



REGULAR ADJOURNED MEETING OF THE
MONTCLAIR PLANNING COMMISSION

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

Monday, November 28, 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 June 27, 2022 meeting are presented for approval.
The minutes from the July 25, 2022 meeting are 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 2021-07
Project Address: Northwest corner Mission Boulevard and Ramona Avenue
Project Applicant: Mission Blvd Industrial Owner, LP
Project Planner: Michael Diaz
Request: A General Plan Map Amendment, Zone Change, a Tentative Tract Map No. 20381, and a Precise Plan of Design to develop an eight-building industrial business park, named the “*Mission and Ramona Business Park*,” on a 27.74-acre site at the northwest corner of Mission Boulevard and Ramona Avenue.]

ENVIRONMENTAL ASSESSMENT: In compliance with California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (“DEIR”) was prepared to analyze the potential environmental impacts that may result from the implementation of the proposed Project. The DEIR evaluated potential environmental impacts associated with the implementation of the Project and provides information regarding short-term, long-term, direct, indirect, and cumulative environmental effects of the Project. It also identified feasible mitigation measures and/or alternatives that would minimize or eliminate the potentially significant impacts associated with the implementation of the Project.

Click on the link below to access the document:

<https://www.cityofmontclair.org/current.projects-in-montclair/>

7. INFORMATION ITEMS

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

8. PUBLIC INSPECTION OF MATERIALS

Reports, backup materials, and additional materials related to this project item can be viewed on our website www.cityofmontclair.org/agendas by clicking on the Planning Commission agenda for November 28, 2022.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of December 12, 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 was posted on the bulletin board adjacent to the north door of Montclair City Hall on November 23, 2022.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 11/28/2022

AGENDA ITEM 6.a

Case No.: 2021-07

Project: A General Plan Map Amendment, Zone Change, a Tentative Tract Map No. 20381, and a Precise Plan of Design to develop an eight-building industrial business park, named the “*Mission and Ramona Business Park*,” on a 27.74-acre site at the northwest corner of Mission Boulevard and Ramona Avenue.

Project Address:

The northwest corner of Mission Boulevard and Ramona Avenue and is currently comprised of nine parcels identified by Assessor’s Parcel Numbers (APN): • APN 1012-151-20 • 1012-151-27 • 1012-151-28 • 1012-151-29 • 1012-161-01 • 1012 161-02 • 1012-161-03 • 1012-161-04 • 1012-161-05. The current address is 10798 Ramona Avenue



Property Owner: Mission Blvd Industrial Owner, LP

Existing Adjacent Land Use Designations and Uses			
	General Plan	Zoning	Existing Uses
Site	General Commercial	C3 General Commercial MIP Manufacturing Industrial Park M1 Limited Manufacturing	Drive-In Theater / Swap Meet
North	Conservation Basin Industrial Park	M2 General Manufacturing	State Street Union Pacific railroad tracks, Water Conservation basin
East	C3 General Commercial Business Park	C3 General Commercial, MIP Manufacturing Industrial Park,	Ramona Avenue Industrial and commercial uses, Non-conforming residential vacant land
South	General Commercial Low-Residential	C3 General Commercial R2 Two-Family Res.	Mission Boulevard Commercial and Residential uses
West	Industrial Park Limited Manufacturing	M1 Limited Manufacturing C3 General Commercial	Industrial Non-conforming residential

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2021-07

APPLICATION TYPE(S)	General Plan Map Amendment Zone Change Tentative Tract Map Precise Plan of Design
NAME OF APPLICANT	Mission Blvd Industrial Owner, LP
LOCATION OF PROPERTY	Northwest Corner of Mission Boulevard and Ramona Avenue (current address 10798 Ramona Avenue)
GENERAL PLAN DESIGNATION	General Commercial (Current)
ZONING DESIGNATION	"C3 General Commercial" "MIP Manufacturing Industrial," and "M1 Limited Manufacturing" (Current)
EXISTING LAND USE	Drive-In Theater (four screens)
ENVIRONMENTAL DETERMINATION	Environmental Impact Report
PROJECT COORDINATOR	Michael Diaz, Director of Community Development

PROJECT DESCRIPTION

Mission Blvd Industrial Owner, LP is proposing to develop an eight-building industrial business park, named the "*Mission and Ramona Business Park*," on a 27.74-acre site at the northwest corner of Mission Boulevard and Ramona Avenue (Attachment A). The site is currently home to the Mission Tiki Drive-In Theater and a weekly swap meet. The proposed project would provide approximately 513,295 square feet of new flexible space for light manufacturing and distribution uses, as well as associated site improvements (e.g., buildings with loading docks, trailer stalls, on-site parking spaces, and landscape improvements). The project also includes the extension of Third Street, an east-west public street, dividing the site into two halves. To accommodate the project, all existing on-site structures and improvements will be removed.

The proposed development required the preparation of an Environmental Impact Report (EIR) and requires the approval of a General Plan Map Amendment, Zone Change, a Tract Map, and a Precise Plan of Design. The Planning Commission is requested to review the project proposal and forward its recommendations to the City Council for their consideration. The City Council will consider the Planning Commission's recommendations and determine at a public hearing, whether to approve, modify, or disapprove the recommendations of the Planning Commission.

Copies of the EIR, proposed subdivision map, site plan, floor plans, elevations, renderings, and conceptual landscape plan are included in the Commission packets and are available on the City's website at <https://www.cityofmontclair.org/current-projects-in-montclair/>

ENTITLEMENT REQUESTS

General Plan Amendment and Zone Change

The project requires approval to change the current land use designations of the nine parcels making up the site to achieve consistency with the General Plan and Zoning designations for these parcels. The proposed land use designation changes are described below:

Mission and Ramona Business Park <u>Proposed Land Use Amendments</u>		
<i>Document</i>	<i>Existing Land Use Designations</i>	<i>Proposed Land Use Designations</i>
General Plan Map	General Commercial (Entire Site)	M1 Limited Manufacturing (North side of Third Street) "Industrial Park" (South side of Third Street)
Zoning Map	C3 General Commercial MIP Manufacturing Industrial M1 Limited Manufacturing	M1 Limited Manufacturing (North Side of Third Street) MIP Manufacturing Industrial (South Side of Third Street)
The project site currently consists of nine existing parcels identified by Assessor's Parcel Numbers (APN): • APN 1012-151-20 • 1012-151-27 • 1012-151-28 • 1012-151-29 • 1012-161-01 • 1012 161-02 • 1012-161-03 • 1012-161-04 • 1012-161-05		

Tentative Tract Map No. 20381

The project site currently consists of nine adjoining parcels ranging in size from 0.29 acres to 8.93 acres for 27.74 acres in total area. Tentative Tract Map No. 20381 would consolidate the nine existing parcels and reorganize the project site into eight new parcels divided into two major areas (north and south) created by the eastward extension of Third Street to Ramona Avenue. The proposed Third Street extension will be a two-lane, undivided, local 60-foot wide roadway aligned with and connected to the existing Ramona Avenue/Dale Street signalized intersection. In addition, the developer has agreed to share the cost for street improvements on Third Street to the west of the project site terminating at Silicon Avenue. Improvements generally include repaving and installation of curb, gutter, and sidewalk where needed.

Further, based on the results of the Project's Traffic Impact Analysis (Appendix G of the Draft EIR) if the project were approved, the City has conditioned the Project to implement an improvement measure to improve the intersection of Silicon Avenue and Mission Boulevard to restrict northbound and southbound left-turning movements.

The south side of the site would be approximately 12.22 acres in size and divided into six separate parcels, Nos. 1 through 6. The area on the north side of the street is approximately 13.98 acres and would be further divided into two parcels, Nos. 7 and 8.

Mission and Ramona Business Park <u>Tentative Tract Map No. 20381</u>			
New Parcel No.		Lot Size	Total Building Size (Footprint SF) ¹
1	S O U T H	2.23 acres	38,764 SF (36,264 SF Footprint)
2		1.86 acres	30,200 SF (27,700 SF Footprint)
3		1.96 acres	36,886 SF (34,386 SF Footprint)
4		1.96 acres	37,411 SF (34,911 SF Footprint)
5		1.89 acres	31,403 SF (28,903 SF Footprint)
6		2.32 acres	41,831 SF (39,331 SF, Footprint)
Third Street Extension		1.54 acres	--- N/A ---
7	N O R T H	8.46 acres	186,800 SF (181,800 SF Footprint)
8		5.51 acres	110,000 SF (105,000 SF Footprint)
TOTAL		27.74 acres	513,295 SF (488,295 SF Footprint)
¹ Mezzanine Area, 2,500 SF for Buildings 1-6; 5,000 SF for Buildings 7-8. The mezzanine area is not included in Building Footprint but is included in the total Building Size.			

Access to the project site is provided by four driveways on State Street, six driveways on Third Street, one on Ramona Avenue, and two on Mission Boulevard. All project frontages would include five-foot-wide sidewalks to facilitate pedestrian connectivity. A bicycle path is contemplated for the portions of Mission Boulevard and Ramona Avenue adjacent to the site, but would not be constructed until the City is ready to construct them as part of a comprehensive complete streets implementation effort.

Precise Plan of Design (PPD)

As indicated above, the project site will be divided into two halves by the eastward extension of Third Street. The applicant chose to utilize a separate architect for each half of the project site. The north half of the site, where the two largest buildings of the project are located, features a site plan and building form that is typical in approach. A central interior truck bay area between Buildings 7 and 8 is proposed to screen the view of trucks and secure this area from the street. The interior truck court area would be screened and secured by concrete screen walls and sliding decorative metal gates. The majority of the concrete screen walls and gates for Buildings 7 and 8 would be eight feet in height. A portion of the northern side of the Project site (i.e., facing State Street and the rail corridor) would be approximately 15 feet high as viewed from State Street and secured by an eight-foot-tall wrought iron sliding gate with a perforated metal screen. Concrete screen walls will also be installed along the western boundary of the

Project site, near parking areas. Each wall would have a vandal-free treatment and would be painted with colors complementary to each building.

On the south half of the site where Buildings 1 through 6 will be located, the site plan and buildings are arranged with the intent of providing a more campus-like setting featuring smaller-sized buildings that could be occupied by small-scale industrial/manufacturing uses, or easily converted to more office-based uses. Concrete screen walls and interior gates around Buildings 1 through 6 would be approximately eight feet tall and the gates would feature a tubular metal design.

All buildings will be concrete tilt-up structures featuring varying finishing textures, intrusions, and extrusions consistent with the intended architectural themes. Similarly, each building would feature variable rooflines extending from 35 to 45 feet in height, adjusted for grade elevations. Building corners would feature aluminum and glazing (glass) elements to create pedestrian-scale, intuitive building entrances. The buildings would be painted with complementary neutral colors. Buildings 1 through 6 would feature neutral earth tones while Buildings 7 and 8 would feature neutral grey tones.

Outdoor activities will include normal traffic movement, passenger and truck parking, the loading and unloading of trailers within designated truck courts/loading areas, and the internal and external movement of materials around the Project site via forklifts, pallet jacks, yard hostlers, and similar equipment. The outdoor cargo handling equipment used during the loading and unloading of trailers (e.g., yard trucks, hostlers, yard goats, pallet jacks, and forklifts) is expected to be non-diesel powered per contemporary industry standards. Within the gated truck court area of Buildings 7 and 8, up to 23 trailers would be parked in designated trailer storage stalls. Each building will have a trash enclosure.

Parking

Parking for the project includes spaces for automobiles and trucks, including parking for clean air/vanpools, and electric vehicles. Additionally, the project includes 32 bicycle parking spaces. Parking for the project is summarized as follows:

Mission and Ramona Business Park <u>Parking Summary</u>			
<i>Trucks</i>			
<i>Parking Type</i>	<i>Parcels 1-6</i>	<i>Parcels 7 and 8</i>	<i>Total</i>
Truck Trailers	0	23 (at Building 7)	23 spaces
<i>Autos</i>			
<i>Parking Type</i>	<i>Parcels 1-6</i>	<i>Parcels 7 and 8</i>	<i>Sub-Total</i>
Standard Vehicle	253	304	557
Electric Vehicle	18	23	41
Clean/Van Pool	72	30	102
Total			700 spaces
Specific details regarding the Project's loading doors, trailer stalls, and parking spaces are provided in Table 3-5. Table 3-5. Parking Summary in the EIR.			

Dock doors and grade doors would be located within the gated truck courts for each building and would be oriented toward the interior of the sites.

Landscaping and Lighting Improvements

Landscaping is provided for all street front setback areas and around vehicle parking areas located within the site. Landscaping along the site's frontages would include a mixture of trees, shrubs, and ground cover. Proposed trees include 24-inch box Desert Willow, 24-inch box Chitalpa, 24-inch box Tulip Trees, 24-inch Coast Live Oaks, and 15-gallon Brisbane Box Trees. The landscaping materials along the Project frontages incorporate a layering concept to provide different-height trees and border or accent shrubs and low ground covers. Plant material is selected for low water and low maintenance, per State and local Water Conservation requirements, including the preparation of a water budget for the project. Irrigation would be provided via drip and/or a subsurface system. No turf areas are proposed as part of the conceptual landscape plan.

Project lighting would feature a mix of pole-mounted and wall-mounted lighting fixtures, to provide outdoor illumination across the site including parking areas, walkways, and entries. The location of lights is directed downward and away from adjacent properties. If needed, exterior light fixtures affecting adjacent residential uses (i.e., residences to the west) will be required to include light-controlling devices, such as light guards or shields.

BACKGROUND

- The Mission Tiki Drive-In (10798 Ramona Avenue) theater was established in 1956 as the Mission Drive-In and currently consists of a projection building/snack bar, office, warehouse, four screens, ticket booths, entrance, circulation paths, a paved viewing area, and landscaping. The original Cinemascope screen in the southeast corner of the property was demolished and replaced by the four existing screens in 1975.
- The Mission Drive-In underwent substantial renovations in 2006 which involved rebranding the property as the Mission Tiki Drive-In Theater. This involved the addition of "Tiki"/Polynesian style decorative elements, such as a small shade park and picnic area on the north side of Screen 1 with concrete Moa head statues and a bamboo pole screened area, three ticket booths on the north side of the property, the grass-roofed entrance sign, and the renovation of the 1975 marquee at the corner of Mission Boulevard and Ramona Avenue. Additional themed elements include screen signage and exit signs. Though "Tiki" and Polynesian-applied themes are consistent with historical pop cultural themes from the 1950s and 1960s, the anachronistic decorative elements at the Mission Tiki Drive-in Theater were all constructed in 2006.
- At the northeastern corner of the site is a metal building that was previously the location for the Montclair Tire Company which moved in 2011.
- The drive-in theater operates six days a week usually showing two films per screen each night with the latest start time around 10:00 p.m. During the week, the property hosts a swap meet on Wednesdays and Fridays through Sundays, between the hours of 6:00 a.m. to 2:00 p.m.
- The Project Applicant acquired the Drive-In property in 2019 from the DeAnza Land and Leisure Company (previously named Sero Amusement Company) with plans to redevelop the site with the proposed Project. The Project Applicant voluntarily allowed the previous

owner (and operator of the Drive-In) to continue to operate the Drive-In rent-free in the short term until development plans had advanced further.

- Employment estimates were calculated using average employment density factors reported by the Southern California Association of Governments, which stated that for every 2,111 square feet of warehouse space in San Bernardino County, the median number of jobs supported is one employee (SCAG 2001). The Project would include approximately 513,295 square feet of flexible industrial space. As such, the estimated number of employees required for the project would be approximately 248 persons.
- Demand for flexible industrial facilities in the region remains high, and within the Montclair sub-market, industrial vacancies are virtually non-existent (C&W 2022). Given the limited supply of land and relatively small parcel sizes within the City, industrial buildings in Montclair have been smaller in scale. The resulting smaller buildings are sought by small to medium size companies from nearby locations who are seeking less expensive and larger facilities with modern amenities than what they have or can find at their existing locations.

PLANNING DIVISION COMMENTS

As one of the largest assemblages of property in the City, the Mission Tiki Drive-In site has been the subject of many inquiries and informal discussions about various redevelopment alternatives that included commercial, industrial, and residential uses. Not until the property was listed for sale in 2018 did the potential for change emerge as a real possibility. The property eventually sold in 2019 and since then the new owner has worked on a plan to develop the site with a high-quality business park campus with light manufacturing and distribution facilities that are designed to meet contemporary industry standards, accommodate a wide variety of users, and which are economically competitive with similar industrial buildings in the local area and region.

To develop the project site for any type of new and cohesive land use concept the current inconsistency between the land use designations assigned by the General Plan Land Use Map and the Official Zoning Map need to be resolved.

