour exceed some of the storage pocket lengths, the total lengths of the off-ramps (stop bar at intersection to gore point at mainline lane) provide adequate storage, and queues would not extend into the mainline freeway lanes. However, during the PM peak hour, the westbound off-ramp queues at Central Avenue/I-10 westbound ramps exceed the total ramp length by approximately 187 feet. As PM peak hour 95th percentile queue extends into the I-10 mainline lanes at Central Avenue/I-10 westbound ramps in the Existing condition, queuing along this off-ramp has the potential to impact mainline operations.

Existing + Project Conditions. Peak 95th percentile queues are forecast to exceed some of the storage pocket lengths at the freeway off-ramps of the following intersections with the addition of Proposed Project traffic:

- Central Avenue/I-10 westbound ramps
- Central Avenue/I-10 eastbound ramps
- Monte Vista Avenue/I-10 westbound ramps
- Central Avenue/SR-60 westbound ramps
- Central Avenue/SR-60 eastbound ramps

In the Existing plus Project condition, AM peak hour 95th percentile queues exceed the total ramp lengths at the Central Avenue/I-10 westbound and I-10 eastbound ramps by approximately 180 feet and 132 feet, respectively. During the PM peak hour, the westbound off-ramp queues at Central Avenue continue to exceed the total ramp length; however, the total queue length is forecast to decrease by approximately 84 feet between the Existing and plus Project conditions. The Central Avenue/eastbound off-ramp queues are also forecast to exceed the total ramp length, extending approximately 159 feet into the mainline lanes.

As both AM and PM peak hour 95th percentile queues are forecast to extend into the I-10 mainline lanes at the Central Avenue/I-10 westbound and eastbound ramps in the Existing plus Project condition, queuing along these off-ramps has the potential to impact mainline operations. Improvements to accommodate the Existing plus Project queues at these off-ramps would require extensive coordination and further study under Caltrans direction to determine the appropriate designs to accommodate off-ramp queues.

Since there are no current programs administered by the City for ramp improvements at the I-10/Central Avenue interchange, and since the City does not have jurisdiction over these facilities, there are no feasible mitigation measures to mitigate the Proposed Project's off-ramp queuing impacts. Therefore, the Proposed Project may increase a hazardous condition at the I-10/Central Avenue eastbound and westbound off-ramps, and its impacts would be significant and unavoidable.

General Plan Year 2040 Conditions. As shown in Draft EIR Table 3.13-4, peak 95th percentile queues are forecast to continue to exceed some of the storage pocket lengths at the freeway off-ramps of the following intersections:

- Central Avenue/I-10 westbound ramps
- Monte Vista Avenue/I-10 westbound ramps
- Central Avenue/SR-60 westbound ramps
- Central Avenue/SR-60 eastbound ramps

While off-ramp queues during the AM peak hour are forecast to exceed some of the storage pocket lengths during the General Plan Year 2040 conditions, the total

lengths of the off-ramps provide adequate storage and queues would not extend to the mainline freeway lanes. However, during the PM peak hour, the westbound off-ramp queues at Central Avenue are forecast to exceed the total ramp length by approximately 147 feet. As the PM peak hour 95th percentile queue extends into the I-10 mainline lanes at Central Avenue/I-10 westbound ramps in the General Plan Year 2040 condition, queuing along this off-ramp has the potential to impact mainline operations.

General Plan Year 2040 + Project Conditions. Peak 95th percentile queues are forecast to continue to exceed some of the storage pocket lengths at the freeway off-ramps at all study ramp intersections with the addition of Proposed Project traffic:

- Central Avenue/I-10 westbound ramps
- Central Avenue/I-10 eastbound ramps
- Monte Vista Avenue/I-10 westbound ramps
- Monte Vista Avenue/I-10 eastbound ramps
- SR-210 ramps/Baseline Road
- Central Avenue/SR-60 westbound ramps
- Central Avenue/SR-60 eastbound ramps

However, in the General Plan Year (2040) plus Project condition, the 95th percentile queues are forecast to exceed the total ramp storage length at the Central Avenue/I-10 westbound ramps, and I-10/Central Avenue eastbound ramps. The AM peak hour 95th percentile queues exceed the total ramp lengths at the Central Avenue/I-10 westbound ramps by approximately 150 feet. During the PM peak hour, the westbound off-ramp queues at Central Avenue continue to exceed the total ramp length; however, the total queue length is forecast to decrease by approximately 49 feet between the General Plan Year 2040 and plus Project conditions.

As both AM and PM peak hour 95th percentile queues are forecast to extend into the I-10 mainline lanes at the Central Avenue/I-10 westbound ramps in the General Plan Year (2040) plus Project condition, queuing along these off-ramps has the potential to impact mainline operations. Improvements to accommodate the General Plan Year (2040) plus Project queues at these off-ramps would require extensive coordination and further study under Caltrans direction to determine the appropriate designs to accommodate off-ramp queues. Since there are no current or planned programs administered by the City for ramp improvements at the I-10/Central Avenue interchange, and since the City does not have jurisdiction over these facilities, there are no feasible mitigation measures to mitigate the Proposed Project's off-ramp queuing impacts. Therefore, the Proposed Project may increase a hazardous condition at the I-10/Central Avenue eastbound and westbound off-ramps, and its impacts would be significant and unavoidable.

SECTION V: CUMULATIVE IMPACTS

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

A. AESTHETICS

Future redevelopment of the Plan area with residential, office, service, retail, civic, and institutional land uses would not result in a cumulative scenic vista impact and would not contribute to cumulatively considerable impact on scenic vistas. Monte Vista Avenue, Central Avenue, and the I-10 freeway are not designated by the state or City of Montclair as scenic corridors and are not described in the General Plan as containing scenic vistas or particularly scenic views. Views of the San Gabriel Mountains are available along roadways however; the mountainous terrain is occasionally obstructed from view by existing development and is routinely interrupted by street and parking lot trees. Future redevelopment of the Plan area may result in slightly increased view blockage of the San Gabriel Mountains to the I-10 freeway receptors (i.e., eastbound and westbound motorists); however, the increased view blockage would be experienced briefly and would be located in the peripheral field of vision of east-west oriented receptors. Further, viewing windows to the San Gabriel Mountains would be preserved for northbound motorists and pedestrians on Central Avenue and Monte Vista Avenue. Additionally, none of the related projects are located on the northern frontage of the I-10 corridor, and as such, would not combine with the Proposed Project to result in levels of increased view blockage beyond the view blockage resulting from implementation of the Proposed Project. For projects outside of the 5-year cumulative project timeframe, the majority of the northern side of the I-10 corridor in the vicinity of the Plan area is built out, resulting in limited opportunities for new development or redevelopment to block views of the San Gabriel Mountains. Further, each zone along this corridor has existing development standards relating to height. The zone with the maximum height allowed along this corridor would be an area immediately east of the Plan area zoned Regional Commercial, which allows for development of buildings up to 75 feet tall; this area is currently developed with retail development approximately 40 feet tall. All other zones along the northern frontage of the I-10 corridor within the proximity of the Plan area allow for development with maximum heights ranging from 25 feet to 40 feet. If future cumulative projects were to be developed beyond these height limits, discretionary approval would be required and the projects would be subject to additional environmental review pursuant to CEQA. Given that the Proposed Project would result in limited, less-than-significant levels of view blockage, there are no immediately foreseeable projects that would combine with the Proposed Project to result in cumulatively considerable levels of view blockage, and existing development

patterns and development regulations limit opportunities for future view blockage, implementation of the Proposed Project would not result in a cumulative scenic vista impact and impacts would be less than significant. No mitigation is required.

Upon approval of the Proposed Project, all future development within the Plan area would be required to conform to the regulations outlined within Chapter 5, Development Code, of the MPDSP. All other future development outside the Plan area would be required to conform to the adopted regulations within the respective base zoning district established by the City of Montclair. Conformance to these regulations would ensure that scenic quality is appropriately protected and preserved, and therefore, implementation of the Proposed Project would result in less than significant cumulative scenic quality impacts. (Draft EIR, pp. 3.1-10 – 3.1-11.)

B. AIR QUALITY

Cumulative localized impacts would potentially occur if a construction project were to occur concurrently with another off-site project. Construction schedules for potential future projects near the Plan area are currently unknown; therefore, potential construction impacts associated with two or more simultaneous projects would be considered speculative. However, future projects would be subject to CEQA and would require air quality analysis and, where necessary, mitigation if the project would exceed SCAQMD thresholds. Criteria air pollutant emissions associated with construction activity of future projects would be reduced through implementation of control measures required by the SCAQMD. Cumulative PM10 and PM2.5 emissions would be reduced because all future projects would be subject to SCAQMD Rule 403 (Fugitive Dust), which sets forth general and specific requirements for all construction sites in the SCAQMD. In addition, cumulative VOC emissions would be subject to SCAQMD Rule 1113 (Architectural Coatings).

Based on the construction and operational emissions of VOC, NOx, PM10, and PM2.5 generated by the Proposed Project, the Proposed Project would result in a cumulatively considerable increase in emissions of nonattainment pollutants. Impacts would be potentially significant and, thus, require mitigation. However, even with the incorporation of mitigation measures, cumulative impacts to air quality during construction and operation would be significant and unavoidable. (Draft EIR, pp. 3.2-49 – 3.2-50.)

C. ENERGY

Cumulative projects that could exacerbate the Proposed Project's impacts include any projects that could result in wasteful, inefficient, or unnecessary use of energy. However, the Proposed Project would not result in wasteful, inefficient, or unnecessary use of energy, in large part due to the short-term and temporary nature of the construction period. Additionally, the operational activity of the Proposed Project would be minimized through energy reduction strategies pursuant to Title 24, as described in Section 3.3.2.2. For all other projects in the City are required to comply with Title 24, the long-term energy consumption of those projects would also be reduced. Therefore, cumulative impacts to energy use would be less than significant. No mitigation is required. (Draft EIR, p. 3.3-28.)

D. GEOLOGY AND SOILS

Potential cumulative impacts on geology and soils would result from projects that combine to create geologic hazards, including unstable geologic conditions, or contribute substantially to erosion. The majority of impacts from geologic hazards, such as liquefaction, landslides, expansive soils, and unstable soils, are site-specific and are therefore generally mitigated on a project-by-project basis. Each cumulative project would be required to adhere to required building engineering design per the most recent version of the CBC in order to ensure the safety of building occupants and avoid a cumulative geologic hazard. Additionally, as needed, projects would incorporate individual mitigation or geotechnical requirements for site-specific geologic hazards present on each individual cumulative project site. Therefore, a potential cumulative impact related to site-specific geologic hazards such as seismically induced ground failure, subsidence, soil collapse, and expansive soils would not occur. Therefore, the Proposed Project, in combination with other cumulative projects, would not contribute to a significant cumulative impact associated with geology and soils. Cumulative impacts are less than significant. No mitigation is required.

E. GREENHOUSE GAS EMISSIONS

GHG emissions inherently contribute to cumulative impacts, and thus, any additional GHG emissions would result in a cumulative impact. As shown in Draft EIR Table 3.5-3 and 3.5-4, the Proposed Project would result in GHG emissions that exceed the applied threshold. Therefore, the Proposed Project would result in a cumulatively considerable impact. Cumulative impacts from GHG emissions is significant and unavoidable. (Draft EIR, p. 3.5-48.)

F. HAZARDS AND HAZARDOUS MATERIALS

The geographic scope of the cumulative hazards and hazardous materials analysis is the immediate Plan area, including surrounding land uses and other nearby properties. Adverse effects of hazards and hazardous materials tend to be localized, and thus, the area near the Plan area would be most affected by the Proposed Project's activities.

Cumulative impacts related to hazards and hazardous materials would result from projects that combine to increase exposure to hazards and hazardous materials. The Proposed Project would have less than significant impacts with mitigation measures incorporated. The Proposed Project would comply with all federal, state, and local regulations pertaining to the use, transport, and release of hazardous materials. The potential release of hazardous materials during demolition or renovation of older buildings and ground-

disturbing activities would be reduced from compliance with applicable regulations and incorporation of the mitigation measures outlined above. Thus, the Proposed Project would not result in hazardous impacts on nearby properties. Cumulative projects would also be subject to federal, state, and local regulations pertaining to the use, storage, transport and disposal of hazards and hazardous materials. Cumulative projects may also require similar mitigation measures to help further reduce potential impacts. For these reasons, the Proposed Project's contribution to cumulative impacts to the public or environment resulting from hazards and hazardous materials would be less than cumulatively considerable with mitigation incorporated. (Draft EIR, pp. 3.6-18 – 3.6-19.)

G. HYDROLOGY AND WATER QUALITY

The cumulative effect of past projects—both point sources of pollution and non-point sources caused by urbanization—have resulted in substantial water quality problems in the region's major waterways. The existing impairments identified under Section 303(d) of the CWA and Table 3.7.2 represent cumulative impacts of urban development within the watersheds draining to San Antonio and Chino Creeks and eventually the Pacific Ocean. The pollutants causing impairments include bacteria, copper, lead, eutrophic conditions/nutrients, high/low pH, toxicity, and high chemical oxygen demand. Therefore, the overall cumulative impact associated with past projects is significant.

Proposed Project pollutants of concern would be associated with the construction phase (e.g., sediment, fuels, litter), private vehicle use (e.g., any leakage of grease/oils), landscaping/grounds work (e.g., improper/excessive use of pesticides, herbicides, and/or fertilizers), and/or trash (e.g., due to improper waste disposal). Trash and/or fertilizers, however, could indirectly contribute to a bacteria, pathogen or dissolved oxygen problem by contributing to excessive algae growth and/or eutrophication. The release of such pollutants, however, would be highly localized, periodic in nature, and minor in magnitude; especially when compared to the total volume of stormwater discharges that would be entering the Plan area receiving waters from the entire watershed (i.e., San Antonio and Chino Creeks). Furthermore, such impacts would be avoided or substantially minimized through compliance with implementation of mitigation measures **MM-HYD-1** and **MM-HYD-2**, as well as terms and conditions of the regional NPDES permits, the Montclair Municipal Code Chapter 9.24, and the ordinance codes of other authorities in the region—which all require implementation of a SWPPP and a WQMP for development and redevelopment projects.

Similarly, reasonably foreseeable future projects located within the same watershed would be subject to the terms and conditions of the regional NPDES permits, the Montclair Municipal Code Chapter 9.24, and the ordinance codes of other authorities in the region—which all require implementation of a SWPPP and a WQMP for development and redevelopment projects. For these reasons, the Proposed Project's contribution to impacts on hydrology and water quality, in combination with reasonably foreseeable future projects, would be not be cumulatively considerable. Cumulative impacts are considered less than significant with mitigation incorporated. (Draft EIR, pp. 3.7-22 – 3.7-23.)

H. LAND USE AND PLANNING

As defined in the State CEQA Guidelines, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for land use. The cumulative study area used to assess potential cumulative land use impacts include the areas and land uses surrounding the MPDSP area. Continued development in Montclair, including that which might occur as a result of the MPDSP, and the surrounding region could result in increased urbanization, including the density of residential, commercial, office, recreational, and public uses. Under cumulative conditions, conflicts between land uses may occur. Generally, land use conflicts would be related to noise, traffic, air quality, and hazards/human health and safety issues, which are discussed in the relevant sections of the Draft EIR. Land use conflicts are also typically site-specific and not cumulative in nature; in other words, despite the number of cumulative projects in a given area, they wouldn't necessarily compound to create cumulative land use conflicts. Cumulative incompatibility issues associated with surrounding developments or projects are anticipated to be addressed and mitigated for on a project-by-project basis. In addition, the cumulative environmental effects associated with implementation of the MPDSP have been addressed in the technical sections of the Draft EIR. Land use impacts would not be cumulatively considerable and are considered less than significant. No mitigation is required. (Draft EIR, p. 3.8-36.)

I. NOISE

Exceedance of Noise Standards. The Proposed Project and related development projects within its area would all be subject to applicable noise standards. The Proposed Project would incorporate project design feature **PDF-1** to help ensure project-specific compliance with applicable noise standards as the build-out phasing proceeds. On this basis, and because noise impacts with respect to relevant standards are predicted to be less than significant, the Proposed Project would not contribute to cumulative exceedances of noise standards, and its incremental effect is considered a less than significant impact. No mitigation is required.

Temporary/Periodic Increases in Ambient Noise Levels. The Proposed Project would result in temporary noise increases during construction of future developments arising from its implementation. The construction period of future developments under the Proposed Project has the potential to overlap with the construction of other projects in the City. Due to the decrease in noise levels with distance and the presence of physical barriers (i.e., intervening buildings and topography), noise due to construction of other projects would not meaningfully combine with future development under the Proposed Project to produce a cumulative noise effect during construction. By way of illustration, if there are two concurrent construction projects of comparable sound emission intensity, and the activity nearest to the studied noise-sensitive

receptor is compliant with the aforementioned FTA guidance (i.e., 80 dBA 8-hour Leq), the other activity could be no closer than three times the distance of the receptor to the nearest activity and not make a cumulatively measurable contribution to the total noise exposure level. If two concurrent projects were close to a receptor, the cumulative noise would be one of the following:

- The louder (in dBA) of the two concurrent activities; or,
- A logarithmic sum of the two activity noise levels that, per acoustic principles, cannot be more than 3 dBA greater than the louder of the two individual noise-producing activities.

In sum, cumulative construction noise is likely to be dominated by the closest or loudest activity to the receptor, and the combination will be no more than a barely perceptible difference (i.e., up to a 3 dBA change).

Among the cumulative projects appearing in Draft EIR Table 2.4 (Related Projects), only those listed as being in the City of Montclair would be close enough for consideration as having a potential cumulative contribution. Beyond the City limits, other projects are at least one quarter-mile away from the Proposed Project boundary and its nearest noise-sensitive receptors studied herein, and would thus be located well outside the above-mentioned distance buffer to avoid a cumulatively measurable contribution to the noise exposure level. Approximate distances to several of the listed City of Montclair projects are as follows:

- Bravo (750 feet north of the Proposed Project, at the southeastern corner of Fremont Ave. and Arrow Highway);
- Village at Montclair (in the vicinity of the future Montclair Metro Gold Line station, 2,000 feet north of the Proposed Project);
- Arrow Highway Warehouse (2,300 feet northeast of the Proposed Project);
- Montclair Senior Assisted Living (600 feet south of the Proposed Project);
- Vista Court (900 feet north of the Proposed Project); and,
- Alexan Montclair (700 feet north-northwest of the Proposed Project).

Because the nearest noise-sensitive residential off-site receptors range between 115 and 145 feet to the Proposed Project boundary, all six of the above-listed projects (and any others that would be located at least 600 feet from the Proposed Project boundary) would be at least 455 feet away, and thus, satisfy the three-times distance buffer guidance (i.e., $3 \times 145 = 435$ feet, which is less than 455 feet) to avoid potential cumulative acoustic contribution. Additionally, all future development under the Proposed Project, as well as other unrelated construction projects within City limits, would be required to comply with limits on allowable construction hours per relevant portions of the City's noise ordinance. Hence, for the above reasons, cumulative impacts due to cumulative construction noise are considered less than significant. No mitigation is required.

Vibration Impacts. Construction-related vibration from future development under the Proposed Project was addressed under item 3.9.4(b) above. Other foreseeable projects within the vicinity of the Plan area would not be close enough to create a combined excessive generation of groundborne vibration. Among the cumulative projects listed in Draft EIR Table 2.4 (Related Projects), the closest appears to be the Montclair Senior Assisted Living project at an approximate distance of 600 feet south of the Proposed Project boundary. Like airborne sound, groundborne vibration attenuates rapidly with increasing distance from the source. At a distance of 600 feet, groundborne vibration from construction activity associated with this other project would be less than 0.001 ips PPV, and thus, indistinguishable from ambient groundborne vibration due to normal existing sources such as roadway traffic—especially given the proximity of the Interstation 10 freeway. Thus, cumulative impacts associated with excessive groundborne vibration would be considered less than significant. No mitigation is required.

Permanent Increase in Ambient Noise Levels: Stationary Sources. Long-term operational noise would result from operation of future development under the Proposed Project, such as permanent on-site noise sources (e.g., HVAC equipment). A cumulative impact could result if noise produced resulting from implementation of the Proposed Project were to combine with noise produced from the operation of other related projects in the vicinity to create a cumulatively significant permanent increase in ambient noise levels. However, the operation of future projects under the Proposed Project, along with the operation of other related projects, would be subject to applicable requirements from the City's noise ordinance, which limits the exterior noise levels at residences. Hence, cumulative impacts to outdoor ambient noise levels resulting from Proposed Project stationary sources are considered less than significant. No mitigation is required.

Off-Site Traffic Noise. Future development under the Proposed Project along with other related projects would generate off-site traffic noise. When calculating future traffic impacts, the traffic study included traffic from related projects in the traffic model. Thus, future traffic results with and without the Proposed Project already account for the cumulative impacts from related projects contributing to traffic increases. Since the noise impacts are generated directly from the traffic analysis results, the Existing and Year 2040 traffic with and without Proposed Project predicted increases in traffic noise levels described herein already reflect cumulative impacts. As described herein, the noise level increases associated with both of these scenarios would generate a noise level increase of less than 3 dBA along the studied sample

roadways in the vicinity of the Proposed Project. As such, anticipated increases would be below the significance threshold of 3 dBA; hence, the incremental effect of the Proposed Project on off-site traffic noise is not cumulatively considerable. Cumulative off-site traffic noise impacts are, thus, considered less than significant. No mitigation is required. (Draft EIR, pp. 3.9-30 – 3.9-32.)

J. POPULATION AND HOUSING

The cumulative study area used to assess potential cumulative population and housing impacts includes the City of Montclair, the County of San Bernardino, and the SCAG region because employees of the MPDSP may live within or outside the City's jurisdictional boundaries.

SCAG's 2020-2045 RTP/SCS services as a regional guide for future development in the counties of San Bernardino, Imperial, Los Angeles, Orange, Riverside, and Ventura. The Proposed Project would exceed the SCAG population, housing, and employment growth projections for the City; however, the Proposed Project would represent a nominal percentage of the overall projected population, housing, and employment projections for the County and SCAG region. The Proposed Project would contribute to the RHNA housing production targets for the County. Additionally, the Proposed Project is consistent with increasing the number of households compared to jobs within the City.

Projected percentage of growth per year for 2016-2045 is slightly higher for housing than population, while employment is declining in the City and growing at a slower rate than projected in the County and SCAG region. While the SCAG region is well within the projected growth for population, the SCAG region was below the projected housing growth by 5,322 dwelling units from 2016 to 2018. Further, based on 2016 to 2018 data, the housing projections within the SCAG region are not being met. Although the Proposed Project's residential population would exceed the SCAG's population, housing, and employment growth projections for the City, the proposed 6,321 housing units aims to create a balance of jobs and housing within the City, and help the region meet housing projections. Nonetheless, since the Proposed Project would induce substantial population growth, a cumulatively considerable effect would result when combined with population growth caused by other projects within the City, County, or SCAG region. Even with the implementation of mitigation measures **MM-AES-1**, **MM-AQ-1** through **MM-AQ-9**, **MM-GHG-1**, **MM-GHG-2**, **MM-HAZ-1**, **MM-HYD-1**, **MM-HYD-2**, **MM-PUB-1**, **MM-TCR-1**, and **MM-TCR-2**, the effects of substantial population growth combined with other future projects would be cumulatively considerable. As such, cumulative impacts to population and housing would be significant and unavoidable. (Draft EIR, pp. 3.10-15 – 3.10-16.)

K. PUBLIC SERVICES

The MPDSP would introduce a maximum of 18,331 new residents in the planning area at buildout. According to SCAG's 2020-2045 RTP/SCS, the City's population is anticipated to increase from 38,700 persons in 2016 to 49,200 persons in 2045, an increase in 10,500 persons. This represents a 21.3% increase (approximately 0.7% per year) between 2016 and 2045. The City experienced a population increase of approximately 4.4% per year between 2016 and 2018. Assuming the City increased population growth at a consistent rate between 2016 and 2045, the City would add approximately 362 persons per year.

