



REGULAR ADJOURNED MEETING OF THE
MONTCLAIR PLANNING COMMISSION

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

Monday, June 27, 2022
7:00 p.m.

Remote Participation Information:
Zoom Link: <https://zoom.us/j/95858571900>
Dial Number: 1-(669)-900-6833
Meeting ID: 95858571900

*To make a public comment or speak on an agenda item, including a public hearing, please complete the online public comment form at <https://www.cityofmontclair.org/public-comment/>. Written comments (200-word limit per agenda item and 200-word limit for all non-agenda items combined) and requests to speak can also be emailed to pcclerk@cityofmontclair.org at least one hour before the meeting begins. The chair (or the meeting's Presiding Officer) will call on those who submitted requests to speak at the appropriate time during the meeting. Those participating remotely may request to speak using the "raise hand" function in Zoom (dial *9 if on the phone, and then *6 to un-mute when called on to speak).*

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chair Manny Martinez, Vice-Chair Jaso Sanchez, Commissioner Ginger Eaton, Commissioner Krishna Patel, and Commissioner Sergio Sahagun

4. APPROVAL OF MINUTES

The minutes from the May 9, 2022 meeting were presented for approval.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

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

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete an online public comment form as described above.

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2021-33
Project Address: 4700 Huntington Drive
Project Applicant: Montclair Station Apartments LLC
Project Planner: Michael Diaz, Community Development Director
Request: Parcel Map No. 20474 and Precise Plan of Design for a 302-unit Apartment Community

- b. PUBLIC HEARING - CASE NUMBER 2021-36
Project Address: 4847-4877 Arrow Highway
Project Applicant: Kendry II Apartments Owner LLC
Project Planner: Michael Diaz, Community Development Director
Request: Precise Plan of Design for a 137-unit Apartment Community

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

8. PUBLIC INSPECTION OF MATERIALS

Reports, backup materials, and additional materials related to this project item can be viewed on our website www.cityofmontclair.org/agendas by clicking on the Planning Commission agenda for June 27, 2022.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of July 11, 2022, at 7:00 p.m.

CERTIFICATION OF AGENDA POSTING

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda has been posted on the bulletin board adjacent to the north door of Montclair City Hall on June 23, 2022.

Report on Item Number 6.a

CASE NUMBER 2021-33

APPLICATION TYPE(S)	Tentative Parcel Map No. 20474 Precise Plan of Design
NAME OF APPLICANT	Montclair Station Apartments LLC
LOCATION OF PROPERTY	4700 Huntington Drive (APN 1007-722-03)
GENERAL PLAN DESIGNATION	Planned Development
ZONING DESIGNATION	Corridor Residential within the North Montclair Downtown Specific Plan
EXISTING LAND USE	Vacant Land
ENVIRONMENTAL DETERMINATION	Consistent with the Certified EIR for the amended North Montclair Downtown Specific Plan (NMDSP) pursuant to CEQA Guidelines Sections 15162 and no further environmental review.
PROJECT COORDINATOR	Michael Diaz

Project Description

Montclair Station Apartments LLC, is proposing to build a 302-unit residential apartment project on approximately 9.98-acres of vacant land (former location for Vulcan Building Materials) located approximately 200 feet west of the intersection of Monte Vista Avenue and Richton Street, west of the San Antonio Creek Channel. The project name is the Montclair Station.

The proposed project requires approval of a Tentative Parcel Map and a Precise Plan of Design. While the Planning Commission would ordinarily have approval authority over tentative subdivision maps and Precise Plan of Design, here, since final review authority for all entitlements within the NMDSP boundaries rests with the City Council, the Planning Commission is requested to review the project and make a recommendation to the City Council for its consideration.

Tentative Parcel Map No. 20474

The proposed tentative parcel map creates three separate numbered parcels and a single-lettered parcel for a public street from the 9.96-acre site. The layout of the subdivision incorporates an elongated "U"-shaped private street with parallel parking at the center of the site where community open space areas and amenities for the project will also be located. A secondary drive aisle to the outer portion of the site boundary of the site is provided for direct

access to attached garages, uncovered parking spaces, trash enclosures, and for emergency vehicles.

As part of the project, the existing bridge over the San Antonio Creek Channel will be replaced with a new bridge designed to current seismic standards and dimensions to accommodate the project. The new bridge will be in the same location with a minor adjustment in its geometry to smoothly connect with the Huntington Drive extension and improvements being built from the west. Details about the design of new bridge are not complete and are subject to the Army Corps of Engineers review and approval process to be completed after the City Council considers the project.

The size of the parcels are further described as follows:

Tentative Parcel Map No. 20474 Montclair Station			
<i>Parcel No.</i>	<i>Propose Use</i>	<i>Area (SF)¹</i>	<i>Area (Acres)</i>
1	Residential/Parking	337,321 SF	7.74 Acres
2	Residential/Parking	64,930 SF	1.49 Acres
3	Open Space/Public Park	18,673 SF	0.43 Acres
A	Public Street	13,082 SF	0.30 Acres
<i>Total</i>		<i>434,006</i>	<i>9.96 Acres</i>
<small>¹ Site area extends to the centerline of the San Antonio Creek Channel on the east side of the property.</small>			

The new public street portion of the map would serve to link Huntington Drive on the north side of the site with the westward extension of Richton Street from Monte Vista Avenue. When the project is completed the street serving the project from Monte Vista Avenue will be named Huntington Drive. Public street parking will be allowed along most of the length of Huntington Drive adjacent to and within the project site, but only on the south side of the street.

Lot 3, located at the northeast corner of the site, will be dedicated to the City for use as a public park. The irregularly-shaped park is approximately 18,673 SF in size and is ideally situated to serve as the trailhead location for the existing Inland Pacific Trail and the proposed San Antonio Creek Trail. Park amenities will be determined after park plans have been prepared for City review and approval, and may include seating, a fenced dog park with gate, and landscaping.

The west boundary of the site abuts existing single-family residential properties on Huntington Drive that are only accessible from Claremont Boulevard in the City of Claremont. New trees and a six-foot high block wall along the west property line are proposed.

Precise Plan of Design

Montclair Station’s site plan is designed around a central looping street adjacent to an east-west oriented pedestrian paseo at the center of the site. The paseo will provide pedestrian linkage to the project’s 17 residential and amenity buildings and open spaces. The project’s residential units are of two types – townhouse and flats - as generally described below:

Alexan Montclair - Summary of Building Types			
<i>Location</i>	<i>No. of Buildings</i>	<i>Stories</i>	<i>Use / Units</i>
Parcel 1	7 - Residential Flats ¹	3 and 4	256 Dwelling Units/ some with attached garage spaces
	4 - Amenity	1	Fitness Building (2,198 SF) Community Business Center (3,038 SF) Pool and Building with restrooms and storage (921 SF) Office and Mail Building (1,890 SF)
Parcel 2	6 - Residential Townhouse ²	3	46 Dwelling Units /with attached garage spaces
¹ Flat – an individual residential unit with all rooms on one level			
² Townhouse – an attached multi-floor residential unit with its own exterior entrance			

Townhouse units on Parcel 2 will be oriented toward Huntington Drive on the north. At 302 units, the project density will be 30 dwelling units per acre.

Montclair Station - Summary of Unit Mix and Sizes		
<i>Floor Plan</i> ¹	<i>Size Range</i>	<i>Number of Units</i>
Studio /1 Bathroom	+/- 558 s.f.	24 Units
1 Bedroom/1 Bath	+/- 713 to 841 s.f.	168 Units
2 Bedrooms/2 Baths	+/- 1,037 to 1,536 s.f.	80 Units
3 Bedrooms/2 Baths	+/- 1,532 to 1,782 s.f.	30 Units
Total		302 units
¹ Each unit will have a private patio or balcony space of varying sizes depending on location. Private patios at ground level would be defined by low decorative walls and landscaping.		

Six covered trash enclosures are proposed for the project and are distributed around the site in close proximity to the buildings. Access to each trash enclosure would be from the private street and drive aisles serving the project where solid waste trucks can have direct access.

Parking

Parking provided for the project is 531 spaces located in attached garages, tandem spaces, in surface parking areas, and on the street. The developer has not requested a reduction in the number of parking spaces.

Montclair Station – On-Site Parking Summary		
302 Dwelling Units		
<i>Use</i>	<i>Required Spaces</i>	<i>Provided Spaces</i>
Residential Unit (@1.5 Spaces per Unit)	453 Spaces	216 Attached Garage Spaces 30 Open Tandem Spaces 206 Open Parking Spaces
Guests (@1 space per 4 Units)	76 Spaces	79 Spaces
Totals	529 Spaces	531 Spaces
¹ Tandem spaces will only be assigned to the same dwelling unit.		
² Each enclosed garage space would have interior minimum dimensions of 10 feet wide by 20 feet deep, and be secured with an automatic roll-up garage door. Some ground level units would have direct access.		

As a standard requirement for projects in the NMDSP, a Parking Management Plan (PMP) is required to ensure parking for the project is properly maintained. A PMP will be administered by the on-site manager of the property management company hired for the development. As part of the initial rental application process, each potential renter of a unit within the project would be

given written notice of on-site parking conditions and requirements at the complex. All executed lease agreements will contain the entire PMP as an exhibit to the lease agreement, including a signed acknowledgment that the resident(s) agree to the terms of PMP.

Architectural Style

The vision for Montclair Station is for a Modern Farmhouse aesthetic. According to the project architect, the Modern Farmhouse aesthetic combines the sleek clean lines of contemporary design with the traditional materials of the farmhouse to create a uniquely fresh take on the country living-inspired style. Modern Farmhouse style is also known for its warmth and simplicity, characterized by natural textures and materials such as horizontal wood-looking siding, vertical board & batten siding, decorative black iron accents, dark-colored window frames, and simple gabled-roof forms with dark-colored shingles. The color palette is more monochromatic in nature in different shades of white, gray, and black. Wood tone accents add warmth to the design.

Special articulation and detailing occur near the base of the taller buildings to help identify the ground floor unit entries and also help to lower the apparent scale of these buildings. The townhouses were designed to offer a unique feature for the residents by providing small front yards or enclosed patios with brightly colored unit entries that march along the main street or along a wide paseo that connects to the main central street.

Landscaping/Hardscape

The landscape and irrigation plans for the project, include a varied selection and distribution of drought-tolerant plant materials that are intended to complement the architecture of the buildings. Within the central paseo open space area, the landscape theme is more finely adjusted around each amenity building. Landscaping between buildings is also provided. In addition to plant materials, these spaces will include several decorative elements such as group seating and tables, string lighting, benches, potted plants, grills, fire pits, community garden beds, enhanced paving materials/finishes, etc.

The proposed tree list includes Willow, Magnolia, London Plane, Western Redbud, Strawberry tree, Crape Myrtle, Oak, Olive, and Citrus trees. The shrub list includes various shrubs, ornamental grasses, and succulents. The landscape plan also includes Crape Myrtle parkway trees along Huntington Drive and Magnolia trees facing the Metrolink and Gold Line railways.

All planting areas will be irrigated using a water-efficient irrigation system and a new Smart Weather-Based Controller to be installed. All trees would be irrigated using a root watering bubbler system and all planting areas would be irrigated using efficient pressure compensating module drip emitters. A dedicated irrigation water meter or sub-meter would be installed along with a new backflow preventer. Lastly, a Water Budget, as required by state law, has been prepared for project landscaping and irrigation.

Copies of the site plan, floor plans, elevations, renderings, and conceptual landscape plan are included in the Commission packets. The full set of plans associated with this project are also available at the following link:

<https://cloud.cityofmontclair.org/main.html?sort=0&r=0?download&weblink=2e481376775f6f38b75e8242ce542657&realfilename=Case 2021%2D33 Montclair Station Architectural Plans PM%2Epdf>

Background

- The subject property is within the boundaries of the North Montclair Downtown Specific Plan (NMDSP) and is zoned Corridor Residential (CR).
- The subject site was formerly utilized by Vulcan Materials to produce concrete for local and regional construction projects. Operations ceased and the site was cleared by 2018 in preparation for its sale.
- In May 2006, the City of Montclair City Council certified the NMDSP Final EIR and adopted the NMDSP. The main objective of the NMDSP is to develop an urban style "downtown" environment with walkable neighborhoods and higher density residential use in close proximity to local retail and service businesses, and convenient access to rail transit.
- In 2016, the City amended the NMDSP to expand the area of the specific plan boundary to incorporate approximately 10 acres of land at the southwest corner of Arrow Highway and Monte Vista Avenue, and approximately 40 acres of land from the former Turner Specific Plan into the NMDSP. The amendment also included the assigning land use designations for the added land areas and an update to design standards and requirements. A Supplement to the certified EIR was prepared for the NMDSP Amendment and certified by the Montclair City Council on March 20, 2017 (Resolution No. 17-3147).
- On June 20, 2022, the project was reviewed by the Real Estate Committee, which found the proposed development to be well done.
- Trammell Crow Residential (TRC) is a pioneer of multifamily real estate and is one of the largest developers in the United States. In over 40 years, TRC has built more than 265,000 premier residences, in vibrant and amenity-rich communities.

Planning Division Comments

Parcel Map

Staff finds the proposed parcel map design to be appropriate and a logical means for supporting the anticipated development of the site. The proposed parcel sizes are of adequate size and dimension and 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 future transit center. The Huntington Drive improvements associated with the project will provide an important physical link to a portion of the City that can only now be accessed from the west in the City of Claremont.

Precise Plan of Design

Overall, staff finds the project to be unique, well-designed, visually attractive, and consistent with the intent and design goals of the NMDSP. The project makes good use of a large property that is generally out of view and not easily accessed. The size and shape of the site is sufficient to accommodate the proposed project without need for variances and the layout of buildings and open space areas is appropriate without overbuilding the site. The project will also serve to

link up properties within the City on Huntington Drive that currently do not have direct and improved access to the Montclair Transcenter and other parts of the City. Moreover, the project begins the process of laying out the framework for allowing for positive improvements to occur at the west end of the NMDSP planning area.

Over the past year, the applicant has worked closely with staff and the City's architectural design consultant to ensure the project was designed in accordance with the development standards and design guidelines of the NMDSP. None of the buildings are excessively large and detailing is extended to all sides. The tallest buildings are four stories high and are concentrated on the east side of the property where they will have no impact on existing residences or other uses, while the remainder of the buildings on the site are three stories high.

The Modern Farmhouse style of the project will be distinctive for the City and be compatible with other developments nearby. Staff believes exterior colors and materials selected for the project are well suited to the design and consistent with the high expectations for projects within the NMDSP. Moreover, the project will provide an attractive view to passengers on Metrolink and future Gold Line trains as they pass through the City.

Landscaping

The proposed landscaping plan, including hardscape elements, is well done and complementary to the proposed architecture and planning of the property. The central paseo will provide future residents with convenient access to the open space, community buildings, and landscape amenities. Moreover, when the public neighborhood park at the northeast of the site is completed, it will provide a key connection point to the existing and emerging pedestrian and bicycle trail network in the immediate area.

Plant materials are drought-tolerant, are well distributed around the site, and add visual interest. However, staff believes further discussion with the developer and their landscape architect is necessary to refine the plan as it relates to proposed street trees along Huntington Drive and the south boundary of the site against the railway. Staff believes these adjustments are minor in nature and can be handled during the plan check review process. A condition addressing this matter has been added as a condition of approval.

Parking and Parking Management Plan

With 531 parking spaces, the project meets and slightly exceeds the minimum parking requirements of the NMDSP. In regard to the distribution of spaces across the site, parking is available in all areas of the site and in close proximity to the units. Since the internal street at the center of the project is private, the applicant is allowed to use all parallel parking spaces for short-term guest parking. The developer may also utilize street parking on Huntington Drive adjacent to their site for short-term guest parking as well, but are not permitted to assign any of the spaces on these two streets to any residential units. A condition of approval addressing this limitation is provided in the recommended conditions of approval.

In addition, the required Parking Management Plan (PMP) for the project is intended to ensure parking for the project is maintained in a controlled and professional manner at all times. Ultimately, the successful implementation of the PMP rests entirely on the owner and the Property Management Company's diligent efforts to administer all of its provisions. The applicants are aware of the City's concerns about properly addressing parking and properly

implementing the PMP. The PMP for the project is expected to include language and exhibits that address the following elements:

- **Marked Parking Stalls** - All on-site parking stalls within the project will be numbered to allow for easy monitoring of parking within the project site.
- **Assigned Spaces** - All dwelling units will be assigned a minimum of one parking space within the project area. Two or more bedroom units may be assigned an additional space.
- **Guest Parking** - The property manager will provide short-term guest parking passes upon resident request on an as-available basis and subject to specific date, time duration, and restrictions.
- **Parking Permit Program** - Numbered and branded windshield decals for every registered car at the community will be issued at the time of resident move-in and voided upon lease termination.
- **Enforcement** - Residents will be required to follow parking guidelines at all times. Violations will be enforced in an escalating manner which could result in a vehicle(s) being towed at owner's expense. The resident would be asked to meet with the community manager to resolve the ongoing issue, or face eviction for non-compliance with the lease agreement.

A condition of approval requiring the completion and City approval of a PMP prior to the issuance of building permits for the project is included in the resolution of approval prepared for the project.

Property Maintenance/Management

As a condition of approval, the proposed multifamily residential development would be managed by an institutional quality professional management company with an on-site manager. As part of the above condition, the applicant will be required to record an Operations Agreement against the entire property providing for the perpetual maintenance of all buildings and improvements, including roadways, retaining walls, drainage facilities, and water and sewer systems, and open space areas.

City staff is also working with a consultant to 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, landscaping in the public right-of-way. Completion and City approval of the CFD will be a condition of approval and required prior to completion of the project.

Findings for Tentative Parcel Map No. 20474

- A. The proposed subdivision is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. Proposed buildings on the site are generally oriented, spaced, and designed to allow for access to adequate light and air. Each unit will have operable windows to allow for passive cooling provided by seasonal winds.

The project includes several open space areas dispersed throughout the development, including open space areas at the center of the project, and courtyards adjacent to each building, a community building and pool where trees and vegetation will provide shade, air filtering, and other environmental benefits. Moreover, the project will provide tree-lined streets and a public park for shade, air filtering, and other environmental benefits.

- B. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and the North Montclair Downtown Specific Plan (NMDSP):
1. The Tentative Parcel Map would provide for the development of the site with land uses that are consistent with the land use classification for the subject site by the General Plan. 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. More specifically, the "Planned Development" land use classification of the site by the General Plan recognizes the proximity to the existing transit center and the potential for development into a viable and thriving transit-oriented community. Therefore, the proposed project's design and improvements would be consistent with the General Plan land use designation for the site.
 2. The Tentative Parcel Map would provide for land uses compatible with the "Corridor Residential" land use classification for the subject site in the NMDSP. Moreover, the map and project design is of a high quality and consistent with the high expectations for improvements for projects within the NMDSP planning area.
- C. The subject site is physically suitable for the type and density of development proposed in the Tentative Parcel Map given the overall size of the property. The site is 9.68-acres (net) in overall area, is of a configuration that has sufficient width and depth, and no drastic slope or grade elevation issues so as to allow for orderly site development. Moreover, the project will provide adequate and well situated open space areas between the proposed structures in the project, and sufficient setbacks as required by the NMDSP and from adjacent single-family residential units on the west boundary of the site. 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 street within and serving 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 future transit center.
- D. The subdivision design and improvements proposed in the Tentative Parcel Map is not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. The site is surrounded by urban development, streets, regional railways, and does not contain any bodies of water, and is not linked to any wildlife corridors. Although the site abuts the existing San Antonio Creek flood control channel, the project will not impact the facility in any way. Lastly, the project site is completely devoid of any existing plant communities and 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 Parcel 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 Supplemental Environmental Impact Report (SEIR) for the NMDSP.
- F. The subdivision design and type of improvements proposed in the Tentative Parcel Map will not conflict with any easements acquired by the public at large for access through or use of the subject site. There are no easements allowing for public access on or through the subject site.
- G. The discharge of waste into the existing sanitary sewer system from the development proposed in the Tentative Parcel 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 Monte Vista Avenue rights-of-way and are in close proximity to the site to facilitate ease of connection.

Precise Plan of Design Findings

- A. The proposed 302-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the CR ("Corridor Residential") land use designation of the North Montclair Downtown Specific Plan. The CR land use district is intended to allow for higher density residential projects in appropriate locations as indicated on NMDSP land use map. The proposed project will be on a large vacant parcel that when developed will provide both pedestrian and vehicular links to the west in the City and the cities of Claremont and Upland, and be within easy walking distance of the Montclair Transcenter and other developed streets within the NMDSP planning area.
- B. The proposed project would result in a significant improvement to the appearance of the area by developing a large vacant site that formerly was home to an unattractive and noisy industrial use into a well-designed residential community. The project will make efficient use of the site and comply with the intent and applicable development standards of the NMDSP. The 302 dwelling units on the 9.98-acre site amounts to 30 dwelling units per acre consistent with the "Corridor Residential" 30-50 du/ac density range.
- C. The site plan, building form, massing, and heights are appropriate for the site and will contribute to the advancement of the design goals and policies and ongoing formation of the streetscape and development pattern envisioned by the NMDSP. Building placement, orientation to the streets, all work to create a distinctive living environment.
- D. The proposed architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features and architectural details, including the distribution of windows and doors, which add appropriate visual interest, pedestrian scale, which result in a distinctive and pleasing appearance. The use of quality exterior materials and

finishes, appropriate lighting and landscape materials, all complement the project.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on June 17, 2022. Public hearing notices were mailed out to property owners within 300-foot radius from the boundaries of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, staff was contacted by an adjacent property owner regarding this proposal.

Environmental Assessment

The City of Montclair (City) analyzed the Montclair Station project to determine whether subsequent environmental review is required under State CEQA Guidelines Section 15162 based on the certified North Montclair Downtown Specific Plan Amendment Project Final Supplemental Environmental Impact Report (SCH No. 2009091021). The City engaged Dudek to prepare a CEQA consistency memorandum to determine whether subsequent environmental review would be required for the Montclair Station project. Based on that analysis, it is apparent that none of the conditions in State CEQA Guidelines would occur as a result of the modification proposed by the Montclair Station Project is consistent with the original North Montclair Downtown Specific Plan Amendment Project. The impacts of the Montclair Station Project would be consistent with the impacts identified in the original North Montclair Downtown Specific Plan Amendment Project Final Supplemental Environmental Impact Report (SCH No. 2009091021), which was certified by the City of Montclair City Council on March 20, 2017, [Resolution No. 17-3147]. Because the Montclair Station project would not result in new impacts or any substantial changes to any significant effects previously identified, no other environmental review is required.

Planning Division Recommendation

Staff recommends that the Planning Commission find the proposal to construct a 302-unit residential apartment development at 4700 Huntington Drive to be consistent with the General Plan and the goals and development standards of North Montclair Downtown Specific Plan. Accordingly, staff recommends that the Commission take the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission finds that the application for the proposed 302-unit residential apartment development is consistent with and conforms to the provisions of the North Montclair Downtown Specific Plan for which an EIR has been certified. The Commission further recommends that the City Council find that none of the conditions outline in State CEQA Guidelines Section 15162 calling for preparation of a subsequent or supplemental EIR have occurred. Thus, and on that basis, the Planning Commission recommends that the City Council find the project exempt from CEQA pursuant to State CEQA Guidelines, Section 15162.
- B. Approve Planning Commission Resolution No. 22-1968, recommending City Council approval of a Precise Plan of Design request under Case No. 2022-33 for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed 302-unit residential apartment development at 4700 Huntington Drive, and associated on- and off-site improvements per the submitted plans as described in the staff report, subject to the conditions in Draft City Council Resolution No. 22-3366.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with a large, prominent "D" at the end.