General Plan Amendment

As described above, the entire project site is currently designated "General Commercial" (GC) by the General Plan (1999). The GC land use designation would allow for a wide range of commercial activities including retail and wholesale establishments. When the current General Plan was adopted, the anticipated vision for the site and other properties on the north side of Mission Boulevard with the GC land use designation was for commercial uses following the land use trends of the time which projected continuous commercial expansion. Under ideal conditions, a project site of this size would be large enough to accommodate a large "Community Shopping Center" with four to five anchor tenants and 20-40 minor tenants. Generally, ideal conditions include a good location with high visibility, easy and unobstructed access, favorable economic and market conditions, and a trade area large enough to support the uses. However, since the GC land use designation has been in place (23 years), no new commercial development (particularly retail) has occurred on Mission Boulevard. Nearly all new construction activity on the north side of Mission Boulevard has been smaller-scale industrial development on underutilized or vacant land parcels.

When the property was put on the market, several developers contacted the City to discuss future development potential for the site. At that time, City staff asked each potential buyer/developer about the possibility of developing the site with revenue-generating uses such as a major home improvement center, a wholesale to public business, or a large community multi-tenant shopping center with major anchors. Distance from local freeways and lack of visibility along with recent changes in the retail industry caused in part by the impact of e-commerce impacted potential commercial development. Thus, despite the size of the site, it was not seen by developers as an ideal location to attract and sustain the abovementioned uses.

More specifically, the potential for commercial development on the site is further impacted in the following ways. First is the depth of the site at approximately 1,272 feet (or nearly a ¼ mile distance) as measured from Mission Boulevard to State Street. If developed as a commercial retail center, the north half of the site would be less desirable to anchor tenants who prefer to be near high-visibility corner locations or along prominent street frontages. In this case, Mission Boulevard is the prime street frontage since only half of the Ramona Avenue frontage has direct access and visibility due to the southward extension of the existing Ramona Avenue Bridge roadway down to the three-way intersection at Dale Street. State Street on the north end of the site does offer access, but the street functions as a local secondary roadway with moderate local traffic volume which does not intersect with Ramona Avenue or directly connect to Mission Boulevard.

Second, the north half of the site sits below grade (approximately 15-20 feet at its highest point) from the Ramona Avenue bridge roadway which eventually tapers down to meet the grade at the signalized three-way intersection at Dale Street. Even with the proposed extension of Third Street to Ramona Avenue with this project, the north half of the site would not significantly improve the chances of attracting the development of a prime commercial center that the City would prefer to see. In 2017, the City considered and approved an amendment to the General Plan Land Use Map for the nine-acre parcel located at the southwest corner of Central Avenue and Holt Boulevard (now the Cardenas Market Center) with similar conditions that hindered the development of that site under its previous General Plan and Holt Boulevard Specific Plan land use designations.

Third, the requested amendments to the General Plan Land Use Map from “General Commercial” (GC) to “M1 Limited Manufacturing” (north side of the Third Street extension) and “Industrial Park” (south side of Third Street) would bring the site into consistency with predominate zoning designations of the surrounding area between State Street and the north side of Mission Boulevard. The Project site is also located within the Mission Boulevard corridor (generally between Holt Boulevard to the north and Mission Boulevard to the south), which has long been an area with industrial uses. This is, in part, due to the existence of the Union Pacific Railroad line, which serves as a regional freight corridor. Historically, industrial businesses took advantage of this rail line to transport goods directly from storage, processing, and manufacturing facilities within the Mission Boulevard corridor. Moreover, the proposed amendments, and related zone changes, would resolve the current inconsistency between both land use documents, and allow for the development of the site with a project in line with existing and new types of improvements in the same area. Accordingly, the Project would result in the development of industrial uses in keeping with the surrounding industrial corridor within the City.

Lastly, the City’s General Plan recognizes that a wide range of land uses are necessary to promote a prosperous community and sound economic base. Specifically, General Plan Policy LU-1-1.32 states that it is a policy of the City to “encourage the use of the industrial park or

business park concept for the development of industrial land.” Given that the Project would be located within the Mission Boulevard corridor, which has long been an established industrial corridor, the Project is thus consistent with the City’s land use and planning strategy. Given the above discussion, staff supports the applicant’s requests to amend the General Plan Land Use Map to accommodate the development of the site as proposed.

Zone Change

The proposed zone change to the Official Zoning Map would align with the General Plan Land Use Map designations and ensure consistency between both documents governing development within the City. The zone change will provide the implementation authority upon which the site can be developed. Further, each new zoning designation provides its own set of allowable or conditionally permitted uses and associated zone-specific development standards (e.g., height limits, setback requirements, parking ratios, etc.).

The Limited Manufacturing (M1) zone is intended for limited manufacturing and limited industrial uses. The Manufacturing Industrial Park Zone (MIP) is intended to provide an appropriate physical environment for the establishment of industrial and light manufacturing uses. Although future occupants of the *Mission and Ramona Business Park* are unknown at this time, the applicant anticipates that Buildings 1 through 6 could support many light manufacturing and distribution uses, (e.g., manufacturing, service, and warehouse) provided they are permitted, or conditionally permitted in the MIP zone. Buildings 7 and 8 would support more traditional warehousing and distribution operations, also as permitted or conditionally permitted in the M1 zone. More specifically, the MIP zone would allow for service uses, banks/financial services, professional offices, laboratories, manufacturing electronic parts and equipment, pharmaceuticals (with no odor smoke, gases, etc.), printing, and assembly operations, that need buildings of the size proposed in this area of the project. Colleges or educational uses could also be considered with an approved conditional use permit (CUP) on a case-by-case basis. For the entire project, the outdoor storage of raw materials, waste materials, storage bins, sea containers, etc., would not be permitted. Further, cold storage will not be a permitted use in any of the proposed buildings.

The Project’s buildings have been designed such that business operations would be conducted entirely within the enclosed buildings. General administrative/business activities are accommodated in the office and mezzanine spaces located within each building. No outdoor business operations would be permitted except for normal traffic movement, passenger and truck parking, the loading and unloading of trailers within designated truck courts/loading areas, and the internal and external movement of materials around the Project site via forklifts, pallet jacks, yard hostlers, and similar equipment. The outdoor cargo handling equipment used during the loading and unloading of trailers (e.g., yard trucks, hostlers, yard goats, pallet jacks, and forklifts) is expected to be non-diesel powered per contemporary industry standards.

To further ensure the project is properly operated and maintained, the developer will establish an Owner’s Association with Conditions, Covenants, and Restrictions (CC&Rs), to provide a uniform set of rules and guidelines with which all owners must comply. The proposed CC&Rs will address sharing costs for general maintenance, insurance, taxes, common area expenses, landscaping and irrigation, WWQP requirements, rules on signage, and exterior building changes, etc., but will also restrict how owners may use their properties to control and/or limit negative impacts or adverse secondary impacts to the overall project site. Other provisions in the CC&Rs will clarify and/or prohibit undesirable uses such as cold storage, general auto repair

uses, outdoor storage, etc. A draft set of CC&Rs has been prepared and is in the process of review by City staff and the City Attorney.

All future industrial business(s) and use(s) within the building would be subject to the applicable land use provisions contained in the Montclair Municipal Code, including the requirement to obtain and maintain a valid business license and State and Federal regulations on the handling, storage, and transport of waste materials, if applicable. As part of the routine review process for any new business, the property would be inspected to ensure compliance with all applicable codes, including property maintenance, and the provision of adequate on-site parking.

Finally, at the time the subject project was initiated, the applicant understood that the City had begun the process to update its General Plan, which is still in progress. Based on the draft conceptual General Plan Land Use Map the Project site's General Plan Land Use designation would be changed from General Commercial to Mixed-Use Commerce. According to the draft Mixed-Use Commerce land use designation, a wide variety of office and large-format retail and commercial activity along with multifamily dwellings could be allowed. Uses would include light industrial uses including research and development uses, small-scale manufacturing, professional and medical office, and traditional business parks. With the adoption of the proposed General Plan Update that is underway, the proposed Project would be an allowable use and consistent with the General Plan Update.

Tentative Tract Map

Staff finds the proposed tentative tract map design to be appropriate and a logical means for accommodating the proposed development of the site. As discussed above, although the site is large, its location, limited access, adjacency to the Ramona Avenue overpass, and extended roadway, have made it difficult to develop for a single user or the type of development(s) currently envisioned by the General Plan and Zoning Map. By subdividing the site into two developable areas of sufficient size with the fully improved extension of Third Street through the site to Ramona Avenue, the site becomes more efficient to develop. The two halves of the site created by the Third Street extension will allow the further subdivision of the site into developable parcels of adequate size and shape to promote orderly development with direct street frontage and easy access to accommodate future uses. Moreover, the new lots created by the proposed tract map will align with the existing and emerging development pattern in the surrounding area between State Street and the north side of Mission Boulevard, and between Kadota Avenue and Monte Vista Avenue.

Access to the site will be from Mission Boulevard and Ramona Avenue, both fully developed major arterial roadways with signalized intersections. Moreover, given the width of and development of Mission Boulevard, the site is more than adequately separated from any sensitive users including residential uses to the south. To the west, the project proposes walls to separate the site from adjacent uses including residences. The walls will provide screening and a moderated amount of sound attenuation. Restrictions on outdoor activities will further reduce potential impacts. Outdoor lighting will require shielding as necessary to prevent overspilling. The site will be connected to the existing sanitary sewer system located in Mission Boulevard and Ramona Avenue and State Street. All existing utility poles and overhead wires on the site and street frontages will be removed and/or placed underground.

The City Engineer and Fire Department have reviewed the proposed tract map and subsequent development of the site and found the map and project to be appropriately designed. All streets, new and existing, adjacent to and extended through the site will be improved to be up to date to

meet applicable building and engineering code requirements and appearance standards. Consistent with Montclair Fire Department access requirements, the design of all project driveways allows for minimum turning radii. Signage and striping would demarcate fire lanes and clear spaces throughout the site. All gated entryways would include a rapid-access Knox system to provide emergency access to gated areas.

Precise Plan of Design

Overall, staff finds the proposed project to be well-designed and the proposed buildings to be appropriately situated for each parcel. The site plan was intentionally designed to have smaller buildings on the south half of the property and be more campus-like in appearance, to allow for a more diverse mix of business park uses and better support a mix of potential manufacturing, office, e-commerce, medical storage, laboratory, and research and development uses that could accommodate these uses. Access to and from both halves of the site will be relatively easy from all street frontages adjacent to the site. Other site improvements such as parking, trash enclosures, exterior lighting, landscaping, and required elements of the approved Water Quality Management Plan (WQMP) have been appropriately accommodated in the proposed plan. Trash enclosures are distributed around the site, where they can be adequately utilized and maintained. When the project is completed it will provide a visual boost to the overall appearance of this site and key intersection within the City.

The project is designed to comply with the applicable development standards of the proposed MIP and M1 zoning designations requested with this application. The sizes, locations, massing, building height, and setbacks of all eight proposed buildings are consistent with the requested zoning designations. The design of the project meets all the applicable development standards of each zone and does not involve any requests for variances or administrative adjustments. At an average of 45 feet in height, the buildings within the project are lower than the 50-foot height for the MIP zone and less than the 75-foot height limit of the M1 zone. However, the view of rooftop equipment (other than skylights and required vents) from the Ramona Avenue Bridge relative to the grade of the site may pose a challenge. Staff will continue to work with the applicant's architects to develop a strategy to screen rooftop equipment such as air conditioning equipment and ducting in office areas (except skylights). Staff has added a condition of approval requiring that any roof-top equipment be fully screened from view to the greatest extent possible, as determined by the Director of Community Development. When completed, the new buildings will contribute to the visual and physical improvement of the Mission Boulevard corridor and the surrounding area.

The Project's buildings have been designed such that business operations would be conducted within the enclosed buildings. General administrative/business activities would be accommodated in the office and mezzanine spaces within each building. The proposed on-site parking for the project meets minimum requirements and is well distributed around each building. Parking for the site is based on a ratio of 1:1,000 s.f. requirement for the proposed industrial/warehouse buildings. As indicated, all exterior loading and parking areas will be illuminated at night, subject to City requirements for shielding and/or prevention of light overspill to adjoining properties. A review of the project's exterior lighting and the photometric plan is subject to approval by City staff during the plan check process and is a typical condition of approval included in the proposed resolution for the Project.

Building Design

Staff finds the proposed building designs for both halves of the site to be well done and complementary in style and details. The slight design variations for buildings on each half of the site work well together as a whole and provides ample visual interest to the overall Project. Moreover, the amount of detail provided on each building in the form of varied parapet heights, cornice treatments, bracketed canopies, etc., help to give the buildings depth and visual interest in an appropriate and up-to-date manner. Elements of the design are extended to all sides of the buildings with street-side elevations of the buildings (particularly at corners and entry points) intentionally designed to provide a recognizable and attractive face to the adjacent streets. Truck dock areas are either recessed, screened, or located in the interior of the site to lessen their visibility.

The use of tilt-up panels is common for constructing industrial buildings and the level of detail elements can be easily incorporated into the panel designs where proposed. The use of reveals (horizontal and vertical), wall offsets, and varied panel heights works well on all sides of the building and provides visual interest. The use of tilt-up construction is extended to site walls, trash enclosures, etc., and continues the desired design aesthetic for the project. Staff finds the proposed finishes and color palette of warm tones of taupe, tan, and gray, with burgundy accents, are well chosen and appropriate for the proposed architecture as well.

A comprehensive sign program has been developed for the project and although staff finds it to be appropriate overall. The sign program document and other drawings generally depict where signs will be located or placed on the site. However, there are a few minor adjustments to the sign program that are needed and can be completed during the plan check process. A condition of approval requesting the applicant work with staff to fine-tune the sign program has been added.

Landscaping

Landscaping for the overall project is well done and the selected plant materials are generally appropriate and appear to be evenly distributed. Eventually, the height of the trees will help to lessen the perception of the height of the new buildings much in the same way the existing trees on Monte Vista Avenue and Mission Boulevard softened the height of existing drive-in screens. Staff will also work with the applicant to provide additional visual interest and address any exposed wall areas that could be subject to graffiti.

The proposed irrigation system is also designed to be water efficient. As a standard requirement, the project landscape architect has prepared a water budget for the project to meet State requirements for water conservation.

GENERAL PLAN AMENDMENT FINDINGS

The proposed General Plan Amendment (GPA) promotes the goals and objectives of the General Plan and leaves the General Plan a compatible, integrated, and internally consistent statement of policies for the following reasons:

- A. The GPA is integrated and compatible with the Land Use and Community Design Elements in that it provides an appropriate orientation and relationship between land uses within and adjacent to the subject site located on the northwest corner of Mission

Boulevard and Ramona Avenue. The implementation of the proposed GPA would be consistent with the General Plan's policy to encourage the development of parcels on Mission Boulevard where development has previously been hindered due to parcel size and configuration and access. Moreover, the GPA would be consistent with policies seeking to establish an effective balance of land use, circulation, transportation, and community design. The proposed GPA does not result in the removal or division of any existing residential neighborhoods on or adjacent to the site but would allow for the site to be redeveloped into a modern multi-building industrial park development consistent with development standards of the underlying MIP and M1 zones and recent new development in the immediate area. As such, the site would become an integral part of the City's efforts to see dilapidated and underutilized properties transformed into attractive properties within the community.

- B. The GPA is integrated and compatible with the future use of the site on Mission Boulevard and will generate traffic that is anticipated and within capacity levels, as provided for in the Circulation Element. The GPA would be consistent with the General Plan's overall goal of providing residents and visitors of the City of Montclair with a circulation network that provides safe and efficient travel within and through the community.
- C. The GPA does not result in the displacement of any existing housing units located on the site or adjacent parcels. The property does not contain any housing units and the surrounding development includes existing and new industrial uses only. The property is not on any potential housing inventory sites and as such does not impact the potential for adding new housing units.
- D. The GPA is integrated and compatible with the Conservation Element in that it provides uses, which promote the orderly conservation, development, and utilization of natural resources. The City's General Plan does not designate any areas of the City as being within a habitat conservation plan (City of Montclair 1999). Furthermore, the City is not within any of the regional conservation plans designated by the state (CDFW 2014). As such, implementation of the Proposed GPA would not conflict with any applicable habitat conservation plan or natural community conservation plan. The subject site is characterized as being almost completely covered with paved surfaces and buildings with landscaping and trees along the Mission Boulevard frontage and near the existing movie screens.
- E. The GPA is integrated and compatible with the Open Space Element in that it provides for uses that are consistent with and promote the adopted goals and policies for preserving and managing open space within the City. No open space resources exist on the subject site.
- F. The GPA is integrated and compatible with the Noise Element in that it provides a pattern of land uses that minimizes the exposure of community residents to excessive noise. The Montclair General Plan requires future development to comply with the standards of the Noise Element. The proposed GPA allows for the development of a modern multi-building industrial park development that maximizes the use of the site leaving only areas for onsite circulation, required parking, setbacks, and landscaping. No outdoor storage, manufacturing, or assembly operations are permitted. As such, outdoor activities would be largely limited to vehicle and truck movements. The closest residential uses are located immediately west of Lot 7 off Third Street. Potential noise

impacts to these properties would be mitigated by utilizing new solid walls along the common (west) property line. Further mitigating noise impacts to the nearest residences on Third Street is the height of Building No. 7 and the truck docks for this building are on the east side and at a distance of 382 feet away.