Cumulative development in the City will increase the structures, residents, and employees requiring fire and police protection. Assuming fees continue to be adjusted and assessed and improvements in facilities are made concurrent with, or in advance of, new development, cumulative impacts to police and fire are not considered significant. Additionally, mitigation measure **MM-PUB-1** would be implemented as part of the Proposed Project.

Cumulative development in the City will continue to increase the number of students attending local schools and other educational facilities. Assuming appropriate statutory fees continued to be paid, impacts are considered fully mitigated by the law, pursuant to Government Code Section 65996.

Based on the population and growth discussed in Chapter 3.10 of this EIR, the City is deficient in meeting the required acreage for parkland. As described in Section 3.12, Recreation, there is a deficit in parkland of approximately 62%. Continued growth in the City will increase the number of residents and consequently the demand for park space. If fees continue to be exacted and new park space is developed concurrent with, or in advance of new development in the City, impacts could be reduced. However, given the relative lack of remaining open land in and around Montclair, the Proposed Project's contribution to the cumulative parks impact is considered a cumulatively significant. As such, cumulative impacts to public serves are considered significant and unavoidable. (Draft EIR, pp. 3.11-16 – 3.11-17.)

L. RECREATION

Based on the population and growth factors, the City is deficient in meeting the required acreage for parkland. There is an existing deficit in parkland of approximately 62%. Continued growth in the City caused by other cumulative projects would further increase the number of residents and consequently increase the demand for park space. If fees continue to be exacted and new park space is developed concurrent with, or in advance of new development in the City, impacts could be reduced. Additionally, all projects under the cumulative scenario would be required to mitigate impacts to parks through either the dedication of parkland, or more likely, the payment of a development impact/in lieu fee. However, considering the existing deficiency of recreational facilities in the City, the shortage in remaining open space to develop parkland in the City, and the City's exceedance of SCAG's population growth projections, implementation of the Proposed Project in addition to cumulative projects would exacerbate the City's existing park shortage. Therefore, the Proposed Project's impacts on recreational facilities when combined

with other future projects would be cumulatively considerable. Cumulative impacts are, therefore, considered significant and unavoidable. (Draft EIR, p. 3.12-14.)

M. TRANSPORTATION

VTM Impacts. Per the OPR Technical Advisory: "...a project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less-than-significant project impact would imply a less than significant cumulative impact, and vice versa..." Based on the VMT analysis, since the Proposed Project would have a per service population VMT below OPR's 15% below existing/base year VMT, it would have a less than significant cumulative impact to VMT. Furthermore, the Plan area is within the 2045 SCAG High Quality Transit Area (HQTA) which would also result in the Proposed Project having a less than significant cumulative impact to VMT. (Draft EIR, pp. 3.13-39 – 3.13-40.)

Off-Ramp Queuing Impacts. In the General Plan Year (2040) plus Project condition, the 95th percentile queues are forecast to exceed the total ramp storage length at the Central Avenue/I-10 westbound ramps. The AM peak hour 95th percentile queues exceed the total ramp lengths at the Central Avenue/I-10 westbound ramps by approximately 150 feet. During the PM peak hour, the westbound off-ramp queues at Central Avenue continue to exceed the total ramp length; however, the total queue length is forecast to decrease by approximately 49 feet between the General Plan Year 2040 and plus Project conditions.

As both AM and PM peak hour 95th percentile queues are forecast to extend into the I-10 mainline lanes at the Central Avenue/I-10 westbound ramps in the General Plan Year (2040) plus Project condition, queuing along these off-ramps has the potential to impact mainline operations. Improvements to accommodate the General Plan Year (2040) plus Project queues at these off-ramps would require extensive coordination and further study under Caltrans direction to determine the appropriate designs to accommodate off-ramp queues. The Caltrans and SBCTA I-10 Corridor Project (EA 0C2500) was approved in May 2017 and proposes to add Express Lanes in either direction along 33 miles of the I-10 freeway, which includes widening of the I-10 freeway bridge over Monte Vista Avenue and intersection improvements at the Monte Vista Avenue/I-10 freeway ramps. These improvements were incorporated into the General Plan Year 2040 queuing analysis at the Monte Vista interchange; however, there are no current or planned programs administered by the City for ramp improvements at the I-10 freeway/Central Avenue interchange, and since the City does not have jurisdiction over these facilities, there are no feasible mitigation measures to mitigate the Proposed Project's off-ramp queuing impacts. Therefore, the Proposed Project may increase a hazardous condition at the I-10 freeway/Central Avenue eastbound and westbound off-ramps, and its impacts would be significant and unavoidable. (Draft EIR, p. 3.13-40.)

N. TRIBAL CULTURAL RESOURCES

The geographic scope of the cumulative cultural resources analysis is the region surrounding the Proposed Project site. The Proposed Project site is located in urban, developed commercial and residential area. The Proposed Project site and all surrounding properties have undergone disturbance previously resulting from development of the existing Montclair Place Mall (Mall) and the commercial and residential uses that surround it. Ongoing development and growth in the broader Plan area may result in cumulatively significant impacts to tribal cultural resources due to the continuing disturbance of undeveloped areas, which could potentially contain significant, buried tribal cultural resources. The majority of the Proposed Project site (approximately 75 acres) is currently occupied by the existing Mall properties. Moreover, the Proposed Project would be constructed on a developed and disturbed site that has been subject to previous ground-disturbing activities, which greatly limits the potential for buried, unrecorded cultural resources to underlay the Proposed Project site. Nonetheless, mitigation measures **MMTCR-1** and **TCR-2** are required to help ensure that unknown Tribal Cultural Resources, in the event of an unanticipated find, will be protected, researched, and potentially preserved (if subsequently deemed warranted) to maintain integrity and significance.

The cumulative impacts analysis on tribal cultural resources considers whether the impacts diminish the number of tribal resources within the same or similar context or property type. The Proposed Project could have significant impacts to unknown tribal cultural resources, and mitigation would be required to reduce adverse impacts to levels less than significant. It is anticipated that tribal cultural resources that are potentially affected by related projects would also be subject to the same requirements of CEQA as the Proposed Project and mitigate for their impacts, if applicable. The determinations of significance would be made on a case-by-case basis, and the effects of cumulative development on cultural resources would be mitigated to the extent feasible in accordance with CEQA and other applicable legal requirements. Therefore, the Proposed Project would not contribute to a cumulatively considerable impact associated with tribal cultural resources due to the fact that impacts to tribal cultural resources would be mitigated to a less than significant level. Cumulative impacts would be less than significant with mitigation incorporated. (Draft EIR, pp. 3.14-16 – 3.14-17.)

O. UTILITIES AND SERVICE SYSTEMS

Water Supply. Development of the Proposed Project would increase land-use intensities in the area resulting in increased water usage. The Proposed Project would be served by the MVWD, which would increase the amount of water used in the MVWD's service area. The MVWD 2015 UWMP indicates that in 2015, the total annual water demand in MVWD's Service Area was 16,384 AF, which equates to approximately 5.5 billion gallons per year or 15.1 mgd. Collectively, the MVWD and other water agencies in Southern California have planned for the provision of regional water for the growing population, including drought scenarios for its service area. The plan includes a new water demand forecast prepared for the major categories of demand and uses regional population, demographic projections, the dry climate,

historical water use to develop these forecasts. These projections consider land use, water development programs and projects, and water conservation. As such, the Proposed Project would not result in increased water usage, causing the need for new entitlements, resources, and/or treatment facilities that are not already being planned to accommodate regional growth forecasts.

The MVWD has the opportunity to increase supply to meet future demands through the following measures: 1) production of groundwater based on safe yield allocation and utilization of water in storage; 2) increasing imported water purchases, if available and if there is available WFA capacity; and 3) purchasing additional recycled water, if available. Collectively, these additional options would enable water supply to exceed water demand for MVWD now and into the future, including sufficient water supply for the Proposed Project (Appendix H-1).

Lastly, compliance with the CALGreen Building Code would be required for new development. For redevelopment projects, this generally indicates that newly installed appliances and plumbing would be more efficient than those used within the structures originally located on redevelopment sites. In addition, CALGreen Building Code standards require a mandatory reduction in outdoor water use, in accordance with the DWR Model Water Efficient Landscape Ordinance. This would ensure that many of the related projects, as well as the Proposed Project, do not result in wasteful or inefficient use of limited water resources and may, in fact, result in an overall decrease in water use per person. Due to water planning efforts, water conservation standards, and the urban infill/redevelopment nature of the Proposed Project and many of the related projects, cumulative impacts would be less than significant (Draft EIR, p. 3.15-28).

Wastewater. Each phase of the Proposed Project would incrementally increase the amount of wastewater that is being generated in the area. However, as previously described, the existing sewer lines that serve the Proposed Project have the capacity to convey the estimated peak flow generated from the Plan area. Similarly, the capacity of receiving sewer lines associated with cumulative Project development would be determined on a project-specific basis. In the event that sewer upgrades are required, all construction work within the City public right-of-way would be subject to local municipal code requirements. Other than the lateral connections from the related project sites to existing sewer mains, these related projects are not expected to require or result in construction or expansion of off-site infrastructure. As a result, indirect, cumulative impacts associated with upgrades of sewer lateral connections to related project sites would not be cumulatively considerable.

In addition, the Proposed Project would generate a net increase of approximately 1.58 mgd of wastewater, which would represent approximately 7.7% of the IEUA's CCWRF and RP-1 collective treatment capacity. As cumulative increases in wastewater treatment demand within the service area require facility upgrades, the MVWD would include service connection fees in their capital improvement plans. Such fees would ensure that capital improvements are completed sufficiently to accommodate increased wastewater inflows associated with the Proposed Project. As such, cumulative impacts would be less than significant. No mitigation is required. (Draft EIR, pp. 3.15-28 – 3.15-29.)

Solid Waste. Development of the Proposed Project would increase land-use intensities in the area, resulting in increased solid waste generation in the service area for the Mid-Valley and San Timoteo Sanitary Landfills. However, the Proposed Project is a redevelopment project. As such, solid waste is already being generated at the Plan area. Further, AB 939, or the Integrated Waste Management Act of 1989, mandates that cities divert 50% of the total solid waste generated from landfills to recycling facilities. In order to maintain state diversion requirements, the Proposed Project would be required to implement waste reduction, diversion, and recycling during its demolition, construction, and operation. Through compliance with City and state solid waste diversion requirements, and due to the recycling collection process that would be part of the Proposed Project design, cumulative impacts would be less than significant. (Draft EIR, p. 3.15-29.)

Electric Power, Natural Gas, and Telecommunication. The City of Montclair is built out, and upgrades in electrical power, natural gas, and telecommunication capabilities are anticipated primarily due to development in the form of the revitalization of outdated or underserved areas, and redevelopment of specific properties that would increase density and require more sophisticated technology, such as the Proposed Project. However, such upgrades would generally be confined to the lateral connections to the individual project sites, and possibly upgraded adjacent backbone infrastructure, and not any centralized facilities. Upgrades to centralized power, natural gas, and telecommunication facilities would be determined by each of the power, gas, and telecommunications providers, as build-out continues within the region. Individual projects would be required to provide for specific project needs. As a result, cumulative impacts associated with upgrades of electric, natural gas, and telecommunication facilities would not be cumulatively considerable. Impacts would be **less than significant**. (Draft EIR, § 4.17.6.5.)

SECTION VI: FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines, requires 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.

Electricity is provided to the Plan area by Southern California Edison (SCE). SCE serves approximately 180 cities in 11 counties across Central and Southern California. SCE's electrical energy generation sources include natural gas, coal, nuclear, renewable energy (geothermal, small hydroelectric, solar, and wind), and large hydroelectric facilities. The Southern California Gas Company provides the City with natural gas service. The company's service territory encompasses approximately 20,000 square miles and more than 500 communities. Potable and recycled water service would be served by the Monte Vista Water District (MVWD). MVWD is under regulatory obligations to treat the water to appropriate standards set by the U.S. Environmental Protection Agency (EPA), the State Water Resources Control Board, and the California Regional Water Quality Control Board (RWQCB). The MVWD currently serves a 9.56-square mile portion of the Chino Basin and derives most of its water from the Chino Groundwater Basin (MVWD 2016).

The Chino Groundwater Basin has a total underground water storage capacity of approximately 6 million acre-feet and currently holds approximately 5 million acre-feet of groundwater. The Chino Basin Judgment, adopted by the California Superior Court in 1978 under stipulation by local groundwater producers, designated a safe yield for the basin of 140,000 acre-feet, which is the amount of groundwater that can be pumped from the basin each year without causing undesirable results. Purchasing imported water from the Metropolitan Water District of Southern California (MWD), through the Inland Empire Utilities Agency (IEUA), for basin recharge generally makes up any excess of pumping over the safe yield. However, supplemental water may be obtained from any available source, including recycled water and imported water. The Chino Basin Judgment also allows for the transfer and storage of excess rights and supplemental supplies. Currently, the District relies on approximately 75% of its water supply from 12 active groundwater wells and other local supplies and 25% from imported water. The MVWD retail area includes the City of Montclair, portions of the City of Chino, and unincorporated areas of San Bernardino County (MVWD 2016). These entities that supply the project site with resources are subject to a variety of policies that require reductions in resource usage and/or reductions in emissions. Examples include the California Renewables Portfolio Standard, AB 939, SB 1374, and the requirement to prepare Urban Water Management Plans.

While the City does not have direct jurisdiction over the utilities that serve it, use of resources within the City is inventoried within the City's General Plan, and there are numerous policies and programs in place to reduce the use of nonrenewable resources within the City as a whole. The Conservation Element of the General Plan identifies opportunities for energy conservation, and the Air Quality Element identifies policies for improving air quality, some of which have an associated effect of reducing fossil fuel consumption. The General Plan Housing Element identifies opportunities for energy conservation (City of Montclair 1999). This section lists some basic residential energy conservation strategies, which should be encouraged and/or required in housing construction:

- Locate housing in reasonably close to proximity to employment centers, services, schools, parks and other facilities in order to reduce unnecessary automobile usage.
- Locate housing in areas served by public transportation and provide facilities which may better facilitate the use of that transportation.
- Construct homes utilizing full insulation and weatherization standards as required by State and federal regulations.
- Design subdivisions which will provide adequate solar access for planned and future use of solar energy. Subdivision designs which best provide for solar access include a predominant east/west street pattern, orientation of the major access of homes so as to align within 25 degrees of due south, and provide adequate open space to the south of each home so as to provide a "window" to the sun.
- Design homes which can easily accommodate passive and active solar principles and apparatus. Examples of such design include double thickness window glazing, natural flow-through ventilation, clerestory windows, and adequate, well-located southerly exposure roof area.
- Incorporate landscape around homes as a passive solar element in order to provide natural winter heating and summer cooling. The location of deciduous trees on the south side of a home is a particularly good tool for this purpose.
- Incorporate water conservation planning and design into the construction of homes. Lowflow water restrictors and the use of native, drought-resistant plant materials are ways of accomplishing this conservation.
- Make use of refuse separation techniques and collection points in order to recycle such items as aluminum, glass, and paper.
- Encourage trip reduction through programs such as compressed work weeks, flex schedules, carpooling, and telecommunication.
- Provide bicycle and pedestrian pathways and facilities to encourage non-motorized trips.

Additionally, the City also has a Green Building Standards Code, which regulates and controls the planning, design, operation, use and occupancy of newly constructed buildings and structures in the City. At this time, the City of Montclair has not adopted a Climate Action Plan or similar greenhouse gas (GHG) reduction strategy. However, the City has established a goal to reduce its community-wide GHG emissions to a level that is 20% below its 2008 GHG emissions level by 2020 (SANBAG 2014). Approximately 54% of the City's GHG emissions in 2008 were attributed to on-road transportation. Building energy accounted for approximately 32%. Off-road equipment accounted for approximately 6%, solid waste management accounted for 4%, water conveyance accounted for 3%, and wastewater treatment made up the remaining 1% of the City's GHG emissions in 2008. The City of Montclair General Plan (City of Montclair 1999) includes various policies related to reducing GHGs (both directly and indirectly) in the Circulation Element, Housing Element, Air Quality Element, and Conservation Element. Efforts to reduce GHG emissions will have a related beneficial effect of reducing use of nonrenewable sources, such as fossil fuels.

The location and design of the MPDSP also encourages pedestrian and bicycle activity and use of transit in lieu of personal vehicles. While the MPDSP would allow for an intensification of development in the Plan area, it would locate housing and jobs within walking and biking distance to the Montclair Transcenter and the anticipated extension of the Foothill Gold Line railway. Additionally, the development would take place within an existing developed but underutilized area that is surrounded on all sides by urbanization.

The utilities that service the City, the City itself, and the design of future projects under the MPDSP are all subject to regulations that are working to reduce the amount of nonrenewable resources that are committed to development projects. Additionally, future projects under the MPDSP may incorporate voluntary sustainable design factors to go beyond the requirements. As such, the MPDSP is not anticipated to consume substantial amounts of energy in a wasteful manner, and it would not result in significant impacts from consumption of utilities. Although irreversible environmental changes would result from the Proposed Amendment, such changes would not be considered significant. (Draft EIR, pp. 5-3 – 5-6.)

SECTION VII: 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 state that growth inducement must not be assumed.

The Proposed Project involves a specific plan that would increase the development potential in the Plan area. The Plan area currently consists of an underutilized regional mall property, with extensive surface parking, strip commercial development, and freestanding commercial buildings. The Plan area is surrounded by development on all sides: to the north are commercial and residential uses that are within the North Montclair Downtown Specific Plan (NMDSP) area, to the east are commercial uses that are within the North Montclair Specific Plan (NMSP) area, to the south is the I-10 freeway, and to the west are commercial, institutional, and residential uses that are also within the NMSP area. Access to the Plan area is available via Monte Vista Avenue, Central Avenue, and Moreno Street.

The MPDSP would allow for development of up to 6,321 dwelling units and an additional 512,635 square feet of commercial space within the Plan area through 2040. The 6,321 dwelling units are expected support a residential population of approximately 18,331 persons. The expansion of non-residential space would also increase the number of jobs available in the project area relative to existing conditions. The number of potential jobs available in the Plan area, assuming full buildout, would be 5,425 jobs, representing a net gain in employment within the Plan area of 1,404 employees.

The growth in population that would be allowed under the MPDSP exceeds the population and employment growth identified for the City in the Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). In regards to available employment opportunities, the City's employment rates are decreasing compared to projections identified in the RTP/SCS but are anticipated to increase by 2045. Growth projections in the RTP/SCS are used in part for infrastructure planning and development, to ensure that regional infrastructure is properly sized and planned for expected development. The projections are based in part on the underlying land use plans and zoning for the cities and counties that make up the SCAG region. The new land use and zoning designations for the Plan area that would go into effect under the MPDSP would allow for additional development relative to the existing designations. As such, the population and employment growth that would be permitted under the MPDSP is not reflected in the latest RTP/SCS, which is scheduled to be adopted August 2020. It should be noted that the City outpaced its current SCAG growth projections between 2016 and 2018. As such, the City is already growing faster than anticipated. The MPDSP would, therefore, be in line with this more accelerated growth trend. Furthermore, buildout of the MPDSP would add housing to the City, which is considered to be "jobs rich". The Proposed Project would increase the jobs-to-housing balance in the City, placing more residences near areas of employment. As such, the residents that could be brought into the City by development in the Plan area would be, at least in part, supported by existing jobs. The existing "jobs rich" nature of the City would thus limit the economic growth that would be associated with the MPDSP.

A new and updated RTP/SCS is prepared every four years. As such, if the MPDSP were to be approved, its land use designations and associated growth would likely be reflected in future versions of the RTP/SCS. Adoption of the next RTP/SCS would occur about 20 years before expected buildout of the MPDSP. As such, for the majority of the implementation period of the MPDSP, its land use designations and associated growth potential would be reflected in regional land use planning efforts.

The current City General Plan was adopted in 1999 and also does not reflect the land uses and zoning that would be put in place for the Plan area under the MPDSP. As with the RTP/SCS, the latest General Plan does not account for this growth. The General Plan states that the City has an expected buildout population of 45,000 people through 2015 (City of Montclair 1999). As discussed in greater detail in Section 3.10, Population and Housing, the current City population (40,402 people as of 2018) remains below this anticipated buildout population. However, because the City's General Plan does not discuss population buildout beyond 2015, the analysis conducted within this Draft EIR reviewed the RTP/SCS to better understand population growth impacts for the planning horizon of the Proposed Project over approximately 20 years. The City's projected population for 2045, as anticipated by SCAG (49,200 people) is also below this expected buildout population. With buildout of the MPDSP, the City would exceed the expected buildout population of 45,000 people. The City is currently undergoing a General Plan update, which is expected to be adopted in spring 2020. If the MPDSP is approved prior to General Plan adoption, the potential land use change and growth associated with the MPDSP would be reflected in the General Plan that would be in place for the majority of MPDSP implementation.

Despite the planned updates to the City's General Plan and RTP/SCS and the potential benefits of the MPDSP on the City's balance of jobs and housing, the growth allowed under the MPDSP is not currently accounted for in local or regional planning efforts, indicating that the proposed growth could outpace existing community services. As explained above, the City is already outpacing projected growth. Development under the MPDSP would contribute to and accelerate this trend. The MPDSP would result in the need for additional public services facilities, including fire protection facilities and parks. However, the location, size, and extent of new public service infrastructure remains highly speculative at this time. Public service providers have indicated that the Proposed Project may result in the need for new facilities, equipment, and personnel. However, the specific number, size, and location of such infrastructure remains unknown at this time. The MPDSP has a buildout horizon of 20 years. While the MPDSP would allow for additional development in the Plan area, the timing and specific sizes of future projects developed under the MPDSP are currently unknown. It is also unknown whether full buildout of the MPDSP would be actualized. As such, the need for new public facilities, the location and size of such facilities, and the timing of when such facilities would be needed is unknown and highly speculative at this time. Regarding utilities, construction of new water, sewer, electric, natural gas, telecommunications, and stormwater infrastructure would primarily take place within the Plan area to provide connections for future projects built under the MPDSP. This infrastructure has been analyzed as part of the Proposed Project in this EIR and would be sized to support future projects in the Plan area only. Upgrades to the existing 10-inch sewer line in Monte Vista Avenue would be required as part of Project implementation, as the current line is inadequately sized to accommodate Proposed Project wastewater flows. In addition, some utilities (such as electrical, natural gas, and telecommunication facilities) may need to be upgraded off site in association with later phases of the Proposed Project (i.e., Phases E through G). These upgrades are considered speculative at this time and would likely be sized to accommodate the excess needs of the MPDSP only. Other than the lateral connections from the Plan area to existing water mains, the Proposed Project is not expected to require or result in construction or expansion of off-site water lines.

Most of the infrastructure required for future projects constructed under the MPDSP would be internal to the Plan area and would be designed and constructed to support MPDSP development only. Water and sewer pipelines would connect projects within the MPDSP to existing infrastructure within surrounding roadways; internal roadways would connect vehicular, bicycle, and pedestrian traffic to the surrounding roadways; and, parks and open space would help support the recreational needs of residents and employees within the Plan area. The infrastructure built within the Plan area is part of the MPDSP and, therefore, has been analyzed for its impacts on the environment in this EIR. The infrastructure within the Plan area would not be sized for use by development outside of the Plan area. As such, this infrastructure is not expected to support development in the surrounding environment. However, as described in the paragraph above, MPDSP buildout may also be associated with some development and/or expansion of off-site infrastructure, such as fire protection facilities and parkland. While the development of such infrastructure is considered highly speculative at this time, new infrastructure that is constructed could be used by other development projects in the surrounding areas, potentially contributing to economic growth, population growth, and/or additional housing in the surrounding environment.