Michael Diaz
Director of Community Development

MD/le

Attachments: Exhibit A – Tentative Parcel Map No. 20474
Exhibit B – Design Plans (Selected Images)
Exhibit C – Planning Commission No. 22-1968

c: Reece Pettersen, Trammel Crow Residential, 5790 Fleet Street, Suite 140, Carlsbad, CA 92008
Chris Weimholt, Architecture Design Collaborative, 23231 South Pointe Drive, Laguna Hills, CA 92653
Moule & Polyzoides Architects and Urbanists, 180 East California Boulevard, Pasadena, CA 91105

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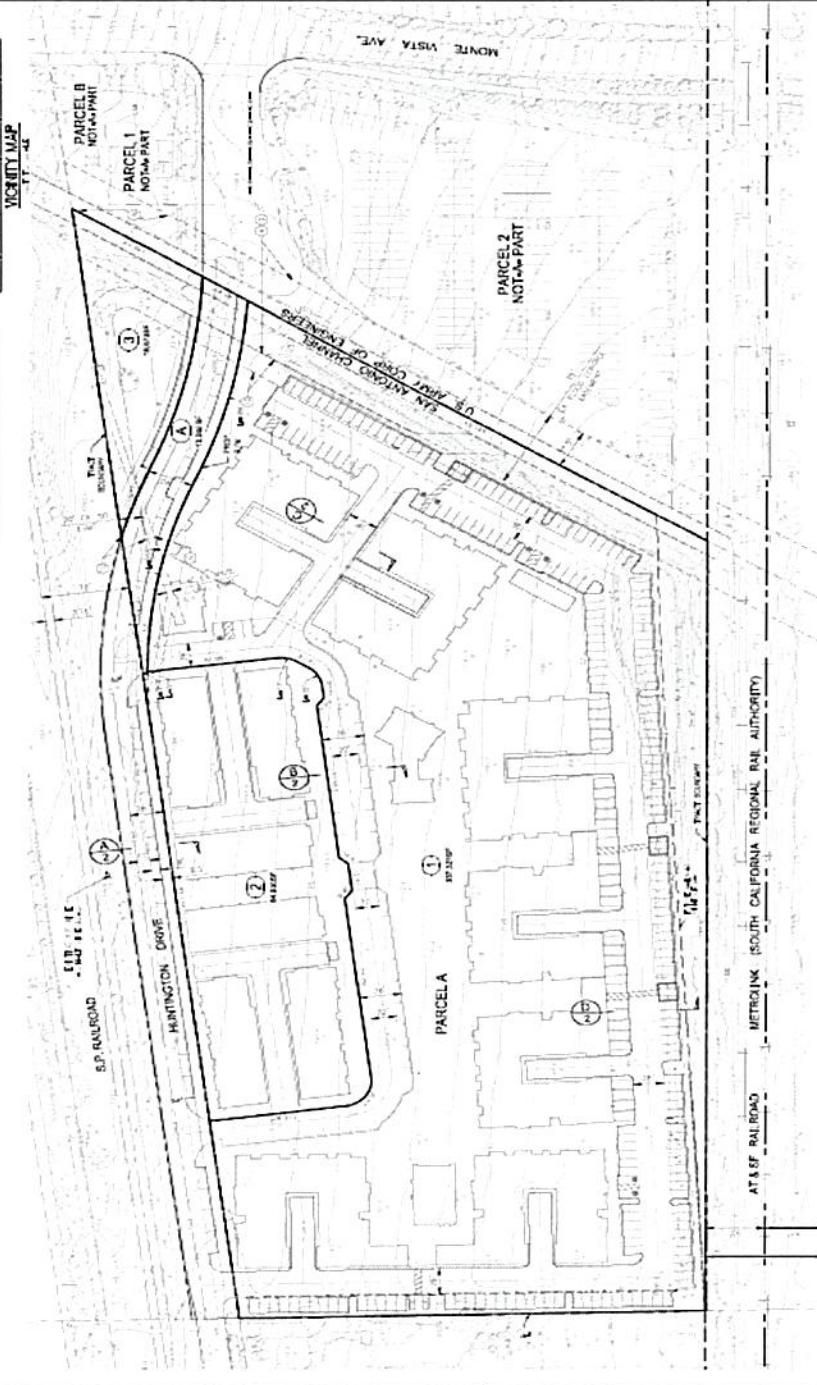
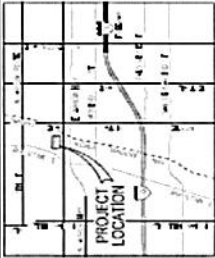
EXHIBIT A

TENTATIVE PARCEL MAP NO. 20474

TENTATIVE PARCEL MAP NO. 20474

CITY OF MONTCLAIR, IN THE COUNTY OF SAN BERNARDINO STATE OF CALIFORNIA

UTILITIES AND SERVICE PROVIDERS:
 WATER: S.P. RAILROAD
 GAS: S.P. RAILROAD
 ELECTRIC: S.P. RAILROAD
 TELEPHONE: S.P. RAILROAD
 CABLE: S.P. RAILROAD
 SANITARY SEWER: S.P. RAILROAD
 STORM SEWER: S.P. RAILROAD
 FLOOD CONTROL: S.P. RAILROAD
 IRRIGATION: S.P. RAILROAD
 OTHER: S.P. RAILROAD



BASIS OF BEARINGS AND COORDINATES

THE BASIS OF BEARINGS AND COORDINATES FOR THIS PARCEL MAP IS THE NATIONAL GRID SYSTEM, NAD 83, UTM ZONE 18N, EARTH Spheroid: WGS 84, DATUM: NAD 83, PROJECTION: UTM, UNIT: METERS.

LEGEND AND ABBREVIATIONS

- PROPOSED
- - - - - EXISTING
- RAILROAD
- METRO LINK
- HIGHWAY
- STREET
- CANAL
- DRAINAGE
- FLOOD CONTROL
- IRRIGATION
- OTHER

PARCEL MAP SUMMARY

TRACT NO.	1
TRACT AREA	1.23 AC.
TRACT PERCENTAGE	100%
TRACT TOTAL AREA	1.23 AC.
TRACT TOTAL PERCENTAGE	100%
TRACT TOTAL AREA (ACR.)	1.23
TRACT TOTAL PERCENTAGE (%)	100
TRACT TOTAL AREA (SQ. FT.)	85,344
TRACT TOTAL PERCENTAGE (%)	100
TRACT TOTAL AREA (SQ. FT.)	85,344
TRACT TOTAL PERCENTAGE (%)	100

PARCEL AREA TABLE

PARCEL NO.	PROPOSED AREA (ACR.)	EXISTING AREA (ACR.)	TOTAL AREA (ACR.)
A	0.50	0.50	1.00
B	0.73	0.73	1.46
1	0.00	0.00	0.00
2	0.00	0.00	0.00
TOTAL	1.23	1.23	2.46

OWNER: MONTCLAIR CITY OF MONTCLAIR, CALIFORNIA
ENGINEER: JAMES R. HANCOCK, CIVIL ENGINEER
ADDRESS: 11111 11111 11111 11111



EXHIBIT B

MONTCLAIR STATION **DESIGN PLANS**

Vicinity Map

Site Plan (Fire Master Plan)

Elevations

Exhibit B includes selected images from the Developer's application submittal. The full design package can be viewed at:

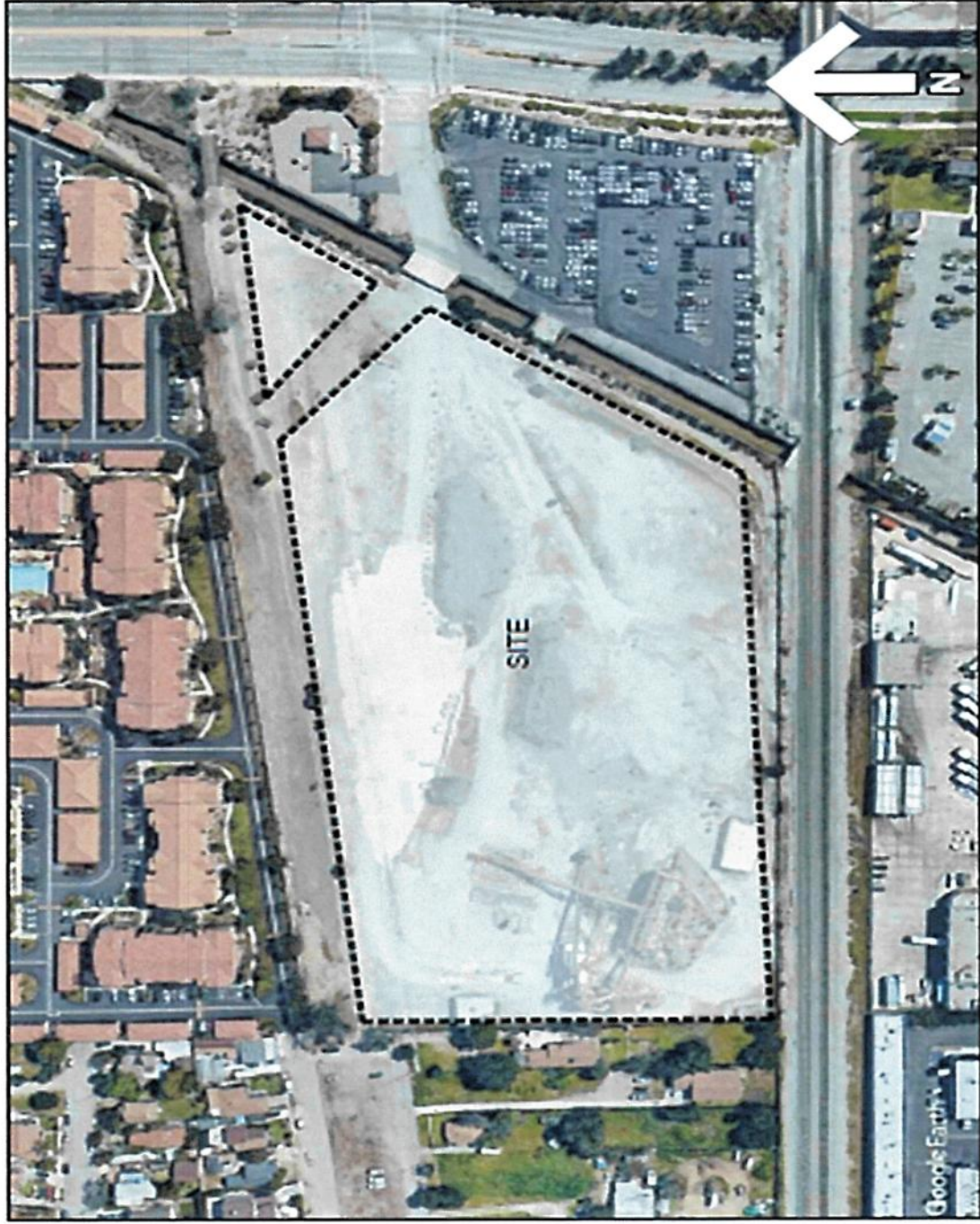
<https://cloud.cityofmontclair.org/main.html?sort=0&r=0?download&weblink=2e481376775f6f38b75e8242ce542657&realfilename=C:\ase%202021%2D33%20Montclair%20Station%20Architectural%20Plans%20PM%2Epdf>

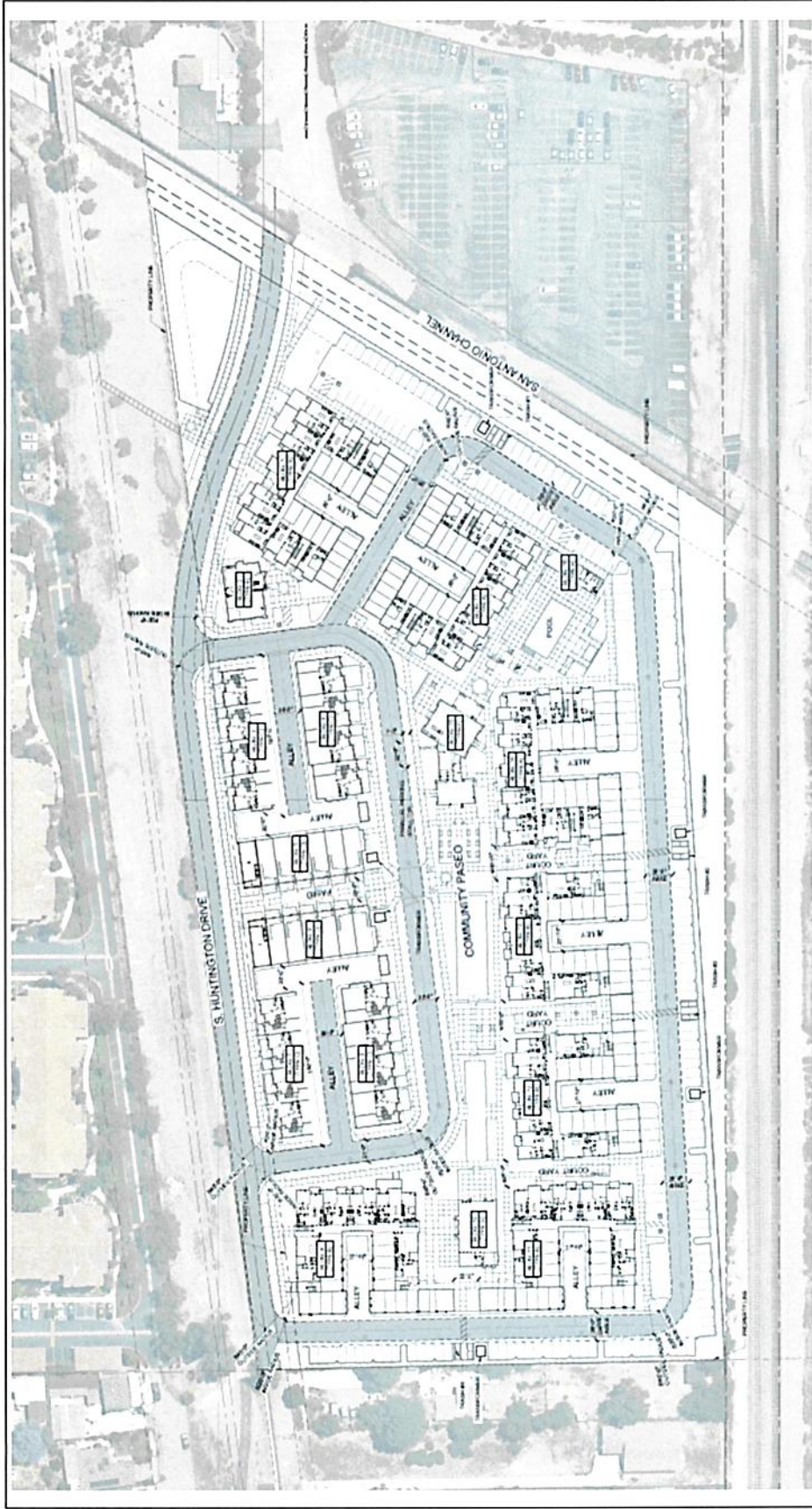


MONTCLAIR STATION

MONTCLAIR, CA

VICINITY MAP





SCALE 1" = 40'-0"

FIRE MASTER PLAN 1

A1.1
FIRE MASTER PLAN

1ST SUBMITTAL 12/14/2021
2ND SUBMITTAL 04/06/2022
REVISED

MONTCLAIR STATION
MONTCLAIR, CA

ALL RIGHTS RESERVED
MONTCLAIR STATION APARTMENTS, LLC
MONTCLAIR, CA



KEY PLAN



- MATERIAL LEGEND**
- EXTERIOR PLASTER
 - PLASTER SCREENS
 - BOARD AND BATTEN SIDING
 - HORIZONTAL LAP SIDING
 - FAUX WOOD SIDING
 - PAINTED METAL QUADRANGLE
 - FIBER CEMENTitious TERRAZZO
 - WHITE CONCRETE ROOF TILE
 - PAINTED METAL CANOPY
 - DARK BRONZE VINYL SKRIBBERS
 - STOREFRONT SYSTEM



RIGHT ELEVATION 2



FRONT ELEVATION 1



151 SUBMITTAL
 10/14/2021
 04/05/2022

151 SUBMITTAL
 10/14/2021
 04/05/2022

MONTCLAIR STATION
 APARTMENTS, LLC
 MONTCLAIR, CA

MONTCLAIR STATION
 APARTMENTS, LLC
 MONTCLAIR, CA



OFFICE OF ARCHITECTURE
 ARCHITECTS

151 SUBMITTAL
 10/14/2021
 04/05/2022

A2.3
 BLDG. A - EXTERIOR ELEVATIONS

EXHIBIT C

**PLANNING COMMISSION
RESOLUTION NO. 22-1968**

RESOLUTION NO. 22-1968

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING THAT THE CITY COUNCIL MAKE FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL ACT, APPROVE TENTATIVE PARCEL MAP NO. 20474 FOR, A THREE-LOT SUBDIVISION OF 9.96 ACRES OF LAND, AND THE PRECISE PLAN OF DESIGN RELATED TO THE MONTCLAIR STATION APARTMENT COMMUNITY PROJECT LOCATED APPROXIMATELY 200 FEET WEST OF THE INTERSECTION OF MONTE VISTA AVENUE AND RICHTON STREET, WEST OF THE SAN ANTONIO CREEK CHANNEL, 4700 HUNTINGTON DRIVE APN 1007-722-03, APN (CASE NO. 2021-33)

WHEREAS, Montclair Station Apartments LLC, filed an application on October 21, 2021, for a Tentative Parcel Map, and Precise Plan of Design under Case No. 2021-33 (Application) to construct a 302-unit apartment community on 9.96 acres, currently addressed as 4700 Huntington Drive; and

WHEREAS, the proposed apartment community is named *Montclair Station*; and

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

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

WHEREAS, the subject site is currently vacant having been previously used by a company which produced construction aggregates—primarily crushed stone, sand and gravel; and

WHEREAS, the objective of the NMDSP is to introduce urban style residential and mixed-use projects to the area and begin the process of creating a "downtown" environment with walkable neighborhoods, local retail and service businesses, and convenient access to rail transit, and

WHEREAS, Tentative Tract Map No. 20474 would subdivide the 9.96-acre project site into three numbered lots and one lettered lot (public street) for the project, as depicted on the attached Exhibit "A," a map incorporated herein by reference; and

WHEREAS, the proposed development plan also includes a dedicated 0.43-acre site for development of a public park; and

WHEREAS, the proposed subdivision supports the development of the site, a public park site, and street improvements to complete the extension of Huntington Drive east to Monte Vista Avenue, and a new vehicle and pedestrian bridge over the San Antonio Creek Channel; and

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

WHEREAS, the proposed apartment community is designed to provide 302 apartment units, which include studio, one-bedroom, two-bedroom, and three-bedroom apartments , with on-site building and open space amenities; as generally depicted in Exhibit B; and

WHEREAS, the proposed development consists of 17 buildings/structures from one to four stories in height, and on-site parking including attached garage units; and

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

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

WHEREAS, pursuant to State CEQA Guidelines, Section 15162, the City of Montclair (City) has prepared an analysis of the proposed Montclair Station project modification oto determine whether subsequent environmental review is required in light of the North Montclair Downtown Specific Plan Amendment Project Final Supplemental Environmental Impact Report (SCH No. 2009091021); and

WHEREAS, based on the consistency analysis prepared, the Montclair Station project would be consistent with the original North Montclair Downtown Specific Plan Amendment Project Final Supplemental Environmental Impact Report (SCH No. 2009091021) certified by the City of Montclair City Council on March 20, 2017 [Resolution No. 17-3147] and would not result in new impacts or any substantial changes to any significant effects previously, identified; and

WHEREAS, no subsequent environmental review is required for the Montclair Station project; and

WHEREAS, the tentative parcel map and subsequent development of the site complies with the guidelines and development standards outlined in the NMDSP; and

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

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

WHEREAS, on June 17, 2022, public notice of Planning Commission of the City of Montclair ("Planning Commission") review of the project was published in the Inland Valley Daily Bulletin, and notices were mailed to property owners within a 300-foot radius from the boundaries of the subject site; and

WHEREAS, on June 27, 2022, the Planning Commission of the City of Montclair ("Planning Commission") conducted a duly noticed public hearing on the Application at which time

all persons wishing to testify in connection with the Application were heard and the Application was comprehensively reviewed; and

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

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

SECTION 1. Based upon the facts and information contained in the Application, together with all written and oral reports included for the environmental assessment for the Application, the Planning Commission recommends that the City Council find that subsequent environmental review is not required for the Montclair Station project because:

- A. On March 20, 2017, the City Council certified a Supplemental Environmental Impact Report (SEIR) for the amended and updated North Montclair Downtown Specific Plan project.
- B. The proposed apartment community consists of 302-units and is undertaken pursuant to and in conformity with the density and design standards of the NMDSP. The particular Application subject to this resolution is a land subdivision to support the residential project.
- C. None of the conditions requiring subsequent environmental review called out in State CEQA Guidelines, section 15162 are present. Specifically,
 1. Substantial changes are not proposed in the project that would require major revisions of the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 2. Substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects have not occurred; and
 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the SEIR was certified or adopted, as applicable, showing any of the following, has not come to light: (i) that the project would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those previously analyzed would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

- D. Based on these findings and all evidence in the record, the Planning Commission recommends the City Council find that no additional environmental review is required in connection with the City's consideration of Case No. 2021–33 for the *Montclair Station* apartment community development.

SECTION 2. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings set forth in this Resolution, the Planning Commission recommends the City Council approve Tentative Parcel Map No. 20474 as depicted in Exhibit "A", subject to the conditions of approval contained in Exhibit "C", the Draft City Council Resolution No. 22-3366 prepared for the project under Case No. 2021-33.

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

- A. The proposed subdivision is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. Proposed buildings on the site are generally oriented, spaced, and designed to allow for access to adequate light and air. Each unit will have operable windows to allow for passive cooling provided by seasonal winds. The project includes several open space areas dispersed throughout the development, including open space areas at the center of the project, and courtyards adjacent to each building, a community building and pool where trees and vegetation will provide shade, air filtering, and other environmental benefits. Moreover, the project will provide a tree-lined streets and a public park for shade, air filtering, and other environmental benefits.
- B. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and the North Montclair Downtown Specific Plan (NMDSP):
1. The Tentative Parcel Map would provide for the development of the site with land uses that are consistent with the land use classification for the subject site by the General Plan. 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. More specifically, the "Planned Development" land use classification of the site by the General Plan recognizes the proximity to the existing transit center and the potential for development into a viable and thriving transit-oriented community. Therefore, the proposed project's design and improvements would be consistent with the General Plan land use designation for the site.
 2. The Tentative Parcel Map would provide for land uses compatible with the "Corridor Residential" land use classification for the subject site in the NMDSP. Moreover, the map and project design is of a high quality and consistent with the high expectations for improvements for projects within the NMDSP planning area.
- C. The subject site is physically suitable for the type and density of development proposed in the Tentative Parcel Map given the overall size of the property. The

site is 9.98-acres in overall area, is of a configuration that has sufficient width and depth, and no drastic slope or grade elevation issues to allow for orderly site development. Moreover, the project will provide adequate and well-situated open space areas between the proposed structures in the project, and sufficient setbacks as required by the NMDSP and from adjacent single-family residential units on the west boundary of the site. 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 street within and serving 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 future transit center.

- D. The subdivision design and improvements proposed in the Tentative Parcel Map is not likely to cause substantial environmental damage nor substantially injure fish, wildlife, or their habitat. The site is surrounded by urban development, streets, and regional railways, does not contain any bodies of water, and is not linked to any wildlife corridors. Although the site abuts the existing San Antonio Creek flood control channel, the project will not affect the facility in any way. Lastly, the project site is completely devoid of any existing plant communities and 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 Parcel 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 DSEIR for the NMDSP.
- F. The subdivision design and type of improvements proposed in the Tentative Parcel Map will not conflict with any easements acquired by the public at large for access through or use of the subject site. There are no easements allowing for public access on or through the subject site.
- G. The discharge of waste into the existing sanitary sewer system from the development proposed in the Tentative Parcel 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 Monte Vista Avenue rights-of-way and are in close proximity to the site to facilitate ease of connection.

SECTION 4. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission makes the following findings regarding the Precise Plan of Design for the *Montclair Station* apartment community development:

- A. The proposed 302-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land

Use Map, and the CR ("Corridor Residential") land use designation of the North Montclair Downtown Specific Plan. The CR land use district is intended to allow for higher density residential projects in appropriate locations as indicated on NMDSP land use map. The proposed project will be on a large vacant parcel that when developed will provide both pedestrian and vehicular links to the west in the City and the cities of Claremont and Upland, and be within easy walking distance of the Montclair Transcenter and other developed streets within the NMDSP planning area.

- B. The proposed project would result in a significant improvement to the appearance of the area by developing a large vacant site that formerly was home to an unattractive and noisy industrial use into a well-designed residential community. The project will make efficient use of the site and comply with the intent and applicable development standards of the NMDSP. The 302 dwelling units on the 9.96-acre site amounts to 30 dwelling units per acre consistent with the "Corridor Residential" 30-50 du/ac density range.
- C. The site plan, building form, massing, and heights are appropriate for the site and will contribute to the advancement of the design goals and policies and ongoing formation of the streetscape and development pattern envisioned by the NMDSP. Building placement, orientation to the streets, all work to create a distinctive living environment.
- D. The proposed architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features and architectural details, including the distribution of windows and doors, which add appropriate visual interest, pedestrian scale, which result in a distinctive and pleasing appearance. The use of quality exterior materials and finishes, appropriate lighting and landscape materials, all complement the project.

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

SECTION 6. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the nature and extent of the dedications, reservations, impact fees, and other exactions are reasonably related to public needs and roughly proportional to the impacts created by the subdivision and improvements proposed in the Tentative Parcel Map. The proposed conditions are typical of any subdivision of land and necessary to support the subsequent residential development of the site as intended by the NMDSP. Street improvements, sanitary sewer connections, and associated impact fees are commensurate with the needs and impacts associated with the development of underutilized property for new uses.

SECTION 7. The location and custodian of the documents and any other material, which constitute the record of proceedings upon which the 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 27th day of June 2022.