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

Zone Change Findings

- A. The Zone Change of the Project site area to "M1 Limited Manufacturing" (north side of Third Street) and "MIP Manufacturing Industrial" (south side of Third Street) would officially change the current Montclair Zoning Map and related documents from the current "C3 General Commercial," "MIP Manufacturing Industrial," and "M1 Limited Manufacturing" designations assigned to the project site by the Montclair Zoning Map. The new zoning designations would then accommodate the proposed development of the project site. Further, the zone change to "M1 Limited Manufacturing" (north side of Third Street) and "MIP Manufacturing Industrial" (south side of Third Street) would be consistent with the proposed General Plan Amendment to re-designate the project site from "General Commercial" (Entire Site) to "M1 Limited Manufacturing" (north side of Third Street) and "Industrial Park" (south side of Third Street).
- B. Uses of the project site authorized by the Zone Change promote and achieve the intended goals of the proposed *Mission and Ramona Business Park* project. Further, new industrial development under the new land use zones of the site would be consistent with the General Plan Land Use and Community Design Elements policies that encourage projects that effectively balance land use, circulation, transportation, and community design.
- C. The Zone Change is reasonably related to the public welfare of the citizens of the City of Montclair and the surrounding region because the change would enable the City to employ good zoning practices that seek to integrate the uses of this very prominent piece of property with surrounding uses and the City's overall goals for a balanced economic base and orderly development. Without the proposed zone change, the above goals could not be achieved.

Findings for Tentative Tract Map No. 20381

- A. The proposed subdivision of the 27.74-acre site is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. The lot pattern and

proposed arrangement of buildings on the site are generally oriented, spaced, and designed to allow for access to adequate light and air. Each building will be designed to comply with building code requirements for energy efficiency and the project will provide tree-lined streets for shade, air filtering, and other environmental benefits.

- B. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and the applicable zoning designations:
 - 1. The Tentative Tract Map would provide for land uses compatible with the land use classification for the subject site by the General Plan and associated zoning districts as amended. The overall goal of the General Plan is to promote good planning practices and orderly development within the City and to recognize the potential of specific areas for special treatment. The proposed development of the 27.74-acre site and project design and improvements would be consistent with the proposed General Plan land use designations for the site.
 - 2. The Tentative Tract Map provides for land uses compatible with the "M1 Limited Manufacturing" (north side of Third Street) and "MIP Manufacturing Industrial" (south side of Third Street) zoning districts in which they are located. Moreover, the design for the site and buildings are of high quality and consistent with the high expectations of improvements for projects within the City.
 - 3. The subject site is physically suitable for the type and density of development proposed in the Tentative Tract Map given the overall size of the property. The site is 27.74 acres in overall area and is of a configuration that has sufficient width and depth to allow for the proposed creation of lots and subsequent orderly site development. The project site is also located adjacent to fully-improved streets that will provide good access and allow for appropriate internal pedestrian and vehicular circulation. The proposed public streets within the project boundaries will be fully improved and serve to link the project to adjacent fully improved streets.
- C. The subdivision design and improvements proposed in the Tentative Tract Map are not likely to cause substantial environmental damage nor substantially injure fish, wildlife, or their habitat. As explained in the *Mission and Ramona Business Park* Environmental Impact Report (SCH #2021010005) ("EIR"), the site is surrounded by urban development and streets, does not contain any bodies of water, and is not linked to any wildlife corridors. Further, the EIR explains that the site does not contain any known habitats of significance including rare or endangered species of plant, animal, or insect life.
- D. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be performed per the requirements of all applicable standards and codes including the zoning and building codes, and Mitigation Measures identified in the EIR.
- E. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with any easements acquired by the public at large for access through or use of the subject site because no such easements exist on the subject site. However,

the map provides for new public easements specifically intended to allow for public access at key points in the new plan and to facilitate pedestrian public access to and from the site.

- F. The discharge of waste into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the regional water quality control board. The entire project will be required to connect to a sanitary sewage system according to California Plumbing Code and Municipal Code requirements. Sewer mains exist in the Mission Boulevard, Ramona Avenue, and State Street rights-of-way and are near the site to facilitate ease of connection.

PRECISE PLAN OF DESIGN FINDINGS

- A. The proposed development of the project site with new industrial-type buildings and site improvements are consistent with their new land use designations of “M1 Limited Manufacturing” (north side of Third Street) and “MIP Manufacturing Industrial” (south side of Third Street) per the amended land use maps of the City’s General Plan and Official Zoning Map. The development of Lots 1-6 of TM 20381 fronting Mission Boulevard and Ramona Avenue will contribute to the mix of existing commercial use and new industrial development found on the north side of Mission Boulevard and the development of Lots 7 and 8 of TTM 20831 will continue the ongoing improvement of the State Street properties with appropriate development related to the area near the south side of the Union Pacific Railroad right-of-way. Further, future users of the site will be subject to zoning verification and would be restricted to indoor activities only.
- B. The proposed project would result in a significant improvement to the appearance of the area by allowing the development of well-designed and scaled buildings in a manner that makes efficient use of the site, contribute to the improvement of property values in the area, is compatible with adjacent land uses, and complies with the intent and applicable development standards of the M1 Limited Manufacturing” (north side of Third Street) and “MIP Manufacturing Industrial” (south side of Third Street) zoning districts.
- C. The site plan, building form, massing, and height of the proposed buildings on the project site and their respective architectural design as indicated in the submitted plans are attractive and up-to-date and will contribute to the ongoing improvement of the Mission Boulevard corridor. The design features high-quality exterior materials and finishes and incorporates appropriate lighting and landscape materials to give the project a distinct and attractive street appearance.

ENVIRONMENTAL REVIEW

In compliance with California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (“DEIR”) was prepared to analyze the potential environmental impacts that may result from the implementation of the proposed Project. The DEIR evaluated potential environmental impacts associated with the implementation of the Project and provides information regarding short-term, long-term, direct, indirect, and cumulative environmental effects of the Project. It also identified feasible mitigation measures and/or alternatives that would minimize or eliminate the potentially significant impacts associated with the implementation of the Project. A Mitigation Monitoring and Reporting Program has been prepared and is attached as Exhibit B to Resolution No. 22-1971. A Statement of Overriding Considerations will be necessary should

the City Council decide to approve the Project because of the significant and unavoidable impacts. The Statement of Overriding Considerations and Findings for the Project is attached as Exhibit A to Resolution No. 22-1971.

On January 4, 2021, the City sent to the Office of Planning and Research and each responsible trustee agency a Notice of Preparation (“NOP”) stating that an Environmental Impact Report (State Clearinghouse No. 2021010005) would be prepared. According to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on January 13, 2021, to solicit comments on the scope of the environmental review of the proposed Project and, eight comments were received.

The DEIR determined that mitigation measures were required to mitigate impacts to a less than significant level for the following resource areas: biological resources, cultural and tribal cultural resources, geology and soils, hazards and hazardous materials, noise, utilities, and service systems. However, the DEIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts relating to air quality, greenhouse gas emissions, and land use and planning.

As required by State CEQA Guidelines section 15087(a), the City provided a Notice of Availability of the DEIR to the public at the same time that the City sent a Notice of Completion to the Office of Planning and Research, on January 10, 2022. On the same date, the DEIR was circulated for at least a 45-day public review and comment period from January 10, 2022, through February 25, 2022. During the public comment period, copies of the DEIR and technical appendices were available for review and inspection at the City’s Community Development Department, on the City’s website, and at the Montclair Public Library. The City received sixty-nine comment letters during the public review period and two comment letters after the public review period.

On June 1, 2022, the City released the Final EIR (“FEIR”), which consists of the DEIR, all technical appendices prepared in support of the Draft EIR, all written comment letters received on the DEIR, written responses to all written comment letters received on the DEIR, and errata to the DEIR and technical appendices. The FEIR is available for review on the City’s website at <https://www.cityofmontclair.org/current-projects-in-montclair>.

As discussed in the FEIR, the City’s review of the Project is generally limited to (1) a review of the Project’s consistency with the City’s land use regulations and policy documents, (2) ensuring the Project’s environmental effects are adequately evaluated, disclosed, and if necessary, mitigated to the maximum extent feasible, and (3) evaluating the merits of the requested discretionary entitlements.

PUBLIC COMMENT

A total of sixty-nine (69) separate public comments were received (via email) by the City during the public review period and two additional comments (via email) after the 45-day public review period, which ran from January 10, 2022, through February 25, 2022. Two of the comment letters were received from legal firms representing organized labor unions.

Except for two comments, all of the comments received were in opposition to the project as proposed with an overall preference to keep the Mission Tiki Drive-In Theater in operation.

Multiple commenters addressed the same issues, thereby allowing responses to be grouped into three thematic concerns as follows:

- Loss of a community gathering space in the City, and that the City should consider other land uses for the redevelopment of the site;
- Loss of a historic resource; and
- The project would result in significant and unavoidable impacts to air quality and greenhouse gas (GHG) emissions, as well as other concerns regarding environmental justice, health effects associated with air pollutant emissions, and potential air pollutant impacts on sensitive receptors such as nearby residences and schools.

All written comment letters received on the DEIR are listed in Table 2-1 of the FEIR (November 2022). Each comment letter was coded with a number to facilitate identification and tracking (see FEIR Table 2-1). These numbered comment letters were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Full responses to comments are also contained in the FEIR.

The City recognizes the concerns raised by many of the commenters regarding the closure of the Mission Tiki Drive-In. It is recognized that the Drive-In has long served as a community gathering place and source of entertainment for generations of City residents and visitors. However, in the context of the City's land use authority, the City is limited in its ability to control a private landowner's actions beyond the powers granted to the City under California Planning and Zoning Law. Moreover, the City does not have the authority to compel the property owner to continue the operation of a private business. This decision is at the sole discretion of the property owner.

PUBLIC NOTICE

Availability of the FEIR and notice of the public hearing was advertised in the Inland Valley Daily Bulletin newspaper on November 18, 2022, and mailed to property owners within a 1,000-foot radius from the exterior boundaries of the project site exceeding the State mandated minimum of 300 feet for consideration of these discretionary entitlements.

PLANNING DIVISION RECOMMENDATION

Staff recommends the Planning Commission recommend to the City Council find the proposed General Plan Land Use Map and Zoning Map Amendments, Tentative Tract Map, and Precise Plan of Design for the *Mission and Ramona Business Park*, on a 27.74-acre site at the northwest corner of Mission Boulevard and Ramona Avenue is consistent with City policy and standards and recommends approval of Case No. 2021-07 by approving the following:

Resolution No. 22-1971

A Resolution of the Planning Commission of the City of Montclair, recommending that the City Council: (1) adopt environmental findings pursuant to the California Environmental Quality Act, (2) certify the Mission Boulevard and Ramona Avenue Business Park Project Final Environmental Impact Report (SCH# 2021010005),

(3), adopt a statement of overriding considerations, (4) adopt a mitigation monitoring program, and (5) approve the project.

Resolution No. 22-1972

A Resolution of the Planning Commission of the City of Montclair, recommending that the City Council approval amending the Montclair General Plan Land Use Map by modifying the land use designation of 27.74 acres at the northwest corner of Mission Boulevard and Ramona Avenue, from “General Commercial” (entire site) to “M1 Limited Manufacturing” (north side of Third Street extension) and “Industrial Park” (south side of Third Street extension) (APNs 1012-151-20; 1012-151-27; 1012-151-28; 1012-151-29; 1012-161-01; 1012-161-02; 1012-161-03; 1012-161-04; AND 1012-161-05) [Planning Case No. 2021-07], contingent on the City Council certifying the EIR for the Mission and Ramona Business Park Project

Resolution No. 22-1973

A Resolution of the Planning Commission of the City of Montclair, recommending City Council approval of an amendment to the Official Zoning Map of the City of Montclair modifying the zoning designation of 27.74 acres of land at the northwest corner of Mission Boulevard and Ramona Avenue from “C3 General Commercial,” “MIP Manufacturing Industrial,” and “M1 Limited Manufacturing” to “M1-Limited Manufacturing” (north side of Third Street extension) and “MIP Manufacturing Industrial” (south side of Third Street extension) (APNs 1012-151-20; 1012-151-27; 1012-151-28; 1012-151-29; 1012-161-01; 1012-161-02; 1012-161-03; 1012-161-04; and 1012-161-05) [Planning Case No. 2021-07], contingent on the City Council certifying the EIR for the Mission and Ramona Business Park Project

Resolution No. 22-1974

A Resolution of the Planning Commission of the City of Montclair, recommending that the City Council approve Tentative Tract Map No. 20381 and Precise Plan of Design for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan for an eight-building industrial park development on 27.74 acres of land at the northwest corner of Mission Boulevard and Ramona Avenue [Planning Case No. 2021-07], contingent on the City Council certifying the EIR for the Mission and Ramona Business Park Project .

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Diaz".

Michael Diaz
Director of Community Development

MD/le

Attachments: Draft Resolution No. 22-1971
Draft Resolution No. 22-1972
Draft Resolution No. 22-1973
Draft Resolution No. 22-1974

c: John Atwell, Mission Blvd Industrial Owner, LP, 3520 Piedmont Road, NE, Suite 100, Atlanta, GA 30305
Bridget Herdman, Herdman A+D, 16201 Scientific, Irvine, CA 92618
Roger Deitos, GAA Architects, 8811 Research Drive, Suite 200, Irvine, CA 92618
Patrick Cruz, DUDEK 27372 Calle Arroyo, San Juan Capistrano, CA 92675

RESOLUTION NO. 22-1971

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR, RECOMMENDING THAT THE CITY COUNCIL: (1) ADOPT ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, (2) CERTIFY THE MISSION AND RAMONA BUSINESS PARK PROJECT FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2021010005), (3) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, (4) ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM, AND (5) APPROVE THE PROJECT

WHEREAS, the Mission and Ramona Business Park Project ("Project") proposes to involve the demolition of all existing on-site structures and the construction of an eight-building business park on a 27.74-acre site located at the northwest corner of Mission Boulevard and Ramona Avenue in the southeastern part of the City of Montclair; and

WHEREAS, the Project would require a General Plan Amendment, Zone Change, Tract Map, Precise Plan of Design, and other ministerial permits, such as an encroachment permit, grading permit, general construction permit, and street/lane closure permit; and

WHEREAS, the City of Montclair, as the lead agency for the proposed Project, prepared an Initial Study, and based on that Initial Study, determined that an EIR should be prepared because the Project may have a significant effect on the environment; and

WHEREAS, based on the Initial Study, the City further determined that impacts to aesthetics, agriculture and forestry, geology and soils (excluding paleontological resources), hydrology and water quality, mineral resources, population and housing, public services, recreation, and wildfire would be less than significant and thus need not be analyzed further in the EIR; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, on January 4, 2021, the City sent to the Office of Planning and Research and each responsible and trustee agency a Notice of Preparation ("NOP") stating that an Environmental Impact Report (State Clearinghouse No. 2021010005) would be prepared; and

WHEREAS, pursuant to Public Resources Code Section 21083.9 and State CEQA Guidelines Sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on January 13, 2021, to solicit comments on the scope of the environmental review of the proposed Project and, eight comments were received; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City prepared a Draft Environmental Impact Report ("Draft EIR"), incorporating comments received in response to the NOP; and

WHEREAS, the Draft EIR determined that mitigation measures were required to mitigate impacts to a less than significant level for the following resource areas: biological resources, cultural and tribal cultural resources, geology and soils, hazards and hazardous materials, noise, utilities and service systems; and

WHEREAS, the Draft EIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts relating to air quality, greenhouse gas emissions, and land use and planning; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Office of Planning and Research on January 10, 2022; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the Draft EIR to the public at the same time that the City sent Notice of Completion to the Office of Planning and Research, on January 10, 2022; and