The potential for the Proposed Project to facilitate this type of growth would be considered a potential indirect growth-inducing effect of the Project. However, it should be mentioned that this indirect growth inducement would be unlikely and/or would be limited by a number of factors. First, the City is considered to be "landlocked" and has very little vacant land for development of new housing (City of Montclair 1999). Second, the Plan area is located within the NMSP area and adjacent to the NMDSP area. These adopted plans govern land use development in the vicinity of the Plan area. As such, growth in the vicinity of the MPDSP is governed by existing, adopted specific plans and is also limited by the landlocked and developed nature of the City. Third, the Plan area is bordered to the south by a 12-lane freeway. As such, the MPDSP is unlikely to facilitate or encourage development to the south of the Plan area. The potential for the MPDSP and associated off-site infrastructure to trigger development in the surrounding environment and/or to facilitate additional population growth is, therefore, unlikely, speculative, and limited. Any future projects in the surrounding environment would also be subject to environmental analysis pursuant to CEQA and must include the level of detail required for a project-level review process. In the event that significant environmental effects are identified during this process, mitigation measures, project alternatives, or the identification of overriding considerations would be required pursuant to CEQA. Furthermore, it should be noted that any future development in the vicinity of the Plan area would be limited to redevelopment and/or infill development. These types of projects are typically less impactful to the environment than new land development projects and are often supported and even encouraged by land use policies that seek to reduce urban sprawl and encourage transit-oriented development. Nevertheless, there remains some potential that future off-site infrastructure associated with the MPDSP could, at least in part, support or remove obstacles for other development in the vicinity of the MPDSP.

Approval of the MPDSP is not expected to encourage and/or facilitate other activities that could significantly affect the environment. As explained above, the Plan area is surrounded on three sides by existing development and is bordered on its fourth side by an approximately 12-lane freeway (the I-10). The development surrounding the Plan area is currently governed by two specific plans that are adopted and that have been analyzed under CEQA. The MPDSP fits into the context of improvements that are taking place in the northern section of the City. Development of the MPDSP could potentially accelerate planned development in nearby areas. For example, the introduction of residential uses to the Plan area could support commercial development in the adjacent NMDSP area, potentially accelerating and/or allowing for implementation of that plan. This potential acceleration of nearby development is considered a potential indirect growth-inducing effect of the Project.

In conclusion, the MPDSP has the potential to indirectly support and/or accelerate growth in the vicinity of the Plan area. However, the MPDSP is being proposed within the context of existing redevelopment efforts in the north Montclair area and is, in part, a reaction to the proposed Foothill Gold Line railway extension. This transit extension is associated with a variety of transit-oriented, mixed-use developments that are being constructed and proposed near the anticipated Gold Line corridor across the region. The MPDSP is part of a regional planning and growth trend associated with policy decisions to develop public transit and to concentrate new development along transit corridors. The MPDSP would support increased use of transit and would also help balance the jobs-to-housing ratio within the City. Despite these potential benefits and overall consistencies with regional trends and policies, the MPDSP would nevertheless allow for population and employment growth that extends beyond what is currently contemplated for the City in its General Plan and in the SCAG RTP/SCS. Until the General Plan is updated, its growth projections and associated infrastructure planning efforts and environmental policies would not account for the growth allowed under the MPDSP. As projects are developed under the MPDSP, the associated growth may lead to development of off-site infrastructure that would have some potential to support and/or accelerate expanded development in the surrounding environment. Additionally, development of projects under the MPDSP may accelerate development in the vicinity, as it may provide new residents to support nearby services. As such, despite its potential benefits and its consistency with regional trends (e.g., increased mixed-use development along the future Gold Line route), the Proposed Project is considered to be potentially growth inducing. (Draft EIR, pp. 5-6 – 5-10.)

SECTION VIII: ALTERNATIVES

A. BACKGROUND

The EIR analyzed four alternatives to the Project as proposed and evaluated these alternatives for their ability to avoid or reduce the Project's significant environmental effects while also meeting the majority of the Project's objectives. The City finds that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. This section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the Project objectives, as required by CEQA.

Where significant impacts are identified, section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

- (a) An EIR shall describe a range of reasonable 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.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

- (b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

- (c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. 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, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.

However, when a project would not result in any significant and unavoidable impacts, the lead agency has no obligation to consider the feasibility of alternatives to lessen or avoid environmental impacts, even if the alternative would reduce the impact to a greater degree than the proposed project. (Pub. Res. Code § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.)

B. PROJECT OBJECTIVES

The following objectives have been established for the Project (Draft EIR, pp. 4-2 – 4-3):

1. Enable phased redevelopment of the existing Montclair Place Mall and the area south of the Mall including the Ashley Furniture site and the Montclair Entertainment Plaza area. The time frame for build-out in the Plan area is anticipated to take up to 20 years.
2. Create a pedestrian-oriented, mixed-use downtown district within walking and biking distance of the Montclair Transcenter and anticipated extension of the Foothill Gold Line railway.
3. Replace the existing C-3 zoning with new mixed-use zones that permit residential use in standalone and mixed-use configurations and office.
4. Introduce appropriate land use zones and uses, intensity levels, and future street patterns for properties in the Plan area.
5. Provide zoning that is flexible and responsive to changing market demands.
6. Account for an increase in the maximum number of dwelling units and additional commercial/office square footage allowable by the Plan. The maximum amounts envisioned by the Plan are approximately 6,321 dwelling units (5 million square feet of residential uses) and a total of 512,000 additional square feet of commercial/office uses.
7. Introduce form-based development, massing, and architectural standards to successfully implement the Plan.
8. Reduce automobile trips by creating a mixed-use, pedestrian-oriented, multi-modal, park-once environment with access to alternative modes of transportation, including walking, biking, Metrolink, the proposed Foothill Gold Line railway extension, and curb space for transit network companies such as Uber and Lyft.

C. ALTERNATIVES SELECTED FOR ANALYSIS

The alternatives selected for further detailed review within the EIR focus on alternatives that could lessen the Project’s significant environmental impacts, while still meeting most of the basic Project objectives. Those alternatives include:

- No Project/No Build Alternative
- No Project/Existing Planned Development Alternative
- Reduced Residential Alternative
- Reduced Commercial/Office Alternative

1. No Project/No Build Alternative

Description: The No Project Alternative is included pursuant to the requirements of CEQA and the State CEQA Guidelines. Under the No Project/No Build Alternative, it is assumed that the Proposed Project would not be approved and no development would occur. (Draft EIR, p. 4-35.)

Impacts: Under Alternative 1, no new development would occur in the planning area and existing uses would remain. Therefore, overall aesthetic impacts associated with Alternative 1 would be less than significant. These impacts would be less than the Proposed Project, which would be less than significant with mitigation. Although significant and unavoidable impacts associated with operational criteria air pollutant emissions, and their impacts to sensitive receptors, would not be avoided, impacts associated with construction would be avoided. Additionally, significant and unavoidable LST and TAC impacts to sensitive receptors would be avoided, when compared to the Proposed Project. Therefore, Alternative 1 would be less impactful to air quality than the Proposed Project, which would result in a significant

an unavoidable impact. Impacts on biological resources, cultural resources, tribal cultural resources, land use and planning, utilities and service systems and noise would be less than the Proposed Project. Alternative 1 would not involve new construction; and therefore, would not comply with the latest Title 24 standards. However, energy consumption under Alternative 1 would be less than the Proposed Project. Therefore, impacts to energy consumption under Alternative 1 would be less than the Proposed Project. Geology and soils and hazards and hazardous materials impacts are similar to the Proposed Project. Although the Project would generate more GHG emissions when compared to Alternative 1, GHG contributions under Alternative 1 would be cumulatively considerable and impacts would be significant and unavoidable, similar to the Proposed Project. Impacts to hydrology and water quality under Alternative 1 would be similar to the Proposed Project, which would result in a less than significant impact, although Alternative 1 would consume less groundwater when compared to the Project. Alternative 1 would avoid the significant and unavoidable impacts regarding population and housing, public services (parks) and recreation. Transportation impacts would be less than the Proposed Project because additional impacts to Central Avenue/I-10 eastbound ramps in the AM and PM peak hours in the existing plus project condition would not occur. (Draft EIR, pp. 4-35 – 4-43 and Table 4-2.)

Project Objectives: While this alternative means that no new development would occur in the planning area, and therefore, greater environmental impacts would be avoided, none of the objectives of the Proposed Project would be achieved. (Draft EIR, p. 4-35.)

Finding: The City Council rejects Alternative 1: No Project/No Build Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet any of the project objectives; and (2) the alternative fails to avoid significant and unavoidable air quality, GHG, and transportation impacts.

2. No Project/Existing Planned Development Alternative

Description: The No Project/Existing Planned Development Alternative assumes that additional development could occur, as long as the development is consistent with the current General Plan Land Use designations and zoning designations. (Draft EIR, p. 4-44.)

Impacts: Alternative 2 would result in similar aesthetic, biological resources, cultural resources, tribal cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and utilities and service system impacts to the Proposed Project. Although significant and unavoidable impacts associated with operational criteria air pollutant emissions, and their impacts to sensitive receptors, would not be avoided, impacts associated with construction would be avoided. Additionally, significant and unavoidable LST and TAC impacts to sensitive receptors would be avoided, when compared to the Proposed Project. Therefore, air quality impacts under Alternative 2 would be less than the Proposed Project, which would result in a significant and unavoidable impact. Alternative 2 would result in less electricity, natural gas, and petroleum consumption when compared to the Proposed Project. Impacts would be less than the Proposed Project. Although GHG emissions would be less when compared to the Project, GHG impacts under Alternative 2 would be similar to the Proposed Project, because Alternative 2 would also result in a significant and unavoidable impact. Alternative 2 would be less impactful to land use and planning as compared to the Proposed Project, which would result in a less than significant impact. Impacts to population and housing, public services (parks) and recreation under Alternative 2 would be less than the Proposed Project and the significant and unavoidable Project impacts would be avoided under Alternative 2. Transportation impacts would be less than the Proposed Project because additional impacts to Central Avenue/I-10 eastbound ramps in the AM and PM peak hours in the existing plus project condition would not occur under Alternative 2. (Draft EIR, pp. 4-44 – 4-54 and Table 4-2.)

Project Objectives: Under the No Project/Existing Planned Development Alternative, none of the objectives of the Proposed Project would be achieved. (Draft EIR, p. 4-44.)

Finding: The City Council rejects Alternative 2: No Project/General Plan Consistency Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet any of the project objectives; and (2) the alternative fails to avoid significant and unavoidable impacts related to air quality, GHG, and transportation.

3. Reduced Residential Alternative

Description: The Reduced Residential Alternative would result in a 15% reduction in residential units as compared to the Proposed Project. This alternative would result in a total of 5,496 residential units, whereas the Project proposes 6,321 units. (Draft EIR, p. 4-54.)

Impacts: The Reduced Residential Alternative would result in similar impacts when compared to the Proposed Project in all respects other than energy consumption. The Reduced Residential Alternative would result in slightly less air quality impacts than the Proposed Project, but would still result in a significant and unavoidable impact. Similarly, although GHG emissions under Alternative 3 would be less than the Project, Alternative 3 would result in emission that exceed the SCAQMD threshold, and would result in a significant and unavoidable impact, similar to the Project. As to transportation, because Alternative 3 would result in a similar scale of development, it may increase a hazardous condition at the I-10/Central Avenue eastbound and westbound off-ramps, and its impacts would be significant and unavoidable and similar to the Project. Alternative 3 would result in less electricity, natural gas, and petroleum consumption when compared to the Proposed Project because there would be less residential development when compared to the Proposed Project. Impacts would be less than the Proposed Project. (Draft EIR, pp. 4-54 – 4-66 and Table 4-2.)

Project Objectives: The Reduced Residential Alternative would accomplish seven out of eight project objectives, but would fail to meet Project Objective 6, account for an increase in the maximum number of dwelling units and additional commercial/office square footage allowed by the Plan. The maximum amounts envisioned by the Plan are approximately 6,321 dwelling units (5 million square feet of residential uses) and a total of 512,000 additional square feet of commercial/office uses. However, Alternative 3 would result in a total of 5,496 residential units, whereas the Project proposes 6,321 units. (Draft EIR, p. 4-54.)

Finding: The City Council rejects Alternative 3: Reduced Residential 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 and is infeasible; and (2) the alternative fails to avoid any potentially significant impacts of the project regarding air quality, GHG, population and housing, public services (parks), recreation, and transportation.

4. Reduced Commercial/Office Alternative

Description: The Reduced Commercial/Office Alternative would result in a 7.5% reduction in commercial and office space as compared to the Proposed Project. This alternative would result in a total of 1,905,139 square feet of commercial space, whereas, the Proposed Project would involve the development of 2,058,909 square feet of commercial space. Specifically, the southwest corner of the Proposed Project plan area would not be included in the Alternative 4 Plan area, and would remain in the existing condition. (Draft EIR, p. 4-66.)

Impacts: The Reduced Commercial/Office Alternative would result in similar impacts when compared to the Proposed Project in all respects other than energy consumption. The Reduced Commercial/Office Alternative would result in slightly less air quality impacts than the Proposed Project, but would still result in a significant and unavoidable impact. Similarly, although GHG emissions under Alternative 4 would be less than the Project, Alternative 4 would result in emissions that exceed the SCAQMD threshold, and would result in a significant and unavoidable impact, similar to the Project. As to transportation, because Alternative 4 would result in a similar scale of development, it may increase a hazardous condition at the I-10/Central Avenue eastbound and westbound off-ramps, and its impacts would be significant and unavoidable and similar to the Project. Alternative 4 would result in less electricity, natural gas, and petroleum consumption when compared to the Proposed Project because there would be less commercial development when compared to the Proposed Project. Impacts would be less than the Proposed Project. (Draft EIR, pp. 4-67 – 4-79 and Table 4-2.)

Project Objectives: The Reduced Commercial/Office Alternative would accomplish seven out of eight project objectives, but would fail to meet Project Objective 6, account for an increase in the maximum number of dwelling units and additional commercial/office square footage allowed by the Plan. The maximum amounts envisioned by the Plan are approximately 6,321 dwelling units (5 million square feet of residential uses) and a total of 512,000 additional square feet of commercial/office uses. However, Alternative 4 would result in a 7.5% reduction in commercial and office space as compared to the Proposed Project. This alternative would result in a total of 1,905,139 square feet of commercial space, whereas, the Proposed Project would involve the development of 2,058,909 square feet of commercial space. Specifically, the southwest corner of the Proposed Project plan area would not be included in the Alternative 4 Plan area, and would remain in the existing condition. (Draft EIR, pp. 4-66 – 4-67.)

Finding: The City Council rejects Alternative 4: Reduced Commercial/Office 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 and is infeasible; (2) the alternative fails to avoid any potentially significant impacts of the project regarding air quality, GHG, population and housing, public services (parks), recreation, and transportation.

D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

State CEQA Guidelines Section 15126.6(e)(2) indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The State CEQA Guidelines also state that, should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives.

A comparative summary of the environmental impacts associated with each alternative as compared to the Proposed Project is provided in Draft EIR Table 4-2. The No Project/No Build Alternative (Alternative 1) would be the environmentally superior alternative as it would result in no new environmental impacts, would avoid many of the Proposed Project's impacts, and would eliminate the significant and unavoidable impacts identified for the Proposed Project related to air quality (criteria air pollutant emissions associated with construction), population and housing, public services (parks), and recreation. However, Alternative 1 would result in significant and unavoidable operational air quality impacts, greenhouse gas emission impacts, and transportation impacts. Alternative 1 would not achieve any of the Project objectives.

Alternative 3 would not avoid the Project's significant and unavoidable impacts. However, because less development would be involved under Alternative 3, these impacts would be slightly less when compared to the Project. Energy consumption would be less when compared to the Project. Therefore, Alternative 3 is the Environmentally Superior Alternative. However, Alternative 3 would only partially meet the Project objectives. (Draft EIR, p. 4-79.)

SECTION IX: STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to State CEQA Guidelines Section 15093(a), the City Council must balance, as applicable, the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the proposed project. If the specific benefits of the proposed project outweigh the unavoidable adverse environmental effects, those environmental effects may be considered acceptable.

Having reduced the adverse significant environmental effects of the proposed project to the extent feasible by adopting the mitigation measures, and having considered the entire administrative record on the proposed project, the City Council has weighed the benefits of the proposed project against its unavoidable adverse impacts after mitigation in regards to air quality, greenhouse gases, population and housing, public services, recreation, and transportation. While recognizing that the unavoidable adverse impacts are significant under the applicable CEQA thresholds, the City Council nonetheless finds that the unavoidable adverse impacts that will result from the proposed project are acceptable and outweighed by specific social, economic and other benefits of the proposed project.

In making this determination, the factors and public benefits specified below were considered. Any one of these reasons is sufficient to justify approval of the proposed project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would be able to stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the record of proceedings.

The City Council therefore finds that for each of the significant impacts that are subject to a finding under CEQA Section 21081(a)(3), that each of the following social, economic, and environmental benefits of the Project, independent of the other benefits, outweigh the potential significant unavoidable adverse impacts and render acceptable each and every one of these unavoidable adverse environmental impacts:

1. **Create a Pedestrian-Oriented Downtown District:** The City does not have a Downtown. The Proposed Project would create a pedestrian-oriented, multi-modal, mixed-use Downtown district within walking and biking distance of the Montclair Transcenter and the anticipated extension of the Foothill Gold Line that would extend light rail line service to the City of Montclair.
2. **Redevelop the Montclair Place Mall Property:** The majority of the Plan area (approximately 75 acres) is currently occupied by the existing Montclair Place Mall properties. With the rise of online shopping and changing consumer preferences, the popularity of shopping malls have been in decline. In addition, consumers are looking for experiences that go beyond traditional shopping. Demolition of the existing Montclair Place Mall and introducing the genuine urban environment that a Town Center offers to the MPDSP Plan area, will attract consumers, residents, and employees to retail offerings and entertainment experiences that can never be satisfied online to the City.
3. **Creation of a Residential District:** There are relatively few residences in the North Montclair area. The Proposed Project would create a mixed-use Downtown with a significant residential population that will animate streets with pedestrians, as well as provide a market for local-serving retail.
4. **Attract Residents to the City:** The Proposed Project includes design guidance for a variety of building types, including mixed-use commercial blocks, rowhouses, condominiums, and apartment buildings, which will attract a variety of residents. The Proposed Project seeks to attract residents to the City and provide a public realm, which would enhance the general character of the City. Additionally, the Proposed Project would result in a total of 512,000 additional square feet of commercial/office uses; therefore, the Proposed Project would attract occupations to the City.
5. **Create an Aesthetically Pleasing Community:** The downtown environment created by the Proposed Project would be built on an interconnected network of tree-lined streets that connect

inviting parks, greens, and plazas. Its buildings would be built close to, and directly accessible from, the sidewalk. Parking would be located behind buildings or will be subterranean.

6. **Promote Transit-Oriented Development:** By integrating residential and commercial uses within the Plan area, the Proposed Project encourages residences to utilize alternative modes of transportation, such as walking, biking, the existing Metro Link commuter rail, and the anticipated Gold Line railway. The Proposed Project includes a new diagonal street connecting San Jose Street with Fremont Avenue through the Plan area provides a bike path down its center median, facilitating bicycle access Serrano Middle School to the west and the Transcenter to the north and supports first/last mile connections Gold Line and Metrolink trains.
7. **Promote Alternative Transportation:** The Proposed Project includes streets within the Plan area designed with built-in traffic calming strategies such as narrow lanes, on-street parking, and street trees. This will provided comfortable streets for bicyclists and users of alternative forms of transportation such as motorized scooters and segways. Additionally, the Proposed Project would provide bike racks and scooter parking throughout the Plan area.
8. **Create Mixed-Use Zones:** The Proposed Project would replace the existing C-3 development standards that are not conducive to generating a pedestrian-oriented, mixed-use setting. The MPDSP would enable the future development of commercial, multi-family residential, hotel, and mixed-use projects within walking and biking distance of the Montclair Transcenter.
9. **Provide Development Standards Consistent with Surrounding Uses:** The Proposed Project would assign and create appropriate land use zones for parcels within the Plan area and provide development standards and architectural guidelines to guide development within the MPDSP area through 2040. These standards would complement the development standards and architectural guidelines contained in the neighboring NMDSP.
10. **Reduce Vehicle Miles Traveled:** The Proposed Project is a mixed-use development and the Proposed Project's VMT per service population (8.37) would be less than 15% of the City's existing/base year VMT (15% of 19.27 = 16.38), reducing air quality, GHG and transportation impacts from vehicle travel.
11. **Generate Employment.** The Proposed Project would create new construction-related and permanent jobs in the Plan area. In addition to construction jobs, the non-residential components of the Proposed Project would result in an increase of approximately 1,404 employees in the Plan area.
12. **Increase Tax Revenue:** All development proposed under the MPDSP would result in the payment of both developer's fees and property taxes, both of which would result in additional revenue available to the City. The Proposed Project's additional commercial development would also generate sales tax for the City.
13. **Provide Community Amenities:** The Proposed Project would provide eight neighborhood parks and amenities (plazas, and pedestrian paseos) surrounded by multi-family residences and/or offices, and lined with ground floor neighborhood-serving retail stores. These parks would accommodate a variety of amenities, such as playgrounds, dog parks, basketball courts, walking paths, and open lawns for informal picnics, family ball games, and sunbathing.