Manny Martinez, Chair

ATTEST:

Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 27th day of June 2021, by the following vote, to-wit:

AYES:

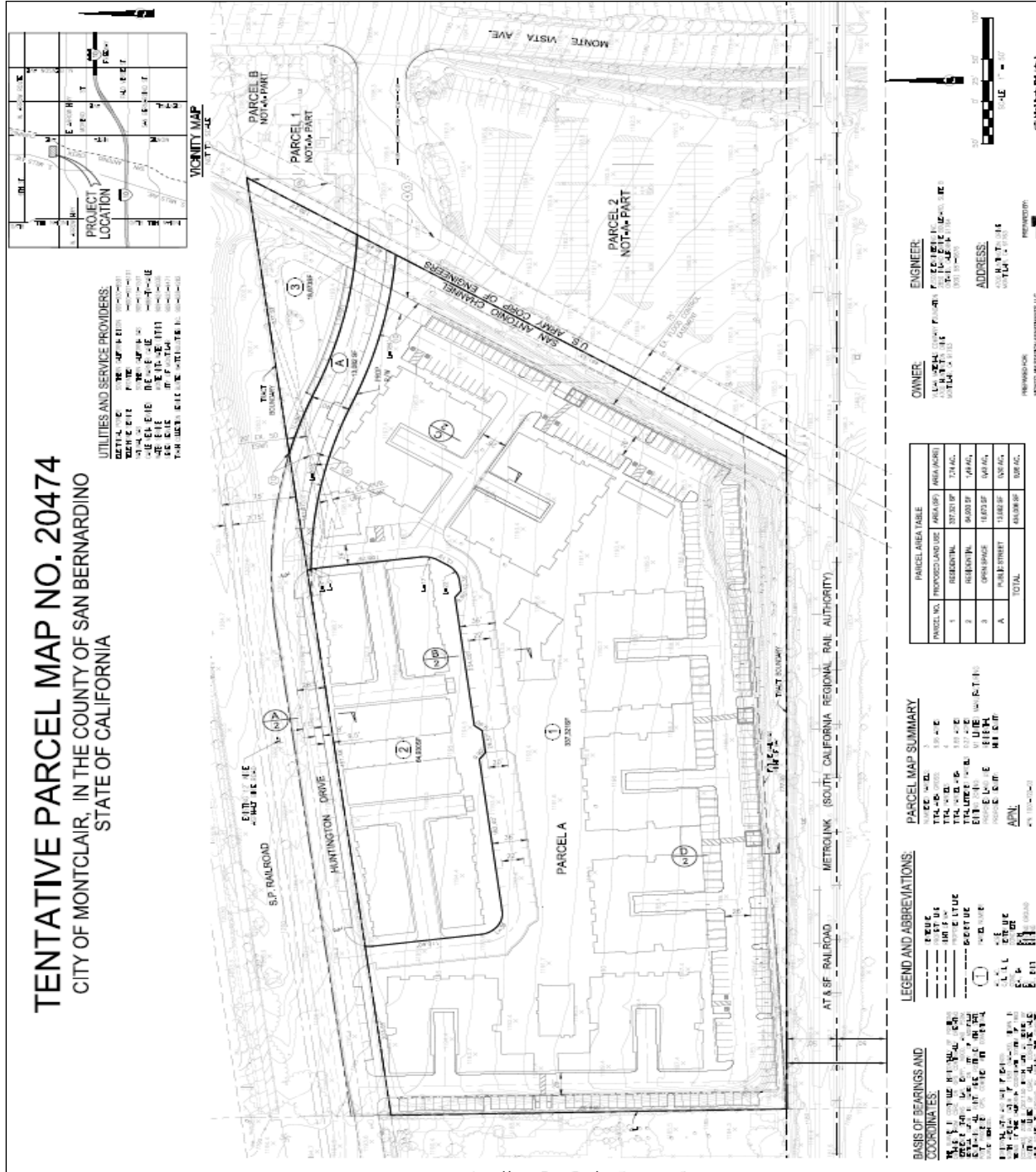
NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2021-33\PC RESOLUTION

EXHIBIT A

CASE No. 2021-33 / MONTCLAIR STATION



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EXHIBIT B
to
Resolution No. 22-1968

MONTCLAIR STATION
DESIGN PLANS

Vicinity Map
Site Plan (Fire Master Plan)
Elevations

Exhibit B includes selected images from the Developer's application submittal. The full design package can be viewed at:

<https://cloud.cityofmontclair.org/main.html?sort=0&r=0?download&weblink=2e481376775f6f38b75e8242ce542657&realfilename=Case%202021%2D33%20Montclair%20Station%20Architectural%20Plans%20PM%2Epdf>

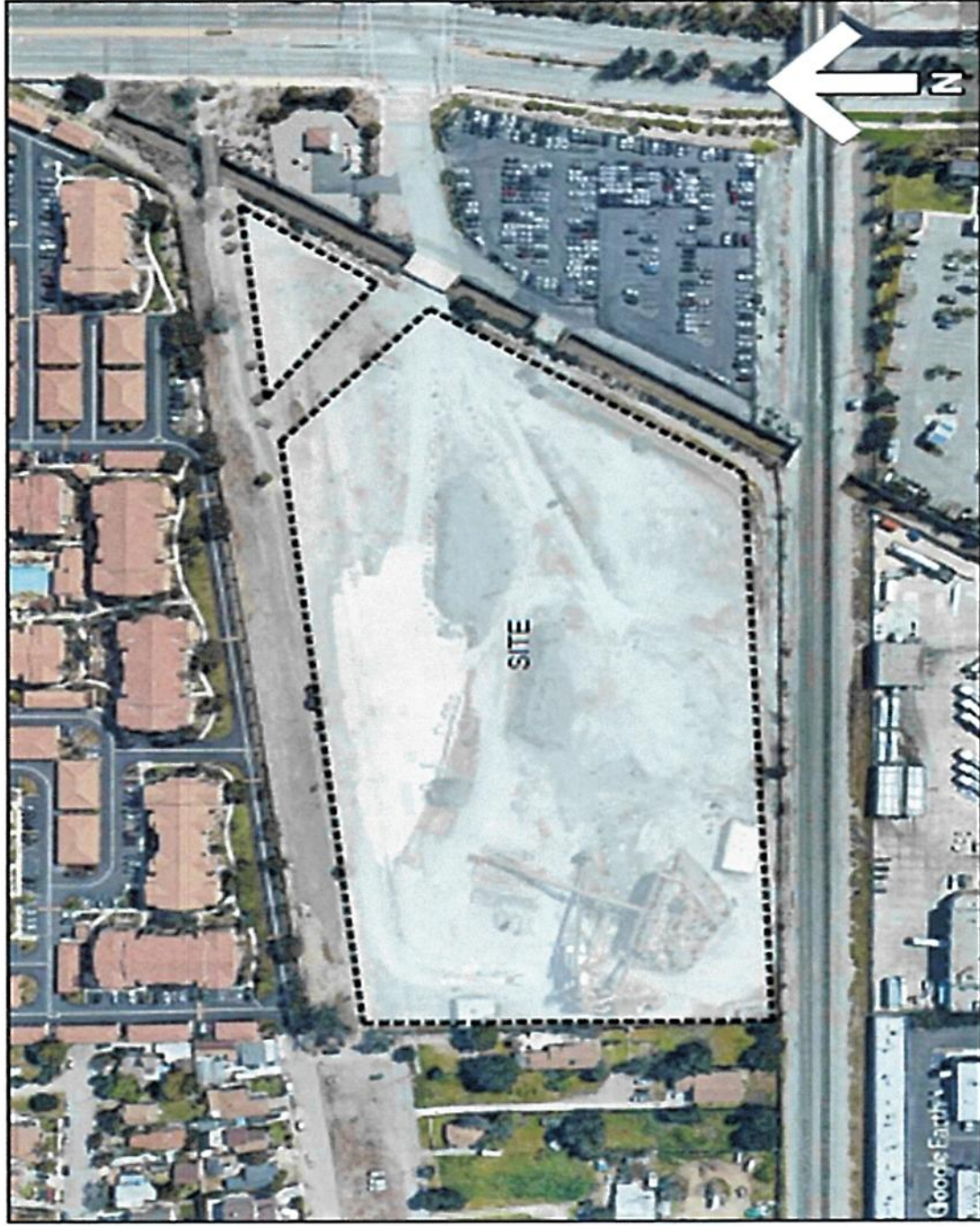
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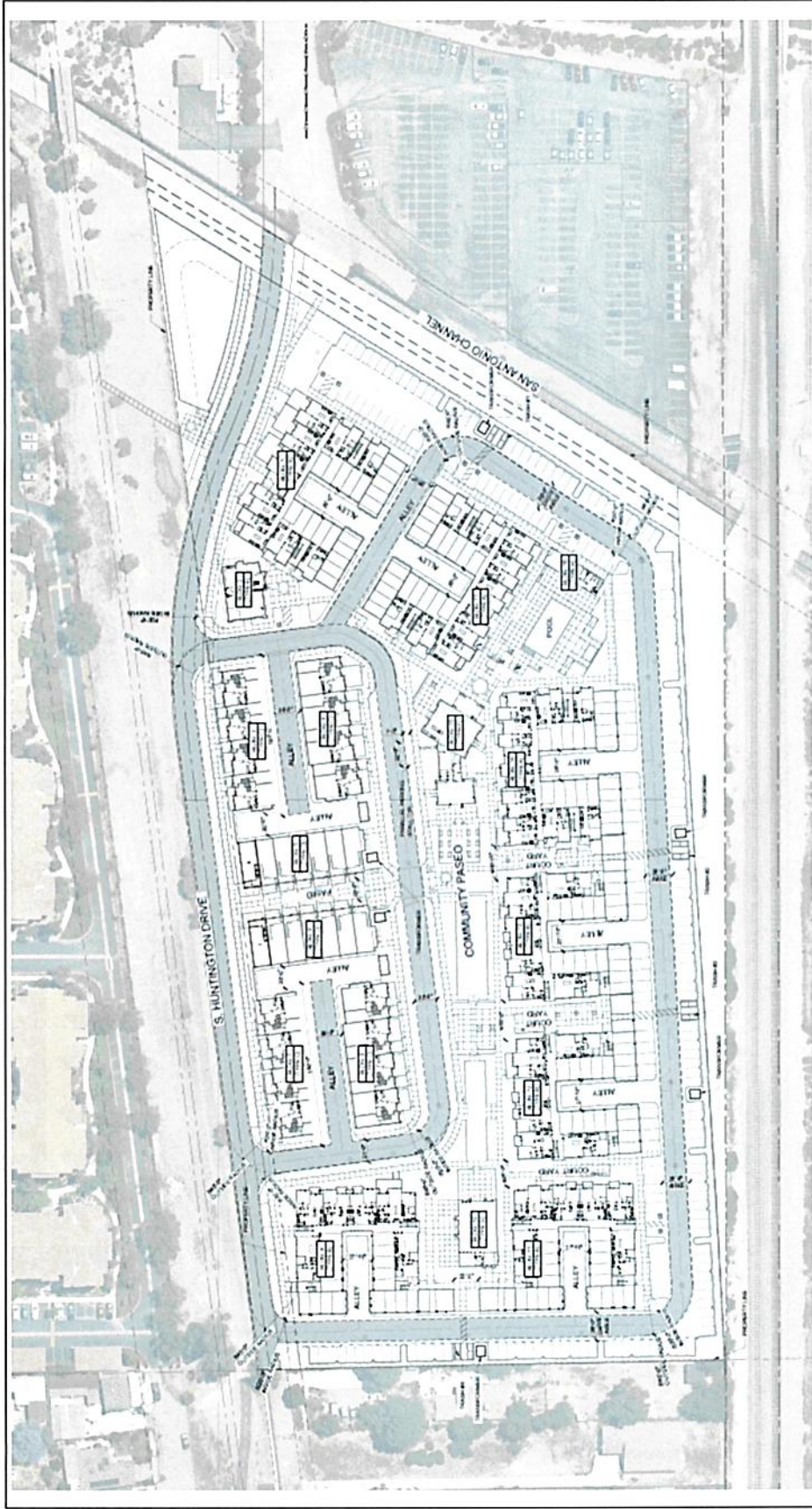


MONTCLAIR STATION

MONTCLAIR, CA

VICINITY MAP





FIRE MASTER PLAN 1



1ST SUBMITTAL 12/14/2021
 2ND SUBMITTAL 04/06/2022
 REVISED

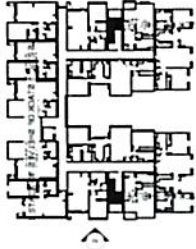
MONTCLAIR STATION
 MONTCLAIR, CA

ALL RIGHTS RESERVED
 MONTCLAIR STATION APARTMENTS, LLC
 10000 S. HUNTINGTON DRIVE
 MONTCLAIR, CA 95035



A1.1
 FIRE MASTER PLAN

KEY PLAN



MATERIAL LEGEND

- EXTERIOR PLASTER
- PLASTER SCREENS
- BOARD AND BATTEN SIDING
- HORIZONTAL LAP SIDING
- FAUX WOOD SIDING
- PAINTED METAL QUADRANGLE
- FIBER CEMENT/TONGUE AND GROOVE
- WHITE CONCRETE ROOF TILE
- PAINTED METAL CANOPY
- DARK BRONZE VINYL WINDOW
- STOREFRONT SYSTEM



RIGHT ELEVATION 2



FRONT ELEVATION 1



MONTCLAIR STATION
APARTMENTS, LLC

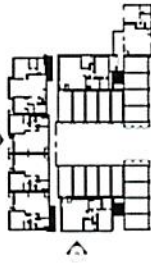
1515 SUBMITTAL
DATE: 08/03/2022

MONTCLAIR STATION
MONTCLAIR, CA

A2.3

BLDG. A - EXTERIOR ELEVATIONS

KEY PLAN



MATERIAL LEGEND

- EXTERIOR PLASTER
- PAINTED MASONRY
- PAINTED METAL PANELS
- HORIZONTAL METAL SLATS
- PAINTED WOOD SIDING
- PAINTED METAL QUADRANGULAR
- PAINTED METAL TRIANGULAR
- PAINTED CONCRETE ROOF TILE
- PAINTED METAL CANOPY
- PAINTED METAL CANOPY
- STAINLESS STEEL
- STAINLESS STEEL



RIGHT ELEVATION 2



FRONT ELEVATION 1



MONTCLAIR STATION
APARTMENTS, LLC

ARCHITECT: MONTCLAIR STATION APARTMENTS, LLC
 1000 14TH AVENUE, SUITE 100
 MONTCLAIR, CA 94631
 TEL: 415.962.1234
 WWW.MONTCLAIRSTATIONAPARTMENTS.COM

DESIGNER: MONTCLAIR STATION APARTMENTS, LLC
 1000 14TH AVENUE, SUITE 100
 MONTCLAIR, CA 94631
 TEL: 415.962.1234
 WWW.MONTCLAIRSTATIONAPARTMENTS.COM

CONTRACTOR: MONTCLAIR STATION APARTMENTS, LLC
 1000 14TH AVENUE, SUITE 100
 MONTCLAIR, CA 94631
 TEL: 415.962.1234
 WWW.MONTCLAIRSTATIONAPARTMENTS.COM



A3.3
 BLDG. B - EXTERIOR ELEVATIONS

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EXHIBIT C

DRAFT

CITY COUNCIL

RESOLUTION NO. 22-3366

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RESOLUTION NO. 22-3366

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING TENTATIVE PARCEL MAP NO. 20474 AND A PRECISE PLAN OF DESIGN UNDER CASE NO. 2021-33 FOR A 302-UNIT RESIDENTIAL DEVELOPMENT ON 9.96 ACRES WITHIN THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN (APN 1007-722-03)

WHEREAS, Montclair Station Apartments LLC, filed an application on October 21, 2021, for a Tentative Parcel Map, and Precise Plan of Design under Case No. 2021-33 (Application) to construct a 302-unit apartment community on 9.96 acres: and

WHEREAS, the application applies to the 9.96-acre site located approximately 200 feet west of the intersection of Monte Vista Avenue and Richton Street, west of the San Antonio Creek Channel. Current address is 4700 Huntington Drive (APN 1007-722-03); and

WHEREAS, Tentative Parcel Map No. 20474 would subdivide the 9.96-acre project site into three numbered parcels and one lettered parcel (for road purposes) for the project, within the North Montclair Downtown Specific Plan (NMDSP) area; and

WHEREAS, a Precise Plan of Design is requested for the overall site plan, floor plans, elevations, colors, materials, conceptual landscape plan, and associated site plan improvements for the 302-unit residential development; and

WHEREAS, the proposed development consists of 14 multi-story residential buildings (some with attached garage units), four single story amenity buildings, a 0.43-acre public park/open space area, and on-site parking; and

WHEREAS, on May 15, 2006, the Montclair City Council adopted the NMDSP, establishing guidelines for development on numerous parcels of land totaling approximately 150 acres in area; and

WHEREAS, on March 20, 2017, the Montclair City Council approved an amendment to amend the NMDSP, thereby expanding the boundaries and updating the standards of the NMDSP; and

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

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

WHEREAS, pursuant to State CEQA Guidelines, Section 15162, the City of Montclair (City) has prepared an analysis of the proposed Montclair Station project

modification to determine whether subsequent environmental review is required in light of the North Montclair Downtown Specific Plan Amendment Project Final Supplemental Environmental Impact Report (SCH No. 2009091021); and

WHEREAS, based on the consistency analysis prepared, the Montclair Station project would be consistent with the original North Montclair Downtown Specific Plan Amendment Project Final Supplemental Environmental Impact Report (SCH No. 2009091021) certified by the City of Montclair City Council on March 20, 2017 [Resolution No. 17-3147] and would not result in new impacts or any substantial changes to any significant effects previously, identified; and

WHEREAS, no subsequent environmental review is required for the Montclair Station project; and

WHEREAS, on June 17, 2022, the City gave public notice of the City of Montclair's Planning Commission's ("Planning Commission") public hearing on the proposed project by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the project boundaries; and

WHEREAS, on June 20, 2022, the City Council's Real Estate subcommittee previewed the project proposal; and

WHEREAS, on June 27, 2022, the Planning Commission conducted a duly noticed public hearing on the proposed project at which time all persons wishing to testify in connection with the project were heard and said Tentative Parcel Map and Precise Plan of Design for the proposed 302-unit apartment community was fully studied; and

WHEREAS, on June 27, 2022, the Planning Commission, by a vote of X-X-X, recommended that the City Council approve Tentative Parcel Map No. 20474 and Precise Plan of Design subject to the conditions of approval contained in Exhibit "B", the Draft City Council Resolution No. 22-3366 prepared for the project, pursuant to Planning Commission Resolution No. 22-1968; and

WHEREAS, on XXXXX XX, 2022, the City gave public notice of the City Council's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the project site; and

WHEREAS, the City Council conducted a duly noticed public hearing on the Amended Specific Plan on XXXX XX, 2022, at which time all interested parties were provided an opportunity to give testimony for or against the proposal; and

WHEREAS, the subject site is located within the "Corridor Residential" land use district of the NMDSP; and

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

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

WHEREAS, the City Council finds the requested entitlements to be consistent with the adopted General Plan and the NMDSP and following good planning principles; and

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

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

SECTION 1. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the City Council finds that the proposed project is exempt from further environmental review pursuant to State CEQA Guidelines, Section 15162 based on the following findings of fact:

- A. On March 20, 2017, the City Council certified a Supplemental Environmental Impact Report (SEIR) for the amended and updated North Montclair Downtown Specific Plan project.
- B. The proposed apartment community consists of 137 units and is undertaken pursuant to and in conformity with the density and design standards of the NMDSP.
- C. None of the conditions requiring subsequent environmental review called out in State CEQA Guidelines, section 15162 are present. Specifically,
 1. Substantial changes are not proposed in the project that would require major revisions of the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 2. Substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects have not occurred; and
 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the SEIR was certified or adopted, as applicable, showing any of the following, has not come to light: (i) that the project would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially

more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those previously analyzed would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

- D. Based on these findings and all evidence in the record, the City Council finds that no additional environmental review is required in connection with the City's consideration of Case No. 2021-33 for the proposed tentative parcel map and 302-unit apartment community development.

SECTION 2. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings and recitals set forth in this Resolution, the City Council approves Tentative Parcel Map No. 20474 and a Precise Plan of Design under Case No. 2021-33 for a 302-unit apartment community, subject to the conditions of approval set forth in the attached Exhibit "A" and as depicted in the submitted site plan, elevations, and renderings submitted by **Montclair Station Apartments LLC**, and dated April 6, 2022.

SECTION 3. Pursuant to California Government Code Section 66410, *et seq.*, based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds as follows with respect to the approval of the Tentative Parcel Map No. 20474:

- A. The proposed subdivision is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. Proposed buildings on the site are generally oriented, spaced, and designed to allow for access to adequate light and air. Each unit will have operable windows to allow for passive cooling provided by seasonal winds. The project includes several open space areas dispersed throughout the development, including open space areas at the center of the project, and courtyards adjacent to each building, a community building and pool where trees and vegetation will provide shade, air filtering, and other environmental benefits. Moreover, the project will provide a tree-lined streets and a public park for shade, air filtering, and other environmental benefits.
- B. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and the North Montclair Downtown Specific Plan (NMDSP):
1. The Tentative Parcel Map would provide for the development of the site with land uses that are consistent with the land use classification for the subject site by the General Plan. 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. More specifically, the "Planned Development" land use classification of the site by the General Plan recognizes the proximity to the existing transit center and the potential for development into a viable and thriving transit-oriented community. Therefore, the proposed project's design and improvements would be consistent with the General Plan land use designation for the site.

2. The Tentative Parcel Map would provide for land uses compatible with the "Corridor Residential" land use classification for the subject site in the NMDSP. Moreover, the map and project design is of a high quality and consistent with the high expectations for improvements for projects within the NMDSP planning area.
- C. The subject site is physically suitable for the type and density of development proposed in the Tentative Parcel Map given the overall size of the property. The site is 9.96-acres in overall area, is of a configuration that has sufficient width and depth, and no drastic slope or grade elevation issues to allow for orderly site development. Moreover, the project will provide adequate and well-situated open space areas between the proposed structures in the project, and sufficient setbacks as required by the NMDSP and from adjacent single-family residential units on the west boundary of the site. 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 street within and serving 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 future transit center.
 - D. The subdivision design and improvements proposed in the Tentative Parcel Map is not likely to cause substantial environmental damage nor substantially injure fish, wildlife, or their habitat. The site is surrounded by urban development, streets, and regional railways, does not contain any bodies of water, and is not linked to any wildlife corridors. Although the site abuts the existing San Antonio Creek flood control channel, the project will not affect the facility in any way. Lastly, the project site is completely devoid of any existing plant communities and 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 Parcel 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 DSEIR for the NMDSP.

- F. The subdivision design and type of improvements proposed in the Tentative Parcel Map will not conflict with any easements acquired by the public at large for access through or use of the subject site. There are no easements allowing for public access on or through the subject site.
- G. The discharge of waste into the existing sanitary sewer system from the development proposed in the Tentative Parcel 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 Monte Vista Avenue rights-of-way and are in close proximity to the site to facilitate ease of connection.

SECTION 4. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds as follows with respect to the approval of a Precise Plan of Design under Case No. 20217-3:

- A. The proposed 302-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the CR ("Corridor Residential") land use designation of the North Montclair Downtown Specific Plan. The CR land use district is intended to allow for higher density residential projects in appropriate locations as indicated on NMDSP land use map. The proposed project will be on a large vacant parcel that when developed will provide both pedestrian and vehicular links to the west in the City and the cities of Claremont and Upland, and be within easy walking distance of the Montclair Transcenter and other developed streets within the NMDSP planning area.
- B. The proposed project would result in a significant improvement to the appearance of the area by developing a large vacant site that formerly was home to an unattractive and noisy industrial use into a well-designed residential community. The project will make efficient use of the site and comply with the intent and applicable development standards of the NMDSP. The 302 dwelling units on the 9.96-acre site amounts to 30 dwelling units per acre consistent with the "Corridor Residential" 30-50 du/ac density range.
- C. The site plan, building form, massing, and heights are appropriate for the site and will contribute to the advancement of the design goals and policies and ongoing formation of the streetscape and development pattern envisioned by the NMDSP. Building placement, orientation to the streets, all work to create a distinctive living environment.

- D. The proposed architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features and architectural details, including the distribution of windows and doors, which add appropriate visual interest, pedestrian scale, which result in a distinctive and pleasing appearance. The use of quality exterior materials and finishes, appropriate lighting and landscape materials, all complement the project.

SECTION 5. Pursuant to Section 66412.3 of the Government Code, based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds the subdivision and improvements proposed will help the City of Montclair to meet its regional housing needs as the project proposes the construction of 302 residential units, which will help the City meet its identified housing unit RHNA allocation.

SECTION 6. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds the nature and extent of the dedications, reservations, impact fees, and other exactions are reasonably related to public needs and roughly proportional to the impacts created by the subdivision and improvements proposed in the Tentative Parcel Map. In addition, several conditions, including conditions relating to the imposition of operational covenants for the rental development are necessary to assure the development maintains compliance with City general plan and zoning standards.

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

SECTION 8. City Council directs City staff to cause a Notice of Determination to be filed and posted with the County Clerk within five working days of the adoption of this Resolution.

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

APPROVED AND ADOPTED this XX day of XXXX, 2022.

Mayor

ATTEST:

City Clerk

I, Andrea Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 22-3366 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 XXXX, 2022, and that it was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

DRAFT

EXHIBIT A

City Council Resolution No. 22-3366 Case No. 2021-33

Montclair Station - Project Approvals & General Conditions

GENERAL CONDITIONS

1. The approval for the Montclair Station project includes the following elements:
 - a. Tentative Tract Map No. 20474, subdividing a 9.96-gross acre site into three numbered lots, and one lettered lot (for a public park), related to the development of a 302-unit apartment community on the subject site located approximately 200 feet west of the intersection of Monte Vista Avenue and Richton Street, west of the San Antonio Creek Channel (APN 1007-722-03), with associated on-and off-site public improvements, attached hereto as Exhibit A.
 - b. A Precise Plan of Design (PPD) approving the site plan, floor plans, elevations, colors and materials, conceptual landscape plan, and public park space associated with the construction of the project as described in the staff report and depicted on approved plans on file with the Planning Division and generally depicted in Exhibit B.
2. The above entitlements are granted based upon the maps, plans and elevations submitted by Montclair Station Apartments LLC, and dated April 6, 2022. However, final design review shall be required pursuant to Section 5.1.050.2 of the NMDSP upon the submittal of construction drawings for the project, to review building, park, and architectural construction design, details, and standards. Such review is intended to ensure high quality development and to prevent misunderstanding during the construction process. The Director of Community Development shall conduct the review in consultation with the City's reviewing architect. Costs to conduct architectural review shall be reimbursed to the City pursuant to Reimbursement Agreement No. 21-53 between the Owner and the City.
3. This approval shall supersede any and all previously approved entitlements for the subject project site.
4. Any modification, intensification, or expansion of the use beyond that which is specifically approved by the aforementioned entitlements and that is not reflected in the map, plans, and drawings approved with this action by the City Council shall require review and approval by the City Council.
5. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
6. The applicant/owner shall be required to pay any applicable fees as shown below; within five (5) days of approval by the City Council:

- a. A check in the amount of \$50, payable to "Clerk of the Board of Supervisors," to cover the filing fee for the Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of \$628.11, payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law for the Planning Commission review on June 27, 2022; and
 - c. A check in the amount of \$XXX.XX, payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law for City Council review on XXXX XX, 2022.
7. In establishing and conducting the subject use, the applicant shall at all times comply with any and all laws, ordinances and regulations of the City of Montclair, the County of San Bernardino and the State of California. Approval of the Tentative Parcel Map and PPD shall not waive compliance with any such requirements.
8. Applicant/Owner shall comply with all applicable Mitigation Measures as contained in the North Montclair Downtown Specific Plan Amendment Project Supplemental EIR (January 2017); including but not limited to mitigation measures regarding Tribal Cultural Resources (Mitigation Measure F and G); and Noise (construction and post construction), etc.
9. Notice to Applicant/Owner/Subdivider: The conditions of approval for this Project include certain fees, dedication requirements, reservation requirements, and/or other exactions more specifically described in the conditions of approval herein. The subdivider/applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval. For purposes of this notice, "project approval" shall mean the date that the City Council approves the application for the Tentative Parcel Map referenced in Condition No. 1, and Precise Plan of Design for the Project. All impact fees shall be due and payable at the time stated in the adopted ordinance, resolution or policy adopting and imposing such fees, or at the time building permits are issued. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, or other exaction requirements as specified in Government Code §66020, the subdivider/applicant shall be legally barred from later challenges.
10. The applicant/owner/subdivider shall reimburse the City for the legal costs associated with the preparation/review of any agreements and covenants required by these conditions prior to the time of their initiation pursuant to Reimbursement Agreement No. 21-53.
11. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of City Council approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant/owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date.