WHEREAS, during the public comment period, copies of the Draft EIR and technical appendices were available for review and inspection at the City's Community Development Department, on the City's website, and at the Montclair Public Library; and

WHEREAS, pursuant to State CEQA Guidelines section 15087(e), the Draft EIR was circulated for at least a 45-day public review and comment period from January 10, 2022 through February 25, 2022; and

WHEREAS, the City received sixty-nine comment letters during the public review period and two comment letters after the public review period; and

WHEREAS, on June 1, 2022, the City released the Final EIR ("Final EIR"), which consists of the Draft EIR, all technical appendices prepared in support of the Draft EIR, all written comment letters received on the Draft EIR, written responses to all written comment letters received on the Draft EIR, and errata to the Draft EIR and technical appendices; and

WHEREAS, the "EIR" consists of the Final EIR and its attachments and appendices, as well as the Draft EIR and its attachments and appendices (as modified by the Final EIR); and

WHEREAS, all potentially significant adverse environmental impacts were sufficiently analyzed in the EIR; and

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

WHEREAS, all of the requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied by the City in connection with the preparation of the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the Project sufficiently analyzes the Project's potentially significant environmental impacts and, although no significant and unavoidable impacts were identified, the EIR analyzes a range of feasible alternatives capable of reducing these effects to an even lesser level of significance; and

WHEREAS, the City has made certain findings of fact, as set forth in **Exhibit A** to this Resolution, attached hereto and incorporated herein, based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference; and

WHEREAS, the City finds that environmental impacts that are identified in the EIR as less than significant and do not require mitigation are described in **Section 2.4 of Exhibit A**; and

WHEREAS, the City finds that environmental impacts that are identified in the EIR that are less than significant with the incorporation of mitigation measures are described in **Section 2.3 of Exhibit A**; and

WHEREAS, the City finds that even with the incorporation of all feasible mitigation measures, the environmental impacts that are identified in the EIR that are significant and unavoidable are described in **Section 2.2 of Exhibit A**; and

WHEREAS, the cumulative impacts of the Project identified in the EIR and set forth herein, are described in **Section 3 of Exhibit A**; and

WHEREAS, the potential significant irreversible environmental changes that would result from the proposed Project identified in the EIR and set forth herein, are described in **Section 4 of Exhibit A**; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the EIR and set forth herein, are described in **Section 5 of Exhibit A**; and

WHEREAS, alternatives to the proposed Project that might further reduce the already less than significant environmental impacts are described in **Section 6 of Exhibit A**; and

WHEREAS, a statement of overriding considerations is set forth in **Section 7 of Exhibit A**; and

WHEREAS, all the mitigation measures identified in the EIR and necessary to reduce the potentially significant impacts of the proposed Project to a level of less than significant are set forth in the Mitigation Monitoring and Reporting Program (MMRP) in **Exhibit B** to this Resolution, attached hereto and incorporated herein; and

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

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

WHEREAS, no comments made in the public hearings conducted by the City and no additional information submitted to the City have produced substantial new information requiring recirculation of the EIR or additional environmental review of the Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, on November 28, 2022, the Planning Commission conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard and the Project was fully considered; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The Planning Commission hereby finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA and the State CEQA Guidelines. The Planning Commission finds that the EIR reflects the independent judgment and analysis of the City. The Planning Commission declares that no evidence of new significant impacts or any new information of "substantial importance" as defined by State CEQA Guidelines section 15088.5, has been received by the City after circulation of the Draft EIR that would require recirculation. Therefore, the Planning Commission hereby recommends that the City Council certify the EIR based on the entirety of the record of proceedings.

SECTION 3. The Planning Commission recommends that the City Council consider and adopt the “CEQA Findings of Fact” pursuant to State CEQA Guidelines section 15091, and the Statement of Overriding Considerations pursuant to State CEQA Guidelines section 15093, both of which are attached hereto as **Exhibit A** and incorporated herein by this reference.

SECTION 4. Pursuant to Public Resources Code section 21081.6, the Planning Commission recommends that City Council adopt the Mitigation Monitoring and Reporting Program attached hereto as **Exhibit B** and incorporated herein by this reference, and make implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth in the EIR or the Findings of Fact and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

SECTION 5. Based upon the entire record before it, including the EIR, Findings of Fact and Statement of Overriding Considerations, and all written and oral evidence presented, the Planning Commission recommends that the City Council approve the proposed Project.

SECTION 6. The location and custodian of the documents and any other material that constitute the record of proceedings on which this Resolution has been based are located at Planning Division, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763. This information is provided pursuant to Public Resources Code section 21081.6.

SECTION 7. Planning Commission recommends that the City Council direct City staff to cause a Notice of Determination to be filed and posted with the County Clerk and the State Clearinghouse within five working days of approval of the Project.

APPROVED AND ADOPTED this 28th day of November 2022.

Manny Martinez, Chair

ATTEST:

Michael Diaz, Secretary

EXHIBIT A

CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

This page intentionally left blank

Findings of Fact and Statement of Overriding Considerations Mission Boulevard and Ramona Avenue Business Park Project SCH# 2021010005

Prepared for:



City of Montclair

Community Development Department, Planning Division
5111 Benito Street
Montclair, California 91763
Contact: Michael Diaz, Community Development Director

Prepared by:

DUDEK

3615 Main Street, Suite 103
Riverside, California 92501
Contact: Kristin Starbird, Senior Project Manager

MAY 2022

Table of Contents

<u>SECTION</u>	<u>PAGE NO.</u>
1 INTRODUCTION	4
1.1 Purpose	4
2 CEQA FINDINGS OF INDEPENDENT JUDGEMENT	6
2.1 Independent Review and Analysis.....	6
2.2 Impacts Determined to Be Significant and Unavoidable	6
2.2.1 Air Quality	6
2.2.2 Greenhouse Gas Emissions	13
2.2.3 Land Use and Planning.....	17
2.3 Impacts Determined to Be Less Than Significant with Mitigation.....	18
2.3.1 Air Quality	18
2.3.2 Biological Resources	22
2.3.3 Cultural Resources	23
2.3.4 Geology and Soils	25
2.3.5 Hazards and Hazardous Materials	26
2.3.6 Noise.....	31
2.3.7 Tribal Cultural Resources	35
2.3.8 Utilities and Service Systems	37
2.4 Impacts Determined to Be Less Than Significant	39
2.4.1 Aesthetics.....	39
2.4.2 Agriculture and Forestry Resources.....	42
2.4.3 Air Quality	43
2.4.4 Biological Resources	45
2.4.5 Cultural Resources	48
2.4.6 Energy	49
2.4.7 Geology and Soils	54
2.4.8 Hazards and Hazardous Materials	57
2.4.9 Hydrology and Water Quality	61
2.4.10 Land Use	68
2.4.11 Mineral Resources.....	71
2.4.12 Noise.....	71
2.4.13 Population and Housing	75
2.4.14 Public Services.....	77
2.4.15 Recreation	80
2.4.16 Transportation.....	80
2.4.17 Tribal Cultural Resources	87
2.4.18 Utilities and Service Systems	87

	2.4.19 Wildfire	92
3	CUMULATIVE IMPACTS.....	94
3.1	Aesthetics	94
3.2	Agriculture and Forestry Resources	94
3.3	Air Quality.....	94
3.4	Biological Resources.....	96
3.5	Cultural Resources	96
3.6	Energy	97
3.7	Geological and Soils.....	97
3.8	Greenhouse Gas Emissions.....	98
3.9	Hazards and Hazardous Materials Impacts.....	98
3.10	Hydrology and Water Quality.....	99
3.11	Land Use and Planning.....	99
3.12	Mineral Resources	100
3.13	Noise	100
3.14	Population and Housing.....	101
3.15	Public Services	101
3.16	Recreation.....	102
3.17	Transportation	102
3.18	Tribal Cultural Resources.....	102
3.19	Utilities and Service Systems.....	102
3.20	Wildfire	103
4	FINDINGS REGARDING SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES	103
4.1	Change in Land Use that Commits Future Generations to Similar Uses	103
4.2	Significant Irreversible Environmental Effects.....	104
4.3	Irreversible Damage from Environmental Accidents.....	104
4.4	Large Commitment of Nonrenewable Resources.....	104
5	GROWTH-INDUCING IMPACTS.....	105
6	FINDINGS ON PROJECT ALTERNATIVES	106
6.1	Project Objectives.....	107
6.2	Alternatives Considered and Eliminated During the Scoping/Project Planning Process.....	107
6.3	Alternatives Selected for Further Analysis	108
6.3.1	No Project/No Development Alternative (Alternative 1).....	108
6.3.2	Distribution Project per Limited Manufacturing Zoning Designation Alternative (Alternative 2).....	110
6.3.3	Reduced Development Intensity Alternative (Alternative 3)	114
6.3.4	Environmentally Superior Alternative	117
7	ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS.....	120

INTENTIONALLY LEFT BLANK

1 Introduction

This Findings of Fact and Statement of Overriding Considerations (Findings) addresses the environmental effects associated with the proposed Mission Boulevard and Ramona Avenue Business Park Project (Project), as described in the Draft Environmental Impact Report (Draft EIR) and Final Environmental Impact Report (Final EIR). These Findings are made pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC], Section 21000 et seq.), specifically PRC Sections 21081, 21081.5, and 21081.6, and the CEQA Guidelines (14 CCR 15000 et seq.), specifically Sections 15091 and 15093. The Draft EIR examines the full range of potential effects of construction and operation of the proposed Project and identifies standard mitigation practices that could be employed to reduce, minimize, or avoid those potential effects.

1.1 Purpose

PRC Section 21081 and CEQA Guidelines Section 15091 require that the lead agency, in this case the City of Montclair (City), prepare written findings for identified significant effects, accompanied by a brief explanation of the rationale for each finding. Specifically, CEQA Guidelines Section 15091 states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with PRC Section 21081 and CEQA Guidelines Section 15093 whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.” In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines states that:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The EIR identified potentially significant effects that could result from implementation of the proposed Project. The City finds that the inclusion of certain mitigation measures as part of the approval of the Project will reduce most, but not all, of those effects to less-than-significant levels. Those impacts that are not reduced to less-than-significant levels are identified and overridden due to specific Project benefits.

2 CEQA Findings of Independent Judgement

2.1 Independent Review and Analysis

Under CEQA, the lead agency must (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; (3) as part of the certification of an EIR, find that the report or declaration reflects the independent judgment of the lead agency; and (4) submit copies of the documents to the State Clearinghouse if there is state agency involvement or if the project is of statewide, regional, or area-wide significance (PRC Section 21082.1(c)).

These Findings reflect the City's independent judgment. The City has exercised independent judgment in accordance with PRC Section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the Draft EIR and Final EIR, as well as any and all other information in the record, the City hereby makes findings pursuant to and in accordance with PRC Sections 21081, 21081.5, and 21081.6.

2.2 Impacts Determined to Be Significant and Unavoidable

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

2.2.1 Air Quality

2.2.1.1 Air Quality Plans and Air Quality Standards

Threshold: Would the Project conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Finding: Significant and unavoidable.

Explanation: The Project site is located within the SCAB under the jurisdiction of the SCAQMD, which is the local agency responsible for administration and enforcement of air quality regulations for the area. The SCAQMD has

established criteria for determining consistency with the AQMP, currently the 2016 AQMP, in Chapter 12, Sections 12.2 and 12.3, in the SCAQMD CEQA Air Quality Handbook (SCAQMD 1993). The criteria are as follows (SCAQMD 1993):

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

Consistency Criterion No. 1

As discussed below, the Project would exceed the SCAQMD significance threshold for VOC during construction and NO_x during operation prior to mitigation. With implementation of mitigation measures **MM-AQ-2** through **MM-AQ-7**, the Project would still exceed the SCAQMD significance threshold for NO_x during operation. Therefore, the Project would result in an increase in the frequency or severity of existing air quality violations. Therefore, the Project would conflict with Consistency Criterion No. 1 of the SCAQMD CEQA Air Quality Handbook.

Consistency Criterion No. 2

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

The SCAQMD primarily uses demographic growth forecasts for various socioeconomic categories (e.g., population, housing, employment by industry) developed by the Southern California Association of Governments (SCAG) for its RTP/SCS (SCAG 2016), which is based on general plans for cities and counties in the SCAB, for the development of the AQMP emissions inventory (SCAQMD 2017a).¹ The SCAG 2016 RTP/SCS, and associated Regional Growth Forecast, are generally consistent with the local plans; therefore, the 2016 AQMP is generally consistent with local government plans. The City's General Plan designates the entire Project site as General Commercial. According to the City's Zoning Map, the Project site contains a mix of zoning designations including C3 General Commercial, MIP Manufacturing Industrial, and M1 Limited Manufacturing (City of Montclair 2013; City of Montclair 2018). The Project would require a General Plan Amendment and zone change. Therefore, the Project is not consistent with the underlying zoning for the site.

Because the future tenants are not known yet, the number of jobs that the Project would generate cannot be precisely determined, but can be estimated. For purposes of this analyses, employment estimates were calculated using average employment density factors reported by SCAG. SCAG reports that for every 2,111 square feet of

¹ Information necessary to produce the emission inventory for the SCAB is obtained from the SCAQMD and other governmental agencies, including CARB, Caltrans, and SCAG. Each of these agencies is responsible for collecting data (e.g., industry growth factors, socioeconomic projections, travel activity levels, emission factors, emission speciation profile, and emissions) and developing methodologies (e.g., model and demographic forecast improvements) required to generate a comprehensive emissions inventory. SCAG incorporates these data into their Travel Demand Model for estimating/projecting vehicle miles traveled (VMT) and driving speeds. SCAG's socioeconomic and transportation activities projections in their 2016 RTP/SCS are integrated in the 2016 AQMP (SCAQMD 2017a).

warehouse space in San Bernardino County, the median number of jobs supported is one employee (SCAG 2001). The Project would include approximately 514,269 square feet of flexible industrial space. As such, the estimated number of employees required for operation would be approximately 244 persons.

As mentioned previously, SCAG has adopted Connect SoCal, the 2020-2045 RTP/SCS, but the growth projections have not yet been incorporated into an adopted AQMP. SCAQMD is currently developing the 2022 AQMP, which will incorporate these updated regional growth projections. According to SCAG's 2016-2040 RTP/SCS which is incorporated into the SCAQMD 2016 AQMP, the City is expected to have an employment population of 16,500 in 2012 and 19,000 in 2040, for an annual growth rate of 104 employees. The Project would employ 244 persons in 2024. As such, the Project's designed employment exceeds the annual growth projections for the City.

As the Project would contribute to local population and employment growth and associated VMT that is not anticipated for the Project site in the existing General Plan, the Project is not accounted for in the State Implementation Plan (SIP) and the Regional Air Quality Strategy (RAQS), and the Project potentially would not be consistent with local air quality plans. The impact would be eliminated once the SCAQMD completes a future update to the RAQS, which would be based on updated SCAG population and growth projections for the region. Mitigation Measure **MM-AQ-1** is provided to ensure population growth and vehicle trips generated from the Project are provided to SCAG for incorporation into the future AQMP update. This update will likely occur following Project approval; therefore, at this time the impact is considered potentially significant.

Summary

Construction emissions would be reduced to below SCAQMD's thresholds with the implementation of mitigation measure **MM-AQ-2**. However, mitigated operational emissions would not be reduced to below significance levels. Therefore, the Project would conflict with the SCAQMD Consistency Criterion No. 1. Furthermore, the Project would exceed the growth projections within the 2016 SCAG RTP/SCS and 2016 SCAQMD AQMP. Implementation of **MM-AQ-1** would ensure that the appropriate employment growth projections at the Project site would be incorporated into the next SCAG RTP/SCS (anticipated to be in 2024) and would thereby, be incorporated into the following SCAQMD AQMP. As the SCAQMD is in process of preparing their 2022 AQMP based on the SCAG 2020 RTP/SCS, there is an anticipated interim period where the SCAG RTP/SCS growth projections and the SCAQMD AQMP do not reflect the appropriate employment growth at the Project site; however, this will eventually be resolved with updates of both plans. As such, the Project would still conflict with SCAQMD Consistency Criterion No. 2. Therefore, impacts would remain significant and unavoidable. (Draft EIR, p. 4.1-52.)

2.2.1.2 Cumulatively Considerable Net Increase of Criteria Pollutants

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

Finding: Significant and unavoidable.

Explanation:

Operational Emissions

The proposed Project would include the construction of 514,269 square feet of warehouse and industrial park. Operation of the Project would generate VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} emissions from mobile sources, including vehicle trips from customers, employees, and delivery trips; area sources, including the use of consumer products, architectural coatings for repainting, and landscape maintenance equipment; off-road equipment; and energy sources, including combustion of fuels used for space and water heating and cooking appliances. Pollutant emissions associated with long-term operations were quantified using CalEEMod and mobile emissions were quantified using EMFAC2021 in a spreadsheet model.