Exhibit B
to
Resolution No. 20-3288

**Montclair Place District Specific Plan EIR
Mitigation Monitoring and Reporting Program
(SCH No. 2019050011)**

Prepared for:

City of Montclair

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Montclair, California 91763

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
ACM	asbestos-containing materials
BMP	Best Management Practice
CAC	Certified Asbestos Consultant
CDPH	California Department of Public Health
CEQA	California Environmental Quality Act
City	City of Montclair
CRRC	Cool Roof Rating Council
EIR	Environmental Impact Report
HAZWOPER	Hazardous Waste Operations and Emergency Response
QSD	Construction General Permit SWPPP Developer
QSP	Construction General Permit SWPPP Practitioner
MMRP	Mitigation Monitoring and Reporting Program
Proposed Project	Montclair Place District Specific Plan
LED	Light emitting diodes
SEER	Seasonal Energy Efficiency Ratio
SRI	Solar reflectance index
SWPPP	Storm Water Pollution Prevention Plan
SCAQMD	South Coast Air Quality Management District
TDM	Transportation Demand Management
TRU	transport refrigeration unit
TCR	Tribal Cultural Resource

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1 Introduction

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires that a public agency adopting an Environmental Impact Report (EIR) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The City of Montclair (City) as the lead agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the EIR during project implementation (California Public Resources Code, Section 21081.6[a][1]).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the City to ensure compliance with adopted mitigation measures identified in the EIR for the proposed Montclair Place District Specific Plan Project (MPDSP or Proposed Project). The City, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. The EIR and Initial Study identified potentially significant environmental impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Utility and Service Systems, which required mitigation measures. Mitigation is provided for each of these topics to reduce impacts to the extent feasible and is provided below. Additionally, no mitigation measures were available to reduce potentially significant impacts to Parks/Recreation and Transportation. All of the potential significant impacts would be reduced to less than significant with implementation of the proposed mitigation measures, except for impacts to Air Quality, Greenhouse Gas Emissions, Population and Housing, Public Services, Recreation, and Transportation, which would remain significant and unavoidable.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each Proposed Project component. Table 1 identifies the mitigation monitoring and reporting requirements, including the party(ies) responsible for carrying out and verifying implementation of the mitigation measure, and the timing of verification (prior to, during, or after construction). Space is provided for sign-off following completion/implementation of the mitigation measure. Along with the EIR and related documents, this MMRP will be kept on file at the following location:

City of Montclair
5111 Benito Street
Montclair, California 91763

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2 Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Completed		Comments	
			Pre-Const.	During Const.	Post-Const.	Responsible Party	Initials		Date
Aesthetics									
MM-AES-1	<p>The project applicant shall prepare lighting and signage plans for the Proposed Project depicting the proposed locations and heights of light poles and signs. Concurrent with the building permit submittal, the project applicant shall incorporate lighting design specifications to meet the City's minimum safety and security standards as outlined in the City's Building Security Requirements. The following measures shall be included in all lighting plans:</p> <ul style="list-style-type: none"> Luminaires shall be designed with cutoff-type fixtures or features that cast low-angle illumination to minimize incidental spillover of light onto adjacent private properties. Fixtures that shine light upward or horizontally shall not spill any light onto adjacent properties. Luminaires shall provide accurate color rendering and natural light qualities. Low pressure sodium and high-pressure sodium fixtures that are not color-corrected shall not be used, except as part of an approved sign or landscape plan. Luminaire mountings shall be downcast and pole heights minimized to reduce potential for back scatter into the 	Submittal/ review of lighting and signage plans	X				City of Montclair		

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Completed		Comments	
			Pre-Const.	During Const.	Post-Const.	Responsible Party	Initials		Date
	nighttime sky and incidental spillover light onto adjacent properties. The height of light poles shall be reviewed and approved by the City to ensure consistency with the City's Municipal Code requirements. Luminaire mountings shall be treated with non-glare finishes.								
Air Quality									
MM-AQ-1	<p>Construction Equipment Emissions Reductions. During Proposed Project construction, the applicant shall incorporate the following measures to reduce construction criteria air pollutant emissions, including VOC, NO_x, PM₁₀, and PM_{2.5}, generated by construction equipment used for future development projects implemented under the proposed MPDSP:</p> <p>a. For off-road equipment with engines rated at 75 horsepower or greater, no construction equipment shall be used that is less than Tier 4 Interim. An exemption from these requirements may be granted by the City in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the City, the applicant shall be required to demonstrate that two construction fleet</p>	<p>Submittal of contractor plans or exemption</p> <p>Submittal of Construction Traffic Control Plan</p>	X	X					

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
	<p>owners/operators in the Los Angeles Region were contacted and that those owners/operators confirmed Tier 4 Interim or better equipment could not be located within the Los Angeles region.</p> <p>b. Minimize simultaneous operation of multiple construction equipment units. During construction, vehicles in loading and unloading queues shall not idle for more than 5 minutes, and shall turn their engines off when not in use to reduce vehicle emissions.</p> <p>c. Properly tune and maintain all construction equipment in accordance with manufacturer's specifications;</p> <p>d. Where feasible, employ the use of electrical or natural gas-powered construction equipment, including forklifts and other comparable equipment types.</p> <p>e. To reduce the need for electric generators and other fuel-powered equipment, provide on-site electrical hookups for the use of hand tools such as saws, drills, and compressors used for building construction.</p> <p>f. Develop a Construction Traffic Control Plan to ensure construction traffic and equipment use is minimized to the extent practicable. The Construction Traffic Control Plan shall include measures to reduce the number of large pieces of equipment operating simultaneously</p>								

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
	during peak construction periods, scheduling of vendor and haul truck trips to occur during non-peak hours, establish dedicated construction parking areas to encourage carpooling and efficiently accommodate construction vehicles, identify alternative routes to reduce traffic congestion during peak activities, and increase construction employee carpooling.								
MM-AQ-2	<p>Fugitive Dust Control. During Proposed Project construction, the applicant shall incorporate the following measures to reduce construction fugitive dust emissions (PM10 and PM2.5), generated by grading and construction activities of future development projects implemented under the proposed MPDSP, consistent with SCAQMD Rule 403, with a goal of retaining dust on the site:</p> <ul style="list-style-type: none"> a. Water, or utilize another SCAQMD-approved dust control non-toxic agent, on the grading areas at least three times daily to minimize fugitive dust. b. All permanent roadway improvements shall be constructed and paved as early as possible in the construction process to reduce construction vehicle travel on unpaved roads. To reduce fugitive dust from earth-moving operations, building pads shall be finalized as soon as 	Submittal of contractor plans and construction logs	X	X		City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
	<p>possible following site preparation and grading activities.</p> <p>c. Stabilize grading areas as quickly as possible to minimize fugitive dust.</p> <p>d. Apply chemical stabilizer, install a gravel pad, or pave the last 100 feet of internal travel path within the construction site prior to public road entry, and to on-site stockpiles of excavated material.</p> <p>e. Remove any visible track-out into traveled public streets with the use of sweepers, water trucks, or similar method as soon as possible.</p> <p>f. Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads. Unpaved construction site egress points shall be graveled to prevent track-out.</p> <p>g. Wet wash the construction access point at the end of the workday if any vehicle travel on unpaved surfaces has occurred.</p> <p>h. Cover haul trucks or maintain at least 2 feet of freeboard to reduce blow-off during hauling.</p> <p>i. Evaluate the need for reduction in dust generating activity, potential to stop work, and/or implementation of additional dust control measures if winds exceed 25 miles per hour.</p> <p>j. Enforce a 15-mile-per-hour speed limit on unpaved surfaces.</p>								

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party		Completed	
			Pre-Const.	During Const.	Post-Const.	Initials	Date	Comments	
	<p>k. Provide haul truck staging areas for the loading and unloading of soil and materials. Staging areas shall be located away from sensitive receptors, at the furthest feasible distance.</p> <p>l. Construction Traffic Control Plans shall route delivery and haul trucks required during construction away from sensitive receptor locations and congested intersections, to the extent feasible.</p> <p>Construction Traffic Control plans shall be finalized and approved prior to issuance of grading permits.</p> <p>m. Review and comply with any additional requirements of SCAQMD Rule 403.</p>								
MM-AQ-3	<p>Architectural Coating VOC Emissions. To address the impact relative to VOC emissions, Super-Compliant VOC-content architectural coatings (0 grams per liter to less than 10 grams per liter VOC) during Proposed Project construction, the applicant shall ensure the construction/application of paints and other architectural coatings to reduce ozone precursors. If paints and coatings with VOC content of 0 grams/liter to less than 10 grams/liter cannot be utilized, the developer shall avoid application of architectural coatings during the peak smog season: July, August, and September. The developer shall procure architectural coatings from a supplier in compliance with the requirements of SCAQMD's Rule 1113 (Architectural Coatings).</p>	Submittal of paint/architectural coating supplier	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party		Completed		Comments
			Pre-Const.	During Const.	Post-Const.	Party	Initials	Date		
MM-AQ-4	<p>Vehicle Miles Traveled Reduction Strategies. The City shall ensure the implementation of Transportation Demand Management (TDM) measures to facilitate increased opportunities for transit, bicycling, and pedestrian travel, as well as provide the resources, means, and incentives for ride-sharing and carpooling to reduce vehicle miles traveled and associated criteria air pollutant emissions. The following components are to be included in the TDM Program:</p> <p><i>Bicycle and Pedestrian Travel</i></p> <p>a. Develop a comprehensive pedestrian network designed to provide safe bicycle and pedestrian access between the various internal Proposed Project land uses, which will include design elements to enhance walkability and connectivity and shall minimize barriers to pedestrian access and interconnectivity. Physical barriers, such as walls or landscaping, that impede pedestrian circulation shall be eliminated.</p> <p>b. The Proposed Project design shall include a network that connects the Proposed Project uses to the existing off-site facilities (e.g., existing off-site bike paths).</p> <p>c. Proposed Project design shall include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways shall be</p>	Submittal/ review of TDM	X			City of Montclair				

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
	<p>designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others.</p> <p>d. Provide bicycle parking facilities along main travel corridors: one bike rack space per 20 vehicle/employee parking spaces or to meet demand, whichever results in the greater number of bicycle racks.</p> <p>e. Provide shower and locker facilities to encourage employees to bike and/or walk to work: one shower and three lockers per every 25 employees.</p> <p><i>Ride-Sharing and Commute Reduction</i></p> <p>a. Promote ridesharing programs through a multi-faceted approach, such as designating a certain percentage of parking spaces for ridesharing vehicles; designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles; or providing a website or message board for coordinating rides.</p>								

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
	<p>b. Implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip-reduction strategies. Implementing commute trip-reduction strategies without a complementary marketing strategy would result in lower VMT reductions. Marketing strategies may include: new employee orientation of trip reduction and alternative mode options; event promotions; or publications.</p> <p>c. One percent (1%) of vehicle/employee parking spaces shall be reserved for preferential spaces for car pools and van pools.</p> <p>d. Coordinate with the Southern California Association of Governments (SCAG) for carpool, vanpool, and rideshare programs that are specific to the Proposed Project.</p> <p>e. Implement a demand-responsive shuttle service that provides access throughout the MPDSP area, to the park-and-ride lots, and to the nearby transit centers.</p> <p><i>Transit</i></p> <p>a. Bus pull-ins shall be constructed where appropriate within the Plan area.</p> <p>b. Coordinate with SCAG on the future siting of transit stops/stations within or near the MPDSP.</p>								

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed	
			Pre-Const.	During Const.	Post-Const.		Initials	Date
MM-AQ-5	<p>Encourage Electric Vehicles. The City shall ensure that each development project in the Plan area incorporate the following:</p> <ul style="list-style-type: none"> a. Designate 10% of parking spaces to be for electric and alternative fuel vehicles. b. Install Level 2 EV charging stations in 6% of all parking spaces. 	Submittal/ review of final Project parking plans	X			City of Montclair		
MM-AQ-6	<p>Idling Restriction. For Proposed Project land uses that include truck idling, the City shall ensure that each implementing development project minimize idling time of all vehicles and equipment to the extent feasible; idling for periods of greater than five (5) minutes shall be prohibited. Signage shall be posted at truck parking spots, entrances, and truck bays advising that idling time shall not exceed five (5) minutes per idling location. To the extent feasible, the tenant shall restrict idling emission from trucks by using auxiliary power units and electrification. Each cold storage dock door shall provide electrification for transport refrigeration units (TRUs).</p>	Submittal/ review of owner and tenant truck idling regulations		X		City of Montclair		
MM-AQ-7	<p>Energy Conservation. The City shall ensure that each development project incorporate the following conservation measures into proposed building plans:</p> <ul style="list-style-type: none"> a. Install a solar photovoltaic rooftop system to reduce the electric demand from the local grid. b. Install Energy Star rated heating, cooling, lighting, and appliances. 	Submittal/ review of building plans	X			City of Montclair		

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
	<p>c. Outdoor lighting shall be light emitting diodes (LED) or other high-efficiency lightbulbs.</p> <p>d. Provide information on energy efficiency, energy efficient lighting and lighting control systems, energy management, and existing energy incentive programs to future tenants.</p> <p>e. Non-residential structures shall meet the U.S. Green Building Council standards for cool roofs. This is defined as achieving a 3-year solar reflective index (SRI) of 64 for a low-sloped roof and 32 for a high-sloped roof.</p> <p>f. Outdoor pavement, such as walkways and patios, shall include paving materials with 3-year SRI of 0.28 or initial SRI of 0.33.</p> <p>g. Construction of modest cool roof, defined as Cool Roof Rating Council (CRRC) Rated 0.15 aged solar reflectance and 0.75 thermal emittance.</p> <p>h. Use of Heating, Ventilation and Air Conditioning (HVAC) equipment with a Seasonal Energy Efficiency Ratio (SEER) of 12 or higher.</p> <p>i. Installation of water heaters with an energy factor of 0.92 or higher.</p> <p>j. Maximize the use of natural lighting and include daylighting (e.g., skylights, windows) in rooms with exterior walls that would normally be occupied.</p>								

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party		Completed	
			Pre-Const.	During Const.	Post-Const.	Initials	Date	Comments	
	<p>k. Include high-efficacy artificial lighting in at least 50% of unit fixtures.</p> <p>l. Install low-NOx water heaters and space heaters, solar water heaters, or tank-less water heaters.</p> <p>m. Use passive solar cooling/heating.</p> <p>n. Strategically plant trees to provide shade.</p> <p>o. Structures shall be equipped with outdoor electric outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment.</p>								
MM-AQ-8	<p>Toxic Air Contaminant Reduction. At the time of discretionary approval of new sources of TAC emissions in close proximity to existing sensitive land uses, the City shall require development projects to implement applicable best management practices, as necessary and feasible, that will reduce exposure to TACs. Such measures may include the installation of non-diesel fueled generators or the installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy. Specific reduction measures will be evaluated and determined depending on proposed land use TAC sources and feasibility.</p>	Submittal/ review of plans to reduce TACs	X			City of Montclair			
MM-AQ-9	<p>Health Risk Assessment Requirements. Consistent with the California Air Resources Board's recommendations on siting new sensitive land uses, a formal health risk</p>	Submittal/ review of health risk assessment	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
	<p>assessment shall be performed under the following conditions:</p> <ul style="list-style-type: none"> a. <i>Distribution Centers</i>. For any distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week located within 1,000 feet of a sensitive receptor. In addition, configuration of entry and exit points of the distribution center shall be considered to minimize exposure to sensitive receptors. b. <i>Gasoline Dispensing Facilities</i>. For any large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater) within 300 feet of a sensitive receptor. For any typical gas dispensing facility (with a throughput of less than 3.6 million gallons per year) within 50 feet of a sensitive receptor. c. <i>Dry Cleaners Using Perchloroethylene</i>. For any dry cleaning operation within 300 feet of a sensitive receptor. For operations with three of more machines, consult with the South Coast Air Quality Management District for when a health risk assessment shall be prepared as the distance to the closest sensitive receptor may be less than 300 feet. 								

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party		Completed		Comments
			Pre-Const.	During Const.	Post-Const.	Initials	Date			
Biology										
MM-BIO-1	<p>d. <i>Other Sources of Toxic Air Contaminants.</i> For other sources of TACs, the City shall evaluate the need to prepare a health risk assessment based on the types of TACs and the distance to sensitive receptors.</p> <p>Prior to the issuance of a demolition, grading, and/or building permit for activities during the avian nesting season (generally February through August), a qualified biologist shall conduct a nesting bird survey within 7 days of vegetation clearing, cutting, or removal activities. The survey would consist of full coverage of the proposed project footprint and an appropriate buffer, as determined by the biologist. If no active nests are discovered or identified, no further mitigation is required. In the event that active nests are discovered on site, a suitable buffer determined by the biologist (e.g., 30 to 50 feet for passerines) shall be established around any active nest. No ground-disturbing activities shall occur within this buffer until the biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Limits of construction to avoid a nest shall be established in the field by the biologist with flagging and stakes or construction fencing. Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. The results of the survey shall be</p>	Submittal/ review of nesting bird survey	X			City of Montclair				

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments	
			Pre-Const.	During Const.	Post-Const.		Initials	Date		
	documented and filed with the City of Montclair within 5 days after the survey.									
Cultural										
MM-CR-1	In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Proposed Project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, shall evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find as determined by the archaeologist, the archaeologist may decide to record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted. Preservation in place shall be the preferred means of mitigation, if determined to be feasible by the archaeologist and the City.	Submittal/ review of brief letter report of excavations and findings		X		City of Montclair				

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
<i>Energy</i>									
MM-AQ-1	(See Air Quality section of this table)	Submittal of contractor plans or exemption Submittal of Construction Traffic Control Plan	X	X		City of Montclair			
MM-AQ-4	(See Air Quality section of this table)	Submittal/ review of TDM	X			City of Montclair			
MM-AQ-5	(See Air Quality section of this table)	Submittal/ review of final Project parking plans	X			City of Montclair			
MM-AQ-6	(See Air Quality section of this table)	Submittal/ review of owner and tenant truck idling regulations			X	City of Montclair			
MM-AQ-7	(See Air Quality section of this table)	Submittal/ review of building plans	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
MM-GHG-1	(See Greenhouse Gas Emissions section of this table)	Submittal/ review of building plans	X			City of Montclair			
Geology and Soils									
MM-GEO-1	In the event that paleontological resources (fossil materials) are exposed during construction activities for the Proposed Project, all construction work occurring within 50 feet of the 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 will 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.	Submittal of grading monitoring logs		X		City of Montclair			
Greenhouse Gas Emissions									
MM-GHG-1	Water Conservation. The following water conservation measures into Proposed Project building plans: a. Install low-water use appliances and fixtures	Submittal/ review of building plans	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed	
			Pre-Const.	During Const.	Post-Const.		Initials	Date
	b. Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces c. Implement water-sensitive urban design practices in new construction d. Install rainwater collection systems where feasible.							
MM-GHG-2	Solid Waste Reduction. Provide storage areas for recyclables and green waste in new construction, and food waste storage, if a pick-up service is available.	Site inspection			X	City of Montclair		
MM-AQ-1	(See Air Quality section of this table)	Submittal of contractor plans or exemption Submittal of Construction Traffic Control Plan	X	X		City of Montclair		
MM-AQ-4	(See Air Quality section of this table)	Submittal/review of TDM	X			City of Montclair		
MM-AQ-5	(See Air Quality section of this table)	Submittal/review of final Project parking plans	X			City of Montclair		

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure (See Air Quality section of this table)	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
MM-AQ-6	(See Air Quality section of this table)	Submittal/ review of owner and tenant truck idling regulations			X	City of Montclair			
MM-AQ-7	(See Air Quality section of this table)	Submittal/ review of building plans	X			City of Montclair			
Hazards and Hazardous Materials									
MM-HAZ-1	<p>Prior to the issuance of demolition permits for any buildings or structures that would be demolished in conjunction with individual development projects that would be accommodated by the Montclair Place District Specific Plan, the project applicant/developer shall conduct the following inspections and assessments for all buildings and structures onsite and shall provide the City of Montclair Building Official with a copy of the report of each investigation or assessment.</p> <ol style="list-style-type: none"> The project applicant shall retain a California Certified Asbestos Consultant (CAC) to perform abatement project planning, monitoring (including air monitoring), oversight, and reporting of all asbestos-containing materials (ACM) encountered. The abatement, containment, and disposal of all ACM shall be conducted in accordance with the South Coast Air 	<p>Submittal/ review of ACM and lead abatement reports</p>	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed	
			Pre-Const.	During Const.	Post-Const.		Initials	Date
	<p>Quality Management District's Rule 1403 and California Code of Regulation Title 8, Section 1529 (Asbestos).</p> <p>2. The project applicant shall retain a licensed or certified lead inspector/assessor to conduct the abatement, containment, and disposal of all lead waste encountered. The contracted lead inspector/assessor shall be certified by the California Department of Public Health (CDPH). All lead abatement shall be performed by a CDPH-certified lead supervisor or a CDPH-certified worker under the direct supervision of a lead supervisor certified by CDPH. The abatement, containment, and disposal of all lead waste encountered shall be conducted in accordance with the US Occupational Safety and Health Administration Rule 29, CFR Part 1926, and California Code of Regulation, Title 8, Section 1532.1 (Lead).</p> <p>3. Evidence of the contracted professionals attained by the project applicant shall be provided to the City of Montclair Community Development Department. Additionally, contractors performing ACM and lead waste removal shall provide evidence of abatement activities to the City of Montclair Community Development Department and to the South Coast Air Quality Management District.</p>							

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Completed		Comments
			Pre-Const.	During Const.	Post-Const.	Responsible Party	Initials	
<i>Hydrology and Water Quality</i>								
MM-HYD-1	<p>Prior to issuance of a grading permit by the City of Montclair Public Works Department for individual projects within the Specific Plan area, a Storm Water Pollution Prevention Plan (SWPPP) shall be developed. The SWPPP shall be implemented during Project grading, excavations, and construction. The following list includes, but is not limited to, examples of construction water quality Best Management Practices (BMPs) that are standard for most construction sites subject to the Construction General Permit:</p> <ul style="list-style-type: none"> a. Silt fences and/or fiber rolls installed along limits of work and/or the Project construction site; b. Stockpile containment and exposed soil stabilization structures (e.g., visqueen plastic sheeting, fiber rolls, gravel bags and/or hydroseed); c. Runoff control devices (e.g., fiber rolls, gravel bag barriers/chevrons, etc.) used during construction phases conducted during the rainy season; d. Wind erosion (dust) controls; e. Tracking controls at the site entrance, including regular street sweeping and tire washes for equipment; f. Prevention of fluid leaks (inspections and drip pans) from construction vehicles; g. Materials pollution management; 	Submittal/ review of SWPPP and required BMPs	X			City of Montclair		

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party		Completed	
			Pre-Const.	During Const.	Post-Const.	Initials	Date	Comments	
	<p>h. Proper waste/trash management; and</p> <p>i. Regular inspections and maintenance of BMPs.</p> <p>These BMPs shall be refined and/or added to as necessary by a Construction General Permit SWPPP Practitioner (QSP) and/or Qualified SWPPP Developer (QSD), as certified by the California Stormwater Quality Association, to meet the performance standards in the Construction General Permit.</p>								
MM-HYD-2	<p>Prior to issuance of a building permit by the City of Montclair Public Works Department for individual projects within the Plan area, the Applicant shall include operational non-structural BMPs to address water quality impacts as part of the proposed Business Plan. These BMPs shall be annually inspected by the City NPDES Coordinator for compliance with the regional NPDES permit and Montclair Storm Water Ordinance. These operational BMPs shall include, but not be limited to:</p> <ul style="list-style-type: none"> a. Regular sweeping of all open and planter areas, at a minimum, on a weekly basis in order to prevent dispersal of pollutants that may collect on those surfaces; b. Regular pruning of the trees and shrubs in the planter areas to avoid formation of dried leaves and trigs, which can clog surface inlets and drains; c. Use of trash and recycling containers that, if located outside, are fully enclosed and 	Submittal/ review of SWPPP and required BMPs	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
	watertight in order to prevent contact of stormwater with wastewater, which can be a potential source of bacteria and other pollutants in runoff; d. Provide educational training materials for the property owners, such that the owners are aware of the structural BMPs installed in the Plan area, and their maintenance requirements; e. Provide materials to brief property owners about chemical management and proper methods of handling and disposing of wastes; and f. Minimization of pesticide and fertilizer use, to the maximum extent practicable, with on-site landscaping.								
MM-HAZ-1	(See Hazards and Hazardous Materials section of this table)	Submittal/ review of ACM and lead abatement reports	X			City of Montclair			
Population and Housing									
MM-AES-1	(See Aesthetics section of this table)	Submittal/ review of lighting and signage plans	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure (See Air Quality section of this table)	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
MM-AQ-1	(See Air Quality section of this table)	Submittal of contractor plans or exemption Submittal of Construction Traffic Control Plan	X	X		City of Montclair			
MM-AQ-2	(See Air Quality section of this table)	Submittal of contractor plans and construction logs	X	X		City of Montclair			
MM-AQ-3	(See Air Quality section of this table)	Submittal of paint/architectural coating supplier	X			City of Montclair			
MM-AQ-4	(See Air Quality section of this table)	Submittal/review of TDM	X			City of Montclair			
MM-AQ-5	(See Air Quality section of this table)	Submittal/review of final Project parking plans	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
MM-AQ-6	(See Air Quality section of this table)	Submittal/ review of owner and tenant truck idling regulations			X	City of Montclair			
MM-AQ-7	(See Air Quality section of this table)	Submittal/ review of building plans	X			City of Montclair			
MM-AQ-8	(See Air Quality section of this table)	Submittal/ review of plans to reduce TACs	X			City of Montclair			
MM-AQ-9	(See Air Quality section of this table)	Submittal/ review of health risk assessment	X			City of Montclair			
MM-HAZ-1	(See Hazards and Hazardous Materials section of this table)	Submittal/ review of ACM and lead abatement reports	X			City of Montclair			
MM-HYD-1	(See Hydrology and Water Quality section of this table)	Submittal/ review of SWPPP and required BMPs	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
MM-HYD-2	(See Hydrology and Water Quality section of this table)	Submittal/ review of SWPPP and required BMPs	X			City of Montclair			
MM-PUB-1	(See Public Services section of this table)	Verification of fee payment from future development			X	City of Montclair			
MM-TRC-1	(See Tribal Cultural Resources section of this table)	Specification in project plans of Tribal monitor services	X			City of Montclair			
MM-TRC-2	(See Tribal Cultural Resources section of this table)	Submittal/ review of brief letter report of excavations and findings	X			City of Montclair			
MM-UTIL-1	(See Utilities and Service Systems section of this table)	Submittal/ review of infrastructure capacity information from Southern California Edison	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
MM-UTIL-2	(See Utilities and Service Systems section of this table)	Submittal and review of telecommunication infrastructure capacity and demand report	X			City of Montclair			
Public Services									
MM-PUB-1	Future development within the MPDSP area shall adhere to State and local law, including the California Code of Regulations, Title 24 (fire Code) and PRC 21157.1. As such, applicants of all future development within the MPDSP area shall be required to pay fees consistent with the requirements of Resolution 11-2872 of the City Council of the City of Montclair Adopting Local Goals and Policies for Community Facilities Districts.	Verification of fee payment from future development			X	City of Montclair			
Tribal Cultural Resources									
MM-TCR-1	Prior to the issuance of any grading permit for the Proposed Project, the City of Montclair (City) shall ensure that the Project applicant retain the services of a Tribal monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation for Native American monitoring during ground-disturbing activities. This provision shall be included on Proposed Project plans and specifications. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh	Specification in project plans of Tribal monitor services	X			City of Montclair			

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
	<p>Nation as activities that may include, but are not limited to, pavement removal, pot-holing or augering, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Plan 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 be approved by the Gabrieleño Band of Mission Indians-Kizh Nation and shall be present on site during the construction phases that involve any ground-disturbing activities. 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, for any tribal cultural resources and/or archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act (CEQA), California Public Resources Code (PRC) Division 13, Section 21083.2 (a) through (k).</p> <p>If evidence of any 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</p>								

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party		Completed		Comments
			Pre-Const.	During Const.	Post-Const.	Initials	Date			
	<p>appropriate plan of recovery for the resource. The recovery process shall not unreasonably delay the construction process.</p> <p>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, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed or when the monitor has indicated that the site has a low potential for tribal cultural resources and/or archaeological resources.</p>									
MM-TCR-2	<p>All tribal cultural resources and/or archaeological resources unearthed by Proposed Project construction activities shall be evaluated by the qualified archaeologist and Native American monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation. Upon discovery of any archaeological resources, construction activities shall cease in the immediate vicinity of the find until the find can be assessed. Construction work shall be permitted to continue on other parts of the Project site while evaluation and, if necessary, preservation measures take place (State CEQA Guidelines Section 15064.5 [f]). If the</p>	Submittal/ review of brief letter report of excavations and findings	X			City of Montclair				

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
	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. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler								

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
Utilities and Service Systems									
MM UTIL-1	Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.	Submittal/ review of infrastructure capacity information from Southern California Edison	X			City of Montclair			
	Prior to issuance of a grading permit by the City of Montclair Public Works Department for individual projects within Phases E through G of the Specific Plan area, the Applicant shall demonstrate that Southern California Edison has sufficient infrastructure capacity to accommodate the electric power requirements for completion of each Specific Plan phase. In the event such infrastructure is not available, the environmental impacts associated with installation of such infrastructure shall be evaluated in project-specific California Environmental Quality Act documents.								