No further notice from the City will be given regarding the project's PPD expiration date.

12. The applicant/owner shall ensure that a copy of this Resolution is reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the Project.
13. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at the time of escrow closing.
14. Comply with the conditions and requirements of the City of Montclair's Inclusionary Housing Ordinance No. 05-866

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

14. Prior to the approval of the Final Map by the City Council for the project, the map prepared by owner/subdivider shall complete and/or show the following items:
 - a. Obtain written approval and documentation from the United States Army Corps of Engineers and other affected agencies allowing developer to construct or remove any associated improvements (e.g., walkways, bikepath, stairs/ramps, walls, fences, gates, signs, lighting, pedestrian bridge, etc.) necessary to facilitate the construction of the San Antonio Creek Trail Plan along the subject site.
 - b. A dedication of a public access easement to the City of Montclair for the purposes of allowing the general public to access San Antonio Creek Trail along the developers subject site.
 - c. Enter into a maintenance agreement with the City of Montclair for maintenance of improvements related to the San Antonio Creek Trail.
 - d. Obtain written approval and documentation from the San Bernardino County Transit Authority (SBCTA) and other affected agencies allowing access and authorizing developers to construct any associated improvements on SBCTA property (ies) necessary for the development of a trailhead public park along the existing easement of Huntington Drive and trail adjacent to the San Antonio Creek Channel to connect to the Pacific Electric Trail.
 - e. A dedication of an 0.43-acre parcel to the City of Montclair for development of a trailhead public park.
15. A Master Solid Waste Removal Plan (SWRP) for the project. City review and approval in consultation with the City's refuse collection provider shall be

required. The SWRP shall identify the location and size of all facilities and provide a written operational strategy/manual to be used by the property management company for the project. The SWRP shall include and/or address the following elements:

- a. Prevent the accumulation of on-site rubbish, trash, or debris in a manner that is inconsistent with the approved SWRP and/or that degrades the appearance of the site and adjacent street frontages.
 - b. All refuse collection facilities shall be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling (MOR) as established by California Department of Resources Recycling and Recovery (CalRecycle). Sufficient facilities must be provided and maintained for the mandatory recycling of all recyclable materials and food waste/organics.
 - c. No barrels (or other containers) for waste fats, oils, or grease (FOG) shall be stored in refuse collection facilities.
 - d. All refuse collection facilities shall be power washed a minimum of two times per month (or more frequently if needed), by property management staff or by means of a hired company qualified to power wash or steam clean all refuse collection facilities and/or equipment. Such activity shall be performed with proper equipment containing a water recovery system or self-contained unit to recycle the wash (waste) water, as approved by the City's NPDES Coordinator or Environmental Inspector. Inspections of refuse collection facilities shall be subject to routine inspection by the City of Montclair.
 - e. Spills and leaks shall be cleaned up immediately using a spill kit and/or appropriate Best Management Practices (BMP) that utilize absorbents or equivalent "dry" methods.
16. The owner/applicant shall agree to the formation of a new Community Facilities District (CFD) pursuant to the terms of Government Code Section 53311, et seq., the territory of which shall include the Project, for the purposes of the payment of maintenance and operation costs associated with the common landscaping, lighting, public park and easements, and other public improvements located within the Project, including a public safety component. The applicant shall consent to the formation of the CFD prior to the recordation of the final map for the Project. The applicant further expressly agrees that failure to form such CFD will result in disapproval of the Project.

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

If, for any reason whatsoever, the Property or portion thereof does not become part of a CFD or if any such CFD that is formed does not provide for the maintenance of the entirety of the improvements within the Property, or any

portion thereof, then such improvements shall be maintained by a private property owner, or an adequate alternative reasonably acceptable to the City, to undertake such work. Costs to implement the CFD shall be reimbursed to the City pursuant to a Reimbursement Agreement between the applicant and the City.

17. Owner must consent, in writing, to record a covenant for an Operations & Management Regulatory Agreement – *Montclair Station* (hereafter Regulatory Agreement) against the entire property providing for the perpetual maintenance of all buildings and improvements, including roadways, public easements, retaining walls, drainage facilities, and water and sewer systems. The Regulatory Agreement shall be effective during the lifetime of the Project. Property shall thereafter be maintained in accordance with the property maintenance standards contained in the Montclair Municipal Code.

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

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

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

- a. On-Site Management

The Owner shall be required to retain the services of an accredited property management company (“Management Company”) holding a real estate broker license pursuant to California Business and Professions Code, Section 10131 et. Seq., and with demonstrated experience in leasing, operating, and maintaining a multifamily residential project. Any Manager or Management Company retained to act as an agent for the Owner shall obtain the prior written approval of the Executive Director Office Public Safety/Police Chief, which approval shall not be unreasonably withheld or delayed, provided the person assigned is a certified Property Manager or an employee of a certified property Management Company. Any changes of the certified professional management company shall be subject to the prior written approval of the Executive Director Office of Public Safety/Police Chief, which approval shall not be unreasonably withheld.

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

Executive Director Office of Public Safety/Police Chief Police Chief as necessary. Furthermore, upon sixty (60) days prior written demand from City with cause, Owner shall remove and replace a Property Manager and/or Management Company. In any agreement with a Property Manager or Management Company ("Management Agreement"), the Owner shall expressly reserve the right to terminate such agreement upon written demand of City with cause. That notwithstanding, City agrees that a request for removal of a Property Manager or Management Company shall be subject to a thirty (30)-day notice of default and a reasonable opportunity to cure before any such termination is effective.

Under no circumstances shall the property owner take on the property management responsibilities for the project, unless such property owner possesses property management accreditation as provided for in this subsection, has demonstrated experience, and is approved by the Executive Director Office of Public Safety/Police Chief.

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

i. Management Obligations-Residential

The Owner shall maintain the legally required presence of an on-site Manager for the residential project pursuant to California Code of Regulations, Title 25, Section 42. The Management Company shall ensure that tenant application and screening practices are developed and enforced, that all rules and regulations are developed and enforced, and that use of all facilities are managed. The Owner, through the professional property management company, will ensure that the Project is well maintained pursuant to the standards developed in the Regulatory Agreement.

ii. Registration and Management of Rentals

The Owner, with its Management Company, shall develop all rules, documents, and procedures to assure all rental occupancies of residential units are professionally managed including but, not limited to:

- Application(s)
- Crime-Free Addendum and other required addenda to application
- Tenant screening tools including, but not limited to, (1) credit check including unlawful detainer, and (2) criminal background check.

iii. Alcoholic Beverages/Controlled Substances

Tenant rules shall indicate areas where the consumption of alcoholic beverages are permitted and/or prohibited within the Project boundaries.

b. Security Requirements

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

- i. Owner shall develop a "Security Plan" acceptable and approved by the Montclair Police Department which, at a minimum, shall include the installation, operation, and maintenance of security cameras throughout the Project (see details in Police Conditions).
- ii. At any time during the term of the Agreement, should the calls for Police service or response at the Project exceed a level reasonably considered normal for projects similar in type and density as determined by the Executive Director Office of Public Safety/Police Chief, during any consecutive two-month period, the Owner shall be required to provide a State-licensed security patrol through a company retained by the Owner.
- iii. The State-licensed security patrol company shall be retained by the Owner, with the prior approval of the Executive Director Office of Public Safety/Police Chief, for a period of time to be determined by the Executive Director Office of Public Safety/Police Chief. The approval of such a State-licensed security company shall not be unreasonably withheld.

c. Balconies, Patios, and Porches

Balconies, patios, and/or porches on residential units approved for use as private usable open space must be kept free from being enclosed or covered by a tenant in any way and must not be used for storage purposes. Storage of materials that detract from the appearance of buildings is prohibited in the above-mentioned locations as well as anywhere that is directly visible to the public.

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

d. Cable and Satellite Service Equipment

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

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

The Agreement shall provide for the following:

- i. A "Parking Management Plan" shall be required for Project. The Parking Management Plan (PMP) shall identify the parking space(s) for every residential unit in the Project. With the exception of an attached garage for the exclusive use of an identified unit, all parking spaces shall be identified with a unique number that shall be stenciled on the pavement and regularly maintained.
- ii. Any tandem parking spaces identified in the PMP shall be assigned to the same dwelling unit. For purposes of the PMP, each tandem space shall count toward fulfillment of the total requirement of parking spaces for the the project.
- iii. Parking spaces in the Huntington Drive public right-of-way may be used by the project for limited time guest parking, but no parking spaces shall be assigned to any dwelling units within the project.
- iv. The PMP must be submitted to the City prior to submittal of a final map. The PMP must be approved by the City Council as a part of the approval process for the Project. Subsequent changes

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

- v. The PMP shall stipulate that no utility trailers, commercial or construction vehicle of any length, buses or passenger vans, watercraft, or recreational vehicles shall be permitted to be stored or parked overnight on any private street and/or parking areas within the complex. "Recreational Vehicle" shall mean recreational vehicles, motor homes, campers, utility trailers, watercraft, travel trailer, truck camper, camping trailer, off-road vehicles, land conveyances, vessels, aircraft, boats, trailers, van conversions, customized trucks, and other similar type vehicles that are designed for human habitation for recreational or emergency purposes, or that require a special driver's license (e.g., noncommercial Class A or Class B) to operate.
- vi. The PMP shall stipulate that any enclosed garage spaces or covered parking spaces provided shall, at all times, be assigned to units within the Project pursuant to the PMP. Storage within a garage shall be allowed only to the extent the garage includes a dedicated storage cabinet or storage area that does not impede or obstruct direct access to the parking space(s) within the garage.
- vii. Any tandem parking spaces identified in the PMP shall be considered a second parking space assigned to the same dwelling unit. Tandem spaces shall only be assigned to and utilized for the parking of registered vehicles assigned to the residents of the same unit. Tandem spaces shall not be assigned and/or rented out to other residents or users.
- viii. The property owner/management company may not introduce, require, stipulate, or incorporate into lease or rental payments a separate fee for any surplus parking that exceeds the minimum threshold for assigned parking based on per-unit parking requirements as specified in the North Montclair Downtown Specific Plan (NMDSP) and the PMP for the project. If parking spaces that exceed the minimum threshold requirement as specified herein are available, the property owner/property management company may apply to the City Council for an amendment to the approved PMP for the project to establish separate monthly fees for each surplus parking space.
- ix. As part of the initial rental application process each potential renter of a unit within the project shall be given written notice by the property management company of the on-site parking and off-site parking conditions and requirements at the complex. All executed rental lease agreements will contain a detailed summary of the PMP as an exhibit and a signed acknowledgement form which records the resident's agreement with the terms of the PMP. In addition, the prospective tenant(s) shall receive an electronic version of the entire PMP, either as an email or other

electronic format specified by the renter. The entire PMP shall also be available for review in the office of the on-site management company and available online on the Project's website for residents to view.

- x. Every unit shall be assigned and permitted to use at least one (1) parking space as part of the base rent for each unit, and shall be so stipulated in the Parking Management Plan and subsequent rental/lease agreements.

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

Owner, through its Management Company, shall keep the Project well-maintained (including, without limitation, private streets and drives, all buildings and on-site structures; signage; sidewalks; parking lots; parking structures, exterior building mounted and/or site lighting fixtures; landscaping; open space/recreation areas onsite, dog park areas, storm drain system including all storm water treatment devices associated with the Water Quality Management Plan, fencing; foundations and pools, if any; and other Improvements) and shall operate the Project in a businesslike manner; shall prudently preserve and protect both its own and City's interests in connection with the Project, shall not commit or permit any waste or deterioration of the Project; shall not abandon any portion of the Property; and shall not otherwise act in such a way as to unreasonably increase the risk of any damage to the Project. Such maintenance shall include, without limitation, the following:

- i. Keeping the exterior surfaces of buildings painted, plastered, or otherwise appropriately treated to be in sound condition; and
- ii. Replacing broken or severely etched windows and other glass surfaces promptly; and
- iii. Keeping the Project free from any accumulation of debris, graffiti, waste materials (including pet waste); and
- iv. Keeping trees, ground cover, shrubs, and other plant materials trimmed in healthy condition, and replacing missing or dead plant materials; and
- v. Maintaining all exterior light fixtures (building mounted and freestanding) in full operating condition. Non-functioning, broken or damaged light fixtures/support structures shall be promptly repaired and/or replaced with the same fixture type as originally approved; and
- vi. Keeping paved surfaces and other hardscape elements clean and in good condition, free of dirt and grime, gum, or grease, potholes, excessive staining or the unsightly accumulation of leaked motor oil/automotive fluids, significant surface cracks,

dangerous uplifted walkways, or other conditions which impede paths of travel; and

- vii. No outdoor pay telephones or vending machines (including delivery lockers) shall be installed on any public street, easement, or park. Vending machines may be allowed within buildings or in private outdoor recreation areas when machines are located out of view to the street and are placed with an alcove space that is architecturally integrated into the design of the building, subject to the satisfaction of the Director of Community Development.
- viii. Prohibiting auto repairs, car washing, storage of unregistered and/or inoperable vehicles, within parking areas of the Project; and
- ix. Keeping the on-site storm drain system in working order and in good repair at all times including the storm water treatment devices associated with the Water Quality Management Plan; and
- x. Keeping refuse collection facilities (e.g., trash chutes, rooms or enclosures) shall be maintained in a sanitary, orderly, and functional condition at all times. Sanitary shall mean free of scattered trash and food debris, spills or splatter on floors and/or walls, free of odors to the highest degree possible, and free of insects and rodents; and
- xi. Keeping all private streets, drive aisles, and exterior parking areas within the Project free of weeds, debris, trash, graffiti, and potholes. Owner shall be responsible for maintenance and repaving of all private street and drive aisle surfaces; and
- xii. The Management Company shall develop and implement rules for maintenance and upkeep of the interior of the rental units.
- xiii. Maintain the Project grounds and adjacent public street parkways free from pet waste and/or damage at all times to deter odors, and maintain sanitary conditions. The Management Company shall:
 - 1. Conduct routine inspection and clean-up activities of the Project site to ensure pet waste is removed and property damage caused by animals is properly repaired and prevented.
 - 2. Notify residents and guests in writing of their responsibility to clean up after their pets.
 - 3. Post signs with specific pet rules around the site as necessary. Sign copy shall be in English and Spanish, and set in a font type (or graphic) which is large enough to be easily read and understood.

4. Provide adequate disposable bag dispensers, or other means of removing feces, and refuse cans for disposal. Trash cans shall be regularly emptied with contents disposed in a proper manner.

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

g. Remedial Actions

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

h. Sale or Transfer

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

i. Compliance with Rules

Renters occupying residential units within the Project shall be subject to all rules and regulations developed by the Management Company. The Management Company shall establish a warning and fine system for violation of the rules and regulations. If residential renters of units violate rules and regulations, the renter shall be responsible for payment of such fines for violation of the rules. The rules established by the Management Company for rental of residential units shall include provisions for eviction of tenants for violations of the rules and regulations of the project.

18. The Owner shall consent, in writing, to enter into an agreement to be recorded against the property detailing compliance with the City of Montclair Parkland Dedication Ordinance for the park depicted on approved plans. The proposed Park Land Agreement shall include a requirement for the dedication of a 0.43-

acre parcel of land for a public park, a conceptual park design exhibit for that park in compliance with the NMDSP, as well as a description of the proposed park improvements and facilities to be constructed consistent with the Conceptual Landscape and Park Design Plan, and the NMDSP. In addition, the Park Land Agreement shall include a mechanism for determining the amount of credit to be provided to the Owner against in-lieu fees to be paid for the construction of improvements and installation of equipment and/or facilities. Such credit shall be based upon the City's adopted parkland dedication/in-lieu fee schedule. No credit/reimbursement shall be provided in excess of the amount of in-lieu fees that are due to be paid to the City by the Owner. The final construction drawings for the improvements to the park on the project site shall be submitted to the Planning Division during the plan check process for review and approval. No Certificate of Occupancy shall be issued unless, and until, a Certificate of Completion and acceptance has been issued for the park.

***CONDITIONS PRIOR TO THE ISSUANCE OF BUILDING OR GRADING PERMIT
(Condition Nos. 19-168)***

Planning/Administration

19. The final design review process based on building plans shall be completed pursuant to Section 5.1.050.2 of the NMDSP by the Director of Community Development in consultation with the City's Reviewing Architect prior to the issuance of building permits. Notwithstanding, certain design review details may require review or field inspection during construction. Costs to conduct architectural review shall be reimbursed to the City pursuant to the Reimbursement Agreement between the Owner and the City.

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

20. The Regulatory Agreement (per Condition No. 17) shall be executed the by Owner, and approved by the City Council. Upon City Council approval, the Regulatory Agreement shall be recorded prior to issuance of building permits. As part of the Regulatory Agreement, the PMP shall be adopted by the City Council.
21. The Parkland Agreement shall be executed by the Owner and adopted by the City Council (Condition No. 18).
22. A Solid Waste Removal Plan (SWRP) shall be approved by the City.
23. A Construction Phasing Plan identifying the order in which buildings will be erected on the site must be submitted. (Before a Certificate of Occupancy for each building can be issued, the required amount of parking in a sufficient amount of parking spaces to support all completed residential units).

24. A written report from a qualified acoustical consultant indicating that the project will meet City requirements for exterior and interior noise levels and demonstrate compliance with Mitigation Measures for N2, NOI-1, NOI-2, NOI-3, and NOI-4 as contained in the North Montclair Downtown Specific Plan Amendment Project Supplemental EIR (January 2017) shall be submitted.

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

25. Owner's plans shall provide that all dwelling units (living room and bedroom) and/or commercial/office spaces shall be pre-wired with phone, cable, and satellite connections.
26. Owner shall obtain approval from the Executive Director of Public Safety/Police Chief (or designee) of a Plan to install video surveillance cameras for each building and all public spaces within the development. See Police Department conditions of approval for further details.
27. Owner shall prepare a Photometric Plan for each building indicating the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:
 - a. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
 - b. All parking lot and other freestanding light fixtures shall incorporate 90-degree cutoff style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way surrounding the subject site.
 - c. Maximum total height for freestanding light fixtures shall be limited to 20 feet, inclusive of the height for concrete bases. Above-grade concrete bases for lights shall be finished with a smooth concrete or by means of a colored stucco matching the primary color and finish of stucco on the buildings.
 - d. All exterior wall-mounted lighting fixtures shall be vandal-resistant and of a design, that complements the architecture of the building.
28. The developer shall submit a fence/wall plan for the entire site including both boundary and internal fence/wall locations. The plan shall specifically address existing conditions at each boundary and provide a complementary design for the project as a whole and the design of adjacent buildings. The plan shall include the following elements or details:
 - a. Specify fence/wall design details, materials, and finishes for review and approval by the Director of Community Development.

- b. Fences or walls shall be designed to produce an attractive and consistent horizontal "top of wall" finished elevation with minimal and evenly spaced steps along the length of the wall, subject to review and approval by the Director of Community Development.
 - c. Eliminate or prevent the creation of double wall or fence/wall conditions. The applicant shall be responsible for coordinating with the adjacent property owners regarding the replacement of property line walls, if required.
29. All utility services provided to the project shall be provided to the project and placed underground pursuant to Chapter 11.75 -Undergrounding of Utilities - of the Montclair Municipal Code.
30. Indicate the location of any proposed neighborhood mailboxes within the development for review by the Director of Community Development. No mailboxes shall be allowed on public sidewalks, or public easements/spaces. The applicant shall also ascertain any requirements for such mailboxes from the United States Postal Service (USPS) and other delivery services. The City acknowledges that proposed locations for neighborhood mailboxes shall be to the satisfaction of the USPS.
31. Owner shall complete and submit a complete Landscape Documentation Package meeting the intent and design criteria of the Montclair Water Efficient Landscaping and Conservation Ordinance (Chapter 11.60 of the Montclair Municipal Code) as amended by State law. The Landscape Documentation Package shall include the following items for City review and approval:
- a. Detailed Landscape Concept and Irrigation Plan for the entire site including the public park area; and
 - b. A "Water Budget" meeting State Water Conservation requirements; and
 - c. Landscape Construction Drawings (including a grading plan, irrigation plan, and planting plan); and
 - d. Maintenance manual and schedule to be kept on file and used by the property owner/property management company for reference.
 - e. A copy of the approved plan will be kept on file in order to use at a later date to ensure that the plan was implemented as permitted and maintained as required.
32. Show all automobile surface parking spaces with double-line (e.g. "hairpin") striping. Parking stalls dimensions shall be shall be a minimum of 8'-6" in width as measured to the center of the "hairpin," and a minimum of 18'-0" in length.
33. Continue to work with City staff to refine landscape plan in regard to street tree selections for the Huntington Drive right-of-way and to coordinate with new street improvement plans.

34. Incorporate window details in building plans submitted for plan check which demonstrate compliance with the provisions of Section 5.3.040.F of the NMDSP.
35. Every effort shall be made to locate and/or screen all ground or wall-mounted mechanical equipment including, but not limited to, utility meters (including gas meters), air conditioners, vents, and repair equipment within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the Director of Community Development and reviewing architect. Wooden lattice or fence-like screens/covers are not appropriate screening materials and shall not be allowed.
36. Owner shall screen all roof-mounted equipment, satellite dish antennas, and other similar apparatus from public view in a manner that is incorporated into the architectural design of each building to the satisfaction of the Director of Community Development and reviewing architect.
37. Exposed conduit or electrical lines shall not be allowed on any exterior surfaces of any building, including electrical lines providing power to exterior signs. Electrical switchgear, meters, etc., shall be screened or housed in an appropriately designed enclosure or other manner to the extent allowed by the utilities.
38. The color of all material used for rain gutters, flashing, and similar purposes shall be consistent with that of immediately surrounding building materials.
39. No outdoor pay telephones or vending machines shall be permitted within the development boundaries (including public spaces), except that vending machines may be allowed within approved outdoor recreational areas dedicated as such for each building. Vending machines within approved recreation areas shall not be directly visible to the street and be installed in an alcove architecturally integrated with a building to the satisfaction of the Community Development Director.
40. Prior to the installation of any signs on buildings, structure, or other non-public areas and structures within the project site, the applicant shall develop and submit an application for a Master Sign Program for the entire project and obtain Planning Commission for review and approval. The sign program shall address signs proposed for building addressing and identification, wayfinding, which are placed on non-public areas of the site. All signs shall be consistent with the sign provisions contained in the NMDSP, including the prohibition on the use of exposed raceways for all building-mounted, except as provided for in the NMDSP, if approved by the Director of Community Development.
41. Obtain approval for any directional and or regulatory signs proposed for installation within the public right-of-way, public spaces or easements from both the Public Works and Community Development Directors.
42. Freestanding electrical transformers and Fire Department double detector check assembly equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the

Community Development Director and Fire Marshal. Efforts shall be made to place these elements in locations that are as unobtrusive as possible.

Building

43. The applicant shall comply with the latest adopted California Building Codes, and other applicable codes, ordinances, and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
44. Submit four (4) complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
 - f. Submit two sets of structural calculations and two sets of energy conservation calculations.
 - g. Landscaping plans including lighting structures, retaining walls, trash enclosures, and other walls and fences.
 - h. Waste recycling plan, recycling 65% of all construction debris.
45. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%). All accessible requirements of the California Building Code shall be followed.
46. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
47. Separate permits are required for trash enclosures, accessory structures, site lighting, fencing, and/or enclosure walls.
48. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
49. Pad certification, line and grade, and compaction reports are required prior to issuance of building permits. The applicant or their designee shall provide a

pad certification stating that each structure is in accordance with the approved civil plans as to location and grade height.

50. Building permits and addresses will not be issued until the recordation of the final map is complete.
51. Upon approval by the City Council of the Parcel Map for the project, the Building Official shall assign address numbers to all buildings. Individual residential units may be assigned at this time.
52. Prior to issuance of Building Permits, an approved site plan by the Civil Engineer of Record shall be submitted showing accurate property lines and building placement. No building shall span property lines.
53. Prior to the issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to a Transportation Development Fee, Permit and Plan Check Fees, and School Fees. The owner shall pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. The owner shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.
54. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact the Director of Public Works for more information.
55. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact the Director of Public Works for more information.
56. Submit detailed plans for all walls, fencing, and gates associated with the project. Any security gates which limit access to buildings shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times. If access is secured to upper floors within multifamily dwelling unit structures, Medeco locks or other acceptable devices are required.
57. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
58. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Every construction material in all cases shall not be below standard for the use applied.
59. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building. Conduits and cables shall be located entirely inside the walls

60. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division. Provide sufficient number of details (i.e. line of sight drawing, building cross-section, etc.) to demonstrate all equipment is obscured from public view.
61. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division. Equipment screening shall be provided to completely cover from view any rooftop equipment. The screening shall completely cover all equipment from view from any part of the public right-of-way.
62. Decorative foam trim shall not be used in areas subject to damage such as entry doors, garage doors, etc. Use of decorative foam shall not be allowed to be used below the second story.
63. All trash enclosures shall be constructed of material consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building. Black-colored concrete shall be used for the trash enclosure floor and its apron.
64. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the City inspector, within two weeks after notification. Inspections shall be based on automatic landscape irrigation schedule, plant maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.
65. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357; including, but not limited to, adherence to the following standards.
66. The numerical address of the building shall be displayed in a maximum of two locations on elevations as determined by the Director of Community Development. Numerals shall be in a font acceptable to the Director of Community Development, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.
67. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.

68. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
69. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact the Director of Public Works at (909) 625-9441 for more information.
70. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact the Director of Public Works at (909) 625-9441 for more information.
71. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared to show the proposed haul route within the City. The subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all National Pollution Discharge Elimination System (NPDES) requirements.
72. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133
73. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
74. Prior to the commencement of building framing or delivery of any combustible materials to the project site, an all-weather access roadway capable of supporting firefighting apparatus shall be constructed within 150 feet of all structures. All-weather access is defined as base course A.C. pavement to a minimum depth of 2½ inches and having a minimum width of 20'-0". The 20-foot width shall be maintained free and clear of construction equipment, materials, and debris for the duration of construction. The roadway is subject to Fire Department approval prior to commencement of construction.
75. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
76. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. Before any trailer is set in its location, obtain all permits from the Building Division. Plans and structural calculations will be required for the tie-down devices. Trailers used for public use (and not used for construction only) are required to meet all accessibility requirements for use by persons with disabilities. The trailer will require access to the facility by way of ramps which comply with the California Building Code (CBC) 2019 edition, Chapter 11B, in addition to access to each required use of the trailer.

Environmental Compliance Conditions

77. Trash enclosures must be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling as established by California Department of Resources Recycling and Recovery (CalRecycle). Contact Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information.
78. Submit written documentation from Burrtec Waste Industries, Inc. (Burrtec) indicating that a service agreement has been set up with Burrtec that meets all Mandatory Commercial Recycling Requirements (AB 341) and Mandatory Organics Recycling Requirements (AB 1826) for waste hauling as established by the State of California and that the appropriate number of refuse/recycling dumpsters has been established is required. Submit documentation to Steve Stanton, Engineering Division Manager at (909) 625-9444 sstanton@cityofmontclair.org for more information.
79. The future tenant/occupant of the building must complete and submit the City of Montclair's Wastewater Discharge Survey to Environmental Compliance Coordinator Steve Stanton (sstanton@cityofmontclair.org) for review to determine pretreatment/wastewater discharge requirements. Contact Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information. In the event that the project includes or, is required the installation of a grease interceptor, the installation shall conform to Chapter 9.20 of the Montclair Municipal Code.
80. Discharge of wastewater into the City of Montclair sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
81. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).
82. Connection to the City of Montclair Sanitary Sewer System is required. Additional comments may follow pending submittal of plans for plan check review.

Water Quality Management Plan (WQMP)

83. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall also be the responsibility of the property owner to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
84. Owner understands that if the stormwater treatment device is infeasible at proposed location, and an alternative treatment device is proposed that may affect site design project owner may have to revisit with the Planning Department for any revised site changes.

85. Owner understands no permits are issued prior to the approval of the WQMP.
86. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Steve Stanton, Engineering Division Manager, at (909) 625-9444.
87. At the time of Grading Permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Steve Stanton, Engineering Division Manager, at (909) 625-9444 for further information regarding permit and fees.
88. Prior to issuance of a rough grading and/or precise grading permit, the applicant must:
 - a. Must have a City approved WQMP.
 - b. Submit to the Engineering Division an electronic copy of the approved WQMP and erosion and sediment control plans in PDF format.
 - c. Obtain a State Construction General Permit and proof must be shown (WDID Number) on both rough grading plan and precise grading plan.
 - d. Qualified SWPPP Developer and Practitioner contact information must be included on the title page of grading plans.
89. Prior to issuance of Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division as built drawings as it relates to the WQMP and, provide adequate plan notes identifying grades, elevations for all inlets, outlets, flow lines and basins.
 - b. Submit the certification of landscape document
 - c. Submit stamped and signed post construction BMP certification by the Engineer of record, identifying that all BMP's have been installed per plans and specifications.
 - d. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
 - e. Provide electronic copy of FINAL WQMP including all as-built drawings, certification forms and, recorded WQMP maintenance agreement as described above.
90. Prior to release of the Certificate of Occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the NPDES Coordinator that all conditions and requirements of the WQMP

have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the NPDES Coordinator that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.

LANDSCAPE CONDITIONS OF APPROVAL ASSOCIATED WITH THE WQMP

91. Prior to receiving Certificate of Occupancy, the Landscape Architect of record to comply and submit a Letter of Completion to both Planning Division and Engineering Division.
92. Property Owner/Lessee is required to employ a Bonded and California Licensed C-27 Landscape Contractor to conduct all landscaping on property.
93. Landscape Contractor must have City Business License to operate in the City of Montclair.
94. To ensure the landscaping associated with the stormwater treatment device(s) is maintained properly for the life of the project, the property owner/lessee must provide to the Public Works Department every third year after receiving the Certificate of Occupancy, a wet stamped letter of certification from a licensed, certified Landscape Architect, or recognized horticulturist organization or business.
95. The certified letter must state that the plants located within the boundaries of and immediately adjacent to stormwater treatment devices are currently in good health and has been maintained to continue to promote the long-term functional and aesthetic performance of the stormwater treatment device. For example, if the planted component of the stormwater device was designed to control erosion, aid in pollutant capture, or maintain permeability, the plant material must be kept at a level of health and vigor to continually meet these functional requirements.
96. Individuals qualified to submit the certification letter must be able to identify species present and report on their conditions. Providing the original planting design documents to the consulting horticulturist may help them in this process.
97. If mulch is present in the assessment area, this must be noted in the letter along with the current depth of the mulch layer and a description of which areas of the stormwater treatment device are mulched.
98. Five to ten clear and representative site photos showing the condition of the various plant materials located in and adjacent to the stormwater treatment device and any other notable conditions related to the device, printed in color on standard 8.5" x 11" paper, must also be submitted as part of the letter.
99. Representatives of the Public Works Department may follow up with site inspections to confirm the accuracy of certification letters and the overall functional condition of stormwater treatment devices.

Engineering

100. Subdivider/Owner shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code. The owner/applicant shall process any right-of-way dedications, easements or grant deeds required for the development.
101. The tentative map shall expire three years from the date of City Council approval unless extended under Government Code Section 66452.6. The final map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable Ordinances, requirements, and Resolutions of the City of Montclair.
102. Parkland dedication to the City and construction of park improvement shall be made pursuant to Condition 18.
103. Payment of transportation-related development impact fees is required. Fees shall be assessed at the rate in effect at the time the fees are paid.
104. Public streets on the tentative tract map shall be dedicated to the City and designed in accordance with the North Montclair Downtown Specific Plan (NMDSP), latest amendment.
105. Private streets on the tentative map shall be designed in accordance with the North Montclair Downtown Specific Plan, latest amendment.
106. A sidewalk layout plan incorporating required square scoring pattern for all public and private streets. The sidewalk layout plans shall comply with the following items:
 - a. The sidewalk plan for this project shall utilize Sidewalk Joint Location (NMDSP Area) – Standard Plan No. 114; and
 - b. Coordinate square scoring pattern with curb and gutter control joints; and
 - c. Include sidewalk ramps, driveways, streetlights, and other utility boxes to demonstrate how the square scoring pattern can be implemented to greatest extent possible with only minor to no disruption of said pattern; and
 - d. The proper scoring shall be achieved by creating a narrow tooled joint in the wet cement; and
 - e. Finish quality and workmanship shall be to the satisfaction of the Directors of Public Works and Community Development. Unacceptable work shall be removed and reinstalled in an appropriate and acceptable fashion.
107. Street improvement plans are required for all public and private streets. Construction drawings shall be 24" by 36" with City standard title block. Provide details to connect to existing road improvements at the terminus of

Huntington Drive on the west side of the subject site including removal of block wall and large tree.

108. Street names shall be at the discretion of the developer, subject to the approval of the Public Works Director/City Engineer.
109. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act. Public and private streets shall have sidewalks on each side. Widths and scoring patterns shall conform to City STD No. 114.
110. Streetlights shall be provided on all public and private streets. The minimum lighting level for all streets shall be to the satisfaction of the City Engineer. Plans shall include point by point foot-candle values arranged in a grid verifying a minimum lighting level of 2 foot-candles throughout every intersection.
111. Streetlights on public streets shall be owned and maintained by Southern California Edison. The style of luminaire and pole shall be as follows:
 - a. Poles–Ameron "Corsican" pole, 20CT12 for interior streets and 20CT15 for arterials.
 - b. Color–Fillmore 12 (black), exposed finish with Amershield (graffiti coating).
 - c. Luminaires–For interior streets King Luminaire K118LR "Washington" luminaire with standard (#1) finial, color "BK" (black); for arterial roadways, KA63 "Coshocton" twin arm, standard black full gloss.
 - d. Fixtures shall be fitted with reflectors or refractors as necessary to control glare and nuisance light spill onto residential units.
112. Monument signs shall not be permitted in the line of sight triangles next to driveway locations (see City STD 110).
113. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301.
114. The Applicant shall provide the design and construction of additional streets lights as required by the City Engineer.
115. All Utilities in the public right of way portion of each street frontage adjacent to the site shall be placed underground. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, and where technology exists, telephone and cable television facilities as well.
116. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
117. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.

118. Sewers intended to be maintained by the City of Montclair shall be designed and constructed per Public Works Department standards, and shall be located in public streets or easements dedicated to the City for sanitary sewer purposes. Sewers not constructed per Public Works Department standards shall be constructed per California Building Code and City of Montclair Building Division requirements and shall be privately maintained.
119. Sewer improvement plans are required for all sewers, public or private, and shall include both plan and profile views on 24" by 36" construction drawings.
120. Street, sewer, and storm drain plans shall be submitted to the City Engineer's office for approval. An advance plan check fee, the amount to be determined by the City Engineer shall be required at the time plans are submitted. Construction and acceptance of street improvements, as per the approved plans, shall be required to obtain a release for a Certificate of Occupancy from the Building Division.
121. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Steve Stanton at 909-625-9470. Requirements of the WQMP may require significant modifications to the approved tentative map. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
122. A grading plan shall be prepared subject to the approval of the City Engineer. The applicant shall submit two (2) copies of a soils and geotechnical report. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
123. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
124. All drainage facilities shall comply with requirements of the approved WQMP.
125. Developer shall participate in the creation of a new Community Facilities District (CFD) for the maintenance of public streets, street lighting, and parkway improvements; street sweeping; and street tree/park tree trimming all within limits or frontages of development, and including a public safety component.
126. All off site and on site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.

127. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.
128. Prepare and submit to the satisfaction of the City Engineer a letter of non-interference from any utility company that may have rights or easement within the property boundaries.
129. A Public Works construction permit shall be obtained from the Engineering Division prior to any removals or construction of improvements in the public right-of-way.
130. The final tract or parcel map may be submitted for plan checking prior to, in conjunction with, or after the submittal of the public improvement plans. Tract map submittals shall include a preliminary title report, reference deeds, closure calculations, reference maps, and other reference material as may be necessary to check the map. An advance plan check fee, the amount to be determined by the City Engineer, shall be required at the time map is submitted. Prior to approval of the final map, a subdivision agreement will be required. The agreement shall contain provisions for performance and payment bonds for all work within the public rights-of-way, and a monumentation bond for corner monuments in accordance with the Subdivision Map Act.
131. Remove existing bridge crossing the San Antonio Creek Channel approximately 150 feet south of Richton Street and replace with a similar prefabricated steel truss pedestrian bridge along the Pacific Electric trail north of Richton Street.
132. Provide a 15-foot wide trail on the west side of the San Antonio Creek Channel to provide a trail connection between the Pacific Electric Trail and Richton Street.
133. Modify traffic signal at Monte Vista Avenue and Richton Street and install a protective left-turn phase.
134. Coordinate street improvements along Huntington Drive with the cities of Upland and Claremont. Provide detailed information such as cross-section from the north property line along Huntington Drive in Upland to the south property line on Huntington Drive in Montclair showing existing and proposed improvements including any modifications to the P.E. trail, driveways, etc.
135. Adjust or abandon existing well on the future park site.
136. Construct a new bridge across the San Antonio Creek channel connecting Huntington Drive and Richton Street to accommodate vehicular traffic accessing Monte Vista Avenue and pedestrians and cyclists accessing the P.E. trail from Monte Vista Avenue and Richton Street.
137. Install no overnight parking signs along Huntington Drive fronting the site.
138. Relocate trail light and modify irrigation at the west end of the Pacific Electric trail at the terminus of existing Huntington Drive.

139. Construct a new driveway, modify access and parking to the City's auxiliary lot including paving, striping and fencing.
140. Install street trees per approved landscape plans.

Fire

141. The project shall comply with all requirements set forth by the California Code of Regulations Title 24 Parts 1-12 respectively.
142. The adopted edition of the California Code of Regulations, Title 24, Parts 1 through 12, and the Montclair Municipal Code shall apply at the time the architectural plans are submitted for construction permits.
143. Prior to the to the issuance of a grading permits a fire department access plan shall be submitted to the City of Montclair for review and approval. The fire department access plan shall comply with the requirements specified by the City of Montclair Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development, and the California Fire Code, Chapter 5.
144. Prior to the issuance of a grading permits, evidence of sufficient fire flow shall be provided to the City of Montclair. The City of Montclair Building and Fire Marshal Water Available/Fire Flow Form shall be utilized.
145. A fire department access road complying with the CFC, Chapter 5 and the approved fire department access plans shall be installed prior to building construction.
146. The fire department access road shall be inspected by Montclair Fire Prevention Bureau prior to building construction.
147. The fire department access road shall remain unobstructed at all times.
148. A fire department connection (FDC) shall be provided and located within 50 feet of a public fire hydrant. The use of a private hydrant may be used with the use of an aboveground check valve to prevent the flow from the FDC back to the fire hydrant, and with the approval of Montclair Fire Prevention Bureau. A minimum of two points of connection to the public water shall be provided for the private fire-line water.
149. A minimum of two points of connection to the public water shall be provided for the private fire-line water.
150. The private underground fire-line system shall be a looped design.
151. The private underground fire-line system shall have indicating sectional valves for every five (5) appurtenances.
152. All required fire hydrants shall be installed and operational prior to building construction. All fire hydrants shall remain operational during construction.

153. All required fire hydrants shall be readily visible and immediately accessible. A clear space of not less than 3-feet shall be maintained at all times.
154. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
155. The permanent building address shall be provided and either internally or externally lighted during hours of darkness. The address shall be clearly visible from the street fronting the property and comply with California Fire Code Section 505.1 for size and color.
156. Montclair Fire Prevention Bureau approval shall be obtained prior to the storage and/or use of hazardous materials as defined by the California Fire Code.
157. The building shall be provided with an automatic fire sprinkler system in accordance with NFPA 13. Construction plans shall be submitted for review and approval to the City of Montclair prior to installation.
158. Prior to building final, the building shall be provided with a Knox Lock key box located no more than seven-feet above the finished surfaced and near the main entrance door.
159. Prior to the issuance of a Certificate of Occupancy the building shall be provided with an emergency radio communication enhancement system. The emergency radio communication enhancement system shall meet the requirements of CFC § 510 and all applicable subsections. The system shall be installed and inspected by the City of Montclair Building Department before the Certificate of Occupancy is issued. The requirement can be waived by the Fire Marshal if the building is evaluated by an Emergency Radio Communication Specialist license by FCC, who certifies the building meets the emergency communications capability as specified by the California Fire Code § 510. The certification shall be in the form of a written report which outlines the analysis used in determining the building meets the emergency communications without an enhancement system.
160. Double Check Detector Assembly shall be painted Rustoleum Hunter Green, satin acrylic finish, stock #7944502.

Police

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

Development *and* the Executive Director Office of Public Safety/Police Chief or their designee.

164. The premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking areas, open space areas, courtyards, pool area, building entries and and stairwells, and other common hallway/building access points.
165. The property owner/property manager shall prepare and submit a security plan for the entire development to be reviewed and approved by the Director of Public Safety. The Security Plan shall incorporate:
 - a. Adequate lighting to illuminate parking areas, public access easements, open space locations, pool areas, and at common hallway/building access points so that the appearance and conduct of all persons is easily discernible and monitored; and
 - b. A closed circuit video surveillance (CCVS) system meeting the following requirements:
 - i. A minimum amount of cameras shall be placed in a position to monitor all entrances/exits to the community, public access easements, parking areas, public street, and common areas (e.g., park space, courtyards, pool areas, etc.). The final location and quantity of cameras to be determined in the "Security Plan".
 - ii. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.
 - iii. The CCVS system shall have ample storage capacity to retain camera footage for a period of no less than 90 days. To avoid unintentional lapses in coverage cameras shall not be motion activated. However, to conserve storage space, cameras may use motion sensors to lower the frames-per-second (FPS) during periods when no motion is detected. When motion is detected, cameras shall record no less than 30 frames per second.
166. Alarm systems are encouraged to complement the CCVS system. Current responsible party information shall be on file with the Police Department for appropriate response and notifications.
167. The property owner/property manager shall ensure all special events on the premises comply with all applicable City permits, codes, and ordinances, including but not limited to live entertainment permits, yard-sale permits, and noise control ordinances.
168. The Montclair Police Department may conduct parking enforcement activity on all public right-of-ways, pursuant to the California Vehicle Code. Enforcement of all off-street areas will be the responsibility of the property owner/property manager, as part of an approved Parking Management Plan.

CONDITIONS PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY AND/OR BUILDING PERMIT FINALS (Conditions 169 – 180)

Planning/Administration

169. Required parking spaces shall be provided and made available for use pursuant to a Building Permit final, prior to the issuance of a Certificate of Occupancy for any residential building in the project.
170. A Certificate of Occupancy for the last building as identified in the Construction Phasing Plan (Condition No. 23) shall be contingent upon the completion of all aspects of the project including, but not limited to the:
 - a. Completion of all public street improvements; and
 - b. Public Park improvements; and
 - c. On-site improvements and landscaping for each building site.
171. To ensure compliance with the conditions of approval, a final inspection is required by the Planning Division upon completion of construction of each building and associated site improvements within the development. The applicant shall contact the City to schedule an appointment for such inspections.

Building

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

Water Quality Management Plan (WQMP)

173. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as-built drawings as it relates to the WQMP.

- c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
174. Prior to release of the Certificate of Occupancy for the first building of the project, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the NPDES Coordinator that all conditions and requirements of the WQMP have been properly implemented. For projects, developments, or properties intended to be leased or sold, developer/applicant or owner shall also submit evidence to the NPDES Coordinator that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.

ONGOING CONDITIONS (Conditions Nos. 174-175)

General

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

Planning/Administration

176. Implement all requirements and conditions of, and perform, maintenance activities in conformance with the Regulatory Agreement.
177. Comply with all on-going terms and conditions contained in the Master Solid Waste Removal Plan (SWRP).
178. Pursuant to Section 11.60.240 of the Montclair Municipal Code, all landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
- a. Any plant material that does not survive or which was removed or destroyed, shall be replaced upon its demise or removal, with plant material of like type and size as that which was originally approved and installed.
 - b. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form are significantly altered. Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.
 - c. Dead vegetation shall be promptly replaced with healthy, living plants in accordance with standard seasonal planting practices. The property owner shall also be responsible to keep the landscaped areas reasonably free of weeds, trash, and debris.

- d. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.

Building

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

Water Quality Management Plan (WQMP)

180. The owner shall contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall be the responsibility of the owner to maintain inspection reports and provide inspection reports to the City upon request. In the event any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the owner to correct the deficiency and restore the stormwater treatment device(s) to it.

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Report on Item Number 6.b

CASE NUMBER 2021-36

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Kendry II Apartments Owner, LLC
LOCATION OF PROPERTY	4847-4877 Arrow Highway
GENERAL PLAN DESIGNATION	Planned Development
ZONING DESIGNATION	Town Center and Corridor Residential within the North Montclair Downtown Specific Plan
EXISTING LAND USE	Various Commercial/Industrial and Outdoor Uses
ENVIRONMENTAL DETERMINATION	Consistent with the Certified EIR for amended North Montclair Downtown Specific Plan (NMDSP) pursuant to CEQA Guidelines Section 15162 and no further environmental review.
PROJECT COORDINATOR	Michael Diaz

Project Description

Kendry II Apartments Owner, LLC, is proposing to build a 137-unit residential apartment project on approximately 2.85 acres of land at the southwest corner of Arrow Highway and Monte Vista Avenue. The project name is the Alexan-Kendry Expansion and is intended to be operated as one apartment community with the existing award-winning Alexan-Kendry apartment community located immediately south of the project site and completed in 2020. The project is part of the Trammell Crow Residential (TRC) portfolio of multifamily residential projects, and the fourth TRC project in the North Montclair Downtown Specific Plan (NMDSP) area.

The project site is at the southwest corner of Arrow Highway and Monte Vista Avenue, which currently consists of four abutting parcels that will be merged into a single developable site. All existing buildings/structures and parking surfaces will be removed to clear the way for the project. Access to resident and guest parking will be on the west side of the project off Magnolia Avenue which connects to Arrow Highway and Cypress Street.

The proposed project requires approval of a Precise Plan of Design. While the Planning Commission would ordinarily have approval authority over a Precise Plan of Design, here, since final review authority for all entitlements within the NMDSP boundaries rests with the City Council, the Planning Commission is requested to review the project and make a recommendation to the City Council for its consideration.

The proposed project requires approval of a Precise Plan of Design; however, since final review authority for all entitlements within the NMDSP boundaries rests with the City Council, the

Planning Commission is requested to review the project and forward its recommendations to the City Council for its consideration.

Precise Plan of Design

The proposed project is a podium-style development with 137 residential units above a single-level, partially submerged, parking garage with 240 parking spaces. The residential units will be distributed in two multi-story buildings oriented toward Arrow Highway and Monte Vista Avenue, and in three smaller buildings of attached townhouse units located at the center and southern edge of the site. Building height for the tallest elements of the project facing Arrow Highway is 52 feet.

The subject site is within the boundaries of the North Montclair Downtown Specific Plan (NMDSP) and is zoned Corridor Residential (CR) and Town Center (TC), with each designation applying to half of the site. Overall, density for the project is 48 dwelling units per acre for both zoning designations of the site. Unit type and intent and vision size range are further summarized in the following tables:

Alexan Expansion - Summary of Building Types			
Building Type	Stories	Units	Unit Type
Multi-Story	3-4	110 Units	Flats ¹
Townhouse	2	27 Units	Townhouse ²
¹ Flat - an individual residence with a set of rooms on one floor level within a larger building containing a number of such residential units. ² Townhouse – a style of multi-floor residential unit sharing one or two walls with adjacent townhouse units but with their own entrances.			

Alexan Expansion - Summary of Unit Mix and Sizes		
Floor Plan ¹	Size Range	Number of Units
Studio /1 Bathroom	+/- 557 s.f.	12
2 Bedrooms/2 Baths	+/- 1,036 s.f.	90
3 Bedrooms/2 Baths	+/- 1,282 s.f.	8
2-Bedroom Townhomes & 2.5 Baths	+/- 1,363 s.f.	27
Total		137 units
¹ Each unit will have a private patio or balcony space of varying sizes depending on location. Private patios at ground level would be defined by low decorative walls and landscaping.		

Each multi-story building provides a community room for small gatherings, with kitchen facilities and game tables. The primary activity center for the Alexan-Kendry Expansion project is located in the adjacent community building at the Alexan-Kendry project site which features a fitness center, kitchen, meeting rooms, game room, mail room, and studio/project workspace. In addition, Alexan-Kendry Expansion residents would also have access to the existing private park located across Magnolia Avenue in close proximity to the project. Existing park amenities include a turf area, tables/seating, a fenced dog park, and trees and shrubs. Lastly, trash enclosures are provided within the parking structure and collected solid waste materials will be removed by Burrtec, the City’s solid waste hauler.

Parking

Parking is provided in a single-level partially submerged parking garage designed to accommodate 240 parking spaces. Electric vehicle (EV) charging stations would be installed in

the parking garage to accommodate electric vehicles. The developer has not requested a reduction in required parking spaces.

Alexan Expansion – On-Site Parking Summary		
<i>Use</i>	<i>Required Spaces</i>	<i>Provided Spaces</i>
137 Dwelling Units (@1.5 Spaces per Unit)	206 Spaces	184 Standard Spaces (including 8 disabled parking spaces)
		22 Tandem Spaces ¹
Guests ² (@1 space per 4 Units)	34 Spaces	34 Spaces
Totals	240 Spaces	240 Spaces
¹ Tandem spaces will only be assigned to the same dwelling unit. ² Chapter 5.4.010.A.3.1 of the NMDSP allows on-street parking located along the frontage of a development to count towards short-term guest parking requirement		

As a standard requirement for projects in the NMDSP, a Parking Management Plan (PMP) is required to ensure parking for the project is properly maintained. A PMP will be administered by the on-site manager of the property management company hired for the development. As part of the initial rental application process, each renter of a unit within the project would be given written notice of on-site parking conditions and requirements at the complex. All executed lease agreements will contain the entire PMP as an exhibit to the lease agreement, including a signed acknowledgment that the resident(s) agree to the terms of the PMP.

Architecture

The proposed architectural style for the Alexan-Kendry Expansion is intended to tie into but not replicate the “modern agrarian and farmhouse” style utilized for the adjacent Alexan-Kendry apartment community. Responding to the prominent location at the intersection of Arrow Highway and Monte Vista Avenue, the project features a strong corner design rising to four stories in height, and incorporating details that give it a commercial appearance. The four-story massing eventually steps down to two stories and design change as it approaches the existing Alexan-Kendry development to help reduce the scale of the building and tie both projects together. On the Arrow Highway frontage, the split into two halves breaks up the building frontage so that a small view corridor into the main courtyard can be provided.

The design proposes a high-level of detail and stoop-like elements along the bottom of the building, wall and window recesses, bay windows, balconies, canopies, varied roof forms and standing seam metal roof material to add visual interest. The exterior façade materials include board and batten siding, exterior plaster, bay windows wrapped in horizontal siding and storefront window framing and porcelain tile veneer at the main corners. The main corner buildings are further emphasized with a dark blue gray color.

Landscaping/Hardscape

The applicant has submitted comprehensive landscape and irrigation plans for the project site. The selection and distribution of plant materials are intended to complement the architecture of the buildings and adjacent streets. Within the project, four courtyards (approximately 10,196 square feet in total) are proposed, only one of which features a small lawn area for a community gathering space (Courtyard No. 3). These courtyard areas would be linked by means of landscaped walkways. In addition to trees and shrubs the courtyard spaces will include several decorative hardscape elements such as, tables and seating, string lighting, cast-in-place

concrete seat walls, grills, a fireplace, enhanced paving finishes, etc. A grand staircase is also provided to connect the podium level amenities to the Alexan-Kendry Apartment Community adjacent grade level.