The combined daily area, energy, off-road, and mobile source emissions would not exceed the SCAQMD operational thresholds for VOC, CO, SO_x, PM₁₀, and PM_{2.5}. However, the Project would exceed the operational significance threshold for NO_x emissions, primarily due to mobile sources. Therefore, the Project would result in a potentially significant impact during operation and mitigation is required.

Mitigation measures **MM-AQ-3** through **MM-AQ-7** shall be implemented to reduce emissions of NO_x and DPM generated during operation of the Proposed Project.

The calculations factored in the mitigated daily area, energy, off-road equipment, and mobile source emissions associated with operation (year 2024) of the Project. Mitigation measures **MM-AQ-4**, **MM-AQ-5**, and **MM-AQ-7** were included in the calculation. Mitigation measures **MM-AQ-3** and **MM-AQ-6** do not have reliable quantifiable methodologies for reducing criteria air pollutants and thus, were not included in the mitigated emissions. Although mitigation measures **MM-AQ-3** and **MM-AQ-6** were not quantified, they will result in a reduction in criteria air pollutants from the Project in and around the Project site. The values shown are the maximum summer or winter daily emissions results from CalEEMod.

While implementation of **MM-AQ-3** through **MM-AQ-7** would reduce proposed Project-generated operational emissions, NO_x emissions were not reduced below the SCAQMD mass daily threshold for NO_x. Therefore, the potential for the Proposed Project to result in a cumulatively considerable net increase of any criteria pollutant for which the Proposed Project region is non-attainment under an applicable national or California ambient air quality standard is significant and unavoidable. (Draft EIR, pp. 4.1-38 through 4.1-40.)

2.2.1.3 Mitigation Measures

The following mitigation measures would be required to offset Project impacts.

MM-AQ-1 Prior to Southern California Association of Governments (SCAG's) next update to the regional growth forecast as part of the Regional Transportation Plan/Sustainable Communities Strategy, the City of Montclair (City) shall prepare a revised employment forecast for SCAG that reflects anticipated growth generated from the proposed Project. The updated forecast provided to SCAG shall be used to inform the South Coast Air Quality Management District's update to the Air Quality Management Plan. The City shall prepare and submit a letter notifying the South Coast Air Quality Management District of this revised forecast for use in the future update to the Air Quality Management Plan as required.

MM-AQ-2

Construction Equipment. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase to minimize diesel particulate matter emissions:

- a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Interim or better diesel engines for engines 75 horsepower or greater. The City shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Interim standards.
- b. Vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
- c. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.
- d. When construction equipment units that are less than 50 horsepower would be employed, that equipment shall be electrical or natural-gas powered, where available.
- e. A Construction Traffic Control Plan shall be developed to ensure construction traffic and equipment use is minimized to the extent practicable. The Construction Traffic Control Plan shall include measures to reduce the amount of large pieces of equipment operating simultaneously during peak construction periods, schedule vendor and haul truck trips to occur during non-peak hours, establish dedicated construction parking areas to encourage carpooling and efficiently accommodate construction vehicles, identify alternative routes to reduce traffic congestion during peak activities, and increase construction employee carpooling.

MM-AQ-3

Vehicle Miles Traveled Reduction Strategies. Prior to the approval of any construction-related permits, the Project applicant or its designee shall prepare a Transportation Demand Management (TDM) Program to facilitate increased opportunities for transit, bicycling, and pedestrian travel, as well as provide the resources, means, and incentives for ride-sharing and carpooling to reduce vehicle miles traveled and associated criteria air pollutant emissions. The Plan shall be subject to the City's review and approval. The following components are to be included in the TDM Program:

Bicycle and Pedestrian Travel

- a) Develop a comprehensive pedestrian network designed to provide safe bicycle and pedestrian access between the various internal Proposed Project land uses, which will include design elements to enhance walkability and connectivity and shall minimize barriers to pedestrian access and interconnectivity. Physical barriers, such as walls or landscaping, that impede pedestrian circulation shall be eliminated.
- b) The Proposed Project design shall include a network that connects the Proposed Project uses to the existing off-site facilities (e.g., existing off-site bike paths).
- c) Proposed Project design shall include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways shall be designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others.

- d) Provide bicycle parking facilities along main travel corridors: one bike rack space per 20 vehicle/employee parking spaces or to meet demand, whichever results in the greater number of bicycle racks.
- e) Provide shower and locker facilities to encourage employees to bike and/or walk to work: one shower and three lockers per every 25 employees.

Ride-Sharing and Commute Reduction

- f) Promote ridesharing programs through a multi-faceted approach, such as designating a certain percentage of parking spaces for ridesharing vehicles; designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles; or providing a website or message board for coordinating rides.
- g) Implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip-reduction strategies. Implementing commute trip-reduction strategies without a complementary marketing strategy would result in lower VMT reductions. Marketing strategies may include: new employee orientation of trip reduction and alternative mode options; event promotions; or publications.
- h) One percent (1%) of vehicle/employee parking spaces shall be reserved for preferential spaces for car pools and van pools.
- i) Coordinate with the Southern California Association of Governments (SCAG) for carpool, vanpool, and rideshare programs that are specific to the Proposed Project.
- j) Implement a demand-responsive shuttle service that provides access throughout the GCSP area, to the park-and-ride lots, and to the nearby transit centers.

Transit

- k) Bus pull-ins shall be constructed where appropriate within the Proposed Project area.
- l) Coordinate with SCAG on the future siting of transit stops/stations within or near the Project.

MM-AQ-4

Encourage Electric Vehicles. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during construction:

- a) Install Level 2 EV charging stations in 10% of all parking spaces, with a minimum of 43 EV charging stalls for the Project site.
- b) Install EV infrastructure at truck loading bays for trucks to plug-in when commercially available.

MM-AQ-5

Idling Restriction. For proposed Project land uses that include truck idling, the Project shall minimize idling time of all vehicles and equipment to the extent feasible and shall include such restrictions in the Covenants, Conditions, and Restrictions (CCRs) for tenants of the Project; idling for periods of greater than five (5) minutes shall be prohibited. Signage shall be posted at truck

parking spots, entrances, and truck bays advising that idling time shall not exceed five (5) minutes per idling location. To the extent feasible, the tenant shall restrict idling emission from trucks by using auxiliary power units and electrification.

MM-AQ-6

Energy Conservation. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase:

- a) Install a solar-ready rooftop to facilitate the installation of solar photovoltaic panels in the future.
- b) Purchase 100% renewable electricity through SCE.
- c) Install Energy Star rated heating, cooling, lighting, and appliances.
- d) Outdoor lighting shall be light emitting diodes (LED) or other high-efficiency lightbulbs.
- e) Provide information on energy efficiency, energy efficient lighting and lighting control systems, energy management, and existing energy incentive programs to future tenants of the Proposed Project.
- f) Non-residential structures shall meet the U.S. Green Building Council standards for cool roofs. This is defined as achieving a 3-year solar reflective index (SRI) of 64 for a low-sloped roof and 32 for a high-sloped roof.
- g) Outdoor pavement, such as walkways and patios, shall include paving materials with 3-year SRI of 0.28 or initial SRI of 0.33.
- h) Construction of modest cool roof, defined as Cool Roof Rating Council (CRRC) Rated 0.15 aged solar reflectance and 0.75 thermal emittance.
- i) Use of Heating, Ventilation and Air Conditioning (HVAC) equipment with a Seasonal Energy Efficiency Ratio (SEER) of 12 or higher.
- j) Installation of water heaters with an energy factor of 0.92 or higher.
- k) Maximize the use of natural lighting and include daylighting (e.g., skylights, windows) in rooms with exterior walls that would normally be occupied.
- l) Include high-efficacy artificial lighting in at least 50% of unit fixtures.
- m) Install low-NOx water heaters and space heaters, solar water heaters, or tank-less water heaters.
- n) Use passive solar cooling/heating.
- o) Strategically plant trees to provide shade.
- p) Structures shall be equipped with outdoor electric outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment.

MM-AQ-7

Electric Forklifts and Yard-Trucks. Proposed Project warehouse and manufacturing tenants shall require that all forklifts and yard-trucks are electric-powered or utilize other zero-emission technology. These requirements shall be included in the Project's Covenants, Conditions, and Restrictions (CCRs).

2.2.2 Greenhouse Gas Emissions

2.2.2.1 Emissions Generation

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

Finding: Significant and unavoidable.

Explanation:

Construction Impacts

Construction of the proposed Project would result in GHG emissions, which are primarily associated with use of off-road construction equipment and on-road vehicles (haul trucks, vendor trucks, and worker vehicles). The SCAQMD *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold* (2008) recommends that, “construction emissions be amortized over a 30-year project lifetime, so that GHG reduction measures will address construction GHG emissions as part of the operational GHG reduction strategies.” Thus, the total construction GHG emissions were calculated, amortized over 30 years, and added to the total operational emissions for comparison with the GHG significance threshold of 3,000 MT CO_{2e} per year. Therefore, the determination of significance is addressed in the operational emissions discussion following the estimated construction emissions.

CalEEMod was used to calculate the annual GHG emissions based on the Project’s construction scenario. Construction of the proposed Project is assumed to last a total of approximately 28 months. The first full year of construction is assumed to begin in 2021 for modeling purposes². The estimated total GHG emissions during construction would total approximately 3,190 MT CO_{2e} over the assumed construction period. Estimated proposed Project-generated construction emissions amortized over 30 years would be approximately 106 MT CO_{2e} per year. Because there is no separate GHG threshold for construction, the evaluation of significance is discussed in the operational emissions analysis in the following text.

Operational Impacts

Operation of the proposed Project would generate GHG emissions through motor vehicle trips (including passenger vehicles and heavy-duty truck trips³); landscape maintenance equipment operation (area source); energy use (natural gas and electricity); solid waste disposal; water supply, treatment, and distribution and wastewater treatment; and other sources of emissions (off-road equipment and forklifts). CalEEMod was used to calculate the annual GHG emissions based on the operational assumptions described under Approach and Methodology. Estimated annual proposed Project-generated GHG emissions would be approximately 16,855 MT CO_{2e} per year as a result of proposed Project operations only. After accounting for amortized proposed Project construction emissions, total GHGs generated by

² Based on information provided by the Project applicant, it is assumed that construction of the Project would last approximately 28 months. At the time of the preparation of this analysis, it was anticipated that construction would begin in October 2021. However, due to delays, construction is now anticipated to begin in Summer 2022. To maintain consistency with other technical analysis herein, a start date of October 2021 is maintained throughout the EIR because it represents a worst-case scenario for criteria air pollutant and GHG emissions. This is because equipment and vehicle emission factors for later years would be slightly less due to more stringent standards for in-use off-road equipment and heavy-duty trucks, as well as fleet turnover replacing older equipment and vehicles in later years.

³ “Heavy-duty trucks” include light-heavy-duty trucks (categories 1 and 2 in EMFAC, 2-axle), medium-heavy-duty trucks (3-axle), and heavy-heavy-duty trucks (4+-axle).

the Project would be approximately 16,961 MT CO₂e per year. As such, annual operational GHG emissions with amortized construction emissions would exceed the SCAQMD threshold of 3,000 MT CO₂e per year. Therefore, impacts would be potentially significant and mitigation measures would be required. As discussed below, implementation of the following mitigation measures identified to reduce potential air quality impacts, would also reduce operation-related GHG emissions: **MM-AQ-3** (Vehicle Miles Traveled Reduction Strategies), **MM-AQ-4** (Encourage Electric Vehicles), **MM-AQ-5** (Idling Restriction), **MM-AQ-6** (Energy Conservation), and **MM-AQ-7** (Electric Forklifts and Yard Trucks). In addition, mitigation measures **MM-GHG-1** (Water Conservation) and **MM-GHG-2** (Solid Waste Reduction) shall be implemented to reduce GHG emissions generated during operation of the proposed Project.

Estimated annual proposed Project-generated mitigated GHG emissions would be approximately 14,381 MT CO₂e per year as a result of proposed Project operations only. After accounting for amortized proposed Project construction emissions, total GHGs generated by the proposed Project would be approximately 14,487 MT CO₂e per year. As such, annual mitigated operational GHG emissions with amortized construction emissions would exceed the SCAQMD threshold of 3,000 MT CO₂e per year. However, with mitigation, emissions from the Project would still exceed the SCAQMD significance threshold and impacts would be significant and unavoidable. (Draft EIR, pp. 4.6-24 through 4.6-27.)

2.2.2.2 Emission Reduction Plans

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

Finding: Significant and unavoidable.

Explanation: As discussed in additional detail below, the Project may conflict with applicable plans to reduce GHGs.

On May 7, 2020, SCAG's Regional Council adopted Connect SoCal (2020 - 2045 Regional Transportation Plan/Sustainable Communities Strategy) for federal transportation conformity purposes only. The SCAG 2020–2045 RTP/SCS is a regional growth management strategy that targets per-capita GHG reduction from passenger vehicles and light trucks in the southern California region pursuant to SB 375. In addition to demonstrating the region's ability to attain the GHG emission-reduction targets set forth by CARB, the 2020–2045 RTP/SCS outlines a series of actions and strategies for integrating the transportation network with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. Thus, successful implementation of the 2020–2045 RTP/SCS would result in more complete communities with a variety of transportation and housing choices, while reducing automobile use.

The following strategies are intended to be supportive of implementing the 2020–2045 RTP/SCS and reducing GHGs: focus growth near destinations and mobility options; promote diverse housing choices; leverage technology innovations; support implementation of sustainability policies; and promote a green region. The strategies that pertain to SCAG's support of local jurisdiction sustainability efforts would not apply to the proposed Project. The Project's compliance with the remaining applicable strategies is presented below.

- **Focus Growth Near Destinations and Mobility Options.** The proposed Project's compliance with this strategy of the 2020–2045 RTP/SCS is demonstrated via the Project's land use characteristics and features that would reduce vehicular trips and VMT. Regarding VMT reduction characteristics, the Project is an infill development located adjacent to transit stops. As such, the proposed Project would provide employment

opportunities within proximity to transit services. The nature of the Project's site location would reduce VMT and associated GHG emissions by being in proximity to complimentary land uses and employment centers, which could encourage use of alternative transportation methods such as transit, walking, or biking, or would result in shorter vehicle trips.

- **Leverage Technology Innovations.** One of the technology innovations identified in the 2020–2045 RTP/SCS that would apply to the proposed Project is the promotion and support of low emission technologies for transportation, such as alternative fueled vehicles to reduce per capita GHG emissions. The Project would support this goal through the inclusion of 43 EV charging stalls and installation of EV infrastructure at truck loading bays, as part of mitigation measure **MM-AQ-4**, as well as use of electric forklifts and yard-trucks as part of mitigation measure **MM-AQ-7**.
- **Promote a Green Region.** Another applicable strategy within the 2020–2045 RTP/SCS, for individual developments such as the proposed Project, involves promoting a green region through efforts such as supporting local policies for renewable energy production and promoting more resource efficient development (e.g., reducing energy consumption) to reduce GHG emissions. Targeted sustainable design strategies of the proposed Project, in addition to meeting the requirements of California's Building Energy Efficiency Standards and CALGreen. The Project would include VMT reduction strategies as part of mitigation measure **MM-AQ-3**, promote energy conservation as part of mitigation measure **MM-AQ-6**, and have electric off-road equipment as part of mitigation measure **MM-AQ-7**. And as mentioned above, the proposed Project also would include 43 electric vehicle charging stalls and EV infrastructure as truck loadings bays as part of **MM-AQ-4**.

Based on the analysis above, the proposed Project would be consistent with the SCAG 2020–2045 RTP/SCS.

Consistency with CARB's Scoping Plan

The Scoping Plan (approved by CARB in 2008 and updated in 2014 and 2017) provides a framework for actions to reduce California's GHG emissions and requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. The Scoping Plan is not directly applicable to specific projects, nor is it intended to be used for project-level evaluations.⁴ Under the Scoping Plan, however, there are several state regulatory measures aimed at the identification and reduction of GHG emissions. CARB and other state agencies have adopted many of the measures identified in the Scoping Plan. Most of these measures focus on area source emissions (e.g., energy usage, high-GWP GHGs in consumer products) and changes to the vehicle fleet (i.e., hybrid, electric, and more fuel-efficient vehicles) and associated fuels (e.g., Low Carbon Fuel Standard), among others.

The Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32 and establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions. The proposed Project would comply with all regulations adopted in furtherance of the 2008 Scoping Plan to the extent required by law and to the extent that they are applicable to the proposed Project. The proposed Project would not conflict with the applicable strategies and measures in the 2008 Scoping Plan.

⁴ The Final Statement of Reasons for the amendments to the State CEQA Guidelines reiterates the statement in the Initial Statement of Reasons that "[t]he Scoping Plan may not be appropriate for use in determining the significance of individual projects because it is conceptual at this stage and relies on the future development of regulations to implement the strategies identified in the Scoping Plan" (CNRA 2009a).

Additionally, the 2017 Scoping Plan Update reflects the 2030 target of a 40% reduction below 1990 levels codified by SB 32. The proposed Project would not conflict with the applicable climate change policies and measures in the 2017 Scoping Plan.

Consistency with EO S-3-05 and SB 32

- **EO S-3-05.** This EO establishes the following goals: GHG emissions should be reduced to 2000 levels by 2010, to 1990 levels by 2020, and to 80% below 1990 levels by 2050.
- **SB 32.** This bill establishes for a statewide GHG emissions reduction target whereby CARB, in adopting rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions, shall ensure that statewide GHG emissions are reduced to at least 40% below 1990 levels by December 31, 2030.

This section evaluates whether the GHG emissions trajectory after proposed Project completion would impede the attainment of the 2030 and 2050 GHG reduction goals identified in EOs B-30-15 and S-3-05.

To begin, CARB has expressed optimism with regard to both the 2030 and 2050 goals. It states in the First Update to the Climate Change Scoping Plan that “California is on track to meet the near-term 2020 GHG emissions limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32” (CARB 2014, p. ES2). With regard to the 2050 target for reducing GHG emissions to 80% below 1990 levels, the First Update to the Climate Change Scoping Plan states the following (CARB 2014, p. 34):

This level of reduction is achievable in California. In fact, if California realizes the expected benefits of existing policy goals (such as 12,000 megawatts of renewable distributed generation by 2020, net zero energy homes after 2020, existing building retrofits under AB 758, and others) it could reduce emissions by 2030 to levels squarely in line with those needed in the developed world and to stay on track to reduce emissions to 80% below 1990 levels by 2050. Additional measures, including locally driven measures and those necessary to meet federal air quality standards in 2032, could lead to even greater emission reductions.

In other words, CARB believes that the state is on a trajectory to meet the 2030 and 2050 GHG reduction targets set forth in AB 32, EO B-30-15, and EO S-3-05. This is confirmed in the 2017 Scoping Plan, which states (CARB 2017):

The Scoping Plan builds upon the successful framework established by the Initial Scoping Plan and First Update, while identifying new, technologically feasible and cost-effective strategies to ensure that California meets its GHG reduction targets in a way that promotes and rewards innovation, continues to foster economic growth, and delivers improvements to the environment and public health, including in disadvantaged communities.

As previously discussed, total proposed Project emissions, including operation and amortized construction, would exceed the SCAQMD significance threshold of 3,000 MT CO₂e per year. As such, the proposed Project (without mitigation) would generate GHG emissions that may interfere with the implementation of GHG reduction goals for 2030 and 2050.

As discussed above, with implementation of mitigation measures **MM-AQ-3** (Vehicle Miles Traveled Reduction Strategies), **MM-AQ-4** (Encourage Electric Vehicles), **MM-AQ-5** (Idling Restriction), **MM-AQ-6** (Energy Conservation),

MM-AQ-7 (Electric Forklifts), **MM-GHG-1** (Water Conservation) and **MM-GHG-2** (Solid Waste Reduction), emissions of GHG would be reduced. However, the Project would generate GHG emissions that may interfere with the implementation of GHG reduction goals for 2030 and 2050. Therefore, the Project may conflict with applicable plans to reduce GHGs and would have a significant and unavoidable impact after mitigation. (Draft EIR, pp. 4.6-24 through 4.6-27.)

2.2.2.3 Mitigation Measures

Implementation of the following mitigation measures identified to reduce potential air quality impacts, would also reduce operation-related GHG emissions: **MM-AQ-3** (Vehicle Miles Traveled Reduction Strategies), **MM-AQ-4** (Encourage Electric Vehicles), **MM-AQ-5** (Idling Restriction), **MM-AQ-6** (Energy Conservation), and **MM-AQ-7** (Electric Forklifts and Yard Trucks).

In addition, mitigation measures **MM-GHG-1** (Water Conservation) and **MM-GHG-2** (Solid Waste Reduction) shall be implemented to reduce GHG emissions generated during operation of the proposed Project:

MM-GHG-1 Water Conservation. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during construction:

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

MM-GHG-2 Solid Waste Reduction. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during construction:

- a) Provide storage areas for recyclables and green waste in new construction, and food waste storage, if a pick-up service is available.
- b) Evaluate the potential for on-site composting.

2.2.3 Land Use and Planning

2.2.3.1 Established Communities

Threshold: Would the Project physically divide an established community?

Finding: Significant and unavoidable.

Explanation:

2016 AQMP

Implementation of the Project would exceed the growth assumptions assumed in the AQMP (and, thus, contribute air pollution to the SCAB that was not anticipated by the AQMP) and would contribute a volume of pollutants to the SCAB that could delay the attainment of federal and State ozone standards. Mitigation measures **MM-AQ-1** through **MM-AQ-7** are provided to reduce the Project's air pollutant emissions to the maximum level feasible and resolve inconsistencies in growth projections, but not to below a level of significance. Because the Project would conflict with the 2016 AQMP, which contains standards to address air quality impacts, impacts would be significant and unavoidable. The Project would not result in any other land use and planning conflicts with the 2016 AQMP that were not already disclosed above. (Draft EIR, p. 4.8-8.)

2.3 Impacts Determined to Be Less Than Significant with Mitigation

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

2.3.1 Air Quality

2.3.1.1 Cumulatively Considerable Net Increase of Criteria Pollutants

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

Finding: Less than significant impact with mitigation measures.

Explanation:

Construction Emissions

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

Criteria air pollutant emissions associated with temporary construction activity were quantified using CalEEMod. Construction emissions were calculated for the estimated worst-case day over the construction period associated with each phase and reported as the maximum daily emissions estimated during each year of construction (2021 through 2024). Construction schedule assumptions, including phase type, duration, and sequencing, were based on information provided by the Project applicant and is intended to represent a reasonable scenario based on the

best information available. Default values provided in CalEEMod were used where detailed Project information was not available.

Implementation of the Project would generate air pollutant emissions from entrained dust, off-road equipment, vehicle emissions, architectural coatings, and asphalt pavement application. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM₁₀ and PM_{2.5} emissions. The Project would implement various dust control strategies and would be required to comply with SCAQMD Rule 403 to control dust emissions generated during the grading activities. Proposed construction practices that would be employed to reduce fugitive dust emissions include watering of the active sites and unpaved roads two times per day depending on weather conditions. Internal combustion engines used by construction equipment, vendor trucks (i.e., delivery trucks), and worker vehicles would result in emissions of VOCs, NO_x, CO, PM₁₀, and PM_{2.5}. The application of architectural coatings, such as exterior application/interior paint and other finishes, and application of asphalt pavement would also produce VOC emissions; however, the contractor is required to procure architectural coatings from a supplier in compliance with the requirements of SCAQMD's Rule 1113 (Architectural Coatings).

Maximum daily construction emissions would exceed the SCAQMD significance threshold for NO_x in 2021. Therefore, impacts would be considered potentially significant and mitigation is required. Mitigation measure **MM-AQ-2** is required to reduce emissions of NO_x during construction. After implementation of mitigation measure **MM-AQ-2**, the Project would not exceed significance thresholds for NO_x during construction and thus would have a less than significant impact with mitigation.

2.3.1.2 Sensitive Receptors

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

Finding: Less than significant impact with mitigation measures.

Explanation:

Health Impacts of Toxic Air Contaminants

Construction Health Risk

A construction HRA was performed to estimate the Maximum Individual Cancer Risk and the Chronic Hazard Index for residential receptors as a result of Project construction. Project construction activities would result in a Residential Maximum Individual Cancer Risk of 51.9 in 1 million, which is greater than the significance threshold of 10 in 1 million. Project construction would result in a Residential Chronic Hazard Index of 0.03, which is below the 1.0 significance threshold. The Project construction TAC health risk impacts would be potentially significant and mitigation is required. Mitigation measure **MM-AQ-2** shall be implemented to reduce emissions of DPM generated during construction of the Proposed Project.

With implementation of **MM-AQ-2**, Project construction activities would result in a Residential Maximum Individual Cancer Risk of 5.5 in 1 million, which is less than the significance threshold of 10 in 1 million. Project construction would result in a Residential Chronic Hazard Index of 0.003, which is below the 1.0 significance threshold. The Project construction TAC health risk impacts would be less than significant with mitigation. (Draft EIR, p. 4.1-43.)

Operational Health Risk

A HRA was performed to estimate the Maximum Individual Cancer Risk and Chronic Hazard Index for residential receptors as a result of emissions from the Project during operation on sensitive receptors proximate of the Project. The DPM emissions from operation of the Project would result in a Residential Maximum Individual Cancer Risk of 65.7 in 1 million and a Residential Chronic Hazard Index of 0.02. These impact levels would be greater than the SCAQMD significance threshold resulting in a potentially significant impact. Therefore, mitigation is required.

As determined above, since the cancer risk at the maximally exposed individual resident (MEIR) exceeds 1 in a million, cancer burden, for which a SCAQMD significance threshold of 0.5, is evaluated. Unlike cancer risk, which is the lifetime probability (chances) of an individual developing cancer due to exposure to a carcinogenic compound, cancer burden estimates the number of theoretical cancer cases in a defined population resulting from a lifetime exposure to carcinogenic TACs. As described in the OEHHA guidance manual:

The cancer burden can be calculated by multiplying the cancer risk at a census block centroid by the number of people who live in the census block, and adding up the estimated number of potential cancer cases across the zone of impact. The result of this calculation is a single number that is intended to estimate of the number of potential cancer cases within the population that was exposed to the emissions for a lifetime (70 years) (OEHHA 2015).

The SCAQMD has established a procedural screening approach for estimating cancer burden (SCAQMD 2017b), which includes the following steps:

- Recalculate cancer risk from all TACs using a 70-year exposure duration
- Estimate the distance at which the at which maximum individual cancer risk from a 70-year exposure duration falls below 1 in a million
- Define a zone of impact in the shape of a circle, with the radius equal to the distance between the TAC source and the point at which the risk falls below 1 in a million
- Estimate the residential population within this zone of impact based on census data or a worst-case estimate
- Calculate the screening level cancer burden by multiplying the total residential population in the zone of impact by the maximum individual cancer risk

Accordingly, the maximum estimated 70-year cancer risk for the unmitigated project was estimated at 190.4 in a million with HARP2 using the Population-Wide option in the model, which is specified for use in cancer burden estimates. The zone of impact was estimated to be 24.71 square-kilometers. The total population in this area was estimated to be approximately 172,970 persons, based on the average densities of 7,000 persons/km² that would be within the zone of impact (SCAQMD 2017b). Multiplying the maximum estimated 70-year cancer risk by the Project population gives a cancer burden of 32.9. Accordingly, the cancer burden indicates that more than one person could contract cancer assuming a 70-year exposure under the modeled scenario of TAC emissions and provided that other factors related to an individual's susceptibility to contracting cancer would occur. This would be greater than the SCAQMD cancer burden threshold of 0.5. Thus, the impact with respect to potential cancer burden due to operation of the Project would be potentially significant. Therefore, mitigation is required.

Mitigation measures **MM-AQ-3** through **MM-AQ-7** shall be implemented to reduce emissions of DPM generated during operation of the Proposed Project.

Results of the operational HRA accounts for mitigation measures **MM-AQ-4**, **MM-AQ-5**, and **MM-AQ-7**. Mitigation measures **MM-AQ-3** and **MM-AQ-6** do not have reliable quantifiable methodologies for reducing DPM emissions and thus, were not included in the mitigated emissions. Although mitigation measures **MM-AQ-3** and **MM-AQ-6** were not quantified, they will result in a reduction in TAC emissions from the Project in and around the Project site.

The DPM emissions from operation of the Project would result in a Residential Maximum Individual Cancer Risk of 9.2 in 1 million, which would be less than the SCAQMD significance threshold of 10 in 1 million, resulting in a less than significant impact. (Draft EIR, pp. 4.1-43 through 4.1-45.)

Health Effects of Other Criteria Air Pollutants

Without mitigation, construction of the Project would result in emissions that would exceed the SCAQMD threshold for NO_x. Project construction would not exceed SCAQMD thresholds for VOC, CO, SO_x, PM₁₀, or PM_{2.5}. With mitigation, the Project would not exceed the SCAQMD thresholds during construction. However, the Project would exceed the SCAQMD threshold for NO_x during operation even with mitigation.

VOCs and NO_x are precursors to O₃, for which the SCAB is designated as nonattainment with respect to the NAAQS and CAAQS. The health effects associated with O₃ are generally associated with reduced lung function. The contribution of VOCs and NO_x to regional ambient O₃ concentrations is the result of complex photochemistry. The increases in O₃ concentrations in the SCAB due to O₃ precursor emissions tend to be found downwind from the source location to allow time for the photochemical reactions to occur. However, the potential for exacerbating excessive O₃ concentrations would also depend on the time of year that the VOC emissions would occur because exceedances of the O₃ CAAQS/NAAQS tend to occur between April and October when solar radiation is highest. The holistic effect of a single project's emissions of O₃ precursors is speculative due to the lack of quantitative methods to assess this impact. Because operation of the Project would exceed SCAQMD threshold for NO_x, implementation of the Project could minimally contribute to regional O₃ concentrations and the associated health effects.

Operation of the Project would contribute to exceedances of the NAAQS and CAAQS for NO₂. Health effects that result from NO₂ and NO_x include respiratory irritation, which could be experienced by nearby receptors during the periods of heaviest use of off-road construction equipment. However, Project construction would be relatively short term, and off-road construction equipment would be operating at various portions of the site and would not be concentrated in one portion of the site at any one time. In addition, existing NO₂ concentrations in the area are well below the NAAQS and CAAQS standards. Operation of the Project would not create substantial, localized NO_x impacts. However, due to exceedances in operation-generated emissions of NO_x, the Project could result in potential health effects associated with NO₂ and NO_x. As discussed previously, implementation of **MM-AQ-3** through **MM-AQ-7** would reduce the Project's NO_x emissions, but not to below a level of significance.

CO tends to be a localized impact associated with congested intersections. The associated potential for CO hotspots were discussed previously and are determined to be a less-than-significant impact. Thus, the Project's CO emissions would not contribute to significant health effects associated with this pollutant.

Construction and operation of the Project would also not exceed thresholds for PM₁₀ or PM_{2.5} and would not contribute to exceedances of the NAAQS and CAAQS for particulate matter or would obstruct the SCAB from coming into attainment for these pollutants. The Project would also not result in substantial DPM emissions during construction and operation, and therefore, would not result in significant health effects related to DPM exposure. Additionally, the Project would implement dust control strategies and be required to comply with SCAQMD Rule 403,

which limits the amount of fugitive dust generated during construction. Due to the minimal contribution of particulate matter during construction and operation, the Project is not anticipated to result in health effects associated with PM₁₀ or PM_{2.5}.

In summary, because operation of the proposed Project would result in exceedances of the SCAQMD significance threshold for NO_x despite implementation of **MM-AQ-3** through **MM-AQ-7**, the potential health effects associated with criteria air pollutants, specifically O₃, are considered potentially significant. Notably, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days, and there are currently no modeling tools that could provide reliable and meaningful additional information regarding health effects from criteria air pollutants generated by individual projects. (Draft EIR, pp. 4.1-45 through 4.1-46.)

2.3.2 Biological Resources

2.3.2.1 Sensitive Species

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

Finding: Less than significant with mitigation measures.

Explanation:

The Project site is entirely developed and contains no natural or native habitat capable of supporting special-status plant or wildlife species known to occur in the region. The vast majority of the Project site contains concrete and asphalt, and buildings associated with the previous drive-in movie theatre. Disturbed habitats with bare ground are limited and restricted to undeveloped parcels in the western and eastern portion of the study area, within off-site areas. No special-status plant and wildlife species have the potential to occur within the study area due to a lack of suitable habitat. Additionally, the Project site is surrounded by development and the nearest naturalized area with native plant communities is approximately 5 miles from the Project site, further reducing the potential for any special-status species from moving onto the Project site. Therefore, the Project will result in no impacts to special-status plant and wildlife species.