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
MM-UTIL-2	Prior to issuance of a grading permit by the City of Montclair Public Works Department for individual projects within Phases E through G of the Specific Plan area, the Applicant shall demonstrate that the Specific Plan area telecommunication provider has sufficient infrastructure capacity to accommodate the telecommunication requirements for completion of each Specific Plan phase. In the event such infrastructure is not available, the environmental impacts associated with installation of such infrastructure shall be evaluated in project-specific California Environmental Quality Act documents.	Submittal and review of telecommunication infrastructure capacity and demand report	X			City of Montclair			

Const. = construction

RESOLUTION NO. 20-3289

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING THE MONTCLAIR GENERAL PLAN LAND USE MAP BY MODIFYING THE LAND USE DESIGNATION OF 104.35 ACRES OF LAND BOUNDED BY THE RIGHT-OF-WAY OF MONTE VISTA AVENUE ON THE WEST, THE I-10 FREEWAY ON THE SOUTH, CENTRAL AVENUE ON THE EAST, AND THE EXISTING CENTER LINE OF MORENO STREET ON THE NORTH, FROM "REGIONAL COMMERCIAL" TO "PLANNED DEVELOPMENT" (APNs 1008-171-01; 1008-171-02; 1008-171-03; 1008-171-04; 1008-171-05; 1008-171-06; 1008-171-07; 1008-171-11; 1008-171-13; 1008-181-04; 1008-181-05; 1008-181-06; 1008-181-07; 1008-191-01; 1008-191-02; 1008-191-03; 1008-191-04; 1008-191-05; 1008-321-04; 1008-321-07; 1008-321-08, 1008-341-08; 1008-351-07; 1008-321-10; 1008-331-06; 1008-331-07; 1008-331-08; 1008-331-09; 1008-331-15; 1008-331-16; 1008-341-04; 1008-341-08; 1008-351-01; and 1008-351-07) [PLANNING CASE NO. 2018-13]

WHEREAS, local governments are authorized by Government Code §65350 et seq., to prepare, adopt, and amend General Plans; and

WHEREAS, on November 2, 2017, the City of Montclair ("City") initiated the process to develop a new Specific Plan for the Montclair Place mall and surrounding properties in order to lay the framework for the creation of a new pedestrian-oriented, multi-modal, mixed-use downtown district to be known as the *Montclair Place District Specific Plan* ("MPDSP" or the "Project"); and

WHEREAS, the proposed MPDSP would provide for the development of a pedestrian-oriented, mixed-use downtown district, with structured parking facilities through a series of planned phases; and

WHEREAS, the proposed Project requires a general plan amendment, zone change and specific plan amendment to facilitate the adoption and implementation of the MPDSP; and

WHEREAS, the proposed amendment to the Land Use Map of the City of Montclair General Plan ("Amendment") was initiated by the City of Montclair; and

WHEREAS, the proposed amendment applies to parcels of varying sizes totaling approximately 104.35 acres in size ("Plan Area") and further identified by Assessor Parcel Nos.: 1008-171-01; 1008-171-02; 1008-171-03; 1008-171-04; 1008-171-05; 1008-171-06; 1008-171-07; 1008-171-11; 1008-171-13; 1008-181-04; 1008-181-05; 1008-181-06; 1008-181-07; 1008-191-01; 1008-191-02; 1008-191-03; 1008-191-04; 1008-191-05; 1008-321-04; 1008-321-07; 1008-321-08, 1008-341-08; 1008-351-07; 1008-321-10; 1008-331-06; 1008-331-07; 1008-331-08; 1008-331-09; 1008-331-15; 1008-331-16; 1008-341-04; 1008-341-08; 1008-351-01; 1008-351-07; and

WHEREAS, the Plan Area is bounded by and includes the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, Central Avenue on the east, and the existing center line of Moreno Street on the north, as depicted on the attached Exhibit "A," a map incorporated herein by reference; and

WHEREAS, the subject parcels within the 104.35-acre Plan Area are currently designated by the General Plan Land Use Map as "Regional Commercial" with a corresponding consistent zoning designation of "C3 General Commercial" per the North Montclair Specific Plan ("NMSP"); and

WHEREAS, the Amendment proposes to change the current General Plan land use designation for the Subject Site from "Regional Commercial" to "Planned Development" to correspond and be consistent with the proposed zone change for the Plan Area; and

WHEREAS, the MPDSP is a "project" under the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.: "CEQA"); and

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

WHEREAS, in accordance with State CEQA Guidelines section 15063, the City prepared an Initial Study to determine if the Project could have a significant effect on the environment; and

WHEREAS, the IS/NOP was issued for a 30-day review period between May 20, 2019 and June 18, 2019, in accordance with State CEQA Guidelines section 15082(a) and eight (8) comment letters/emails were received during the IS/NOP review period; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on May 28, 2019, at City Hall to solicit comments on the IS/NOP; and

WHEREAS, based on the information contained in the Initial Study, which concluded that the Project could have a significant impact on the environment, the City determined that an Environmental Impact Report ("EIR") should be prepared in order to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, a Draft EIR ("DEIR") was prepared, incorporating comments received during the NOP review period, and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the DEIR to the public at the same time that the City sent the Notice of Completion to the Office of Planning and Research, by mailing to neighboring property owners within a 300-foot radius of the MPDSP boundaries and posting a copy of the NOA with the County Clerk; and

WHEREAS, the DEIR evaluating the Project's environmental effects and alternatives was circulated for public review and comment between July 10, 2020 and August 24, 2020; and

WHEREAS, the DEIR determined that mitigation measures were required to mitigate some impacts to a less than significant level; and

WHEREAS, the DEIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts; and

WHEREAS, during the public comment period, copies of the DEIR and technical appendices were available for review and inspection at City Hall and on the City's website; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the DEIR to the public at the same time that the City sent the Notice of Completion to the Office of Planning and Research, by mailing to neighboring property owners within a 300-foot radius of the MPDSP boundaries and posting a copy of the NOA with the County Clerk; and

WHEREAS, pursuant to State CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day public review and comment period; and

WHEREAS, during the review and comment period, the City received five comments; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on August 10, 2020, to consider the Proposed MPDSP and the DEIR, pursuant to State CEQA Guidelines section 15025(c), at which hearing, members of the public were afforded an opportunity to comment upon the Proposed MPDSP and the DEIR to consider and make a recommendation to the City Council regarding the MPDSP and the DEIR pursuant to State CEQA Guidelines section 15025(c); and

WHEREAS, on August 10, 2020, the Planning Commission, by a vote of 5-0, recommended that the City Council certify the EIR, adopt findings of fact, a statement of overriding considerations, and a mitigation measure monitoring and reporting program, and approve the proposed amendments pursuant to Planning Commission Resolution No. 20-1943; and

WHEREAS, the City has prepared a Final EIR, consisting of the written comments received during the review and comment period on the DEIR; written responses to those comments; and an errata showing revisions to the DEIR. For the purposes of this Resolution, the "EIR" shall refer to the DEIR, as revised by the Final EIR, together with the other sections of the Final EIR; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to timely commenting public agencies at least ten (10) days prior to the City Council's consideration of the Final EIR; and

WHEREAS, on September 11, 2020, the City gave public notice of the City Council's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the Amendment area; and

WHEREAS, on September 21, 2020, commencing at 7:00 p.m. in the Senior Center at the City of Montclair Civic Center, the City Council conducted a public hearing at which time all persons wishing to testify in connection with the Amendment were heard, and said application was fully studied; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTCLAIR AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds that all of the facts set forth in the Recitals of this Resolution are true and correct.

SECTION 2. Approval of the Amendment to the General Plan Land Use Map. Based on the entire record before the City Council, all written and oral evidence presented, and the findings made in this Resolution, the City Council approves the Amendment to the General Plan Land Use Map associated with Case No. 2018-13, modifying the land use designation of 104.35 acres of land bounded by and includes the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, Central Avenue on the east, and the existing center line of Moreno Street on the north, as set forth in the attached Exhibit "A."

SECTION 3. Amendment Findings. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the Amendment promotes the goals and objectives of the General Plan and leaves the General Plan a compatible, integrated, and internally consistent statement of policies for the following reasons:

- A. The proposed General Plan Amendment (GPA) of the Plan Area to "Planned Development" would be integrated and compatible with the Land Use and Community Design Elements of the General Plan in that it provides for the adoption and implementation of Specific Plans for large and unique areas of the community to promote the efficient utilization and consolidation of land (LU-1.1.2.). The MPDSP proposal encompasses a large land area with defined boundaries and adequate shape (a crisp polygon) uniquely situated to facilitate the goals of developing a plan consistent with the General Plan's policy to establish an effective balance of land use, circulation, transportation, community design, commercial and housing all of which are objectives contained in the MPDSP. The proposed GPA will not result in the removal or division of any existing residential neighborhoods adjacent to the site but would allow for the site to transition from dated commercial land uses and structures, and vacant parcels to new mixed-use development consistent with new land use designations and high-quality design guidelines for new development. As such, the GPA would provide the base for establishing the framework necessary to allow for the transformation of the Plan Area into a new downtown area for the City.
- B. The GPA is integrated and compatible with the Circulation Element. The GPA would be consistent with the General Plan's overall goal of providing residents and visitors of the City of Montclair a circulation network which provides safe and efficient travel within and through the community. The proposed street layout for the Plan Area, as shown in the MPDSP, anticipates the construction of a new public street network that would support efficient internal circulation and connectivity to existing streets (Monte Vista and Central Avenues, and Moreno

Street) and transit alternatives in close proximity to the Plan Area. Moreover, the GPA would allow the site to be directly connected to efforts being made to develop and expand the creation of a walkable community, and to increase use of public transit that is accessible at multiple surrounding points, including the Transcenter.

- C. The GPA is integrated and compatible with the Housing Element in that it provides for development of the site with housing not currently allowed under the current General Plan and/or zoning land use designations. The GPA would allow for the appropriate zoning designation that opens the way to develop housing on the site within immediate proximity to a mix of goods and services allowed by the MPDSP. In addition, the GPA would enable the City to meet projected housing needs of the community and region. The GPA and related zone change to Specific Plan does not displace existing housing but would facilitate the development of additional housing units and commercial uses in the MPDSP. The potential for adding new housing units allowed by the GPA would contribute to the availability of housing units within the City and towards implementing the goals of the City's adopted Housing Element (2104) and upcoming update in 2021.
- D. The GPA is integrated and compatible with the Conservation Element in that it provides uses that would not disrupt the orderly conservation, development, and utilization of natural resources. The project site is a fully developed piece of land, improved with a regional mall. The Plan Area is surrounded on all sides by existing development and there are no special natural resources on site. The City's General Plan does not designate any areas of the City—including the project site—as being within a habitat conservation plan (*City of Montclair General Plan 1999*). Furthermore, the City is not within any of the regional conservation plans designated by the state (CDFW 2014). As such, implementation of the Proposed GPA would not conflict with any applicable habitat conservation plan or natural community conservation plan. More specifically, the subject site is characterized as a mix of commercial retail and food uses, structures, parking fields, and a few small vacant parcels with no significant vegetation. The vacant areas at the subject location are highly disturbed, graded to varying degrees, and support only minimal amounts of low-growing vegetation (mostly annual weeds).
- E. The GPA is integrated and compatible with the Open Space Element in that it provides for uses that are consistent with and promote the adopted goals and policies for preserving and managing open space within the City. No open space resources exist within the Plan Area. However, with the GPA and related zone change new development on the site will be subject to the provisions of the MPDSP which includes requirements for landscaping (trees and vegetation) and the integration of a number of new open space/recreational spaces as part of the design of future projects, which are not currently present on the site.
- F. The GPA is integrated and compatible with the Noise Element in that it provides a pattern of land uses that minimizes the exposure of community residents to excessive noise. The Montclair General Plan requires future development to comply with the standards of the Noise Element. The proposed GPA would allow the subject site to transition from one of buildings large and small separated by large parking fields into new walkable, tree-lined streets, and well-designed and situated buildings that incorporate up-to-date sound attenuation methods to minimize the noise experienced by users within buildings. The development of new residential units in the Plan Area would be required to comply with the Noise Element standards, but also utilize site plan and building design strategies to reduce noise impacts to adjacent properties and future residents. Moreover, mitigation measures identified in the EIR are designed to address future short-term and long-term noise impacts associated with new development.
- G. The GPA is integrated and compatible with the Safety Element in that it provides an appropriate land use distribution and orientation that protects the community from unreasonable risks associated with seismic, geologic, flood, and wildfire hazards. Given the urbanized nature of the site and relatively gentle slope, there is no serious threat from wildland fires or geological instability. However, the General Plan recognizes the City's location within Seismic Zone 4, which is considered the most active seismic zone in the state. Further, there are no designated "Earthquake Fault Zones" in the City or the subject site as confirmed by the Alquist-Priolo Earthquake Fault Zoning Maps, geologic hazard overlays in the City of Montclair's General Plan Safety Element, and the County of San Bernardino's Land Use Plan General Plan (City of Montclair 1999 and County of

San Bernardino 2010). Finally, as standard practice for all development in the City, and as specifically required by proposed Mitigation Measures contained in the EIR prepared for the MPDSP, all future development projects on the subject site will be required to comply with the Uniform Building Code standards and regulations, which include proper soil preparation and compaction requirements for construction.

SECTION 4. California Environmental Quality Act. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the Amendment to the General Plan Land Use Map of the City of Montclair is an integral component of the project that was evaluated in the Environmental Impact Report for the Montclair Place District Specific Plan (SCH#2019050011), which was certified by the City Council in Resolution No. 20-3288. All of the environmental impacts associated with the Amendment have been fully disclosed and mitigated, to the extent possible, in the Environmental Impact Report. No further review is necessary.

SECTION 5. Custodian of Records. The location and custodian of the documents and any other material, which constitute the record of proceedings upon which the Planning Commission based its decision, is as follows: Director of Community Development, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477

SECTION 6. Effective Date. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED this XX day of XX, 2020.

Mayor

ATTEST:

City Clerk

I, Andrea M. Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 20-3289 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2020, and that it was adopted by the following vote, to-wit:

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

Andrea M. Phillips
City Clerk

EXHIBIT "A"
CASE NO. 2018-13 - GENERAL PLAN AMENDMENT



EXISTING GENERAL PLAN LAND USE DESIGNATION



PROPOSED GENERAL PLAN LAND USE DESIGNATION

LEGEND
■ ■ Plan Area Boundary

MONTCLAIR PLACE SPECIFIC PLAN
September 21, 2020

RESOLUTION NO. 20-3290

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR APPROVING A SPECIFIC PLAN AMENDMENT TO REMOVE FROM THE NORTH MONTCLAIR SPECIFIC PLAN BOUNDARY AN AREA OF 104.35 ACRES OF LAND BOUNDED BY THE RIGHT-OF-WAY OF MONTE VISTA AVENUE ON THE WEST, THE I-10 FREEWAY ON THE SOUTH, CENTRAL AVENUE ON THE EAST, AND THE EXISTING CENTER LINE OF MORENO STREET ON THE NORTH (APNs 1008-171-01; 1008-171-02; 1008-171-03; 1008-171-04; 1008-171-05; 1008-171-06; 1008-171-07; 1008-171-11; 1008-171-13; 1008-181-04; 1008-181-05; 1008-181-06; 1008-181-07; 1008-191-01; 1008-191-02; 1008-191-03; 1008-191-04; 1008-191-05; 1008-321-04; 1008-321-07; 1008-321-08, 1008-341-08; 1008-351-07; 1008-321-10; 1008-331-06; 1008-331-07; 1008-331-08; 1008-331-09; 1008-331-15; 1008-331-16; 1008-341-04; 1008-341-08; 1008-351-01; 1008-351-07) [PLANNING CASE NO. 2018-13].

WHEREAS, on November 2, 2017, the City of Montclair (“City”) initiated the process to develop a new Specific Plan for the Montclair Place mall and surrounding properties in order to lay the framework for the creation of a new pedestrian-oriented, multi-modal, mixed-use downtown district to be known as the *Montclair Place District Specific Plan* (“MPDSP” or the “Project”); and

WHEREAS, the proposed MPDSP would provide for the development of a pedestrian-oriented, mixed-use downtown district, with structured parking facilities through a series of planned phases; and

WHEREAS, the proposed Project requires a general plan amendment, zone change and specific plan amendment to facilitate the adoption and implementation of the MPDSP; and

WHEREAS, The *North Montclair Specific Plan* (NMSP) was adopted on January 5, 1998 (Resolution No. 2163). The planning area covered by the NMSP was approximately 640 acres and bounded by the north City boundary, Palo Verde Street on the south, Benson Avenue on the east, and the San Antonio Wash on the west. The NMSP area consists primarily of retail commercial and light industrial uses, with the mall and adjacent commercial developments serving as the area’s primary focus; and

WHEREAS, the proposed zone change applies to approximately 104.35 acres of land (Plan Area) currently within the NMSP consisting of 31 parcels as identified by Assessor Parcel Numbers 1008-171-01; 1008-171-02; 1008-171-03; 1008-171-04; 1008-171-05; 1008-171-06; 1008-171-07; 1008-171-11; 1008-171-13; 1008-181-04; 1008-181-05; 1008-181-06; 1008-181-07; 1008-191-01; 1008-191-02; 1008-191-03; 1008-191-04; 1008-191-05; 1008-321-04; 1008-321-07; 1008-321-08, 1008-341-08; 1008-351-07; 1008-321-10; 1008-331-06; 1008-331-07; 1008-331-08; 1008-331-09; 1008-331-15; 1008-331-16; 1008-341-04; 1008-341-08; 1008-351-01; 1008-351-07; and

WHEREAS, the Plan Area is bounded by and includes the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, Central Avenue on the east, and the existing center line of Moreno Street on the north; and

WHEREAS, the subject parcels within the Plan Area are currently designated by the Official Zoning Map as “C3” (General Commercial) pursuant to the *North Montclair Specific Plan* and developed to varying degrees with commercial land uses and structures; and

WHEREAS, the City initiated the process to amend the NMSP to remove 104.35 acres of land from the current boundary of the NMSP to accommodate the establishment of the MPDSP and the future development of a pedestrian-oriented, mixed-use downtown district; and

WHEREAS, the MPDSP is a “project” under the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.: “CEQA”); and

WHEREAS, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code

Regs., tit. 14, § 15000 et seq.), the City is the lead agency for the proposed MPDSP Project; and

WHEREAS, in accordance with State CEQA Guidelines section 15063, the City prepared an Initial Study to determine if the Project could have a significant effect on the environment; and

WHEREAS, the IS/NOP was issued for a 30-day review period between May 20, 2019 and June 18, 2019, in accordance with State CEQA Guidelines section 15082(a) and eight (8) comment letters/emails were received during the IS/NOP review period; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on May 28, 2019, at City Hall to solicit comments on the IS/NOP; and

WHEREAS, based on the information contained in the Initial Study, which concluded that the Project could have a significant impact on the environment, the City determined that an Environmental Impact Report ("EIR") should be prepared in order to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, a Draft EIR ("DEIR") was prepared, incorporating comments received during the NOP review period, and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the DEIR to the public at the same time that the City sent the Notice of Completion to the Office of Planning and Research, by mailing to neighboring property owners within a 300-foot radius of the MPDSP boundaries and posting a copy of the NOA with the County Clerk; and

WHEREAS, the DEIR evaluating the Project's environmental effects and alternatives was circulated for public review and comment between July 10, 2020 and August 24, 2020; and

WHEREAS, the DEIR determined that mitigation measures were required to mitigate some impacts to a less than significant level; and

WHEREAS, the DEIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts; and

WHEREAS, during the public comment period, copies of the DEIR and technical appendices were available for review and inspection at City Hall and on the City's website; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the DEIR to the public at the same time that the City sent the Notice of Completion to the Office of Planning and Research, by mailing to neighboring property owners within a 300-foot radius of the MPDSP boundaries and posting a copy of the NOA with the County Clerk; and

WHEREAS, pursuant to State CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day public review and comment period; and

WHEREAS, during the review and comment period, the City received five comments; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on August 10, 2020, to consider the Proposed MPDSP and the DEIR, pursuant to State CEQA Guidelines section 15025(c), at which hearing, members of the public were afforded an opportunity to comment upon the Proposed MPDSP and the DEIR to consider and make a recommendation to the City Council regarding the MPDSP and the DEIR pursuant to State CEQA Guidelines section 15025(c); and

WHEREAS, on August 10, 2020, the Planning Commission, by a vote of 5-0, recommended that the City Council certify the EIR, adopt findings of fact, a statement of overriding considerations, and a mitigation measure monitoring and reporting program,

and approve the proposed amendments pursuant to Planning Commission Resolution No. 20-1943; and

WHEREAS, the City has prepared a Final EIR, consisting of the written comments received during the review and comment period on the DEIR; written responses to those comments; and an errata showing revisions to the DEIR. For the purposes of this Resolution, the "EIR" shall refer to the DEIR, as revised by the Final EIR, together with the other sections of the Final EIR; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to timely commenting public agencies at least ten (10) days prior to the City Council's consideration of the Final EIR; and

WHEREAS, on September 11, 2020, the City gave public notice of the City Council's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the Plan Area; and

WHEREAS, on September 21, 2020, commencing at 7:00 p.m. in the Senior Center at the City of Montclair Civic Center, the City Council conducted a public hearing at which time all persons wishing to testify in connection with the Amendment were heard, and said application was fully studied; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTCLAIR AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds all of the facts set forth in the Recitals of this Resolution are true and correct.