Planting for the project site would consist of drought tolerant species for the underlying climate zone, and customized for each proposed courtyard area. Seven tree species are utilized, including Canary Island Pine street trees. All planting areas will be irrigated using a water-efficient irrigation system and installation of a Smart Weather-Based Controller. All trees would be irrigated using a root watering bubbler system and all planting areas would be irrigated using efficient pressure compensating module drip emitters. A dedicated irrigation water meter or sub-meter would be installed along with a new backflow preventer. Lastly, a Water Budget, as required by state law, has been prepared for project landscaping and irrigation.

Copies of the site plan, floor plans, elevations, renderings, and conceptual landscape plan are included in the Commission packets. The full set of plans associated with this project are also available at the following link:

<https://cloud.cityofmontclair.org/main.html?download&weblink=e1b1239a2d0c61082c550105eb25bdc3&realfilename=Case 2021%2D36 Kendry Expansion Architectural Package%2Epdf>

Background

- The subject site is currently developed with a mix of commercial structures and uses which include a printing and copying business, an auto mechanic business, a plumbing parts seller, an air conditioning supplier, a heating ventilation supplier, an upholstery business, and drapery and upholstery fabric store. The project site also currently has approximately 52 existing parking spaces in surface parking lots.
- In May 2006, the City of Montclair City Council certified the NMDSP Final EIR and adopted the NMDSP. The main objective of the NMDSP is to develop an urban style "downtown" environment with walkable neighborhoods and higher density residential use in close proximity to local retail and service businesses, and convenient access to rail transit.
- In 2016, the City amended the NMDSP to expand the area of the specific plan boundary to incorporate approximately 10 acres of land at the southwest corner of Arrow Highway and Monte Vista Avenue - where the project site is located - and approximately 40 acres of land within the former Turner Specific Plan centered on Richton Street between Central Avenue and Monte Vista Avenue. The amendment also included assigning land use designations for the added land areas and an update to design standards and requirements. A Supplement to the certified EIR was prepared for the NMDSP Amendment and certified by the Montclair City Council on March 20, 2017 (Resolution No. 17-3147).
- The existing Alexan-Kendry apartment community is located to the south and west of the project site beyond Cypress Street and Magnolia Avenue. This complex is a 211-unit residential project that was completed in 2020. In 2021, the Alexan-Kendry project was awarded the California Building Industry Association's Gold Nugget Merit Award.
- On June 20, 2022, the project was reviewed by the Real Estate Committee, which found the proposed development to be well done.

- Trammell Crow Residential (TRC) is a pioneer of multifamily real estate and is one of the largest developers in the United States. In over 40 years, TRC has built more than 265,000 premier residences, in vibrant and amenity-rich communities. The Alexan name brand represents TRC's line of unique and upscale communities featuring well-designed projects and amenities for its residents. Alexan communities are typically situated in areas where easy access to employment, shopping, cultural activities, and transportation are present.

Planning Division Comments

Overall, staff finds the project to be well designed, visually attractive, and consistent with the intent and design goals of the NMDSP. The expanded boundaries made possible with the 2017 NMDSP update provided the opportunity to dramatically transform the southwest corner of Arrow Highway and Monte Vista Avenue. Despite not being able to develop the entire area at the same time the Alexan-Kendry project was constructed, the opportunity to develop the corner at this time allowed for a distinctive building design suitable for the prime corner location. A benefit of the delay is that the new project, though related to the Alexan-Kendry development, is that it will meet the intent of the specific plan which envisioned smaller developments and block sizes that look to be built over longer periods of time.

When the current parcels are merged, the new lot and shape will be of adequate size and dimension to accommodate the project. The proposed podium-style project makes the best use of the sloping conditions of the site, allows for its full use, and eliminates the need for surface parking areas. Moreover, the project site has direct and easy pedestrian and vehicular circulation access from the existing and improving street system that promotes walkability and connectivity to the Alexan-Kendry project as well as other new developments in the immediate area, including proximity to the Montclair Transcenter.

Staff worked closely with the applicant and the City's architectural design consultant and finds the project to be well designed, visually attractive, and consistent with the intent and design goals and guidelines of the NMDSP. The project's architecture also is designed to tie-in, but not replicate, the design of the existing Alexan-Kendry project. Building placement, orientation to the street, and building massing all work to create a distinctive and strong street corner presence without turning away from the street or resorting to architectural gimmickry.

In addition, staff requested the developer and architect consider noise and privacy impacts to future tenants in dwelling units at the major corners of the site. The developer and architect responded with a much stronger design that appears commercial in nature and in keeping with a downtown streetscape, especially for the important corner site at Arrow Highway and Monte Vista Avenue. As a condition of approval, the applicant is required to submit an acoustical analysis demonstrating that the interior noise standards of each unit will comply with Municipal Code requirements and applicable Mitigation Measures identified in the DSEIR.

Further, the massing of the buildings is broken up across the project's three primary street frontages so there are no long continuous blank walls, and the distribution of windows, doors, and architectural details add appropriate visual interest and pedestrian scale, to be a positive addition to the developing Arrow Highway and Monte Vista Avenue streetscapes. Staff believes the architecture and colors selected for the project will help provide a comfortable level of distinction from the adjacent developments and are consistent with the high expectations for projects within the NMDSP.

Density

As indicated above, the combined 2.85-acre project site has two zoning designations with each designation applying to approximately half of the site (1.42 acres) each. If each portion of the property were developed at the low end of the density range of its corresponding zone, the project would yield only 114 units, whereas the 137 units proposed with the project exceeds minimum yields by 23 units overall. Density range for each zone is depicted below:

Alexan Expansion – Zoning and Density		
Each Zone = 1.42 acre		
<i>Zoning</i>	<i>Density Range</i>	<i>Units at Minimum Density for each Zone</i>
Corridor Residential	30 – 50 DU/Acre	43 Dwelling Units
Town Center	50 – 60 DU/Acre	71 Dwelling Units
Total		114 Dwelling Units Minimum 137-Units Proposed

As demonstrated by the above table, staff finds that the project at 48 dwelling units for both zones combined is consistent with the NMDSP.

The project would also be consistent with the intent of both the CR and TC land use designations for the site, which states in part, that the CR and TC zones are "... intended to establish a denser fabric of residential buildings, appropriate for locations on arterial roads. It, therefore, the portion of the plan where the more intense residential development is expected." The proposed project would directly face Arrow Highway and Monte Vista Avenue both of which are arterial streets that can accommodate higher densities and projects that contribute to the ongoing development of an attractive and continuous streetscape.

Parking

The project provides the required amount of parking spaces set by the NMDSP. As mentioned above, the podium-style project allows all parking spaces to be placed under the units and eliminate the need to dedicate land area for on-grade/surface parking areas. The Parking Management Plan (PMP) for the project is intended to ensure parking is maintained in a controlled and professional manner at all times. Ultimately, the successful implementation of the PMP rests entirely on the owner and the Property Management Company's diligent efforts to administer all of its provisions. The applicants are aware of the City's concerns to properly address parking and to properly implement the PMP. Since no reduction in parking spaces was made by the developer, the PMP is less complicated than others reviewed by the City, and should be adequate to ensure parking for the project is properly maintained.

The PMP for the project is expected to include language and exhibits that address the following elements:

- **Marked Parking Stalls** - All on-site parking stalls within the project will be numbered to allow for easy monitoring of parking within the project site.
- **Assigned Spaces** - All dwelling units will be assigned a minimum of one parking space within the project area. Two-or more bedroom units may be assigned an additional space.

- **Guest Parking** - The property manager will provide short-term guest parking passes upon resident request on an as-available basis and subject to specific date, time duration, and restrictions. Assignment of tenant or guest parking passes would not be applicable to parking spaces located within the public right-of-way.
- **Parking Permit Program** - Numbered and branded windshield decals for every registered car at the community will be issued at the time of resident move-in and voided upon lease termination.
- **Enforcement** - Residents will be required to follow parking guidelines at all times. Violations will be enforced in an escalating manner which could result in a vehicle(s) being towed at owner's expense. The resident would be asked to meet with the community manager to resolve the ongoing issue, or face eviction for non-compliance with the lease agreement.

A condition of approval requiring the completion of a PMP prior to the issuance of building permits for the project is included in the resolution of approval prepared for the project.

Landscaping

Staff believes the proposed landscaping plan, including hardscape elements, is well done and appropriate for the proposed architecture and size of the property. The garden courtyards are appropriately integrated into the project, well designed, and outfitted with appropriate amenities (e.g., benches, fountains, lighting, and trash receptacles, etc.). The landscaping also helps to appropriately define areas such as entrances to building provides provide a transition between the adjacent Alexan-Kendry apartment community. Plant materials, the majority of which drought-tolerant, are well distributed around the site and add visual interest. Seven tree species are utilized, including Canary Island Pine street trees along Monte Vista Avenue. Some minor adjustments to the street trees on Monte Vista Avenue to match the emerging pattern already present on the street at the Paseos at Montclair, Vista Court, and Alexan-Kendry residential communities. Staff believe these adjustments can be handled during the plan check review process and have been made a condition of approval.

Property Maintenance/Management

When completed, the project would be managed by an on-site, institutional quality professional property management company with an on-site manager to oversee all management, leasing, and maintenance functions for the community. As part of the project approval, the applicant will be required to record an Operations Agreement against the entire property providing for the perpetual maintenance of all buildings and improvements, including roadways, retaining walls, drainage facilities, and water and sewer systems.

City staff is also working with a consultant to implement a Community Facilities District (CFD), which would overlay the subject site. Establishment of the CFD, which has been a 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, and landscaping in the public right-of-way. Completion and City approval of the CFD will be a condition of approval before any grading and/or building permits are issued on the project.

Precise Plan of Design Findings

- The proposed 137-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the CR and TC land use designations of the amended North Montclair Downtown Specific Plan. The CR and TC land use districts are intended to establish a denser fabric of residential buildings, appropriate for locations in close proximity to arterial roads. The proposed project would directly face Arrow Highway and Monte Vista Avenue both of which are arterial streets that can accommodate higher densities and projects that contribute to the ongoing development of an attractive and continuous streetscape.
- The proposed project would result in a significant improvement to the appearance of the area by redeveloping an underutilized and unattractive area into a well-designed residential development, which makes efficient use of the site and complies with the intent and applicable development standards of the NMDSP. The 137 dwelling units on the 2.85-acre amounts to 48 dwelling units per acre overall and are consistent with the CR and TC density ranges.
- The site plan, building form, massing, and height will contribute to the ongoing formation of the streetscape and development pattern envisioned by the NMDSP. Building placement, orientation to the street, and massing all work to create a distinctive and strong street corner presence without turning away from the street or resorting to architectural gimmickry. Further, the massing of the buildings is broken up across the project's three primary street frontages so there are no long continuous blank walls facing the adjacent streets.
- The proposed architectural design of the project as indicated in the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features architectural details, including the distribution of windows and doors, which add appropriate visual interest, and pedestrian scale, which result in a distinctive and pleasing appearance. The use of quality exterior materials and finishes, appropriate lighting, and landscape materials, all complement the project.

Public Comment from Adjoining Property Owners

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on June 17, 2022. Public hearing notices were mailed out to property owners within a 300-foot radius from the boundaries of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Environmental Assessment

The City of Montclair (City) analyzed the Alexan-Kendry Expansion project to determine whether subsequent environmental review is required under State CEQA Guidelines Section 15162 based on the certified North Montclair Downtown Specific Plan Amendment Project Final Supplemental Environmental Impact Report (SCH No. 2009091021). The City engaged Dudek to prepare a CEQA consistency memorandum to determine whether subsequent environmental review would be required for the Alexan-Kendry Expansion project. Based on that analysis, it is

apparent that none of the conditions in State CEQA Guidelines would occur as a result of the modification proposed by the Alexan-Kendry Expansion project is consistent with the original North Montclair Downtown Specific Plan Amendment Project. The impacts of the Alexan-Kendry project would be consistent with the impacts identified in the original North Montclair Downtown Specific Plan Amendment Project Final Supplemental Environmental Impact Report (SCH No. 2009091021), which was certified by the City of Montclair City Council on March 20, 2017, [Resolution No. 17-3147]. Because the Alexan-Kendry Expansion project would not result in new impacts or any substantial changes to any significant effects previously identified, no other environmental review is required.

Planning Division Recommendation

Staff recommends the Planning Commission find the proposal to construct a 137-unit residential apartment development at 4847-4877 Arrow Highway to be consistent with the General Plan and the goals and development standards of the North Montclair Downtown Specific Plan. Accordingly, staff recommends the Commission take the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission finds that the application for the proposed 137-unit residential apartment development is consistent with and conforms to the provisions of the North Montclair Downtown Specific Plan for which an EIR has been certified. The Commission further recommends that the City Council find that none of the conditions outlined in State CEQA Guidelines Section 15162 calling for preparation of a subsequent or supplemental EIR have occurred. Thus, and on that basis, the Planning Commission recommends that the City Council find the project exempt from CEQA pursuant to State CEQA Guidelines, Section 15162.
- B. Approve Planning Commission Resolution No. 22-1969, recommending City Council approval of a Precise Plan of Design request under Case No. 2022-36 for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed 137-unit residential apartment development at 4847-4877 Arrow Highway, and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions in Draft City Council Resolution No. 22-3367.

Respectfully Submitted,



Michael Diaz
Director of Community Development

MD/le

Attachments: Exhibit A – Design Plans
Exhibit B – Planning Commission Resolution No.: 22-1969

c: Reece Pettersen, Trammel Crow Residential, 5790 Fleet Street, Suite 140, Carlsbad, CA 92008
Chris Weimholt, Architecture Design Collaborative, 23231 South Pointe Drive, Laguna Hills, CA 92653
Moule & Polyzoides Architects and Urbanists, 180 East California Boulevard, Pasadena, CA 91105

Z:\COMMDEV\MD\CASES\KENDRY EXPANSION\2021-36 PC RPT

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EXHIBIT A

ALEXAN KENDRY EXPANSION
DESIGN PLANS

Site Plan

Landscape—Open Space Plan

Elevations

Monte Vista Avenue Street Scene

Perspective View

Exhibit A includes selected images from the Developer's application submittal. The full design package can be viewed at:

<https://cloud.cityofmontclair.org/main.html?download&weblink=e1b1239a2d0c61082c550105eb25bdc3&realfilename=Case%202021%2D36%20Kendry%20Expansion%20Architectural%20Package%2Epdf>

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KENDRY EXPANSION

MONTCLAIR, CA



KENDRY II APARTMENTS
OWNER, L.L.C.
KENDRY II APARTMENTS
2020 KENDRY II APARTMENTS
MONTCLAIR, CA

MONTCLAIR KENDRY EXPANSION
MONTCLAIR, CA

1ST SUBMITTAL
NO SUBMITTAL
REQUIRED

1/15/21
08/10/21

A0.0
TITLE SHEET



COLOR LEGEND

- PRIVATE TERRACE AND BALCONY
- PASEOS
- GARDEN COURTYARDS

OPEN SPACE CALCULATION

PROVIDED OPEN SPACE	
COURTYARD	1
	2,254 SF
	2
	2,085 SF
	3
	3,826 SF
	4
	1,991 SF
PASEO	1
	5,180 SF
	2
	3,421 SF
	3
	925 SF
	4
	825 SF
	5
	563 SF
PRIVATE - BALCONY & PATIO	10,926 SF
TOTAL OPEN SPACE	32,056 SF

EACH SQUARE FOOT OF PRIVATE TERRACE & OPEN SPACE CORRESPONDING TO THE REQUIREMENTS IN SECTION 12.03(b) SHALL BE CONSIDERED AS ONE SQUARE FOOT OF GROUP-LEVEL OPEN SPACE AND MAY BE SO SUBSTITUTED.

PROPOSED BUILDINGS	
BUILDING #	TYPE
BLDG 1	APT
BLDG 2	APT
BLDG 3	TH
BLDG 4	TH
BLDG 5	TH
BLDG 6	TH
BLDG 7	TH
TOTAL BUILDING FOOTPRINT	54,962 SF

OPEN SPACE DIAGRAM 1

11/19/21
1ST SUBMITTAL
03/10/22
2ND SUBMITTAL
REVISED

G0.3
OPEN SPACE DIAGRAM

MONTCLAIR KENDRY EXPANSION

KENDRY II APARTMENTS
OWNER, L.L.C.

2025 SOUTH KENDRY DR
MONTCLAIR, CA 94551
ARCHITECT: GARDNER
DATE: 11/19/21

11/19/21
1ST SUBMITTAL
03/10/22
2ND SUBMITTAL
REVISED

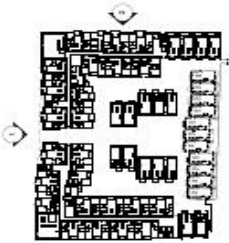
MONTCLAIR KENDRY EXPANSION
11/19/21
1ST SUBMITTAL
03/10/22
2ND SUBMITTAL
REVISED



Legend

- 1 Concrete Paving
- 2 Enhanced Paving
- 3 Planter Walls
 - Private patio planter walls to be 36" high
 - Tree planter walls to be 36" high to accommodate root ball
 - All other planter walls to be 18" high
- 4 Fire Table
- 5 Shade Structure
- 6 Fireplace
- 7 Bar Counter and BBQ Grill
- 8 Tables and Chairs
- 9 Lounge Seating
- 10 36" High Raised Planter with 18" High Seat Wall
- 11 Lawn
- 12 Grand Staircase

KEY PLAN



EAST ELEVATION (MONTE VISTA AVE) 2

MATERIAL LEGEND:

- EXTERIOR PLASTER
- PLASTER BORZEZOS
- FRESH CONCRETE/STUCCO BOARD AND BATTEN SIDING
- FRESH CONCRETE/STUCCO HORIZONTAL SIDING
- PAUL WOOD LAP SIDING
- STONE VENEER
- PAINTED METAL GUARDRAIL
- FRESH CONCRETE/STUCCO TRIM
- HIGH DENSITY FOAM TRIM
- PAINTED METAL TRELLE
- PAINTED METAL CANKIFY
- PAINTED METAL PATIO GATE
- STANDING SEAM METAL ROOF
- VINYL WINDOW
- STOREFRONT WINDOW SYSTEM
- GOODENOCK EXTERIOR LIGHT, BRONZE FINISH
- MESA GREEN SCREEN



NORTH ELEVATION (ARROW HIGHWAY) 1



SCALE: 1/8" = 1'-0"

1/1/2021
1ST SUBMITTAL
03/01/22
2ND SUBMITTAL
REVISED

MONTCLAIR KENDRY EXPANSION

KENDRY II APARTMENTS - 425 E. MONTE VISTA AVE, MONTCLAIR, CA 94551
OWNER, LLC

2025 KENDRY PARTNERSHIP
425 E. MONTE VISTA AVE
MONTCLAIR, CA 94551
CHARTERED, CALIFORNIA
CHARTERED ARCHITECTS
www.safely-california.com



A3.0
EXTERIOR ELEVATIONS

01 EXTERIOR PLASTER LIGHT GRAY FINISH



02 SHERWIN WILLIAMS PAINT

SWING - ALABASTER



SWING - CITY GRAY



SWING - URBAN GRAY



SWING - LUSH GRAY



SWING - RAIN CLOUD



SWING - REFINISH OIVE



03 PAUL WOOD LAP SIDING



04 STANDING SEAM METAL ROOF



05 VINYL WINDOWS



06 STOREFRONT SYSTEM



07 BOARD AND BATT SIDING



08 DECORATIVE PORCELAIN TILE

FOR INTERIOR



09 HORIZONTAL LAP SIDING





01 A

02 B

03 C

04 D

05 E

06 F

07 G

08 H

09 I

10 J

11 K

12 L

13 M

14 N

15 O

16 P

17 Q

18 R

19 S

EAST ELEVATION

MONTCLAIR KENDRY EXPANSION

KENDRY II APARTMENTS
OWNER, L.L.C.

2021 MONTCLAIR KENDRY II APARTMENTS
1400 W. 14TH ST., MONTCLAIR, CA 94651
3015 14TH ST., MONTCLAIR, CA 94651
3015 14TH ST., MONTCLAIR, CA 94651

1ST SUBMITTAL 11/15/21
2ND SUBMITTAL 03/01/22
REVISED

A6.0
MATERIAL BOARD

01 A

02 B

03 C

04 D

05 E

06 F

07 G

08 H

09 I

10 J

11 K

12 L

13 M

14 N

15 O

16 P

17 Q

18 R

19 S



KENDRY EXISTING

KENDRY ADDITION

MONTE VISTA AVE. STREET SCENE 1



KENDRY II APARTMENTS
 2000 KENDRY AVENUE
 MONTCLAIR, CA 95031
 OWNER, L.L.C.

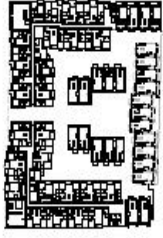
MONTCLAIR KENDRY EXPANSION
 MONTCLAIR, CA

1ST SUBMITTAL 11/15/21
 2ND SUBMITTAL 05/01/22
 REVISED

A3.2

STREET SCENE AND WINDOW DETAILS

KEY PLAN



VIEW FROM INTERSECTION OF ARROW HWY. AND MONTE VISTA AVE. 1



2024 ARCHITECTURE
1000 AVENUE 100
MONTCLAIR, CA 95035
WWW.MONTCLAIRARCHITECTURE.COM

KENDRY II APARTMENTS
OWNER: L.L.C.
MONTCLAIR, CA

MONTCLAIR KENDRY EXPANSION
MONTCLAIR, CA

1ST SUBMITTAL 11/1/2021
2ND SUBMITTAL 03/01/22
REVISED

A3.3
PERSPECTIVE VIEW

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EXHIBIT B

**PLANNING COMMISSION
RESOLUTION NO. 22-1969**

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RESOLUTION NO. 22-1969

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING THAT THE CITY COUNCIL MAKE FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL ACT, AND APPROVE A PRECISE PLAN OF DESIGN RELATED TO THE ALEXAN-KENDRY EXPANSION APARTMENT COMMUNITY PROJECT ON 2.85 ACRES LOCATED AT THE SOUTHWEST CORNER OF ARROW HIGHWAY AND MONTE VISTA AVENUE, 4847-4877 ARROW HIGHWAY, APN NOS 1009-722-21, 22, 23, and 24 (CASE NO. 2021-36)

WHEREAS, Kendry II Apartments Owner LLC, filed an application on November 16, 2021, a Precise Plan of Design under Case No. 2021-36 (Application) to construct a 137-unit apartment community on 2.85 acres, currently addressed as 4847-4877 Arrow Highway; and

WHEREAS, the project site is at the southwest corner of Arrow Highway and Monte Vista Avenue, which currently consists of four abutting parcels to be merged into a single developable site; and

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

WHEREAS, the subject site is located within the "Corridor Residential" and the "Town Center" land use districts of the North Montclair Downtown Specific Plan (NMDSP); and

WHEREAS, each zoning designation applies to approximately half the site (1.42-acre); and

WHEREAS, the objective of the NMDSP is to introduce urban style residential and mixed-use projects to the area and begin the process of creating a "downtown" environment with walkable neighborhoods, local retail and service businesses, and convenient access to rail transit; and

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

WHEREAS, the proposed apartment community is tentatively named *Alexan-Kendry Expansion*, and is podium-style development with 137 residential units above a single-level, partially submerged, parking garage with 253 parking spaces; and

WHEREAS, the residential units will be within two multi-story buildings oriented toward Arrow Highway and Monte Vista Avenue, and in three smaller buildings of attached townhouse units located at the center and southern edge of the site; and

WHEREAS, the proposed apartment community is designed to provide 137 apartment units, which include studio, two-bedroom, and three-bedroom apartments, with on-site open space amenities; and

WHEREAS, Density for the project is 48 dwelling units per acre over both zoning designations for the site; and

WHEREAS, As indicated above, the combined 2.85-acre project site has two zoning designations with each designation applying to approximately half the site (1.42-acre) each. If each portion of the property were developed at the low end of the density range of its corresponding zone, the project would yield only 114 units whereas the 137 units proposed with the project exceeds minimum yields by 23 units overall; and

WHEREAS, access to resident and guest parking will be on the west side of the project off Magnolia Avenue that connects to Arrow Highway and Cypress Street; and

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

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

WHEREAS, pursuant to State CEQA Guidelines, Section 15162, the City of Montclair (City) has prepared an analysis of the proposed Alexan-Kendry Expansion project modification to determine whether subsequent environmental review is required in light of the North Montclair Downtown Specific Plan Amendment Project Final Supplemental Environmental Impact Report (SCH No. 2009091021); and

WHEREAS, based on the consistency analysis prepared, the Alexan-Kendry Expansion project would be consistent with the original North Montclair Downtown Specific Plan Amendment Project Final Supplemental Environmental Impact Report (SCH No. 2009091021) certified by the City of Montclair City Council on March 20, 2017 [Resolution No. 17-3147] and would not result in new impacts or any substantial changes to any significant effects previously, identified; and

WHEREAS, no subsequent environmental review is required for the Montclair Station project; and

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

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

WHEREAS, on June 17, 2022, public notice of Planning Commission of the City of Montclair ("Planning Commission") review of the project was published in the Inland Valley Daily Bulletin, and notices were mailed to property owners within a 300-foot radius from the boundaries of the subject site; and

WHEREAS, on June 27, 2022, the Planning Commission of the City of Montclair ("Planning Commission") conducted a duly noticed public hearing on the Application at which time all persons wishing to testify in connection with the Application were heard and the Application was comprehensively reviewed; and

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

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

SECTION 1. Based upon the facts and information contained in the Application, together with all written and oral reports included for the environmental assessment for the Application, the Planning Commission recommends that the City Council find that subsequent environmental review is not required for the Alexan-Kendry Expansion project because:

- A. On March 20, 2017, the City Council certified a Supplemental Environmental Impact Report (SEIR) for the amended and updated North Montclair Downtown Specific Plan project.
- B. The proposed apartment community consists of 137 units and is undertaken pursuant to and in conformity with the density and design standards of the NMDSP.
- C. None of the conditions requiring subsequent environmental review called out in State CEQA Guidelines, section 15162 are present. Specifically,
 - 1. Substantial changes are not proposed in the project that would require major revisions of the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - 2. Substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects have not occurred; and
 - 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the SEIR was certified or adopted, as applicable, showing any of the following, has not come to light: (i) that the project would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those previously analyzed would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.
- D. Based on these findings and all evidence in the record, the Planning Commission recommends the City Council find that no additional environmental review is

required in connection with the City's consideration of the Case No. 2021-36 for the Alexan-Kendry Expansion project.