The Project site does provide suitable nesting habitat for a number of common and migratory bird species known to occur in the region. Specifically, bird species adapted to nesting in upland areas in urban settings have the potential to nest within the ornamental landscaped trees on site. Therefore, if Project activities commence during the general avian nesting season of February through August, potential direct and indirect impacts may occur during site preparation. Mitigation Measure **MM BIO-1** would be implemented during the site preparation phase of the Project to identify the presence of any nesting birds and set forth avoidance/minimization measures to reduce impacts to a less than significant level. (Draft EIR, p. 4.2-12.)

2.3.2.3 Mitigation Measures

MM-BIO-1 The construction contractors contract specifications shall include the following requirements:
“Construction activities should avoid the migratory bird nesting season (typically February 1

through August 31), to reduce any potential significant impact to birds that may be nesting on the study area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and contiguous habitat within 500 feet of all impact areas must be conducted for protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act (16 USC 703–712) and California Fish and Game Code, Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate no disturbance buffer, which will be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing.”

2.3.3 Cultural Resources

2.3.3.1 Archaeological Resources

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

Finding: Less than significant impact with mitigation measures.

Explanation:

Archaeological Resources

No archaeological resources were identified within the Project site as a result of the CHRIS records search, NAHC Sacred Lands File search, or the reconnaissance-level archaeological survey. Furthermore, a review of historic aerials indicate that the Project site has been subjected to consistent ground disturbance since at least 1938 (UCSB 2020). The Project site in 1938 was occupied by orchard tracts and farmland with the San Antonio Wash present to the west of the Project site. In 1959, the Mission Drive-In and industrial structures north of the Mission Drive-In appear for the first time. Between 1972 and 1976, several of the structures on the Project site have been demolished or augmented to convert the property into an outdoor four-plex theater, including changes to the layout for access to and through the property. In consideration of these factors, the potential of encountering and impacting unknown intact subsurface archaeological resources during Project implementation is low; however, it is always possible that unanticipated discoveries could be encountered during ground-disturbing activities associated with the Project. If such unanticipated discoveries were encountered, impacts to the encountered resources could be potentially significant. However, with the implementation of mitigation measure **MM-CUL-1**, which requires that all Project construction personnel take the Workers Environmental Awareness Program (WEAP) training for the proper identification and treatment of inadvertent discoveries and **MM-CUL-2**, which requires the retention of an on-call qualified archaeologist to address inadvertent discoveries and requires all construction work occurring within 100 feet of a find to immediately stop until the qualified archaeologist, meeting the Secretary of Interior's Professional Qualification Standards for Archaeology, can evaluate the significance of the find, potentially significant impacts to unknown archaeological resources would be reduced to less than significant. Impacts would therefore be less than significant with mitigation incorporated. (Draft EIR, p. 4.3-18.)

2.3.3.3 Mitigation Measures

MM-CUL-1 All construction personnel and monitors who are not trained archaeologists shall be briefed regarding inadvertent discoveries prior to the start of construction activities. A basic presentation and handout or pamphlet shall be prepared in order to ensure proper identification and treatment of inadvertent discoveries. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.

MM-CUL-2 A qualified archaeologist shall be retained and on-call to respond and address any inadvertent discoveries identified during initial excavation in native soil. Initial excavation is defined as initial construction-related earth moving of sediments from their place of deposition. As it pertains to archaeological monitoring, this definition excludes movement of sediments after they have been initially disturbed or displaced by Project-related construction. A qualified archaeological principal investigator, meeting the Secretary of the Interior's Professional Qualification Standards, should oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits or material. The archaeological monitor will be responsible for maintaining daily monitoring logs.

In the event that potential prehistoric or historical archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 100 feet of the find shall immediately stop and a qualified archaeologist must be notified immediately to assess the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, data recovery, or monitoring may be warranted.

If monitoring is conducted, an archaeological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City for review. This report should document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the SCCIC.

2.3.4 Geology and Soils

2.3.4.1 Paleontological Resources

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

Finding: Less than significant impact with mitigation measures.

Explanation:

San Bernardino County encompasses a wide variety of geological formations that differ in age and fossil-bearing sensitivity. The Project site, however, is overlain by Late Quaternary deposits and does not contain unique geologic features. Late Quaternary (late Holocene, or “modern”) alluvium and alluvial fan deposits are generally considered to be too young geologically to contain significant nonrenewable paleontological resources (i.e., fossils) and are typically assigned a low paleontological sensitivity. Moreover, the Project site has been subject to decades of ground disturbance associated with previous agricultural uses, industrial development, and development of the drive-in theater. As a result, it is unlikely that paleontological resources, if ever located on the Project site, would remain intact.

Despite the low potential for paleontological resources to occur on the Project site, it is always possible that intact fossil deposits are present at subsurface levels and could be uncovered during ground-disturbing activities. As such, **MM-GEO-1** is required, which would ensure that if paleontological resources (sites, features, or fossils) are exposed during construction activities, all construction work occurring within the vicinity of the find would stop until a qualified paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted. With incorporation of **MM-GEO-1**, impacts associated with paleontological resources would be less than significant. (Draft EIR, p. 4.5-3.)

2.3.4.3 Mitigation Measures

MM-GEO-1 In the event that paleontological resources (fossil remains) are exposed during construction activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified paleontologist, as defined by the Society of Vertebrate Paleontology’s 2010 guidelines, can assess the nature and importance of the find. Depending on the significance of the find, the qualified paleontologist may record the find and allow work to continue or may recommend salvage and recovery of the resource. All recommendations will be made in accordance with the Society of Vertebrate Paleontology’s 2010 guidelines and shall be subject to review and approval by the City of Montclair. Work in the area of the find may only resume upon approval of a qualified paleontologist.

2.3.5 Hazards and Hazardous Materials

2.3.5.1 Hazardous Materials

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

Finding: Less than significant impact with mitigation measures.

Explanation:

Short-Term Construction Impacts

During construction, hazardous substances and wastes would be stored, used, and generated on the Project site, including fuels for machinery and vehicles, new and used motor oils, cleaning solvents, paints, and storage containers. Accidental spills, leaks, fires, explosions, or pressure releases involving hazardous materials represent a potential threat to human health and the environment if not properly treated, which would result in a significant impact. Provisions to properly manage hazardous substances and wastes during construction are typically included in construction specifications and are under the responsibility of the construction contractors. Adherence to the construction specifications and applicable regulations regarding hazardous materials and hazardous waste, including disposal, would ensure that construction of the proposed Project would not create a significant hazard to the public or the environment during the construction phase of the proposed Project.

The Project will require demolition of existing buildings and structures on the Project site. Due to the age of buildings on the Project site, there is a potential for the existing site buildings to contain lead-based paint and/or asbestos. If such materials are present, asbestos fibers or dust containing lead may be released into the air when the materials are disturbed during demolition. Asbestos fibers can be breathed in; asbestos fibers can become lodged in the lung and can cause diseases such as lung cancer or mesothelioma. Lead in dust can be breathed in or ingested, which can contribute to lead poisoning. Existing state regulations require an asbestos and lead-based paint survey, followed by abatement and control of asbestos and lead, as needed, in advance of demolishment or renovation activities, as regulated in SCAQMD Rule 1403 (asbestos) and Titles 8 and 17 of the California Code of Regulations. Friable asbestos-containing materials, once removed or abated and if the waste contains once percent or more asbestos, must be disposed of as a California hazardous waste in accordance with Title 22 of the CCR. Non-friable asbestos-containing waste can be disposed of as non-hazardous waste.

SCS observed maintenance paint, 5-gallon gasoline containers, motor oil, and a food grease container stored outside of the administration and snack bar building in the north-central part of the Project site during their 2019 Phase I ESA site visit. It is not known if these materials are still present on the Project site. No industrial chemicals are known to remain on the Project site in other locations. These small quantities of general maintenance chemicals must be removed from the Project site in accordance with federal, state, and local laws regulating the management of hazardous waste prior to construction of the proposed Project including RCRA, California Health and Safety Code, and Title 22 of the CCR. Compliance with these regulations will ensure that the materials are properly removed from the Project site.

Two manholes and cut and capped pipes were observed southeast of the building in the northeastern corner of the Project site. The presence of the manholes indicates the potential for an UST or oil/water separator in this area;

the SCS Phase I hypothesized that they could be associated with a septic tank or otherwise related to the sewer system. A potential UST, clarifier, or oil/water separator may be present on the site, and if so, would need to be properly closed or removed prior to redevelopment. **MM-HAZ-1** addresses the potential for an UST or oil/water separator in the northeast corner of the Project site. **MM-HAZ-1** requires further evaluation of this area. If, during that evaluation, a feature is discovered, then the feature shall be closed and removed from the Project site in accordance with San Bernardino County Fire Department requirements prior to site construction.

Compliance with applicable regulations regarding the transport, use and disposal of hazardous materials, as well as the implementation of mitigation measure **MM-HAZ-1**, would ensure the Project does not create a significant hazard to the public or the environment through routine, transport, use or disposal of hazardous materials related to asbestos containing materials or lead based paints during Project construction. As such, impacts during construction of the Project are considered less than significant with mitigation incorporated. (Draft EIR, pp. 4.7-13 through 4.7-14.)

2.3.5.2 Accident or Upset

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

Finding: Less than significant impact with mitigation measures.

Explanation:

Short-Term Construction Impacts

A variety of hazardous substances and wastes would be stored, used, and generated on the Project site during construction. Accidental spills, leaks, fires, explosions, or pressure releases involving hazardous materials represent a potential threat to human health and the environment if not properly treated. Accident prevention and containment would be the responsibility of the demolition contractors, and provisions to properly manage hazardous substances and wastes are typically included in contract specifications.

There are areas on and around the Project site that are known or potential sources of VOC contamination, listed below:

- **Northwest Corner of Project Site**

Soil samples from this area indicate that there are residual petroleum hydrocarbons present in the soil, particularly near the former location of the gasoline UST and between the former locations of Buildings 2, 3 and 4; however, the residual concentrations are below soil screening levels. TCE was detected at concentrations less than the regulatory screening levels using the attenuation factor from the 2011 final DTSC guidance document, but above the regulatory screening levels using the newer 2020 draft guidance in three soil vapor samples. Ethylbenzene was likewise detected at a concentration above the regulatory screening levels using the newer 2020 draft guidance in one soil vapor sample. The locations of the samples with elevated VOCs are within and adjacent to the northwestern corner of the footprint of a proposed structure, under the proposed Project (Figure 4.7-1).

- **Southwestern Corner of Project Site**

Petroleum hydrocarbons could be encountered during excavation in the southwestern corner of the site because of the historical presence of automotive and manufacturing businesses. Although previous soil vapor sampling was conducted and did not detect any VOCs in this area, no soil sampling was conducted. Soils may be impacted with petroleum hydrocarbons from the former automotive repair businesses.

Based on the presence of the known impacts in the northwestern portion of the Project site and the potential impacts in the southwestern portion of the Project site, impacted soils could be encountered during construction and excavation activities. The potential discovery of subsurface impacts during construction could cause a significant impact and **MM-HAZ-2** would be required to ensure potential impacts from encountering potentially contaminated soils during excavation are reduced to less than significant. As noted below, **MM-HAZ-2** requires preparation of a hazardous materials contingency plan. This plan shall include detailed information on the locations of known soil impacts, along with detailed instructions on removal and management of such soils. The hazardous materials contingency plan will also be used to manage previously-unidentified suspect soils encountered during excavation at the site. The plan will also include procedures for safe excavation, such as air monitoring in areas with potential vapor concerns, such as the northwestern corner.

Due to known vapor intrusion concerns in the northwestern corner of the Project site, mitigation is required. **MM-HAZ-3** addresses potential vapor intrusion concerns by requiring vapor mitigation or further data collection and evaluation in the northwestern corner of the site.

Lastly, due to the potential presence of other hazardous building materials in the existing on-site structures (e.g., universal waste, PCBs and mercury), **MM-HAZ-4** is provided and would require preparation of a hazardous materials building survey to document the presence of any potentially hazardous materials other than asbestos and lead paint within the structures present on the property. **MM-HAZ-4** also contains provisions for management of hazardous materials identified during the building survey. Hazardous materials must be disposed of in accordance with federal, state, and local laws regulating the management of hazardous waste including RCRA, California Health and Safety Code, and Title 22 of the CCR. The potential impacts from PCBs, mercury, and other hazardous materials potentially released during demolition would be mitigated to a level that is less than significant with the implementation of **MM-HAZ-4**. With completion of the required asbestos and lead paint abatement and implementation of **MM-HAZ-4**, impacts would be less than significant.

Through implementation of mitigation measures **MM-HAZ-2**, **MM-HAZ-3**, and **MM-HAZ-4**, impacts from demolition and construction would be less than significant. (Draft EIR, pp. 4.7-15 through 4.7-16.)

2.3.5.3 Hazards Near Schools

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

Finding: Less than significant impact with mitigation measures.

Explanation:

Short-Term Construction Impacts

Howard Elementary School is located approximately 0.2-mile southeast of the Project site. As previously discussed, demolition and construction of the Project would not create a significant hazard to the public or the environment

through the routine transport, use, or disposal of hazardous materials or create a significant hazard to the public or the environment involving the release of hazardous materials into the environment after incorporation of **MM-HAZ-1**.

Additionally, a construction health risk assessment (HRA) was prepared to evaluate the health impacts of diesel particulate matter (DPM), a carcinogenic air toxic, that would be emitted from construction equipment associated with the Project. The HRA evaluated the Project's potential cancer and noncancer health impacts using exposure periods appropriate to evaluate long-term emission increases (third trimester to 30 years), and took into account the exposure duration for a student who would both live in proximity of the Project and attend school at Howard Elementary School. The Project construction activities would result in a Residential Maximum Individual Cancer Risk of 52.1 in 1 million, which is greater than the significance threshold of 10 in 1 million. Project construction would result in a Residential Chronic Hazard Index of 0.03, which is below the 1.0 significance threshold. The Project construction TAC health risk impacts would be potentially significant, and **MM-AQ-2** is required to reduce impacts to levels less than significant. No additional mitigation beyond **MM-HAZ-1** and **MM-AQ-2** is required for construction-related impacts within 0.25-mile of a school. With these mitigation measures incorporated, impacts from construction would be less than significant. (Draft EIR, p. 4.7-16.)

Long-Term Operational Impacts

As discussed above, Howard Elementary School is located approximately 0.2-mile southeast of the Project site. The long-term operations of the proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or create a significant hazard to the public or the environment involving the release of hazardous materials into the environment after incorporation of **MM-HAZ-2**, **MM-HAZ-3**, and **MM-HAZ-4**. Use of extremely hazardous materials and accumulation of acutely hazardous wastes are not anticipated.

Additionally, an operational HRA was prepared to evaluate the health impacts of diesel particulate matter (DPM), a carcinogenic air toxic, that would be emitted from operational truck traffic associated with the Project. The DPM emissions from operation of the Project would result in a Residential Maximum Individual Cancer Risk of 65.7 in 1 million and a Residential Chronic Hazard Index of 0.02. These impact levels would be greater than the SCAQMD significance threshold resulting in a potentially significant impact and **MM-AQ-3** through **MM-AQ-7** are required to reduce impacts to levels less than significant. No additional mitigation beyond **MM-AQ-3** through **MM-AQ-7** are required for operational-related impacts within 0.25-mile of a school. With these mitigation measures incorporated, impacts from long-term operations would be less than significant. (Draft EIR, p. 4.7-17.)

2.3.5.5 Mitigation Measures

Implementation of the following mitigation measures identified to reduce potential air quality impacts, would also reduce hazardous materials within one-quarter mile of an existing or proposed school: **MM-AQ-3** (Vehicle Miles Traveled Reduction Strategies), **MM-AQ-4** (Encourage Electric Vehicles), **MM-AQ-5** (Idling Restriction), **MM-AQ-6** (Energy Conservation), and **MM-AQ-7** (Electric Forklifts and Yard Trucks).