SECTION 2. Approval of the amendment to the North Montclair Specific Plan. Based on the entire record before the City Council, all written and oral evidence presented, and the findings made in this Resolution, the City Council approves the amendment to the North Montclair Specific Plan associated with Case No. 2018-13 for the 104.35 acres of property bounded by and includes the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, Central Avenue on the east, and the existing center line of Moreno Street on the north as set forth in the attached Exhibit "A".

SECTION 3. Approval of Amendments. Based on the entire record before the City Council, all written and oral evidence presented, and the findings of made in this Resolution, the City Council approves the Amendment to the North Montclair Specific Plan, as set forth in the attached Exhibit "B".

SECTION 4. Amendment of the North Montclair Specific Plan Findings. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the proposed amendment of the North Montclair Specific Plan to remove 104.35 acres of land currently within the boundary of the NMSP will promotes the goals and objectives of the General Plan and leaves the General Plan a compatible, integrated, and internally consistent statement of policies for the following reasons:

A. The Specific Plan Amendment to remove the Plan Area from the current boundaries of the NMSP is appropriate to allow the establishment of the MPDSP in its place and thereby authorize land uses that are compatible with the Planned Development land use classification and land uses specified in the MPDSP, and as reflected in the DEIR prepared for the project.

B. Uses of the Plan Area authorized by an approved MPDSP will promote and achieve the development of residential and mixed-use projects pursuant to the proposed policies and design guidelines of the MPDSP. The new land use designations would thereby authorize land uses and development of the Plan Area in an orderly manner pursuant to established regulations and guidelines of the new Montclair Place District Specific, which are not provided for in the NMSP.

C. The proposed Specific Plan Amendment to remove the Plan Area from the planning area of the NMSP will not adversely affect or prevent the application of current regulations and standards pertaining to the area remaining under the jurisdiction of the NMSP.

SECTION 5. California Environmental Quality Act. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the amendment to the North Montclair Specific Plan (NMSP) is an integral component of the project evaluated in the Environmental Impact Report prepared for the Montclair Place District Specific Plan (SCH#2019050011), which was certified by the City Council in Resolution No. 20-3288. All of the environmental impacts associated with the Montclair Place District Specific Plan have been fully disclosed and mitigated, to the extent possible, in the Environmental Impact Report. No further environmental review is necessary.

SECTION 6. Custodian of Records. The location and custodian of the documents and any other material, which constitute the record of proceedings upon which the Planning Commission based its decision, is as follows: : Director of Community Development, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477.

SECTION 7. Effective Date. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED this xx day of xx, 2020.

Mayor

ATTEST:

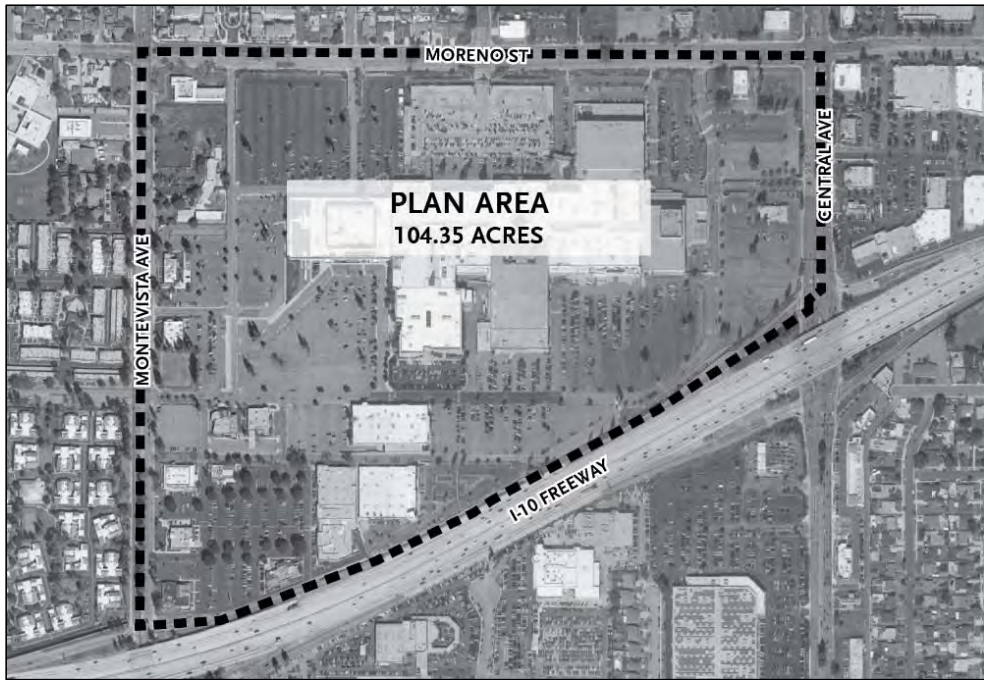
City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 20-3290 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the xx day of xx 2020, and that it was adopted by the following vote, to-wit:

AYES: xx
NOES: xx
ABSTAIN: xx
ABSENT: xx

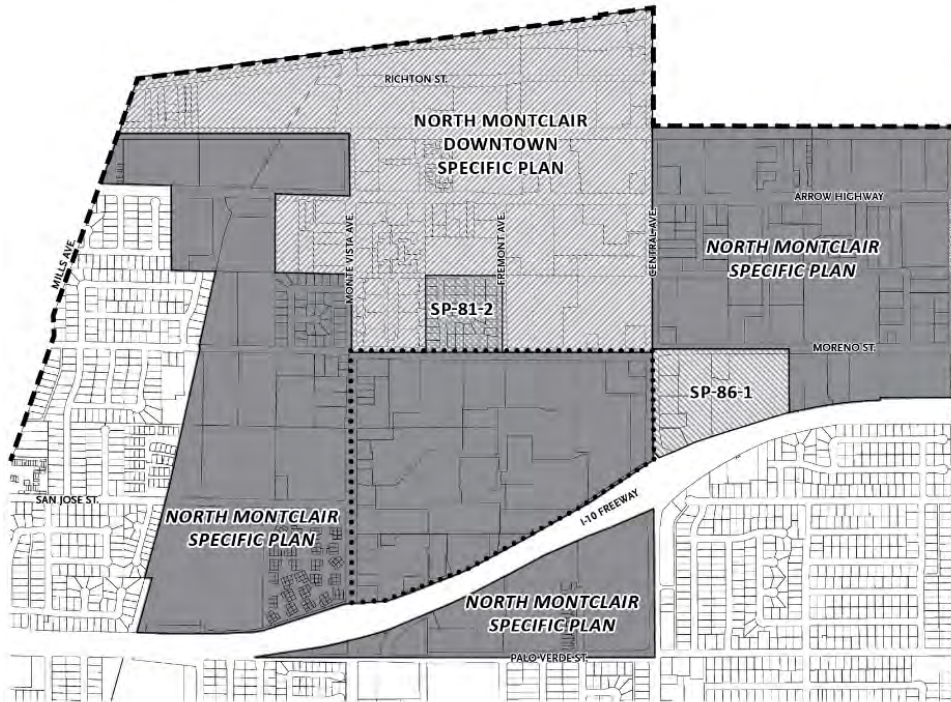
Andrea M. Phillips
City Clerk

EXHIBIT "A"
CASE NO. 2018-13 - MONTCLAIR PLACE DISTRICT SPECIFIC PLAN
PLAN AREA

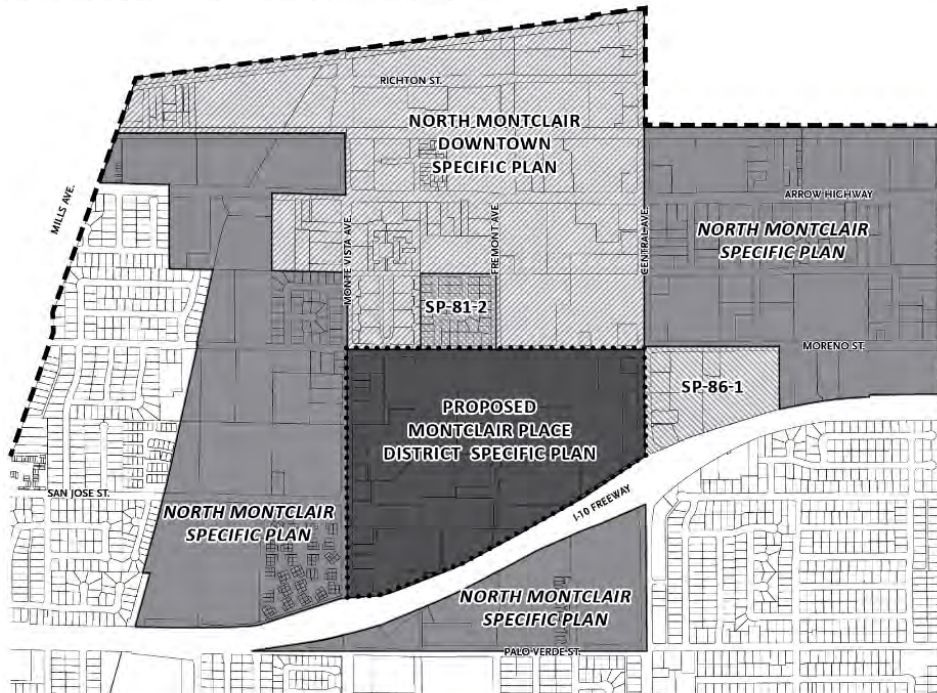


LEGEND
■ Plan Area Boundary

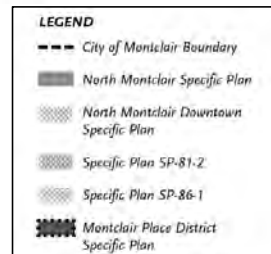
EXHIBIT "B"
CASE NO. 2018-13 - NORTH MONTCLAIR SPECIFIC PLAN AMENDMENT



EXISTING NORTH MONTCLAIR SPECIFIC PLAN



**PROPOSED AMENDMENT TO THE NORTH MONTCLAIR SPECIFIC PLAN (NMSP)
 TO REMOVE 104.3 ACRES FROM THE NMSP BOUNDARY**



MONTCLAIR PLACE SPECIFIC PLAN
 September 21, 2020

ORDINANCE NO. 20-991

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR APPROVING AN AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF MONTCLAIR MODIFYING THE ZONING DESIGNATION OF 104.35 ACRES OF LAND BOUNDED BY THE RIGHT-OF-WAY OF MONTE VISTA AVENUE ON THE WEST, THE I-10 FREEWAY ON THE SOUTH, CENTRAL AVENUE ON THE EAST, AND THE EXISTING CENTER LINE OF MORENO STREET ON THE NORTH, FROM "REGIONAL COMMERCIAL" TO "PLANNED DEVELOPMENT" (APNs 1008-171-01; 1008-171-02; 1008-171-03; 1008-171-04; 1008-171-05; 1008-171-06; 1008-171-07; 1008-171-11; 1008-171-13; 1008-181-04; 1008-181-05; 1008-181-06; 1008-181-07; 1008-191-01; 1008-191-02; 1008-191-03; 1008-191-04; 1008-191-05; 1008-321-04; 1008-321-07; 1008-321-08, 1008-341-08; 1008-351-07; 1008-321-10; 1008-331-06; 1008-331-07; 1008-331-08; 1008-331-09; 1008-331-15; 1008-331-16; 1008-341-04; 1008-341-08; AND 1008-351-01; 1008-351-07) [PLANNING CASE NO. 2018-13]

WHEREAS, on November 2, 2017, the City of Montclair ("City") initiated the process to develop a new Specific Plan for the Montclair Place mall and surrounding properties in order to lay the framework for the creation of a new pedestrian-oriented, multi-modal, mixed-use downtown district to be known as the *Montclair Place District Specific Plan* ("MPDSP" or the "Project"); and

WHEREAS, the proposed MPDSP would provide for the development of a pedestrian-oriented, mixed-use downtown district, with structured parking facilities through a series of planned phases; and

WHEREAS, the proposed Project requires a general plan amendment, zone change and specific plan amendment to facilitate the adoption and implementation of the MPDSP; and

WHEREAS, The *North Montclair Specific Plan* (NMSP) was adopted on January 5, 1998 (Resolution No. 2163). The planning area covered by the NMSP was approximately 640 acres and bounded by the north City boundary, Palo Verde Street on the south, Benson Avenue on the east, and the San Antonio Wash on the west. The NMSP area consists primarily of retail commercial and light industrial uses, with the mall and adjacent commercial developments serving as the area's primary focus; and

WHEREAS, the proposed zone change applies to parcels of varying sizes totaling approximately 104.35 acres in size ("Plan Area") as identified by Assessor Parcel Numbers 1008-171-01; 1008-171-02; 1008-171-03; 1008-171-04; 1008-171-05; 1008-171-06; 1008-171-07; 1008-171-11; 1008-171-13; 1008-181-04; 1008-181-05; 1008-181-06; 1008-181-07; 1008-191-01; 1008-191-02; 1008-191-03; 1008-191-04; 1008-191-05; 1008-321-04; 1008-321-07; 1008-321-08, 1008-341-08; 1008-351-07; 1008-321-10; 1008-331-06; 1008-331-07; 1008-331-08; 1008-331-09; 1008-331-15; 1008-331-16; 1008-341-04; 1008-341-08; 1008-351-01; 1008-351-07; and

WHEREAS, the Plan Area is bounded by and includes the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, Central Avenue on the east, and the existing center line of Moreno Street on the north; and

WHEREAS, the subject parcels within the Plan Area are currently designated by the Official Zoning Map as "C3" (General Commercial) pursuant to the *North Montclair Specific Plan* and developed to varying degrees with commercial land uses and structures; and

WHEREAS, the proposed zone change from "C3" to "Specific Plan" is required to be consistent with the General Plan Amendment associated with the project; and

WHEREAS, the MPDSP is a "project" under the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.: "CEQA"); and

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

WHEREAS, in accordance with State CEQA Guidelines section 15063, the City prepared an Initial Study to determine if the Project could have a significant effect on the environment; and

WHEREAS, the IS/NOP was issued for a 30-day review period between May 20, 2019 and June 18, 2019, in accordance with State CEQA Guidelines section 15082(a) and eight (8) comment letters/emails were received during the IS/NOP review period; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on May 28, 2019, at City Hall to solicit comments on the IS/NOP; and

WHEREAS, based on the information contained in the Initial Study, which concluded that the Project could have a significant impact on the environment, the City determined that an Environmental Impact Report ("EIR") should be prepared in order to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, a Draft EIR ("DEIR") was prepared, incorporating comments received during the NOP review period, and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the DEIR to the public at the same time that the City sent the Notice of Completion to the Office of Planning and Research, by mailing to neighboring property owners within a 300-foot radius of the MPDSP boundaries and posting a copy of the NOA with the County Clerk; and

WHEREAS, the DEIR evaluating the Project's environmental effects and alternatives was circulated for public review and comment between July 10, 2020 and August 24, 2020; and

WHEREAS, the DEIR determined that mitigation measures were required to mitigate some impacts to a less than significant level; and

WHEREAS, the DEIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts; and

WHEREAS, during the public comment period, copies of the DEIR and technical appendices were available for review and inspection at City Hall and on the City's website; and

WHEREAS, pursuant to State CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day public review and comment period; and

WHEREAS, during the review and comment period, the City received five comments; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on August 10, 2020, to consider the Proposed MPDSP and the DEIR, pursuant to State CEQA Guidelines section 15025(c), at which hearing, members of the public were afforded an opportunity to comment upon the Proposed MPDSP and the DEIR to consider and make a recommendation to the City Council regarding the MPDSP and the DEIR pursuant to State CEQA Guidelines section 15025(c); and

WHEREAS, on August 10, 2020, the Planning Commission, by a vote of 5-0, recommended that the City Council certify the EIR, adopt findings of fact, a statement of overriding considerations, and a mitigation measure monitoring and reporting program, and approve the proposed amendments pursuant to Planning Commission Resolution No. 20-1943; and

WHEREAS, the City has prepared a Final EIR, consisting of the written comments received during the review and comment period on the DEIR; written responses to those comments; and an errata showing revisions to the DEIR. For the purposes of this Resolution, the "EIR" shall refer to the DEIR, as revised by the Final EIR, together with the other sections of the Final EIR; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to timely commenting public agencies at least ten (10) days prior to the City Council's consideration of the Final EIR; and

WHEREAS, on September 11, 2020, the City gave public notice of the City Council's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the Plan Area; and

WHEREAS, on September 21, 2020, commencing at 7:00 p.m. in the Senior Center at the City of Montclair Civic Center, the City Council conducted a public hearing at which time all persons wishing to testify in connection with the Amendment were heard, and said application was fully studied; and

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

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

SECTION 1. Recitals. The City Council hereby specifically finds that all of the facts set forth in the Recitals of this Ordinance are true and correct.

SECTION 2. Approval of Amendment to the Official Zoning Map. The City Council hereby approves the Amendment to the Official Zoning Map of the City of Montclair associated with Case No. 2018-13, modifying the zoning designation of approximately 104.35 acres bounded by and including the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, Central Avenue on the east, and the existing center line of Moreno Street on the north from "C3" (General Commercial) to "Specific Plan" thereby allowing said area to be rezoned for purposes of adopting the Montclair Place District Specific Plan.

SECTION 3. Zone Change Findings. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the Zone Change promotes the goals and objectives of the General Plan for the following reasons:

- A. The Zone Change of the Plan Area to "Planned Development" would officially change the current Montclair Zoning Map and related documents from the current C3 zoning designation assigned to the site by the underlying North Montclair Specific Plan. The new designation of "Specific Plan" would be consistent with the manner in which other Specific Plans in the City are officially designated on the Zoning Map. The Specific Plan land use designation would then accommodate the proposed MPDSP and the creation of the new sub-zoning districts—District Corridor (COR), District Place (PLA), District Commons (COM), and District Center (CEN), proposed for the Plan Area. Further, the zone change to "Specific Plan" would be consistent with the proposed General Plan Amendment to re-designate the Plan Area from "Regional Commercial" to "Planned Development."
- B. Uses of the Plan Area authorized by the Zone Change promote and achieve the intended goals of the MPDSP mixed-use project. Further, new residential and mixed-use development pursuant to the new land use zones of the MPDSP would be consistent with the General Plan's Land Use and Community Design Elements policies that encourage projects that effectively balance land use, circulation, transportation, community design, and housing objectives.
- C. The Zone Change is reasonably related to the public welfare of the citizens of the City of Montclair and the surrounding region because the change would enable the City to employ good zoning practices that seek to integrate the uses on this very prominent piece of property with surrounding uses and the City's overall goals for a more walkable community. Without the proposed zone change, the above goals could not be achieved. Moreover, the changes promote additional housing opportunities in the City of Montclair using designs that are compatible with the high-quality design guidelines contained in the proposed MPDSP.

SECTION 4. California Environmental Quality Act. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the Amendment to the Official Zoning Map of the City of Montclair is an integral component of the project that was evaluated in the Environmental Impact Report prepared for the Montclair Place District Specific Plan (SCH#2019050011), which was certified by the City Council in Resolution No. 20-3288. All of the environmental impacts associated with the Amendment have been fully disclosed and mitigated, to the extent possible, in the Environmental Impact Report. No further environmental review is necessary.

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Certification; Publication. The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

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

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

APPROVED AND ADOPTED this XX day of XX, 2020.

Mayor

ATTEST:

City Clerk

I, Andrea M. Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 20-991 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2020, and finally passed not less than five (5) days thereafter on the XX day of XX, 2020, by the following vote, to-wit:

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

Andrea M. Phillips
City Clerk

EXHIBIT "A"
CASE NO. 2018-13 - ZONE CHANGE
ORDINANCE NO. 20-991



EXISTING ZONING DESIGNATION



PROPOSED ZONING DESIGNATION

LEGEND
■ ■ Plan Area Boundary

MONTCLAIR PLACE SPECIFIC PLAN
September 21, 2020

ORDINANCE NO. 20-992

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADOPTING THE MONTCLAIR PLACE DISTRICT SPECIFIC PLAN (MPDSP), FOR AN AREA OF 104.35 ACRES OF LAND BOUNDED BY THE RIGHT-OF-WAY OF MONTE VISTA AVENUE ON THE WEST, THE I-10 FREEWAY ON THE SOUTH, CENTRAL AVENUE ON THE EAST, AND THE EXISTING CENTER LINE OF MORENO STREET ON THE NORTH, FROM "REGIONAL COMMERCIAL" TO "PLANNED DEVELOPMENT" (APNs 1008-171-01; 1008-171-02; 1008-171-03; 1008-171-04; 1008-171-05; 1008-171-06; 1008-171-07; 1008-171-11; 1008-171-13; 1008-181-04; 1008-181-05; 1008-181-06; 1008-181-07; 1008-191-01; 1008-191-02; 1008-191-03; 1008-191-04; 1008-191-05; 1008-321-04; 1008-321-07; 1008-321-08, 1008-341-08; 1008-351-07; 1008-321-10; 1008-331-06; 1008-331-07; 1008-331-08; 1008-331-09; 1008-331-15; 1008-331-16; 1008-341-04; 1008-341-08; 1008-351-01; 1008-351-07) [PLANNING CASE NO. 2018-13].