SECTION 2. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings set forth in this Resolution, the Planning Commission recommends the City Council approve the Precise Plan of Design, subject to the conditions of approval contained in Exhibit "A", the Draft City Council Resolution No. 22-3367 prepared for the project under Case No. 2021-36.

SECTION 3. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission makes the following findings regarding the Precise Plan of Design for the *Alexan-Kendry Expansion* apartment community:

- A. The proposed 137-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the CR ("Corridor Residential") and TC ("Town Center") land use designations of the North Montclair Downtown Specific Plan. Both the CR and TC land use districts allow for higher density residential projects in appropriate locations as indicated on NMDSP land use map. The proposed project will be on a large vacant parcel that when developed will provide both pedestrian and vehicular links to the Montclair Transcenter and other developed streets within the NMDSP planning area.
- B. The proposed project would result in a significant improvement to the appearance of the area by developing a large vacant site that formerly was home to a number of commercial and industrial uses into a well-designed residential apartment community. The project will make efficient use of the site and comply with the intent and applicable development standards and intent and vision of the NMDSP. The 137 dwelling units on the 2.85-acre site results in 48 dwelling units per acre for the entire project, 23 more units than the minimum density for each zone would yield independently.
- C. The site plan, building form and massing, and heights are appropriate for the site and will contribute to the advancement of the design goals and policies and ongoing formation of the streetscape and development pattern envisioned by the NMDSP. Building placement, orientation to the streets, all work to create a distinctive living environment.
- D. The proposed architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features and architectural details, including the distribution of windows and doors, which add appropriate visual interest, pedestrian scale, which result in a distinctive and pleasing appearance. The use of quality exterior materials and finishes, appropriate lighting and landscape materials, all complement the project.

SECTION 5. Pursuant to section 66412.3 of the Government Code, based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds the improvements proposed in the project will assist the City of Montclair in

meeting its regional housing needs because the proposed map and subsequent development of housing units pursuant to the goals of NMDSP involves the redevelopment of a large underutilized parcel for residential use and advances the goal creating a walkable area of high-density residential uses in direct proximity to transit and shopping opportunities for future residents.

SECTION 6. 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 27th day of June 2022.

Manny Martinez, Chair

ATTEST:

Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 27th day of June 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2021-36\PC RESOLUTION

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EXHIBIT A

**EXHIBIT “A” TO PLANNING COMMISSION
RESOLUTION NO. 22-1969**

DRAFT

**CITY COUNCIL
RESOLUTION NO. 22-3367**

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RESOLUTION NO. 22-3367

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NO. 2021-36 FOR A 137-UNIT RESIDENTIAL DEVELOPMENT ON 2.85 ACRES WITHIN THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN (APNs 1009-722-21, 22, 23, and 24)

WHEREAS, Kendry II Apartments Owner LLC, filed an application on November 17, 2021, for a Precise Plan of Design under Case No. 2021-36 (Application) to construct a 137-unit apartment community on 2.85 acres; and

WHEREAS, the application applies to four abutting parcels (APNs 1009-722-21, 22, 23, and 24) at the southwest corner of Arrow Highway and Monte Vista Avenue, with the current address range of 4847-4877 Arrow Highway; and

WHEREAS, the subject four parcels will be merged to create a single parcel on which to develop the proposed project; and

WHEREAS, the subject site is located within the "Corridor Residential" and the "Town Center" land use districts of the North Montclair Downtown Specific Plan (NMDSP); and

WHEREAS, the proposed apartment community is tentatively named *Alexan-Kendry Expansion*, and is podium-style development with 137 residential units above a single-level, partially submerged, parking garage with 240 parking spaces; and

WHEREAS, the objective of the NMDSP is to introduce urban style residential and mixed-use projects to the area and begin the process of creating a "downtown" environment with walkable neighborhoods, local retail and service businesses, and convenient access to rail transit; and

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

WHEREAS, the residential units will be within two multi-story buildings oriented toward Arrow Highway and Monte Vista Avenue, and in three smaller buildings of attached townhouse units located at the center and southern edge of the site; and

WHEREAS, on May 15, 2006, the Montclair City Council adopted the NMDSP, establishing guidelines for development on numerous parcels of land totaling approximately 150 acres in area; and

WHEREAS, on March 20, 2017, the Montclair City Council approved an amendment to amend the NMDSP, thereby expanding the boundaries and updating the standards of the NMDSP; and

WHEREAS, on March 20, 2017, the City Council certified the Final Supplemental Environmental Impact Report (SCH# 2016101001) ("SEIR") for and approved the proposed Amended Specific Plan; and

WHEREAS, in connection with its certification of the SEIR, the City Council made the necessary CEQA findings, adopted a Mitigation Monitoring and Reporting Program, and adopted a Statement of Overriding Considerations for the Amended Specific Plan; and

WHEREAS, the subject site is located within the "Corridor Residential" and "Town Center" land use districts of the NMDSP; and

WHEREAS, on June 17, 2022, the City gave public notice of the City of Montclair's Planning Commission's ("Planning Commission") public hearing on the proposed project by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the project boundaries; and

WHEREAS, on June 20, 2022, the City Council's Real Estate subcommittee previewed the project proposal; and

WHEREAS, on June 27, 2022, the Planning Commission conducted a duly noticed public hearing on the proposed project at which time all persons wishing to testify in connection with the project were heard and said Precise Plan of Design for the proposed 137-unit apartment community was fully studied; and

WHEREAS, on June 27, 2022, the Planning Commission, by a vote of X-X-X, recommended that the City Council approve the Precise Plan of Design subject to the conditions of approval contained in Draft City Council Resolution No. 22-3367 prepared for the project, pursuant to Planning Commission Resolution No. 22-1969; and

WHEREAS, on XXXXX XX, 2022, the City gave public notice of the City Council's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the project site; and

WHEREAS, the City Council conducted a duly noticed public hearing on the project on XXXX XX, 2022, at which time all interested parties were provided an opportunity to give testimony for or against the proposal; and

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

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

WHEREAS, the City Council finds the requested entitlements to be consistent with the adopted General Plan and the NMDSP and following good planning principles; and

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

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

SECTION 1. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the City Council finds that the proposed project is exempt from further environmental review pursuant to State CEQA Guidelines, Section 15162 based on the following findings of fact:

- A. On March 20, 2017, the City Council certified a Supplemental Environmental Impact Report (SEIR) for the amended and updated North Montclair Downtown Specific Plan project.
- B. The proposed apartment community consists of 137 units and is undertaken pursuant to and in conformity with the density and design standards of the NMDSP.
- C. None of the conditions requiring subsequent environmental review called out in State CEQA Guidelines, section 15162 are present. Specifically,
 1. Substantial changes are not proposed in the project that would require major revisions of the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 2. Substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects have not occurred; and
 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the SEIR was certified or adopted, as applicable, showing any of the following, has not come to light: (i) that the project would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those previously analyzed would substantially reduce one or more

significant effects on the environment, but which the applicant declined to adopt.

- D. Based on these findings and all evidence in the record, the City Council finds that no additional environmental review is required in connection with the City's consideration of Case No. 2021-36 for the proposed 137-unit apartment community development.

SECTION 2. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings and recitals set forth in this Resolution, the City Council approves a Precise Plan of Design under Case No. 2021-36 for a 137-unit apartment community, subject to the conditions of approval set forth in attached Exhibit "A" and as depicted in the submitted site plan, elevations, and renderings submitted by the owner, Kendry II Apartments Owner LLC, on March 1, 2022.

SECTION 3. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds as follows with respect to the approval of a Precise Plan of Design under Case No. 2021-36:

- A. The proposed 137-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the CR ("Corridor Residential") and TC (Town Center) land use designations of the North Montclair Downtown Specific Plan. Both the CR and TC land use districts allow for higher density residential projects in appropriate locations as indicated on NMDSP land use map. The proposed project will be on a large vacant parcel that when developed will provide both pedestrian and vehicular links to the Montclair Transcenter and other developed streets within the NMDSP planning area.
- B. The proposed project would result in a significant improvement to the appearance of the area by redeveloping an underutilized and unattractive area into a well-designed residential development, which makes efficient use of the site and complies with the intent and applicable development standards of the NMDSP. The 137 dwelling units on the 2.85-acre site amounts to 48 dwelling units per acre overall and consistent with the CR and TC density ranges.
- C. The site plan, building form, massing, and heights are appropriate for the site and will contribute to the advancement of the design goals and policies and ongoing formation of the streetscape and development pattern envisioned by the NMDSP. Building placement, orientation to the streets, all work to create a distinctive living environment.

- D. The proposed architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features and architectural details, including the distribution of windows and doors, which add appropriate visual interest, pedestrian scale, which result in a distinctive and pleasing appearance. The use of quality exterior materials and finishes, appropriate lighting and landscape materials, all complement the project.

SECTION 4. Pursuant to Section 66412.3 of the Government Code, based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds the proposed residential and associated improvements will help the City of Montclair to meet its regional housing needs as the project proposes the construction of 137 residential units, which will help the City meet its identified housing unit RHNA allocation.

SECTION 5. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds the nature and extent of the dedications, reservations, impact fees, and other exactions are reasonably related to public needs and roughly proportional to the impacts created by the project. In addition, several conditions, including conditions relating to the imposition of operational covenants for the rental development are necessary to assure the development maintains compliance with City general plan and zoning standards.

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

SECTION 7. City Council directs City staff to cause a Notice of Determination to be filed and posted with the County Clerk within five working days of the adoption of this Resolution.

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

APPROVED AND ADOPTED this XX day of XXXX, 2022.

Mayor

ATTEST:

City Clerk

I, Andrea Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 22-3367 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 XXXX, 2022, and that it was adopted by the following vote, to-wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

DRAFT

EXHIBIT A

City Council Resolution No. 22-3367 Case No. 2021-36

Alexan-Kendry Expansion - Project Approvals & General Conditions

GENERAL CONDITIONS

1. The approval of a Precise Plan of Design (PPD) approving the site plan, floor plans, elevations, colors and materials, conceptual landscape plan, and public park space associated with the construction of the Alexan-Kendry Expansion project as described in the staff report and depicted on approved plans on file with the Planning Division and generally depicted in Exhibit A.
2. The above entitlement is granted based upon the plans and elevations submitted by **Kendry II Apartments Owner LLC**, and dated March 1, 2022. However, final design review shall be required pursuant to Section 5.1.050.2 of the NMDSP upon the submittal of construction drawings for the project, to review building, park, and architectural construction design, details, and standards. Such review is intended to ensure high quality development and to prevent misunderstanding during the construction process. The Director of Community Development shall conduct the review in consultation with the City's reviewing architect. Costs to conduct architectural review shall be reimbursed to the City pursuant to Reimbursement Agreement No. 21-52 between the Owner and the City.
3. This approval shall supersede any and all previously approved entitlements for the subject project site.
4. Any modification, intensification, or expansion of the use beyond that which is specifically approved by the aforementioned entitlements and that is not reflected in the map, plans, and drawings approved with this action by the City Council shall require review and approval by the City Council.
5. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
6. The applicant/owner shall be required to pay any applicable fees as shown below; within five (5) days of approval by the City Council:
 - a. A check in the amount of **\$50**, payable to "Clerk of the Board of Supervisors," to cover the filing fee for the Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of **\$620.96**, payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law for the Planning Commission review on June 27, 2022; and

- c. A check in the amount of \$XXX.XX, payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law for City Council review on XXXX XX, 2022.
7. In establishing and conducting the subject use, the applicant shall at all times comply with any and all laws, ordinances and regulations of the City of Montclair, the County of San Bernardino and the State of California. Approval of the Tentative Parcel Map and PPD shall not waive compliance with any such requirements.
8. Applicant/Owner shall comply with all applicable Mitigation Measures as contained in the North Montclair Downtown Specific Plan Amendment Project Supplemental EIR (January 2017); including but not limited to mitigation measures regarding Tribal Cultural Resources (Mitigation Measure F and G); and Noise (construction and post construction), etc.
9. Notice to Applicant/Owner/Subdivider: The conditions of approval for this project include certain fees, dedication requirements, reservation requirements, and/or other exactions more specifically described in the conditions of approval herein. The subdivider/applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval. For purposes of this notice, "project approval" shall mean the date that the City Council approves the application for the Precise Plan of Design for the project referenced in Condition No. 1. All impact fees shall be due and payable at the time stated in the adopted ordinance, resolution or policy adopting and imposing such fees, or at the time building permits are issued. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, or other exaction requirements as specified in Government Code §66020, the subdivider/applicant shall be legally barred from later challenges.
10. The applicant/owner shall reimburse the City for the legal costs associated with the preparation/review of any agreements and covenants required by these conditions prior to the time of their initiation pursuant to Reimbursement Agreement No. 21-52.
11. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of City Council approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant/owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
12. The applicant/owner shall ensure that a copy of this Resolution is reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the Project.
13. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and

development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at the time of escrow closing.

14. Comply with the City of Montclair's Inclusionary Housing Ordinance No. 05-866.

***CONDITIONS PRIOR TO THE ISSUANCE OF BUILDING OR GRADING PERMITS
(Condition Nos. 15-153)***

15. Prepare a Master Solid Waste Removal Plan (SWRP) for the project. City review and approval in consultation with the City's refuse collection provider shall be required. The SWRP shall identify the location and size of all facilities and provide a written operational strategy/manual to be used by the property management company for the project. The SWRP shall include and/or address the following elements:
 - a. Prevent the accumulation of on-site rubbish, trash, or debris in a manner that is inconsistent with the approved SWRP and/or that degrades the appearance of the site and adjacent street frontages.
 - b. All refuse collection facilities shall be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling (MOR) as established by California Department of Resources Recycling and Recovery (CalRecycle). Sufficient facilities must be provided and maintained for the mandatory recycling of all recyclable materials and food waste/organics.
 - c. No barrels (or other containers) for waste fats, oils, or grease (FOG) shall be stored in refuse collection facilities.
 - d. All refuse collection facilities shall be power washed a minimum of two times per month (or more frequently if needed), by property management staff or by means of a hired company qualified to power wash or steam clean all refuse collection facilities and/or equipment. Such activity shall be performed with proper equipment containing a water recovery system or self-contained unit to recycle the wash (waste) water, as approved by the City's NPDES Coordinator or Environmental Inspector. Inspections of refuse collection facilities shall be subject to routine inspection by the City of Montclair.
 - e. Spills and leaks shall be cleaned up immediately using a spill kit and/or appropriate Best Management Practices (BMP) that utilize absorbents or equivalent "dry" methods.
16. The owner/applicant shall agree to the formation of a new Community Facilities District (CFD) pursuant to the terms of Government Code Section 53311, et seq., the territory of which shall include the Project, for the purposes of the payment of maintenance and operation costs associated with the common landscaping, lighting, public park and easements, and other public improvements located within the Project, including a public safety component. The applicant shall consent to the formation of the CFD prior to the

recordation of the final map for the Project. The applicant further expressly agrees that failure to form such CFD will result in disapproval of the Project.

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

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

17. Owner must consent, in writing, to record a covenant an Operations & Management Regulatory Agreement - *Alexan-Kendry Expansion* (hereafter Regulatory Agreement) against the entire property providing for the perpetual maintenance of all buildings and improvements, including roadways, public easements, retaining walls, drainage facilities, and water and sewer systems. The Regulatory Agreement shall be effective during the lifetime of the Project. Property shall thereafter be maintained in accordance with the property maintenance standards contained in the Montclair Municipal Code.

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

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

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

- a. On-Site Management

The Owner shall be required to retain the services of an accredited property management company ("Management Company") holding a real estate broker license pursuant to California Business and Professions Code, Secion 10131 et. Seq., and with demonstrated experience in leasing, operating, and maintaining a multifamily residential project. Any Manager or Management Company retained to act as an agent for the Owner shall obtain the prior written approval of the Executive

Director Office Public Safety/Police Chief, which approval shall not be unreasonably withheld or delayed, provided the person assigned is a certified Property Manager or an employee of a certified property Management Company. Any changes of the certified professional management company shall be subject to the prior written approval of the Executive Director Office of Public Safety/Police Chief, which approval shall not be unreasonably withheld.

In exercising his/her approval rights hereunder, the Executive Director Office of Public Safety/Police Chief may require proof of ability and qualifications of the Manager and Management Company based upon (i) prior experience, (ii) assets, and (iii) other factors determined by the Executive Director Office of Public Safety/Police Chief as necessary. Furthermore, upon sixty (60) days prior written demand from City with cause, Owner shall remove and replace a Property Manager and/or Management Company. In any agreement with a Property Manager or Management Company ("Management Agreement"), the Owner shall expressly reserve the right to terminate such agreement upon written demand of City with cause. That notwithstanding, City agrees that a request for removal of a Property Manager or Management Company shall be subject to a thirty (30)-day notice of default and a reasonable opportunity to cure before any such termination is effective.

Under no circumstances shall the property owner take on the property management responsibilities for the project, unless such property owner possesses property management accreditation as provided for in this subsection, has demonstrated experience, and is approved by the Executive Director Office of Public Safety/Police Chief.

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

i. Management Obligations-Residential

The Owner shall maintain the legally required presence of an on-site Manager for the residential project pursuant to California Code of Regulations, Title 25, Section 42. The Management Company shall ensure that tenant application and screening practices are developed and enforced, that all rules and regulations are developed and enforced, and that use of all facilities are managed. The Owner, through the professional property management company, will ensure that the Project is well maintained pursuant to the standards developed in the Regulatory Agreement.

ii. Registration and Management of Rentals

The Owner, with its Management Company, shall develop all rules, documents, and procedures to assure all rental occupancies of residential units are professionally managed including but, not limited to:

- Application(s)
- Crime-Free Addendum and other required addenda to application
- Tenant screening tools including, but not limited to, (1) credit check including unlawful detainer, and (2) criminal background check.

iii. Alcoholic Beverages/Controlled Substances

Tenant rules shall indicate areas where the consumption of alcoholic beverages are permitted and/or prohibited within the Project boundaries.

b. Security Requirements

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

- i. Owner shall develop a "Security Plan" acceptable and approved by the Montclair Police Department which, at a minimum, shall include the installation, operation, and maintenance of security cameras throughout the Project (see details in Police Conditions).
- ii. At any time during the term of the Agreement, should the calls for Police service or response at the Project exceed a level reasonably considered normal for projects similar in type and density as determined by the Executive Director Office of Public Safety/Police Chief, during any consecutive two-month period, the Owner shall be required to provide a State-licensed security patrol through a company retained by the Owner.
- iii. The State-licensed security patrol company shall be retained by the Owner, with the prior approval of the Executive Director Office of Public Safety/Police Chief, for a period of time to be determined by the Executive Director Office of Public Safety/Police Chief. The approval of such a State-licensed security company shall not be unreasonably withheld.

c. Balconies, Patios, and Porches

Balconies, patios, and/or porches on residential units approved for use as private usable open space must be kept free from being enclosed or covered by a tenant in any way and must not be used for storage purposes. Storage of materials that detract from the appearance of buildings is prohibited in the above-mentioned locations as well as anywhere that is directly visible to the public.

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

d. Cable and Satellite Service Equipment

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

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

e. Parking Management

The Agreement shall provide for the following:

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

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

- iv. The PMP shall stipulate that no utility trailers, commercial or construction vehicle of any length, buses or passenger vans, watercraft, or recreational vehicles shall be permitted to be stored or parked overnight on any private street and/or parking areas within the complex. "Recreational Vehicle" shall mean recreational vehicles, motor homes, campers, utility trailers, watercraft, travel trailer, truck camper, camping trailer, off-road vehicles, land conveyances, vessels, aircraft, boats, trailers, van conversions, customized trucks, and other similar type vehicles that are designed for human habitation for recreational or emergency purposes, or that require a special driver's license (e.g., noncommercial Class A or Class B) to operate.
- v. The PMP shall stipulate that any enclosed garage spaces or covered parking spaces provided shall, at all times, be assigned to units within the Project pursuant to the PMP. Storage within a garage shall be allowed only to the extent the garage includes a dedicated storage cabinet or storage area that does not impede or obstruct direct access to the parking space(s) within the garage.
- vi. Any tandem parking spaces identified in the PMP shall be considered a second parking space assigned to the same dwelling unit. Tandem spaces shall only be assigned to and utilized for the parking of registered vehicles assigned to the residents of the same unit. Tandem spaces shall not be assigned and/or rented out to other residents or users.
- vii. The property owner/management company may not introduce, require, stipulate, or incorporate into lease or rental payments a separate fee for any surplus parking that exceeds the minimum threshold for assigned parking based on per-unit parking requirements as specified in the North Montclair Downtown Specific Plan (NMDSP) and the PMP for the project. If parking spaces that exceed the minimum threshold requirement as specified herein are available, the property owner/property management company may apply to the City Council for an amendment to the approved PMP for the project to establish separate monthly fees for each surplus parking space.
- viii. As part of the initial rental application process each potential renter of a unit within the project shall be given written notice by the property management company of the on-site parking and off-site parking conditions and requirements at the complex. All executed rental lease agreements will contain a detailed summary of the PMP as an exhibit and a signed acknowledgement form which records the resident's agreement with the terms of the PMP. In addition, the prospective tenant(s) shall receive an electronic version of the entire PMP, either as an email or other

electronic format specified by the renter. The entire PMP shall also be available for review in the office of the on-site management company and available online on the Project's website for residents to view.

- ix. Every unit shall be assigned and permitted to use at least one (1) parking space as part of the base rent for each unit, and shall be so stipulated in the Parking Management Plan and subsequent rental/lease agreements.

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

Owner, through its Management Company, shall keep the Project well maintained (including, without limitation, private streets and drives, all buildings and on-site structures; signage; sidewalks; parking lots; parking structures, exterior building mounted and/or site lighting fixtures; landscaping; open space/recreation areas onsite, dog park areas, storm drain system including all storm water treatment devices associated with the Water Quality Management Plan, fencing; foundations and pools, if any; and other Improvements) and shall operate the Project in a businesslike manner; shall prudently preserve and protect both its own and City's interests in connection with the Project, shall not commit or permit any waste or deterioration of the Project; shall not abandon any portion of the Property; and shall not otherwise act in such a way as to unreasonably increase the risk of any damage to the Project. Such maintenance shall include, without limitation, the following:

- i. Keeping the exterior surfaces of buildings painted, plastered, or otherwise appropriately treated to be in sound condition; and
- ii. Replacing broken or severely etched windows and other glass surfaces promptly; and
- iii. Keeping the Project free from any accumulation of debris, graffiti, waste materials (including pet waste); and
- iv. Keeping trees, ground cover, shrubs, and other plant materials trimmed in healthy condition, and replacing missing or dead plant materials; and
- v. Maintaining all exterior light fixtures (building mounted and freestanding) in full operating condition. Non-functioning, broken or damaged light fixtures/support structures shall be promptly repaired and/or replaced with the same fixture type as originally approved; and
- vi. Keeping paved surfaces and other hardscape elements clean and in good condition, free of dirt and grime, gum, or grease, potholes, excessive staining or the unsightly accumulation of leaked motor oil/automotive fluids, significant surface cracks,

dangerous uplifted walkways, or other conditions which impede paths of travel; and

- vii. No outdoor pay telephones or vending machines (including delivery lockers) shall be installed on any public street, easement, or park. Vending machines may be allowed within buildings or in private outdoor recreation areas when machines are located out of view to the street and are placed with an alcove space that is architecturally integrated into the design of the building, subject to the satisfaction of the Director of Community Development.
- viii. Prohibiting auto repairs, car washing, storage of unregistered and/or inoperable vehicles, within parking areas of the Project; and
- ix. Keeping the on-site storm drain system in working order and in good repair at all times including the storm water treatment devices associated with the Water Quality Management Plan; and
- x. Keeping refuse collection facilities (e.g., trash chutes, rooms or enclosures) shall be maintained in a sanitary, orderly, and functional condition at all times. Sanitary shall mean free of scattered trash and food debris, spills or splatter on floors and/or walls, free of odors to the highest degree possible, and free of insects and rodents; and
- xi. Keeping all private streets, drive aisles, and exterior parking areas within the Project free of weeds, debris, trash, graffiti, and potholes. Owner shall be responsible for maintenance and repaving of all private street and drive aisle surfaces; and
- xii. The Management Company shall develop and implement rules for maintenance and upkeep of the interior of the rental units.
- xiii. Maintain the Project grounds and adjacent public street parkways free from pet waste and/or damage at all times to deter odors, and maintain sanitary conditions. The Management Company shall:
 - 1. Conduct routine inspection and clean-up activities of the Project site to ensure pet waste is removed and property damage caused by animals is properly repaired and prevented.
 - 2. Notify residents and guests in writing of their responsibility to clean up after their pets.
 - 3. Post signs with specific pet rules around the site as necessary. Sign copy shall be in English and Spanish, and set in a font type (or graphic) which is large enough to be easily read and understood.

4. Provide adequate disposable bag dispensers, or other means of removing feces, and refuse cans for disposal. Trash cans shall be regularly emptied with contents disposed in a proper manner.

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

g. Remedial Actions

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

h. Sale or Transfer

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

i. Compliance with Rules

Renters occupying residential units within the Project shall be subject to all rules and regulations developed by the Management Company. The Management Company shall establish a warning and fine system for violation of the rules and regulations. If residential renters of units violate rules and regulations, the renter shall be responsible for payment of such fines for violation of the rules. The rules established by the Management Company for rental of residential units shall include provisions for eviction of tenants for violations of the rules and regulations of the project.

Planning/Administration

18. Complete the final design review process based on building plans shall be completed pursuant to Section 5.1.050.2 of the NMDSP by the Director of Community Development in consultation with the City's Reviewing Architect prior to the issuance of building permits. Notwithstanding, certain design review details may require review or field inspection during construction. Costs to conduct architectural review shall be reimbursed to the City pursuant to the Reimbursement Agreement between the Owner and the City.