WHEREAS, in 2014, CIM Group acquired Montclair Plaza from CW Capital Asset Management. CIM Group, is headquartered in Los Angeles, and has active projects throughout California. Montclair Plaza was subsequently renamed Montclair Place in 2017; and

WHEREAS, on November 2, 2017, the City of Montclair ("City") initiated the process to develop a new Specific Plan for the Montclair Place mall and surrounding properties in order to lay the framework for the creation of a new pedestrian-oriented, multi-modal, mixed-use downtown district to be known as the *Montclair Place District Specific Plan* ("MPDSP" or the "Project"); and

WHEREAS, the planning firms of Studio 111 and Moule & Polyzoides Architects and Urbanists participated in the formation of the conceptual framework for the MPDSP. The City retained Moule & Polyzoides Architects and Urbanists to prepare and complete the MPDSP document; and

WHEREAS, the proposed MPDSP would provide for the development of a pedestrian-oriented, mixed-use downtown district, with structured parking facilities through a series of planned phases; and

WHEREAS, the proposed Project requires a general plan amendment, zone change and specific plan amendment to facilitate the adoption and implementation of the MPDSP; and

WHEREAS, The *North Montclair Specific Plan* (NMSP) was adopted on January 5, 1998 (Resolution No. 2163). The planning area covered by the NMSP was approximately 640 acres and bounded by the north City boundary, Palo Verde Street on the south, Benson Avenue on the east, and the San Antonio Wash on the west. The NMSP area consists primarily of retail commercial and light industrial uses, with the mall and adjacent commercial developments serving as the area's primary focus; and

WHEREAS, the proposed zone change applies to approximately 104.35 acres of land (Plan Area) currently within the NMSP consisting of parcels of varying size as identified by Assessor Parcel Numbers 1008-171-01; 1008-171-02; 1008-171-03; 1008-171-04; 1008-171-05; 1008-171-06; 1008-171-07; 1008-171-11; 1008-171-13; 1008-181-04; 1008-181-05; 1008-181-06; 1008-181-07; 1008-191-01; 1008-191-02; 1008-191-03; 1008-191-04; 1008-191-05; 1008-321-04; 1008-321-07; 1008-321-08, 1008-341-08; 1008-351-07; 1008-321-10; 1008-331-06; 1008-331-07; 1008-331-08; 1008-331-09; 1008-331-15; 1008-331-16; 1008-341-04; 1008-341-08; 1008-351-01; 1008-351-07; and

WHEREAS, the Plan Area is bounded by and includes the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, Central Avenue on the east, and the existing center line of Moreno Street on the north; and

WHEREAS, the subject parcels within the Plan Area are currently designated by the Official Zoning Map as "C3" (General Commercial) pursuant to the *North Montclair Specific Plan* and developed to varying degrees with commercial land uses and structures; and

WHEREAS, the proposed zone change from “C3” to “Specific Plan” is required to be consistent with the General Plan Amendment associated with the project; and

WHEREAS, the MPDSP is a “project” under the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.: “CEQA”); and

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

WHEREAS, in accordance with State CEQA Guidelines section 15063, the City prepared an Initial Study to determine if the Project could have a significant effect on the environment; and

WHEREAS, the IS/NOP was issued for a 30-day review period between May 20, 2019 and June 18, 2019, in accordance with State CEQA Guidelines section 15082(a) and eight (8) comment letters/emails were received during the IS/NOP review period; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on May 28, 2019, at City Hall to solicit comments on the IS/NOP; and

WHEREAS, based on the information contained in the Initial Study, which concluded that the Project could have a significant impact on the environment, the City determined that an Environmental Impact Report (“EIR”) should be prepared in order to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, a Draft EIR (“DEIR”) was prepared, incorporating comments received during the NOP review period, and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the DEIR to the public at the same time that the City sent the Notice of Completion to the Office of Planning and Research, by mailing to neigh

WHEREAS, the DEIR evaluating the Project’s environmental effects and alternatives was circulated for public review and comment between July 10, 2020 and August 24, 2020; and

WHEREAS, the DEIR determined that mitigation measures were required to mitigate some impacts to a less than significant level; and

WHEREAS, the DEIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts; and

WHEREAS, during the public comment period, copies of the DEIR and technical appendices were available for review and inspection at City Hall and on the City’s website; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the DEIR to the public at the same time that the City sent the Notice of Completion to the Office of Planning and Research, by mailing to neighboring property owners within a 300-foot radius of the MPDSP boundaries and posting a copy of the NOA with the County Clerk; and

WHEREAS, pursuant to State CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day public review and comment period; and

WHEREAS, during the review and comment period, the City received five comments; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on August 10, 2020, to consider the Proposed MPDSP and the DEIR, pursuant to State CEQA Guidelines section 15025(c), at which hearing, members of the public were afforded an opportunity to comment upon the Proposed MPDSP and the DEIR to consider and make

a recommendation to the City Council regarding the MPDSP and the DEIR pursuant to State CEQA Guidelines section 15025(c); and

WHEREAS, on August 10, 2020, the Planning Commission, by a vote of 5-0, recommended that the City Council certify the EIR, adopt findings of fact, a statement of overriding considerations, and a mitigation measure monitoring and reporting program, and approve the proposed amendments pursuant to Planning Commission Resolution No. 20-1943; and

WHEREAS, the City has prepared a Final EIR, consisting of the written comments received during the review and comment period on the DEIR; written responses to those comments; and an errata showing revisions to the DEIR. For the purposes of this Resolution, the "EIR" shall refer to the DEIR, as revised by the Final EIR, together with the other sections of the Final EIR; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to timely commenting public agencies at least ten (10) days prior to the City Council's consideration of the Final EIR; and

WHEREAS, on September 11, 2020, the City gave public notice of the City Council's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the Plan Area; and

WHEREAS, on September 21, 2020, commencing at 7:00 p.m. in the Senior Center at the City of Montclair Civic Center, the City Council conducted a public hearing at which time all persons wishing to testify in connection with the Amendment were heard, and said application was fully studied; and

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

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

SECTION 1. Recitals. The City Council hereby finds all of the facts set forth in the Recitals of this Resolution are true and correct.

SECTION 2. Approval of Montclair Place District Specific Plan. Based on the entire record before the City Council, all written and oral evidence presented, and the findings made in this Resolution, the City Council approves the Montclair Place District Specific Plan associated with Case No. 2018-13 for the 104.35 acres of property bounded by and including the right-of-way of Monte Vista Avenue on the west, the I-10 Freeway on the south, Central Avenue on the east, and the existing center line of Moreno Street on the north bounded by Central Avenue on the east, as set forth in the attached Exhibit "A".

SECTION 3. Approval of Amendments. Based on the entire record before the City Council, all written and oral evidence presented, and the findings of made in this Resolution, the City Council approves the Montclair Place District Specific Plan, as set forth in the attached Exhibit "B".

SECTION 4. Findings for Approval of the Montclair Place District Specific Plan. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the proposed Montclair Place District Specific Plan promotes the goals and objectives of the General Plan and leaves the General Plan a compatible, integrated, and internally consistent statement of policies for the following reasons:

A. The adoption of the new MPDSP represents a comprehensive and bold vision of the future for the Plan Area. The MPDSP envisions the possible demolition of all, or a portion of, the existing mall, some, or all, appurtenant freestanding outbuildings, and portions of the existing surface parking lots and parking structure, to construct a new pedestrian-oriented, mixed-use downtown district.

B. The MPDSP will complement the goals and design strategies of the existing NMDSP that abuts the north boundary of the MPDSP. Both documents share common form-based code design standards and emphasis on high-quality design and materials. New standards for the Plan Area regarding existing and new land uses, setbacks and

building heights, parking, landscape, and signage to guide the formation of a distinctive and attractive “downtown” streetscape and development pattern.

C. The MPDSP provides the framework to implement a mix of uses including housing at various densities and integrated ground floor retail and office uses. All new projects within the MPDSP boundaries will be subject to outside architectural review prior to consideration by the Planning Commission. Subsequent to Commission approval, all major projects in the Plan Area would be forwarded to City Council for final consideration and determination.

D. The MPDSP is consistent with the General Plan in that the MPDSP proposal encompasses a large land area with defined boundaries and adequate shape (a crisp polygon) uniquely situated to facilitate the goals of developing a plan consistent with the General Plan’s policy to establish an effective balance of land use, circulation, transportation, community design, commercial and housing all of which are objectives contained in the MPDSP

SECTION 5. California Environmental Quality Act. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the adoption of the Montclair Place District Specific Plan evaluated in the Environmental Impact Report prepared for the project (SCH#2019050011), which was certified by the City Council in Resolution No. 20-3288. All of the environmental impacts associated with the Montclair Place District Specific Plan have been fully disclosed and mitigated, to the extent possible, in the Environmental Impact Report. No further environmental review is necessary.

SECTION 6. Certification; Publication. The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

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

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

APPROVED AND ADOPTED this XX day of XX, 2020.

Mayor

ATTEST:

City Clerk

I, Andrea M. Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 20-992 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2020, and finally passed not less than five (5) days thereafter on the XX day of XX, 2020, by the following vote, to-wit:

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

Andrea M. Phillips
City Clerk

EXHIBIT "A"
CASE NO. 2018-13 - MONTCLAIR PLACE DISTRICT SPECIFIC PLAN
PLAN AREA

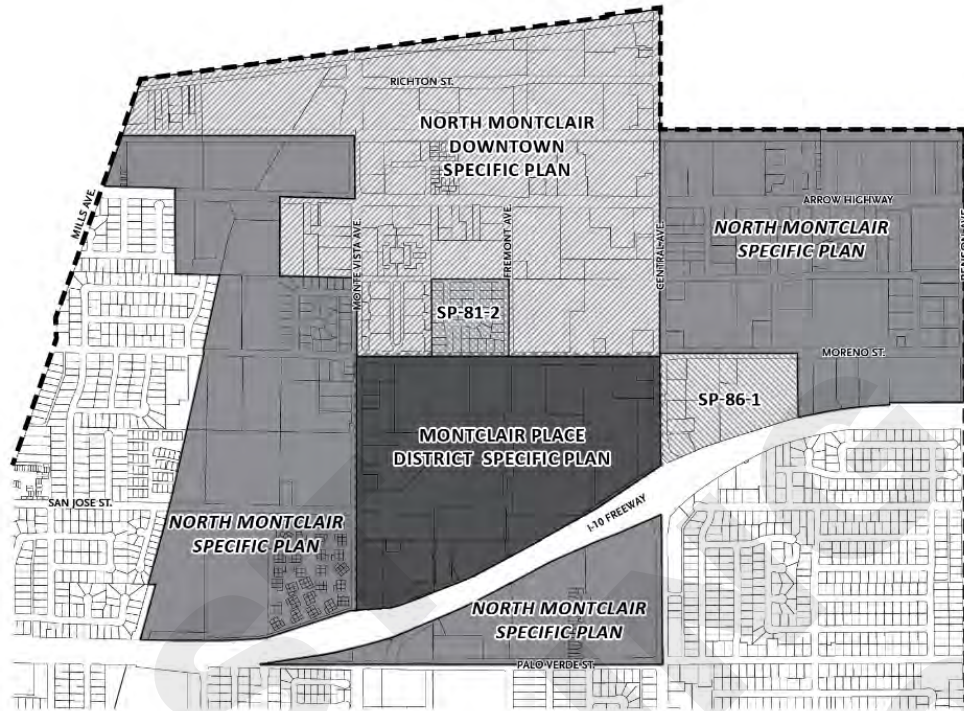


LEGEND
■ Plan Area Boundary

MONTCLAIR PLACE SPECIFIC PLAN
September 21, 2020

FIR
READ
9/21/2020

EXHIBIT "B"
CASE NO. 2018-13 - MONTCLAIR PLACE DISTRICT SPECIFIC PLAN



MONTCLAIR PLACE DISTRICT SPECIFIC PLAN

LEGEND	
	City of Montclair Boundary
	North Montclair Specific Plan
	North Montclair Downtown Specific Plan
	Specific Plan SP-81-2
	Specific Plan SP-86-1
	Montclair Place District Specific Plan

MONTCLAIR PLACE SPECIFIC PLAN
September 21, 2020



CITY COUNCIL AGENDA REPORT

DATE: SEPTEMBER 21, 2020 **FILE I.D.:** PLC150/CYC265
SECTION: PUBLIC HEARINGS **DEPT.:** ADMIN. SVCS.
ITEM NO.: C **PREPARER:** A. PHILLIPS
SUBJECT: FIRST READING — CONSIDER ORDINANCE NO. 20-993 AMENDING THE
QUALIFICATIONS TO SERVE ON THE MONTCLAIR PLANNING COMMISSION

CONSIDER SETTING A PUBLIC HEARING FOR SECOND READING AND ADOPTION OF
ORDINANCE NO. 20-993 FOR MONDAY, OCTOBER 5, 2020 AT 7:00 P.M.

REASON FOR CONSIDERATION: Recent changes to state law dictate that appointments to civil offices cannot have a U.S. citizenship requirement. Because U.S. Citizenship is a prerequisite to voter registration, and voter registration is listed as a requirement in the Montclair Municipal Code (MMC) to be eligible for appointment as a member of the Planning Commission, the MMC must be amended to remove this requirement.

The City Council is requested to conduct the first reading of Ordinance No. 20-993 amending qualifications for the Montclair Planning Commission and set a public hearing for Monday, October 5, 2020, at 7:00 p.m. to consider conducting a second reading and adoption of Ordinance No. 20-993.

BACKGROUND: On October 12, 2019, the Governor of California signed Senate Bill 225 (SB 225), which amended §1020 of the California Government Code (GC). As amended by SB 225, GC §1020 reads as follows:

(a) *A person is eligible to hold an elective civil office if, at the time of election, the person is 18 years of age and a citizen of the state.*

(b) *Notwithstanding any other law, a person, regardless of citizenship or immigration status, is eligible to hold an appointed civil office if the person is 18 years of age and a resident of the state.*

(c) *Notwithstanding any other law, a person appointed to civil office, regardless of citizenship or immigration status, may receive any form of compensation that the person is not otherwise prohibited from receiving pursuant to federal law, including, but not limited to, any stipend, grant, or reimbursement of personal expenses that is associated with carrying out the duties of that office.*

MMC § 2.16.040 currently reads as follows:

2.16.040 – Qualification for office.

In order to qualify as a member of the Planning Commission, a person shall be a legally registered voter in the City of Montclair.

Staff and the City Attorney are in agreement that MMC §2.16.040 no longer complies with GC §1020, and should be amended to read as follows:

In order to qualify as a member of the Planning Commission, a person shall be at least 18 years of age and a resident of the City.

This law applies to all appointed bodies. The Community Activities Commission was established by the City Council and its rules are outlined in Resolution No. 96-2096. A

revision to the Community Activities Commission's requirements will be proposed via resolution at the next regular City Council meeting on October 5, 2020.

FISCAL IMPACT: There would be no significant fiscal impact related to this action.

RECOMMENDATION: Staff recommends the City Council take the following actions:

1. Conduct the first reading of Ordinance No. 20-993 amending the qualifications to serve on the Montclair Planning Commission; and
2. Set a public hearing for second reading and adoption of Ordinance No. 20-993 for Monday, October 5, 2020, at 7:00 p.m.

ORDINANCE NO. 20-993

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING THE QUALIFICATIONS TO SERVE ON THE MONTCLAIR PLANNING COMMISSION

WHEREAS, Article XI, Section 7 of the California Constitution provides that the City of Montclair may make and enforce within its limits all local ordinances and regulations not in conflict with general laws; and

WHEREAS, on October 12, 2019, the Governor of California approved Senate Bill No. 225 (SB 225), which amends Section 1020 of the California Government Code (GC §1020); and

WHEREAS, GC §1020, as amended by SB 225, reads as follows:

(a) A person is eligible to hold an elective civil office if, at the time of election, the person is 18 years of age and a citizen of the state.

(b) Notwithstanding any other law, a person, regardless of citizenship or immigration status, is eligible to hold an appointed civil office if the person is 18 years of age and a resident of the state.

(c) Notwithstanding any other law, a person appointed to civil office, regardless of citizenship or immigration status, may receive any form of compensation that the person is not otherwise prohibited from receiving pursuant to federal law, including, but not limited to, any stipend, grant, or reimbursement of personal expenses that is associated with carrying out the duties of that office; and

WHEREAS, the City of Montclair finds that Section 2.16.040 no longer complies with GC §1020 in light of the amendments established under SB 225.

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

SECTION I. Section 2.16.040 of the Montclair Municipal Code is hereby amended to read as follows:

2.16.040 - Qualification for office.

In order to qualify as a member of the Planning Commission, a person shall be at least 18 years of age and a resident of the City.

SECTION II. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

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

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

APPROVED AND ADOPTED this XX day of XX, 2020.

Mayor

ATTEST:

City Clerk

I, Andrea M. Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 20-993 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2020, and finally passed not less than five (5) days thereafter on the XX day of XX, 2020, by the following vote, to-wit:

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

Andrea M. Phillips
City Clerk

FIRST
READING
9/21/2020



CITY COUNCIL AGENDA REPORT

DATE:	SEPTEMBER 21, 2020	FILE I.D.:	FIN520
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	FINANCE
ITEM NO.:	1	PREPARER:	J. KULBECK
SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

REASON FOR CONSIDERATION: The City Council is requested to consider receiving and filing the City of Montclair Treasurer's Report for the month ending August 31, 2020, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending August 31, 2020.

FISCAL IMPACT: Routine—report of City's cash and investments.

RECOMMENDATION: Staff recommends the City Council receive and file the Treasurer's Report for the month ending August 31, 2020.



CITY COUNCIL AGENDA REPORT

DATE:	SEPTEMBER 21, 2020	FILE I.D.:	FIN540
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	FINANCE
ITEM NO.:	2	PREPARER:	L. LEW/V. FLORES
SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION		

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

BACKGROUND: Mayor Pro Tem Raft has examined the Warrant Register dated September 21, 2020, and the Payroll Documentation dated August 16, 2020, and recommends their approval.

FISCAL IMPACT: The Warrant Register dated September 21, 2020, totals \$1,663,693.29; and the Payroll Documentation dated August 16, 2020, totals \$614,209.90 gross, with \$418,595.40 net being the total cash disbursement.

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



CITY COUNCIL AGENDA REPORT

DATE:	SEPTEMBER 21, 2020	FILE I.D.:	FIN510
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	SA
ITEM NO.:	3	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

REASON FOR CONSIDERATION: City Council acting as Successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Treasurer's Report for the month ending August 31, 2020, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Successor to the Redevelopment Agency Treasurer's Report for the period ending August 31, 2020.

FISCAL IMPACT: Routine—report of the Agency's cash.

RECOMMENDATION: Staff recommends the City Council acting as Successor to the Redevelopment Agency Board of Directors receive and file the Successor to the Redevelopment Agency Treasurer's Report for the month ending August 31, 2020.



CITY COUNCIL AGENDA REPORT

DATE:	SEPTEMBER 21, 2020	FILE I.D.:	FIN530
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	SA
ITEM NO.:	4	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER		

REASON FOR CONSIDERATION: The City Council acting as Successor to the Redevelopment Agency Board of Directors is requested to consider receiving and filing the Successor to the Redevelopment Agency Warrant Register for the month ending August 31, 2020, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Successor to the Redevelopment Agency Warrant Register dated 08.01.20-08.31.20 in the amounts of \$7,338.73 for the Combined Operating Fund; \$0.00 for the Redevelopment Obligation Retirement Funds and finds it to be in order.

FISCAL IMPACT: Routine—report of Agency's obligations.

RECOMMENDATION: Vice Chairperson Raft recommends the City Council as Successor to the Redevelopment Agency Board of Directors approve the Successor to the Redevelopment Agency Warrant Register for the period ending August 31, 2020.



CITY COUNCIL AGENDA REPORT

DATE:	SEPTEMBER 21, 2020	FILE I.D.:	FIN525
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	MHC
ITEM NO.:	5	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

REASON FOR CONSIDERATION: Montclair Housing Corporation Board of Directors is requested to receive and file the Montclair Housing Corporation Treasurer's Report for the month ending August 31, 2020, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending August 31, 2020.

FISCAL IMPACT: Routine—report of the Montclair Housing Corporation's cash and investments.

RECOMMENDATION: Staff recommends the Montclair Housing Corporation Board of Directors receive and file the Treasurer's Report for the month ending August 31, 2020.



CITY COUNCIL AGENDA REPORT

DATE:	SEPTEMBER 21, 2020	FILE I.D.:	FIN545
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	MHC
ITEM NO.:	6	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER		

REASON FOR CONSIDERATION: The Montclair Housing Corporation Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending August 31, 2020, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Warrant Register dated 08.01.20-08.31.20 in the amount of \$60,428.22 for the Montclair Housing Corporation and finds it to be in order.

FISCAL IMPACT: Routine—report of Montclair Housing Corporation's obligations.

RECOMMENDATION: Vice Chairperson Raft recommends the Montclair Housing Corporation Board of Directors approve the Warrant Register for the period ending August 31, 2020.



CITY COUNCIL AGENDA REPORT

DATE:	SEPTEMBER 21, 2020	FILE I.D.:	FIN525
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	MHA
ITEM NO.:	7	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER RECEIVING AND FILING OF TREASURER'S REPORT		

REASON FOR CONSIDERATION: The Montclair Housing Authority Board of Directors is requested to receive and file the Montclair Housing Authority Treasurer's Report for the month ending August 31, 2020, pursuant to state law.

BACKGROUND: Included in your agenda packet is a copy of the Treasurer's Report for the period ending August 31, 2020.

FISCAL IMPACT: Routine—report of Montclair Housing Authority's obligations.

RECOMMENDATION: Staff recommends the Montclair Housing Authority Board of Directors receive and file the Treasurer's Report for the month ending August 31, 2020.



CITY COUNCIL AGENDA REPORT

DATE:	SEPTEMBER 21, 2020	FILE I.D.:	FIN545
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	MHA
ITEM NO.:	8	PREPARER:	C. RAMIREZ
SUBJECT:	CONSIDER APPROVAL OF WARRANT REGISTER		

REASON FOR CONSIDERATION: The Montclair Housing Authority Board of Directors is requested to consider receiving and filing the Warrant Register for the month ending August 31, 2020, pursuant to state law.

BACKGROUND: Vice Chairperson Raft has examined the Warrant Register dated 08.01.20-08.31.20 in the amount of \$0.00 for the Montclair Housing Authority and finds it to be in order.

FISCAL IMPACT: Routine—report of Montclair Housing Authority's obligations.

RECOMMENDATION: Vice Chairperson Raft recommends the Montclair Housing Authority Board of Directors approve the Warrant Register for the period ending August 31, 2020.



CITY COUNCIL AGENDA REPORT

DATE:	SEPTEMBER 21, 2020	FILE I.D.:	FPP150
SECTION:	CONSENT - ADMIN. REPORTS	DEPT.:	ADMIN. SVCS.
ITEM NO.:	9	PREPARER:	A. PHILLIPS
SUBJECT:	CONSIDER RECEIVING AND FILING THE 2020 LOCAL AGENCY BIENNIAL NOTICE AND DIRECTING STAFF TO AMEND THE CITY'S CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT		

REASON FOR CONSIDERATION: The City Council is the designated code-reviewing body for the City's Conflict of Interest Code. It is necessary to review the Conflict of Interest Code on a biennial basis, which includes the filing of a Local Agency Biennial Notice and amending the Code to update the list of designated employees who are required to file Statements of Economic Interests and to incorporate any other necessary changes.

The 2020 Local Agency Biennial Notice is attached and hereby submitted to the City Council for filing.

BACKGROUND: Pursuant to the Political Reform Act of 1974 (Government Code §8100, et seq.), all public agencies are required to adopt a Conflict of Interest Code. A Conflict of Interest Code designates positions required to annually file Statements of Economic Interest (Fair Political Practices Commission [FPPC] Form 700), and assigns disclosure categories specifying the types of interests to be reported. The Form 700 is a public document intended to alert public officials and members of the public to the types of financial interests that may create conflicts of interest.

The City of Montclair Conflict of Interest Code, first adopted on October 4, 1976, contains the requirement that all City Council Members, Planning Commissioners, City Manager, City Attorney, and designated employees responsible for managing public investments annually file Statements of Economic Interests. In addition, the Code requires that there be a listing of designated employees who, by job title, "make or participate in the making of governmental decisions which may have a foreseeable material effect on financial interests."

At its meeting on June 15, 2020, the City Council adopted Resolution No. 20-3272 directing staff to perform a review of the City's Conflict of Interest Code and submit the 2020 Local Agency Biennial Notice to the City Council.

Staff has reviewed the Conflict of Interest Code and has completed the Biennial Notice, which notes that areas of the Code require amendments. The 2020 Local Agency Biennial Notice must be filed by October 1, 2020, affirming that this review has been completed and indicating the actions required to be taken.

The City Council is required to adopt amendments to the Conflict of Interest Code within 90 days of the filing of the Biennial Notice. Staff anticipates the amendments to the Conflict of Interest Code will be submitted for adoption on or before the City Council's first regular meeting in December to meet the 90-day deadline.

FISCAL IMPACT: There would be no fiscal impact associated with the City Council's actions of receiving and filing of the Biennial Notice and directing staff to amend the City's Conflict of Interest Code.

RECOMMENDATION: Staff recommends the City Council receive and file the 2020 Local Agency Biennial Notice and direct staff to amend the City's Conflict of Interest Code pursuant to the Political Reform Act.

2020 Conflict of Interest Code Biennial Notice Instructions for Local Agencies

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700).

By **July 1, 2020**: The code reviewing body must notify agencies and special districts within its jurisdiction to review their conflict of interest codes.

By **October 1, 2020**: The biennial notice must be filed with the agency's code reviewing body.

The FPPC has prepared a 2020 Local Agency Biennial Notice form for local agencies to complete or send to agencies within its jurisdiction to complete before submitting to the code reviewing body. The City Council is the code reviewing body for city agencies. The County Board of Supervisors is the code reviewing body for county agencies and any other local government agency whose jurisdiction is determined to be solely within the county (e.g., school districts, including certain charter schools). The FPPC is the code reviewing body for any agency with jurisdiction in **more than one county** and will contact them.

The Local Agency Biennial Notice is not forwarded to the FPPC.

If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the code reviewing body for approval within 90 days. An agency's amended code is not effective until it has been approved by the code reviewing body.

If you answer yes, to any of the questions below, your agency's code probably needs to be amended.

- Is the current code more than five years old?
- Have there been any substantial changes to the agency's organizational structure since the last code was approved?
- Have any positions been eliminated or re-named since the last code was approved?
- Have any new positions been added since the last code was approved?
- Have there been any substantial changes in duties or responsibilities for any positions since the last code was approved?

If you have any questions or are still not sure if you should amend your agency's conflict of interest code, please contact the FPPC. Additional information including an online webinar regarding how to amend a conflict of interest code is available on [FPPC's website](#).

2020 Local Agency Biennial Notice

Name of Agency: City of Montclair
Mailing Address: 5111 Benito Street, Montclair, CA 91763
Contact Person: Andrea Phillips Phone No. (909) 706-2485
Email: aphillips@cityofmontclair.org Alternate Email: cityclerk@cityofmontclair.org

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2020**, or by the date specified by your agency, if earlier, to:

MONTCLAIR CITY COUNCIL
5111 BENITO STREET
MONTCLAIR, CA 91763

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

www.fppc.ca.gov
FPPC Advice: advice@fppc.ca.gov (866.275.3772)
Page 1 of 1



CITY COUNCIL AGENDA REPORT

DATE:	SEPTEMBER 21, 2020	FILE I.D.:	COV150
SECTION:	RESPONSE	DEPT.:	CITY MGR.
ITEM NO.:	A	PREPARER:	E. STARR

SUBJECT: CONSIDER RECEIVING AND FILING A RESPONSE TO CITY COUNCIL INQUIRY REGARDING THE RESUMPTION OF IN-PERSON CITY COUNCIL MEETINGS AND THE REOPENING OF CITY FACILITIES TO THE PUBLIC AMIDST THE NOVEL CORONAVIRUS PANDEMIC, AND PROVIDING DIRECTION TO STAFF IN RELATION THERETO

REASON FOR CONSIDERATION: At the September 8, 2020, meeting of the City Council, discussion was held regarding the resumption of in-person City Council meetings and the reopening of City facilities to the public amidst the novel coronavirus pandemic. Mayor Dutrey requested, and the City Council agreed, to continue the discussion to the September 21, 2020, meeting of the City Council, and staff was requested to prepare a report.

BACKGROUND: The COVID-19 pandemic continues in nearly every country of the world, with approximately 30 million cases and approaching 1 million reported deaths worldwide, including approximately 7 million cases and 200,000 deaths in the United States—the highest infection and mortality rates of any country in the world. California leads the rest of the states, with approximately 800,000 cases and more than 15,000 deaths. San Bernardino County reports approximately 52,000 COVID-19 cases and 900 deaths, including approximately 1,200 cases and 18 deaths in Montclair.

The Centers for Disease Control and Prevention (CDC) is estimating that when 2020 ends, 11 months after the first recorded American death from COVID19 in February 2020, the United States may record between 430,000 to 600,000 deaths from the novel coronavirus. In contrast, the 1918 flu pandemic is estimated to have killed 500,000 to 850,000 Americans over a 2½-year period—between January 1918 and the spring of 1920.

Although the number of new daily cases of the novel coronavirus in the United States has slowly been declining over the last two weeks, the nation is still adding new cases at a rate of 40,000 per day. As one region in the U.S. gets the virus under control, another hot spot emerges. Spikes also inevitably appear whenever states lift social distancing restrictions, particularly in population centers where people either do not understand the impact of their failure to comply with appropriate Guidance or, as with many college-aged students, believe the virus will not affect their lives in any meaningful way.

Dr. Anthony Fauci, Director of the National Institute of Allergies and Infectious Diseases and one of the world's leading acquired immune deficiency syndrome (AIDS) researchers, warns against underestimating the novel coronavirus, comparing it to the epidemic cycle for AIDS. AIDS was first detected in 1981, and decades later more than 32 million people have died from AIDS—approximately 43% of the 74.9 million people infected with AIDS worldwide—including an estimated 675,000 Americans. Dr. Fauci cautions that healthcare professionals still have much to learn about the novel coronavirus before the disease will be controlled and the mortality rate reversed, and flexibility must be incorporated into practices, guidance, and policies based on available and emerging medical data.

Unlike the early years of the AIDS epidemic, when medical science had no effective means to combat the virus, the world's hope against COVID-19 rests on a global effort to quickly develop a safe and effective vaccine. Several ongoing vaccine trials appear promising; however, an effective vaccine is unlikely before the end of 2020. Furthermore, wide distribution will probably not occur any earlier than mid-2021 due to the logistics related to producing, storing, and shipping an estimated 7.8 billion doses; e.g., Pfizer's vaccine candidate requires storage at minus 94 degrees Fahrenheit, and Moderna's requires storage at minus 4 degrees Fahrenheit. These temperature requirements alone demand a chain of shipping and cold storage facilities that are not universally available.

Dr. Fauci is also concerned about the threat of a second U.S. wave. Recent reports indicate that the infection rate in Western Europe is on the rise, suggesting the beginning of a second wave on the European Continent.

Asia, too, is seeing a major coronavirus outbreak on the Indian subcontinent. Last week, India's coronavirus outbreak shot past Brazil's to become second only to the United States. With daily new cases near 100,000, it appears inevitable that India may also surpass the United States in the number of positive cases.

It is evident that Dr. Fauci is correct in stating that health care professionals still have much to learn about the novel coronavirus before the disease will be controlled and the mortality rate reversed. But to understand the domestic evolution of the novel coronavirus, it should be viewed along its continuum, not by a single factor such as a country's per capita death toll. Public health officials need to look at when the virus first came to the nation's shores and what has occurred since, including each of its depressions and spikes and what tools have been effective at curbing its health-related impacts. In effect, a pandemic is similar to a circular event that starts, slows, stops, and restarts based on conditions, developments, responses, and other factors.

Unfortunately, in the United States, the scope, breadth, and danger of the virus is compounded by rhetoric that downplays its seriousness, public discourse stating that the virus is a hoax, and outright refusal to comply with Guidance for social distancing, hygiene, and the wearing of face coverings.

Except for mandatory requirements to wear face coverings in stores and in restaurants, more and more Americans have eschewed the wearing of face coverings. Americans have also returned to in-person school sessions and large gatherings, encouraged by a federal and election year agenda. Public health officials decry this rejection of health protocols noting that unlike Europe, the United States never managed to control the spread of the virus. Almost every day for the past six months, the number of Americans diagnosed with COVID-19 has consistently remained above 20,000.

Furthermore, the population-adjusted death toll in the United States surpassed Western Europe's back in July, putting the U.S. far above France, Germany, Canada, Japan, Australia, and Italy, and on the verge of surpassing Britain's and Spain's per capita death rates—although the rise of current new cases in Western Europe could keep it on par with the United States. However, as the U.S. reopens schools and universities, and more Americans deviate from compliance with public health guidance, it is unlikely that any of the world's wealthier countries will suffer as greatly as the United States.

With the absence of any significant federal guidance in the U.S., the effort to combat the pandemic relies largely on the individual states and how people behave—a conclusion reached by the Johns Hopkins Center for Health Security. However, even among states, the response has been a hodgepodge of strong to weak guidance. What is certain is that

many states reopened too early in the spring and early summer, before transmission levels were lowered sufficiently to allow for effective virus control through trace and tracking. Early re-openings set the stage for the current phase of the crisis, where the country has stabilized at a high transmission level.

Amidst all of this uncertainty, Californians can at least be grateful for the leadership and actions of local and state officials who have directly addressed the public health crisis. First responders, essential municipal employees, and local leaders have been on the front lines of this effort.

However, even California's efforts sometimes fell short. Bowing to enormous political and economic pressures, the state reopened the economy too soon in early June, and without significant restrictions to business operations. When Governor Newsom reinstated closure protocols in July, many Californians became complacent and conducted their personal and professional business as though the pandemic had passed.

During this public health crisis, Montclair has lost family, friends, neighbors, and important partners in our effort to stay a whole community; but our City cannot be deterred. In a sense, we are in a rebuilding phase, and will find ways to make Montclair work seamlessly again. We will strive to revive Montclair businesses, bring renewed hope to our residents, and implement steps that recapture the promise of a community moving forward.

Until a vaccine is safely produced for mass distribution, the novel coronavirus may remain as a formidable public health challenge. Locally, our ability to serve the Montclair community may be severely tested as we begin the cautious process of reopening City facilities to the public. Nonetheless, reopening will occur. However, reopening does not mean we abrogate our responsibility to do so cautiously, with utmost concern for the health of our employees and the public, and with an eye to restoring the vitality of the Montclair community. Rather, it is incumbent upon us to remain committed to taking the necessary steps and precautions that will allow the Montclair community to move forward in a healthy and safe way.

To achieve success in a full public reopening of City facilities, it is imperative that we incorporate a broad range of practices designed for the safety of employees and the public. These practices will include physical distancing, face coverings and use of protective personal equipment (PPE), limits on social and public gatherings, regulation of businesses and public spaces, virus testing, daily hygiene and sanitation protocols, and quarantine and isolation of infected employees and those exposed to infection.

Montclair cannot relax its commitment to the public health interventions and strategies that have succeeded in keeping the virus from growing beyond our ability to recover. To do otherwise would only magnify the human and economic harm the novel coronavirus has already produced.

California Reopening Plans

As Californians, we have each arrived at a point of tension, where the desire to return to normalcy is increasing faster than the COVID-19 threat is falling. It will be important to moderate this impulse to move forward quickly using, instead, a clear roadmap that is safe and sustainable.

On April 14, 2020, Governor Newsom laid out a “road map to recovery” with six factors that he said must be met before restrictions on going to school, doing business, and

gathering in public can be lifted. The road map included starting widespread testing that would allow the state to isolate people exposed to the virus and trace people with whom they have come into contact.

On May 8, 2020, the state as a whole moved to Stage 2, but many counties were approved for advance reopening into Stage 3, despite evidence suggesting that California's early leap to contain the virus may be transitory. Governor Newsom recognized the potential that the virus could return, so he cautioned that the [reopening could be reversed](#)¹ if necessary.

As California moved forward with its "road map to recovery" and its phased reopening of the economy, evidence mounted that the state was already witnessing a major spike in new COVID-19 cases, posing a significant challenge for California's cities and towns. The number of hospitalizations and the positive infection rate was rising sharply.

On July 13, 2020 Governor Newsom announced statewide restrictions that again halted all indoor dining, restricted the operation of indoors malls and houses of worship, and shuttered hair and nail salons, barbershops, bars, zoos, museums, gyms, and offices with nonessential workers, and placed counties with the highest number of hospitalizations on a watch list.

Earlier in June, in an effort to limit spread of the virus, the Governor mandated the [statewide wearing of face coverings](#)², a directive that has since spawned protests from some members of the public that the order is an infringement on constitutional and health freedoms.

Despite a persistently high number of hospitalizations and reported infections, on August 28, 2020, Governor Newsom announced a new four-tier color-coded plan for reopening the state's economy amid the coronavirus pandemic. The new plan, which went into effect on Monday, August 31, 2020, replaced the state's watch list and the variances that guide each of the state's 58 counties.

Counties will move through the four tiers based on two metrics: each county's number of COVID-19 cases and its percentage of positive tests (case rate). Case rates will be determined using confirmed cases, and will not include state and federal inmate cases.

Each county is assigned to a tier based on an adjusted case rate and positivity test rate from the prior two reporting periods. If a county's case rate and positivity test rate fall into two separate tiers, the county will be assigned the more restrictive tier.

Under the new plan, each county was given a designation of "[Tier 1 - Purple](#)", "[Tier 2 - Red](#)", "[Tier 3 - Orange](#)", or "[Tier 4 - Yellow](#)". Each tier determines what types of businesses and activities are allowed to open (with or without modification) in each county. The revised system guards against loosening restrictions too soon by investing more authority with the state instead of the counties.

An important feature of the color-coded system is that it requires an extended wait to verify the direction of data before movement to a different level is permitted. In operation, the more cases and positive test results, the tighter the restrictions will be on restaurants, retail shops and other businesses.

¹ <https://www.sfchronicle.com/politics/article/Newsom-says-California-could-reverse-reopening-15358171.php>

² <https://www.latimes.com/california/story/2020-06-18/california-mandatory-face-masks-statewide-order-coronavirus-gavin-newsom>

When the color-coded scheme went into effect on Monday, August 31, 2020, each county was advised it should expect to remain on their current tier for at least three weeks. Under the plan, each county is assigned its tier every Tuesday, with a start date of September 8, 2020. A county must remain in a tier for 21 consecutive days (3 weeks) before moving to the next tier. To move forward, a county must meet the next tier's criteria for 14 consecutive days (2 weeks). The mandatory 21-day wait time between tier placements is intended to provide a buffer in terms of criteria and data evaluation and trending.

A county can only move forward one tier at a time, even if metrics qualify for a more advanced tier. A county can, however, move backwards by failing to meet the criteria for two consecutive weeks, or if state officials see a rapid rise in hospitalizations.

Governor Newsom's proposal also stipulated that schools may reopen for in-person instruction based on criteria in the [School Re-opening Framework](#)³.

Schools in counties within [Tier 1](#) are not permitted to reopen for in-person instruction, with an exception for waivers granted by local health departments for TK-6 grades. The Ontario-Montclair School District and Chaffey Joint Union High School District are not permitted to reopen at this time. Schools not authorized to reopen may provide structured, in-person supervision and services to students under the [Guidance for Small Cohorts/Groups of Children and Youth](#)⁴.

Schools are eligible for reopening fully for in-person instruction following California School Sector Specific Guidelines once the county is off [Tier 1](#) for 14 days.

City of Montclair Reopening Plan

With the above in mind, the City Manager's Office prepared a **City Facilities Public Reopening, Health and Safety Plan** to introduce a strong, clear and detailed guidance to ensure public health and safety in City facilities. Protocols in the **Plan** are based on a variety of sources including, but not limited to, the federal governments [Opening America](#)⁵ plan, [CDC Guidelines](#)⁶, [State of California Guidance](#)⁷, [EEOC Guidance for the workplace](#)⁸, and the Aspen Institute [Return to Play COVID-19 Risk Assessment Tool](#)⁹. A copy of the **Plan** has been provided to each member of the City Council.

Establishing appropriate guidance will allow the City to achieve consistency and avoid unnecessary confusion among employees and residents. This effort includes guidance on public services, facility operations, buildings and spaces, and community programs such as recreation activities, parks, senior and youth center operations, indoor and outdoor sports, summer concerts and outdoor movie events, holiday celebrations (including Memorial Day, Easter, and Christmas), summer camp programs, elections, and other events. While specific guidance for each of these activities may not be developed at this time, relevant guidance will be promulgated as each of these activities reactivate.

³ <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Schools%20Reopening%20Recommendations.pdf>

⁴ <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/small-groups-child-youth.aspx>

⁵ <https://www.whitehouse.gov/openingamerica/>

⁶ <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

⁷ <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Guidance.aspx>

⁸ <https://www.californiaemploymentlawreport.com/2020/06/eoc-provides-additional-guidance-on-workplace-issues/>

⁹ <https://www.aspenprojectplay.org/return-to-play>

Regular testing of employees is paramount to our recovery, and is key to the **Plan**. There must be ubiquitous testing, and employees are encouraged to make regular appointments at the San Bernardino County Public Health Department testing site at the Montclair Kids' Station (4985 Richton Street – Montclair Transcenter).

For a local reopening plan to work, however, the state must continue to provide reasonable statewide guidance for public and business behavior, and communicate those guidance to the population and the public and private sectors. These guidance should strive to elevate commitment to following public health guidelines, promote personal responsibility for social distancing and compliance with face covering mandates, educate on the need to avoid large gatherings, and develop individual commitment to personal hygiene protocols.

As indicated above, protocols for certain City programs, including recreation activities / community programs have yet to be fully developed, and such programs will be examined on a case-by-case basis as they are reintroduced. If it is determined, however, that the City cannot safely operate certain programs or facilities, such as parks, certain recreation programs, or associated facilities, then they will not be reopened or reintroduced to the public until such time that effective safety protocols can be introduced.

The **Plan** was developed, in part, to achieve the following objectives:

- Serve as a guidance as to when City of Montclair facilities are reopened to the public, and when programs and activities are being restored or phased in.
- Establish facility reopening protocols. In its implementation the **Plan** may modify, suspend, or replace existing department policies. It is also recognized that at the time of the **Plan's** release, the environment surrounding COVID-19 continues to be evolutionary in nature. As a result, established guidance is subject to change and modification pursuant to legal, environmental, health, medical, governmental and institutional changes and requirements.
- Provide protocols to be used as a set of tools, procedures, and guidance that enable the resumption of public operations amidst an ongoing public health emergency.
- Provide for implementation of measures that address functionality, flexibility, and operational safety while concurrently adhering to traditional legal mandates related to the provision of municipal services.
- Provide for restoration of City operations in a safe and thoughtful manner, achieved through a phased and deliberate process that will require regular adjustment to reflect operational and environmental realities. Communication of the **Plan** to all levels of the Montclair organization is vital to an effective, safe, and healthy approach to the City's public reopening.
- Provide tools for the safety of employees and the public as normal business operations resume amidst the continued presence of the COVID-19 pandemic.
- Consider guidance from federal and state agencies, and strategies developed by industry specific leadership groups.

- Provide supplemental information that supports protocols and Guidance from the San Bernardino County Public Health Department, State of California, Centers for Disease Control and Prevention (CDC), and other public health-related agencies.

Reopening of City of Montclair Public Facilities

A tentative date for reopening City facilities to the public (including meetings of the City Council and Planning Commission) continues to be subject to risk assessments related to COVID-19. City staff has remained cautious about a public reopening of City facilities because current health metrics do not favor a return to normal or near-normal operations. Furthermore, under the state's color-coded tier system, offices cannot reopen until a county enters the **Orange Tier**.

As an essential public service, the City has continued administrative and other operations throughout the public health crisis. Normal in-person interactions and business with the public has been maintained through an appointment process, and business with partner agencies has been conducted through Email, telephone, and Zoom—a web-based interactive meeting environment.

Based on current health metrics, City staff does not recommend City facilities reopen to the public until the County of San Bernardino migrates to **Tier 2 (Red), and improved health metrics under **Tier 2** are maintained for a minimum two-week period. Under this proposed guideline, City staff anticipates that City facilities may reopen to the public in mid-October 2020. If, however, health metrics are not maintained, or San Bernardino County is returned to a previous tier, City facilities may again be subject to closure.**

City facilities that encourage gatherings, such as parks and the Youth and Senior Centers, should remain closed until San Bernardino County enters the "**Orange Tier**" for parks and the "**Yellow Tier**" for the Youth and Senior Centers. City staff also recommends that the Community Activities Commission not conduct public meetings until community programs sponsored by the Human Services Department are reinstated. Table 1, below, represents a phased approach to reopening City facilities.

Table 1
Re-Opening of City Facilities and Parks
Based on State's Color Tier System

San Bernardino County Tier and Color Code	Status of City Facilities & Parks
Tier 1 - Purple	<ul style="list-style-type: none"> • City facilities and parks remain closed to the public. • Business may be transacted at City Hall by appointment. • All public meetings held remotely.
Tier 2 - Red	<ul style="list-style-type: none"> • City Hall may open to the public. • Council and Planning Commission meetings may resume in-person.
Tier 3 - Orange	<ul style="list-style-type: none"> • Parks may reopen.
Tier 4 - Yellow	<ul style="list-style-type: none"> • Youth and Senior Centers may reopen and some programs may operate on a limited basis.

City staff recommends this cautious approach because Montclair continues to be an at-risk community for spread of the novel coronavirus. As indicated in **Table 2**, below, data from the San Bernardino County Department of Public Health clearly demonstrate that out of 18 cities in San Bernardino County with populations above 10,000 with reportable COVID-19 data for confirmed cases and reported deaths, Montclair ranks the sixth highest in the number of confirmed cases per capita (one COVID-19 positive person for every 34.715 residents), and the ninth highest in the number of reported deaths per capita (1 death for every 2,319.823 members of the population).

Montclair's statistics for COVID-19 also fare worse than the average for the 18 cities. For confirmed positive cases, the average is one case for every 39.624 persons, versus Montclair's one case for every 34.715 residents. The same holds for the mortality rate, with the average for the 18 cities at one death for every 2,440.840 persons, versus the reporting for Montclair—one death for every 2,319.823 residents.

The health metrics in **Table 2** certainly recommend a cautious public reopening approach for Montclair; i.e., reopening should be implemented as a phased approach based primarily on the continuing inflow of health metrics for San Bernardino County, and Montclair specifically.

Table 2
COVID-19 Statistics (as of 09/09/2020)
for San Bernardino County Cities Above 10,000 in Population

Agency	Total Population as of 2018	Total Confirmed COVID-19 Cases	Cases Per Capita	Rank Per Cases Per Capita	Total Confirmed COVID-19 Deaths	Mortality Per Capita	Rank Per Mortality Per Capita
Adelanto	34,160	744	1:45.910	11	19	1:1,797.894	5
Apple Valley	73,508	1,073	1:68.506	17	21	1:3,500.380	14
Chino*	91,583	3,134	1:29.222	3	39	1:2,348.282	10
Chino Hills	83,447	852	1:97.942	18	5	1:16,589.40	18
Colton	54,741	1,961	1:27.914	2	39	1:1,403.615	3
Fontana	213,739	6,665	1:32.068	4	93	1:2,298.268	8
Grand Terrace	12,584	295	1:42.657	10	11	1:1,144.000	2
Hesperia	95,274	1,833	1:51.977	13	24	1:3,969.750	15
Loma Linda	24,382	515	1:47.343	12	7	1:3,483.142	13
Montclair	39,437	1,136	1:34.715	6	17	1:2,319.823	9
Ontario	181,107	4,673	1:38.756	8	72	1:2,515.375	11
Rancho Cucamonga	177,751	2,599	1:68.392	16	21	1:8,464.333	17
Redlands	71,586	1,704	1:42.010	9	83	1:862.481	1
Rialto	103,440	3,199	1:32.335	5	51	1:2,028.235	7
San Bernardino	215,941	8,161	1:26.460	1	120	1:1,799.508	6
Upland	77,000	1,297	1:60.773	15	23	1:3,347.826	12
Victorville	122,312	3,180	1:38.462	7	29	1:4,217.655	16
Yucaipa	53,682	929	1:57.784	14	33	1:1,626.727	4
TOTALS	1,725,674	43,950			707		
AVERAGE NUMBER OF CASES / MORTALITY PER CAPITA			1:39.264			1:2,440.840	

FISCAL IMPACT: Discussing the resumption of live City Council meetings, and well as returning to open public access to other City facilities, has no impact on the General Fund. Resuming in-person City Council meetings and returning to open public access to City facilities, if not conducted within appropriate Guidance, could contribute to the positivity rate for COVID-19.

RECOMMENDATION: Staff recommends the City Council receive and file the response to Council inquiry regarding the resumption of in-person City Council meetings and the reopening of City facilities to the public amidst the novel coronavirus, and provide direction to staff in relation thereto.