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

19. The Regulatory Agreement (per Condition No. 16) shall be executed the by Owner, and approved by the City Council. Upon City Council approval, the Regulatory Agreement shall be recorded prior to issuance of building permits. As part of the Regulatory Agreement, the PMP shall be adopted by the City Council.
20. A Solid Waste Removal Plan (SWRP) shall be approved by the City.
21. A Construction Phasing Plan identifying the order in which buildings will be erected on the site must be submitted. (Before a Certificate of Occupancy for each building can be issued, the required amount of parking in a sufficient amount of parking spaces to support all completed residential units).
22. A written report from a qualified acoustical consultant indicating that the project will meet City requirements for exterior and interior noise levels and demonstrate compliance with Mitigation Measures for N2, NOI-1, NOI-2, NOI-3, and NOI-4 as contained in the North Montclair Downtown Specific Plan Amendment Project Supplemental EIR (January 2017) shall be submitted.

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

23. Owner's plans shall provide that all dwelling units (living room and bedroom) and/or commercial/office spaces shall be pre-wired with phone, cable, and satellite connections.
24. Owner shall obtain approval from the Executive Director of Public Safety/Police Chief (or designee) of a Plan to install video surveillance cameras for each building and all public spaces within the development. See Police Department conditions of approval for further details.

25. Owner shall prepare a Photometric Plan for each building indicating the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:
 - a. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
 - b. All parking lot and other freestanding light fixtures shall incorporate 90-degree cutoff style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way surrounding the subject site.
 - c. Maximum total height for freestanding light fixtures shall be limited to 20 feet, inclusive of the height for concrete bases. Above-grade concrete bases for lights may be finished with colored stucco matching the primary color and finish of stucco on the buildings, subject to Director of Community Development review and approval.
 - d. All exterior wall-mounted lighting fixtures shall be vandal-resistant and of a design, that complements the architecture of the building.
26. The developer shall submit a fence/wall plan for the entire site including both boundary and internal fence/wall locations. The plan shall specifically address existing conditions at each boundary and provide a complementary design for the project as a whole and the design of adjacent buildings. The plan shall include the following elements or details:
 - a. Specify fence/wall design details, materials, and finishes for review and approval by the Director of Community Development.
 - b. Fences or walls shall be designed to produce an attractive and consistent horizontal "top of wall" finished elevation with minimal and evenly spaced steps along the length of the wall, subject to review and approval by the Director of Community Development.
 - c. Eliminate or prevent the creation of double wall or fence/wall conditions. The applicant shall be responsible for coordinating with the adjacent property owners regarding the replacement of property line walls, if required.
27. All utility services provided to the project shall be provided to the project and placed underground pursuant to Chapter 11.75 -Undergrounding of Utilities - of the Montclair Municipal Code.
28. Indicate the location of any proposed neighborhood mailboxes within the development for review by the Director of Community Development. No mailboxes shall be allowed on public sidewalks, or public easements/spaces. The applicant shall also ascertain any requirements for such mailboxes from the United States Postal Service (USPS) and other delivery services. The City acknowledges that proposed locations for neighborhood mailboxes shall be to the satisfaction of the USPS.

29. Owner shall complete and submit a complete Landscape Documentation Package meeting the intent and design criteria of the Montclair Water Efficient Landscaping and Conservation Ordinance (Chapter 11.60 of the Montclair Municipal Code) as amended by State law. The Landscape Documentation Package shall include the following items for City review and approval:
 - a. Detailed Landscape Concept and Irrigation Plan for the entire site including the public park area; and
 - b. A "Water Budget" meeting State Water Conservation requirements; and
 - c. Landscape Construction Drawings (including a grading plan, irrigation plan, and planting plan); and
 - d. Maintenance manual and schedule to be kept on file and used by the property owner/property management company for reference.
 - e. A copy of the approved plan will be kept on file in order to use at a later date to ensure that the plan was implemented as permitted and maintained as required.
30. Every effort shall be made to locate and/or screen all ground or wall-mounted mechanical equipment including, but not limited to, utility meters (including gas meters), air conditioners, vents, and repair equipment within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the Director of Community Development and reviewing architect. Wooden lattice or fence-like screens/covers are not appropriate screening materials and shall not be allowed.
31. Owner shall screen all roof-mounted equipment, satellite dish antennas, and other similar apparatus from public view in a manner that is incorporated into the architectural design of each building to the satisfaction of the Director of Community Development and reviewing architect.
32. Exposed conduit or electrical lines shall not be allowed on any exterior surfaces of any building, including electrical lines providing power to exterior signs. Electrical switchgear, meters, etc., shall be screened or housed in an appropriately designed enclosure or other manner to the extent allowed by the utilities.
33. The color of all material used for rain gutters, flashing, and similar purposes shall be consistent with that of immediately surrounding building materials.
34. No outdoor pay telephones or vending machines shall be permitted within the development boundaries (including public spaces), except that vending machines may be allowed within approved outdoor recreational areas dedicated as such for each building. Vending machines within approved recreation areas shall not be directly visible to the street and be installed in an alcove architecturally integrated with a building to the satisfaction of the Community Development Director.

35. Prior to the installation of any signs on buildings, structure, or other non-public areas and structures within the project site, the applicant shall develop and submit an application for a Master Sign Program for the entire project and obtain Planning Commission for review and approval. The sign program shall address signs proposed for building addressing and identification, wayfinding, which are placed on non-public areas of the site. All signs shall be consistent with the sign provisions contained in the NMDSP, including the prohibition on the use of exposed raceways for all building-mounted, except as provided for in the NMDSP, if approved by the Director of Community Development.
36. Obtain approval for any directional and or regulatory signs proposed for installation within the public right-of-way, public spaces or easements from both the Public Works and Community Development Directors.
37. Freestanding electrical transformers and Fire Department double detector check assembly equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the Community Development Director and Fire Marshal. Efforts shall be made to place these elements in locations that are as unobtrusive as possible.

Building

38. The applicant shall comply with the latest adopted California Building Codes, and other applicable codes, ordinances, and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
39. Submit four (4) complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
 - f. Submit two sets of structural calculations and two sets of energy conservation calculations.
 - g. Landscaping plans including lighting structures, retaining walls, trash enclosures, and other walls and fences.
 - h. Waste recycling plan, recycling 65% of all construction debris.

40. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%). All accessible requirements of the California Building Code shall be followed.
41. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
42. Separate permits are required for trash enclosures, accessory structures, site lighting, fencing, and/or enclosure walls.
43. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
44. Pad certification, line and grade, and compaction reports are required prior to issuance of building permits. The applicant or their designee shall provide a pad certification stating that each structure is in accordance with the approved civil plans as to location and grade height.
45. Building permits and addresses will not be issued until the recordation of the final map is complete.
46. Upon approval by the City Council of the Parcel Map for the project, the Building Official shall assign address numbers to all buildings. Tenant spaces may be assigned at this time or a later time.
47. Prior to issuance of Building Permits, an approved site plan by the Civil Engineer of Record shall be submitted showing accurate property lines and building placement. No building shall span property lines.
48. Prior to the issuance of building permits for the project, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to the , Parkland Fee, Incursionary Fee, Transportation Development Fee, Permit and Plan Check Fees, School Fees, and Sewer Fees. The owner shall pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. The owner shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.
49. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Public Works Director for more information.
50. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact the Director of Public Works for more information.
51. Submit detailed plans for all walls, fencing, and gates associated with the project. Any security gates which limit access to buildings shall be equipped with Medeco locks or other acceptable devices to allow access by emergency

personnel and utility providers at all times. If access is secured to upper floors within multifamily dwelling unit structures, Medeco locks or other acceptable devices are required.

52. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
53. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Every construction material in all cases shall not be below standard for the use applied.
54. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building. Conduits and cables shall be located entirely inside the walls
55. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division. Provide sufficient number of details (i.e. line of sight drawing, building cross-section, etc.) to demonstrate all equipment is obscured from public view.
56. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division. Equipment screening shall be provided to completely cover from view any rooftop equipment. The screening shall completely cover all equipment from view from any part of the public right-of-way.
57. Decorative foam trim shall not be used in areas subject to damage such as entry doors, garage doors, etc. Use of decorative foam shall not be allowed to be used below the second story.
58. All trash enclosures shall be constructed of material consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building. Black-colored concrete shall be used for the trash enclosure floor and its apron.
59. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the City inspector, within two weeks after notification. Inspections shall be based on automatic landscape irrigation schedule, plant

maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.

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

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

70. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
71. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. Before any trailer is set in its location, obtain all permits from the Building Division. Plans and structural calculations will be required for the tie-down devices. Trailers used for public use (and not used for construction only) are required to meet all accessibility requirements for use by persons with disabilities. The trailer will require access to the facility by way of ramps which comply with the California Building Code (CBC) 2019 edition, Chapter 11B, in addition to access to each required use of the trailer.

Environmental Compliance Conditions

72. Trash enclosures must be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling as established by California Department of Resources Recycling and Recovery (CalRecycle). Contact Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information.
73. Submit written documentation from Burrtec Waste Industries, Inc. (Burrtec) indicating that a service agreement has been set up with Burrtec that meets all Mandatory Commercial Recycling Requirements (AB 341) and Mandatory Organics Recycling Requirements (AB 1826) for waste hauling as established by the State of California and that the appropriate number of refuse/recycling dumpsters has been established is required. Submit documentation to Steve Stanton, Engineering Division Manager at (909) 625-9444 ssanton@cityofmontclair.org for more information.
74. The developer must complete and submit the City of Montclair's Wastewater Discharge Survey to Environmental Compliance Coordinator Steve Stanton (ssanton@cityofmontclair.org) for review to determine pretreatment/wastewater discharge requirements. Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information. In the event that the project includes or, is required the installation of a grease interceptor, the installation shall conform to Chapter 9.20 of the Montclair Municipal Code.
75. Discharge of wastewater into the City of Montclair sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
76. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).
77. Connection to the City of Montclair Sanitary Sewer System is required. Additional comments may follow pending submittal of plans for plan check review.

Water Quality Management Plan (WQMP)

78. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall also be the responsibility of the property owner to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
79. Owner understands that if the stormwater treatment device is infeasible at proposed location, and an alternative treatment device is proposed that may affect site design project owner may have to revisit with the Planning Department for any revised site changes.
80. Owner understands no permits are issued prior to the approval of the WQMP.
81. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Steve Stanton, Engineering Division Manager, at (909) 625-9444.
82. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Steve Stanton, Engineering Division Manager, at (909) 625-9444 for further information regarding permit and fees.
83. Prior to issuance of a rough grading and/or precise grading permit, the applicant must:
 - a. Must have a City approved WQMP.
 - b. Submit to the Engineering Division an electronic copy of the approved WQMP and, erosion and sediment control plans in PDF format.
 - c. Obtain a State Construction General Permit and proof must be shown (WDID Number) on both rough grading plan and precise grading plan.
 - d. Qualified SWPPP Developer and Practitioner contact information must be included on the title page of grading plans.
84. Prior to issuance of Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division as-built drawings as it relates to the WQMP and, provide adequate plan notes identifying grades, elevations for all inlets, outlets, flow lines and basins.

- b. Submit the certification of landscape document
 - c. Submit stamped and signed post construction BMP certification by the Engineer of record, identifying that all BMP's have been installed per plans and specifications.
 - d. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
 - e. Provide electronic copy of FINAL WQMP including all as-built drawings, certification forms and, recorded WQMP maintenance agreement as described above.
85. Prior to release of the Certificate of Occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the NPDES Coordinator that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the NPDES Coordinator that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.

LANDSCAPE CONDITIONS OF APPROVAL ASSOCIATED WITH THE WQMP

86. Prior to receiving Certificate of Occupancy, the Landscape Architect shall submit a Letter of Completion to both Planning Division and Engineering Division certifying that landscape materials and the irrigation system were installed per approved plans.
87. Property Owner/Lessee is required to employ a Bonded and California Licensed C -27 Landscape Contractor to conduct all landscaping on property.
88. Landscape Contractor must have City Business License to operate in the City of Montclair.
89. To ensure the landscaping associated with the stormwater treatment device(s) is maintained properly for the life of the project, the property owner/lessee must provide to the Public Works Department every third year after receiving the Certificate of Occupancy, a wet stamped letter of certification from a licensed, certified Landscape Architect, or recognized horticulturist organization or business.
90. The certified letter must state that the plants located within the boundaries of and immediately adjacent to stormwater treatment devices are currently in good health and has been maintained to continue to promote the long-term functional and aesthetic performance of the stormwater treatment device. For example, if the planted component of the stormwater device was designed to control erosion, aid in pollutant capture, or maintain permeability, the plant material must be kept at a level of health and vigor to continually meet these functional requirements.

91. Individuals qualified to submit the certification letter must be able to identify species present and report on their conditions. Providing the original planting design documents to the consulting horticulturist may help them in this process.
92. If mulch is present in the assessment area, this must be noted in the letter along with the current depth of the mulch layer and a description of which areas of the stormwater treatment device are mulched.
93. Five to ten clear and representative site photos showing the condition of the various plant materials located in and adjacent to the stormwater treatment device and any other notable conditions related to the device, printed in color on standard 8.5" x 11" paper, must also be submitted as part of the letter.
94. Representatives of the Public Works Department may follow up with site inspections to confirm the accuracy of certification letters and the overall functional condition of stormwater treatment devices.

Engineering

95. Subdivider/Owner shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code. The owner/applicant shall process any right-of-way dedications, easements or grant deeds required for the development.
96. The tentative map shall expire three years from the date of City Council approval unless extended under Government Code Section 66452.6. The final map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable Ordinances, requirements, and Resolutions of the City of Montclair.
97. Payment of transportation-related development impact fees is required. Fees shall be assessed at the rate in effect at the time the fees are paid.
98. Public streets on the tentative tract map shall be dedicated to the City and designed in accordance with the North Montclair Downtown Specific Plan (NMDSP), latest amendment.
99. Private streets on the tentative map shall be designed in accordance with the North Montclair Downtown Specific Plan, latest amendment.
100. A sidewalk layout plan incorporating required square scoring pattern for all public and private streets. The sidewalk layout plans shall comply with the following items:
 - a. The sidewalk plan for this project shall utilize Sidewalk Joint Location (NMDSP Area) – Standard Plan No. 114; and
 - b. Coordinate square scoring pattern with curb and gutter control joints; and

- c. Include sidewalk ramps, driveways, streetlights, and other utility boxes to demonstrate how the square scoring pattern can be implemented to greatest extent possible with only minor to no disruption of said pattern; and
 - d. The proper scoring shall be achieved by creating a narrow tooled joint in the wet cement; and
 - e. Finish quality and workmanship shall be to the satisfaction of the Directors of Public Works and Community Development. Unacceptable work shall be removed and reinstalled in an appropriate and acceptable fashion.
101. Street improvement plans are required for all public and private streets. Construction drawings shall be 24" by 36" with City standard title block. Street improvement plans should include construction of a landscaped median along Arrow Highway from Magnolia Avenue to Monte Vista Avenue including pavement/stripping/legend restoration along the south side of this roadway segment from curb to curb and pavement/stripping/legend restoration along the west side of Monte Vista Avenue from Cypress Street to Arrow Highway.
102. Street names shall be at the discretion of the developer, subject to the approval of the Public Works Director/City Engineer.
103. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act. Public and private streets shall have sidewalks on each side. Widths and scoring patterns shall conform to City Standard 114.
104. Streetlights shall be provided on all public and private streets. The minimum lighting level for all streets shall be to the satisfaction of the City Engineer. Plans shall include point by point foot-candle values arranged in a grid verifying a minimum lighting level of 2 foot-candles throughout every intersection.
105. Streetlights on public streets shall be owned and maintained by Southern California Edison. The style of luminaire and pole shall be as follows:
- a. Poles–Ameron "Corsican" pole, 20CT12 for interior streets and 20CT15 for arterials.
 - b. Color–Fillmore 12 (black), exposed finish with Amershield (graffiti coating).
 - c. Luminaires–For interior streets King Luminaire K118LR "Washington" luminaire with standard (#1) finial, color "BK" (black); for arterial roadways, KA63 "Coshocton" twin arm, standard black full gloss.
 - d. Fixtures shall be fitted with reflectors or refractors as necessary to control glare and nuisance light spill onto residential units.
106. Monument signs shall not be permitted in the line of sight triangles next to driveway locations (see City STD 110).

107. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301. Additionally, a 2 inch pavement cap will be installed for the length of the project from Curb line to center line of Arrow Highway.
108. Replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and sidewalk adjacent to the property. Additionally remove sidewalk that show signs of ponding or is pitting, scaling or spalling. Curb Ramps not in compliance with ADA guidelines will be removed and replaced.
109. The Applicant shall provide the design and construction of additional streets lights as required by the City Engineer.
110. All Utilities in the public right of way portion of each street frontage adjacent to the site shall be placed underground. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, and where technology exists, telephone and cable television facilities as well.
111. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
112. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
113. Sewers intended to be maintained by the City of Montclair shall be designed and constructed per Public Works Department standards, and shall be located in public streets or easements dedicated to the City for sanitary sewer purposes. Sewers not constructed per Public Works Department standards shall be constructed per California Building Code and City of Montclair Building Division requirements and shall be privately maintained.
114. Sewer improvement plans are required for all sewers, public or private, and shall include both plan and profile views on 24" by 36" construction drawings.
115. Street, sewer, and storm drain plans shall be submitted to the City Engineer's office for approval. An advance plan check fee, the amount to be determined by the City Engineer shall be required at the time plans are submitted. Construction and acceptance of street improvements, as per the approved plans, shall be required to obtain a release for a Certificate of Occupancy from the Building Division.
116. A Public Works construction permit shall be obtained from the Engineering Division prior to any removals or construction of improvements in the public right-of-way.
117. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Steve Stanton at 909-625-9470. Requirements of the WQMP may require significant modifications to the approved tentative map.

If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.

118. A grading plan shall be prepared subject to the approval of the City Engineer. The applicant shall submit two (2) copies of a soils and geotechnical report for review and approval by the City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
119. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
120. All drainage facilities shall comply with requirements of the approved WQMP.
121. Developer shall participate in the creation of a new Community Facilities District (CFD) for the maintenance of public streets, street lighting, and parkway improvements; street sweeping; and street tree/park tree trimming all within limits or frontages of development, and including a public safety component.
122. All off site and on site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
123. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.
124. A Parcel Merger application may be submitted for plan checking prior to, in conjunction with, or after the submittal of the public improvement plans. Parcel Merger submittals shall include a preliminary title report, reference deeds, closure calculations, reference maps, and other reference material as may be necessary to check the proposed merge. An advance plan check fee, the amount to be determined by the City Engineer, shall be required at the time application is submitted. Prior to approval of the Parcel Merger, a subdivision agreement will be required. The agreement shall contain provisions for performance and payment bonds for all work within the public rights-of-way, and a monumentation bond for corner monuments in accordance with the Subdivision Map Act.
125. Install street trees per approved landscape plans.

Fire

126. The project shall comply with all requirements set forth by the California Code of Regulations Title 24 Parts 1-12 respectively.

127. The adopted edition of the California Code of Regulations, Title 24, Parts 1 through 12, and the Montclair Municipal Code shall apply at the time the architectural plans are submitted for construction permits.
128. Prior to the to the issuance of a grading permits a fire department access plan shall be submitted to the City of Montclair for review and approval. The fire department access plan shall comply with the requirements specified by the City of Montclair Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development, and the California Fire Code, Chapter 5.
129. Prior to the to the issuance of a grading permits, evidence of sufficient fire flow shall be provided to the City of Montclair. The City of Montclair Building and Fire Marshal Water Available/Fire Flow Form shall be utilized.
130. A fire department access road complying with the CFC, Chapter 5 and the approved fire department access plans shall be installed prior to building construction.
131. The fire department access road shall be inspected by Montclair Fire Prevention Bureau prior to building construction.
132. The fire department access road shall remain unobstructed at all times.
133. A fire department connection (FDC) shall be provided and located within 50 feet of a public fire hydrant. The use of a private hydrant may be used with the use of an aboveground check valve to prevent the flow from the FDC back to the fire hydrant, and with the approval of Montclair Fire Prevention Bureau. A minimum of two points of connection to the public water shall be provided for the private fire-line water.
134. A minimum of two points of connection to the public water shall be provided for the private fire-line water.
135. The private underground fire-line system shall be a looped design.
136. The private underground fire-line system shall have indicating sectional valves for every five (5) appurtenances.
137. All required fire hydrants shall be installed and operational prior to building construction. All fire hydrants shall remain operational during construction.
138. All required fire hydrants shall be readily visible and immediately accessible. A clear space of not less than 3-feet shall be maintained at all times.
139. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
140. The permanent building address shall be provided and either internally or externally lighted during hours of darkness. The address shall be clearly visible from the street fronting the property and comply with California Fire Code Section 505.1 for size and color.

141. Montclair Fire Prevention Bureau approval shall be obtained prior to the storage and/or use of hazardous materials as defined by the California Fire Code.
142. The building shall be provided with an automatic fire sprinkler system in accordance with NFPA 13. Construction plans shall be submitted for review and approval to the City of Montclair prior to installation.
143. Prior to building final, the building shall be provided with a Knox Lock key box located no more than seven-feet above the finished surfaced and near the main entrance door.
144. Prior to the issuance of a Certificate of Occupancy the building shall be provided with an emergency radio communication enhancement system. The emergency radio communication enhancement system shall meet the requirements of CFC § 510 and all applicable subsections. The system shall be installed and inspected by the City of Montclair Building Department before the Certificate of Occupancy is issued. The requirement can be waived by the Fire Marshal if the building is evaluated by an Emergency Radio Communication Specialist license by FCC, who certifies the building meets the emergency communications capability as specified by the California Fire Code § 510. The certification shall be in the form of a written report which outlines the analysis used in determining the building meets the emergency communications without an enhancement system.
145. Double Check Detector Assembly shall be painted Rustoleum Hunter Green, satin acrylic finish stock #7944502.

Police

146. No consumption of alcoholic beverages on any publicly accessible outdoor areas of the property shall be permitted except in approved outdoor dining areas or other event with the express approval of the City and the State Department of Alcoholic Beverage Control. Private, resident-only accessible areas (e.g., clubhouses, patios, access restricted gated areas, etc.) are exempt.
147. Management shall ensure all special events on the premises comply with all applicable City permits, codes, and ordinances, including but not limited to live entertainment permits, yard-sale permits, and noise control ordinances.
148. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the Director of Community Development and the Executive Director Office of Public Safety/Police Chief or their designee.
149. The premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking areas, open space areas, courtyards, pool area, building entries and and stairwells, and other common hallway/building access points.

150. The property owner/property manager shall prepare and submit a security plan for the entire development to be reviewed and approved by the Chief of Police of the Montclair Police Department. The Security Plan shall incorporate:
- a. Adequate lighting to illuminate parking areas, public access easements, open space locations, pool areas, and at common hallway/building access points so that the appearance and conduct of all persons is easily discernible and monitored; and
 - b. A closed circuit video surveillance (CCVS) system meeting the following requirements:
 - i. A minimum amount of cameras shall be placed in a position to monitor all entrances/exits to the community, public access easements, parking areas, public street, and common areas (e.g., park space, courtyards, pool areas, etc.). The final location and quantity of cameras to be determined in the "Security Plan".
 - ii. Cameras shall be capable of no less a resolution than 1920x1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.
 - iii. The CCVS system shall have ample storage capacity to retain camera footage for a period of no less than 90 days. To avoid unintentional lapses in coverage cameras shall not be motion activated. However, to conserve storage space, cameras may use motion sensors to lower the frames-per-second (FPS) during periods when no motion is detected. When motion is detected, cameras shall record no less than 30 frames per second.
151. Alarm systems are encouraged to complement the CCVS system. Current responsible party information shall be on file with the Police Department for appropriate response and notifications.
152. The property owner/property manager shall ensure all special events on the premises comply with all applicable City permits, codes, and ordinances, including but not limited to live entertainment permits, yard-sale permits, and noise control ordinances.
153. The Montclair Police Department may conduct parking enforcement activity on all public right-of-ways, pursuant to the California Vehicle Code. Enforcement of all off-street areas will be the responsibility of the property owner/property manager, as part of an approved Parking Management Plan.

CONDITIONS PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY AND/OR BUILDING PERMIT FINALS (Conditions 154 - 160)

Planning/Administration

154. Complete the formation of the CFD per condition No. 16).

155. Required parking spaces shall be provided and made available for use pursuant to a Building Permit final, prior to the issuance of a Certificate of Occupancy for any residential building in the project.
156. A Certificate of Occupancy for the last building as identified in the Construction Phasing Plan (Condition No. 24) shall be contingent upon the completion of all aspects of the project including, but not limited to the:
 - a. Completion of all public street improvements; and
 - b. Public Park improvements; and
 - c. On-site improvements and landscaping for each building site.
157. To ensure compliance with the conditions of approval, a final inspection is required by the Planning Division upon completion of construction of each building and associated site improvements within the development. The applicant shall contact the City to schedule an appointment for such inspections.

Building

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

Water Quality Management Plan (WQMP)

159. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as-built drawings as it relates to the WQMP.
 - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
160. Prior to release of the Certificate of Occupancy for the first building of the project, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the NPDES Coordinator that all conditions and

requirements of the WQMP have been properly implemented. For projects, developments, or properties intended to be leased or sold, developer/applicant or owner shall also submit evidence to the NPDES Coordinator that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.

ONGOING CONDITIONS (Conditions Nos. 161-166)

General

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

Planning/Administration

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

163. Comply with all on-going terms and conditions contained in the Master Solid Waste Removal Plan (SWRP).

164. Pursuant to Section 11.60.240 of the Montclair Municipal Code, all landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.

- a. Any plant material that does not survive or which was removed or destroyed, shall be replaced upon its demise or removal, with plant material of like type and size as that which was originally approved and installed.
- b. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form are significantly altered. Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.
- c. Dead vegetation shall be promptly replaced with healthy, living plants in accordance with standard seasonal planting practices. The property owner shall also be responsible to keep the landscaped areas reasonably free of weeds, trash, and debris.
- d. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.

Building

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

Water Quality Management Plan (WQMP)

166. The owner shall contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall be the responsibility of the owner to maintain inspection reports and provide inspection reports to the City upon request. In the event any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the owner to correct the deficiency and restore the stormwater treatment device(s) to it.