MM-HAZ-1 Prior to issuance of a grading permit, the existing subsurface feature in the northeastern portion of the Project site (as evidenced by the manholes) shall be identified. If it is determined to be a subsurface tank, clarifier, or oil/water separator, the feature shall be closed and removed from the

Project site in accordance with San Bernardino County Fire Department requirements prior to site construction. The closure will include the following:

- Obtain permits from the San Bernardino County Fire Department
- Remove all wastes from the units for proper disposal
- Remove the subsurface feature for proper disposal/recycling and remove or cap/plug associated piping in accordance with the permit requirements
- Follow permit requirements
- If impacted soil is identified, manage soil in accordance with MM-HAZ-2

MM-HAZ-2

Prior to issuance of a grading permit, a hazardous materials contingency plan (HMCP) shall be prepared and shall be followed during demolition, excavation, and construction activities for the proposed Project. The hazardous materials contingency plan shall include, at a minimum, the following:

- Identification of known and suspected areas with hazardous waste and/or hazardous materials of concern.
- Procedures for identifying suspect materials
- Procedures for temporary cessation of construction activity and evaluation of the level of environmental concern
- Procedures for restricting access to the contaminated area except for properly trained personnel
- Procedures for notification and reporting, including internal management and local agencies (e.g., San Bernardino County Fire Department), as needed
- Health and safety measures for excavation of contaminated soil
- Procedures for characterizing and managing excavated soils

Site workers shall be familiar with the hazardous materials contingency plan and should be fully trained on how to identify suspected contaminated soil.

MM-HAZ-3

Prior to commencement of construction of the northwestern proposed building (Building 1), a vapor intrusion mitigation system shall be designed for the portion of Building 1 with vapor intrusion concerns (see Figure 4.7-1, Known Hazards Building Footprints Map). The vapor mitigation system shall include one or more of the methods presented in the Department of Toxic Substances Control's *Vapor Intrusion Mitigation Advisory* dated October 2011. The construction contractor shall design a vapor intrusion mitigation system that adequately mitigates potential vapor intrusion in the northwestern corner of the building. The vapor mitigation design shall be submitted to the City for review and approval prior to issuance of a building permit. Typical vapor mitigation systems are comprised of a sub-slab geomembrane or vapor barrier. Sub-slab ventilation piping is typically installed below the geomembrane layer for capturing VOCs in the soil gas and discharging them above the building roof through vent stacks. The vapor barrier, if used, shall be installed and inspected in accordance with the manufacturer's specifications. Operation of the Project shall maintain functionality of these features as required to continue protection from vapor intrusion.

Alternatively, if collection and evaluation of additional data, such as statistical evaluation of further soil vapor sampling data throughout the Building 1 footprint or site-specific soil and/or building

parameters, demonstrate that concentrations are below soil vapor or ambient air screening levels, such data shall be presented to the City for review and consideration of elimination of the need for the vapor intrusion mitigation system.

MM-HAZ-4 Prior to the issuance of a demolition permit for any existing on-site structure, a qualified environmental specialist shall conduct a survey for PCBs, mercury, and other hazardous building materials (other than asbestos and lead paint) such as universal wastes and refrigerant to document the presence of any potentially hazardous materials within the structures. Any potentially hazardous materials identified as part of this survey shall be handled in accordance with the federal and state hazardous waste and universal waste regulations. Demolition plans and contract specifications would incorporate any necessary materials management measures in compliance with the Metallic Discards Act (Public Resources Code, Section 42160 et seq.), particularly Public Resources Code, Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants and the DTSC June 2019 Fact Sheet Guidance on Major Appliances for Scrap Recycling Facilities.

2.3.6 Noise

2.3.6.1 Noise Standards

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

Finding: Less than significant impact with mitigation measures.

Explanation: Construction of the Project would generate noise that could expose nearby receptors to elevated noise levels that may disrupt communication and routine activities. The magnitude of the impact would depend on the type of construction activity, equipment, duration of the construction, distance between the noise source and receiver, and intervening structures. The following discussion addresses the noise levels estimated to result from construction of the Project at nearby sensitive receptors (i.e., residences).

CalEEMod was used to identify the construction equipment anticipated for development of the Project. Based on this information, CalEEMod identified the anticipated equipment for each phase of Project construction.

With the construction equipment noise sources identified, a noise analysis was performed using the RCNM (FHWA 2008). Sensitive receptors near the Project site include residential uses to the east, south, and west. Construction noise in a well-defined area typically attenuates at approximately 6 decibels (dB) per doubling of distance. Proposed Project construction would take place both near and far from adjacent, existing noise-sensitive uses. For example, paving would take place within approximately 10 feet of existing residences near the western Project boundary, but during construction of other Project components, nearest construction would be approximately 80 (at the nearest) to 900 (at the farthest) feet from the same noise-sensitive receptors. Most construction activities associated with the proposed Project would occur at an average distance of approximately 450 feet or more from existing noise-sensitive uses, which represents activities both near and far from any one receiver, as is typical for construction projects.

Construction noise estimates for both a “typical worst-case” 1-hour average scenario in which construction equipment may be operating in proximity to any one receiver for extended periods, as well as an 8-hour average workday in which it is assumed that typically the equipment would be in motion and working both near and far from any one receiver, equating to approximately twice as far compared to the 1-hour scenario, were calculated. The resulting 8-hour levels are thus 6 decibels lower than the 1-hour levels, based upon a noise attenuation rate of 6 decibels per doubling of distance.

The highest noise levels from construction are predicted to range from approximately 70 dBA $L_{eq\ 1-hour}$ (during the architectural coating phase) to 94 dBA $L_{eq\ 1-hour}$ (during demolition) at the nearest receivers. These maximum noise levels are considered to be a peak exposure, only occurring while the construction activity is taking place along the property boundary closest to these nearest off-site receivers. In terms of a typical 8-hour workday, the highest noise levels from construction are predicted to range from approximately 64 dBA $L_{eq\ 8-hour}$ (during the architectural coating phase) to 88 dBA $L_{eq\ 8-hour}$ (during demolition) at the nearest receivers. The average construction noise levels (for construction taking place at a range of locations on site and modeled at the acoustical center for analysis purposes) range from approximately 55 dBA $L_{eq\ 1-hour}$ (during architectural coating) to approximately 70 dBA $L_{eq\ 1-hour}$ (during grading) at the closest residences. Because the majority of the time, construction would take place within the Project site and not at the property boundary, the average noise levels (based upon the acoustic center) are considered a better representation of the overall noise exposure experience for adjacent receivers over the duration of each construction phase. Noise levels would be relatively high when equipment is operating near the Project boundaries and would exceed the FTA’s 80 dBA $L_{eq\ 8-hour}$ threshold by as much as 8 dBA during demolition. The FTA’s 80 dBA $L_{eq\ 8-hour}$ threshold is also predicted to be exceeded during the site preparation and grading phases.

Based upon the City’s municipal code, noise associated with construction, repair, remodeling, or grading of any real property is exempt, provided these activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on any given day and provided that the City Building Official determines that the public health and safety will not be impaired. Project construction activities would be short-term, occurring within the hours of 7:00 a.m. and 8:00 p.m., and would cease upon construction completion. Furthermore, the Project would be required to adhere to the City General Plans Implementing Policies, including the following pertaining to construction:

- NE-1.2.5. All construction vehicles and equipment, fixed or mobile operated, shall be equipped with properly operating and maintained mufflers.
- NE-1.2.6. Stock piling and/or vehicle staging areas shall be located as far as practical from residential homes.
- NE-1.2.7. The noisiest operations shall be arranged to occur together in the construction programs to avoid continuing periods of greater annoyance.
- NE-1.2.8. Construction which can impact noise sensitive receptors shall be limited to the hours of 7:00 AM to 8:00 PM on any given day and provided that the building official determines that the public health and safety will not be impaired.

Because construction noise levels would be substantially higher than existing ambient noise levels, and because the FTA’s 80 dBA $L_{eq\ 8-hour}$ threshold would be exceeded, additional measures as outlined in **MM-NOI-1** are required. **MM-NOI-1** includes the required installation of an 8-foot high temporary noise barrier at the western site boundary adjacent to the residential land uses. Based upon calculations, the construction noise barrier would provide 9.5 dBA attenuation, and would thus reduce the loudest-phase 8-hour average noise level to below 80 dBA. Additionally, mitigation measure **MM-NOI-2** will further minimize noise impacts from construction. **MM-NOI-2** requires that the Project Applicant notify surrounding neighbors, including the residences to the east, south and west of the Project

site, listing the construction activity and construction hours, as well as providing contact information in the event of noise complaints (see **MM-NOI-2** below). Construction noise would be less than significant with mitigation incorporated (**MM-NOI-1** and **MM-NOI-2**). (Draft EIR, pp. 4.9-13 through 4.9-15.)

2.3.6.2 Vibration

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

Finding: Less than significant impact with mitigation measures.

Explanation: During operation, no major sources of groundborne vibration or groundborne noise are anticipated. Construction activities that might expose persons to excessive ground-borne vibration or ground-borne noise could cause a potentially significant impact. Groundborne vibration from construction activities is typically attenuated over short distances. The heavier pieces of construction equipment used at this site could include bulldozers, excavators, loaded trucks, water trucks, and pavers. Based on published vibration data, the anticipated construction equipment would generate an RMS vibration level of approximately 87 VdB re 1 micro-inch/second at a distance of 25 feet from the source (FTA 2018). At the distance from the nearest vibration-sensitive receivers (residences located to the west) to where construction activity would be occurring on the Project site (approximately 40 feet), and with the anticipated construction equipment, the RMS vibration levels would be approximately 80.9 VdB. This would be greater than the recommended threshold of 78 VdB for human response within residential structures during daytime hours⁵. Vibration from construction equipment would likely be perceptible at times, although the amount of time would be relatively brief as the construction equipment moves around the site. Nonetheless, the impact from groundborne vibration during construction is considered potentially significant. Mitigation measures **MM-NOI-1** and **MM-NOI-2** will reduce vibration impacts from construction. **MM-NOI-1** provides methods by which vibration from construction may be reduced, and **MM-NOI-2** requires that the Project Applicant notify surrounding neighbors, including the residences to the east, south and west of the Project site, listing the construction activity and construction hours, as well as providing contact information in the event of vibration complaints (see **MM-NOI-1** and **MM-NOI-2** below).

With regards to potential for structural damage, the vibration levels are presented in terms of inches per second peak particle velocity (PPV). Based on published vibration data, the anticipated construction equipment would generate vibration levels of approximately 0.089 inches per second PPV at a distance of 25 feet from the source (FTA 2018). At the distance from the nearest vibration-sensitive receivers (residences located to the west) to where construction activity would be occurring on the Project site (approximately 40 feet), and with the anticipated construction equipment, the peak particle velocity vibration level would be approximately 0.044 inches per second. This level would be less than the recommended threshold of 0.20 inches per second for potential of architectural damage to non-engineered timber and masonry buildings⁶. Construction vibration impacts with regard to potential for structural damage would be less than significant. No mitigation measures are required.

⁵ Based upon Table 6-6 of the FTA's Transit Noise and Vibration Impact Assessment Manual (FTA 2018). Because construction activities would not occur during nighttime hours, the maximum vibration level corresponding to the category for "Residential Day" is used.

⁶ Based upon Table 7-5 of the FTA's Transit Noise and Vibration Impact Assessment Manual (FTA 2018). Table 7-5 provides recommended vibration damage criteria for structure types ranging from quite robust ("Reinforced-concrete, steel or timber") to quite fragile ("Buildings extremely susceptible to vibration damage"). Non-engineered timber and masonry building criteria represents the category just above the most fragile category, and thus is considered conservative for the nearby residences and other structures.

The Project would result in less than significant impacts with regard to permanent increase in groundborne vibration levels. The Project would result in potentially significant impacts with regard to generation of groundborne vibration levels in the vicinity of the Project during construction. With incorporation of **MM-NOI-1** and **MM-NOI-2** (as detailed below), impacts associated with construction vibration would be less than significant with mitigation incorporated. (Draft EIR, pp. 4.9-20 through 4.9-21.)

2.3.6.4 Mitigation Measures

MM-NOI-1 Prior to issuance of grading permits, the Project Applicant or their designee (such as the construction contractor) shall implement best management practices (BMPs) to reduce short-term construction noise. The BMPs shall be incorporated by the City of Montclair as conditions on City-issued permits. Noise reduction BMPs shall include, but may not be limited to, the following:

- Prior to Project construction, temporary sound barriers/shielding shall be installed at the western site boundary adjacent to the residential land uses. The construction noise barrier shall be a minimum of 8 feet in height. The barrier may be constructed of 3/4-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility having a surface weight of 2 pounds per square foot or greater. Prefabricated acoustic barriers are available from various vendors. When barrier units are joined together, the mating surfaces of the barrier sides should be flush or overlap with one another. Gaps between barrier units, and between the bottom edge of the barrier panels and the ground, should be closed with material that will completely fill the gaps, and be dense enough to attenuate noise.
- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers consistent with the manufacturers' specifications and standards.
- Construction noise reduction methods, such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied sensitive receptor areas, and using electric air compressors and similar power tools rather than diesel equipment, shall be used.
- During construction, stationary equipment should be placed as far away from the adjacent residential property boundary as feasible and positioned such that emitted noise is directed away from or shielded from sensitive receptors. Acoustically attenuating shields, shrouds, or enclosures may be placed over stationary equipment.
- During construction, stockpiling and vehicle staging areas shall be located far from noise-sensitive receptors.
- Strategies to reduce groundborne vibration levels will include, but not be limited to, halting/staggering concurrent activities, creating a larger set back distance, or utilizing lower-vibratory (typically smaller) equipment or techniques.
- The Project shall be in compliance with the City's Noise Ordinance (Montclair Municipal Code Chapter 6.12): Noise sources associated with construction, repair, remodeling, or grading of any real property are exempt, provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on any given day and provided that the City Building Official determines that the public health and safety will not be impaired.

MM-NOI-2 At least 10 days prior to construction, the Project applicant shall notify nearby property owners within 300 feet of the Project site, including residences to the east, south and west, of the construction activities and construction hours proposed to occur on the Project site, as well as provide contact information in the event a property owner or residence has a noise or vibration complaint. Additionally, construction hours, allowable workdays, and the phone number of the job superintendent and City code enforcement shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent. Upon receipt of a complaint, the job superintendent shall respond to the complainant, investigate to ensure a good understanding of the specifics of the complaint, and coordinate with City staff to resolve the issue by ensuring that the measures listed above in MM-NOI-1 are being implemented.

2.3.7 Tribal Cultural Resources

2.3.7.1 Tribal Cultural Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code section 5024.1 Tribal Cultural Resources and California Public Resources Code, Section 5024.1?

Finding: Less than significant impact with mitigation measures.

Explanation:

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

One response to the AB 52 and SB 18 outreach letters to tribal contacts was received by the City requesting consulting party status. This response was from Chairman Andrew Salas of the Gabrieleno Band of Mission Indians – Kizh Nation. In the response letter, Chairman Salas requested consulting party status. During the consultation process, Chairman Salas provided a map of tribal territories and county boundaries, including mitigation measures for tribal cultural resources within the Kizh Nation Tribal Territory, though no TCRs or other known cultural resources that could be directly impacted by the Project were identified.

Despite the fact that no information regarding TCRs has been received by the City and the fact that the archaeological sensitivity of the Project site is considered to be low, the City is committed to preserving the integrity of cultural resources and TCRs. Thus, in response to the requests for construction monitoring, **MM-TCR-1** and **MM-TCR-2** are required to ensure that a Native American Monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation is able to observe subsurface construction activities and to ensure that if any potential TCRs are encountered, a representative from the Gabrieleno Band of Mission Indians-Kizh Nation as well as a qualified archaeologist shall be able to evaluate the find. If significant TCRs are discovered, **MM-TCR-2** prescribes measures for the appropriate treatment to preserve the integrity and significance of those resources. Additionally, **MM-CUL-1** and **MM-CUL-2** would further mitigate impacts. **MM-CUL-1**, requires that all Project construction personnel take the

Workers Environmental Awareness Program (WEAP) training for the proper identification and treatment of inadvertent discoveries, further reducing the possibility that resources, if present within the subsurface of the site, are identified and appropriately treated. **MM-CUL-2** requires the retention of an on-call qualified archaeologist, who meets the Secretary of Interior's Professional Qualification Standards for Archaeology, to address inadvertent discoveries. Altogether, implementation of **MM-TRC-1** and **MM-TRC-2**, as well as **MM-CUL-1** and **MM-CUL-2**, would reduce the significance of impacts associated with any potential buried, currently unrecorded/unknown tribal cultural resources to a level of less than significant. (Draft EIR, pp. 4.11-13 through 4.11-14.)

2.3.7.3 Mitigation Measures

With the incorporation of **MM-TRC-1** and **MM-TRC-2**, as well as **MM-CUL-1** and **MM-CUL-2**, impacts associated with tribal cultural resources would be less than significant with mitigation incorporated.

MM-TRC-1 Prior to the issuance of any grading permit for the Project, the City of Montclair (City) shall ensure that the Project Applicant retains the services of a tribal monitor(s) approved by the Gabrieleño Band of Mission Indians Kizh Nation to provide Native American monitoring during ground-disturbing activities. This provision shall be included on the Project contractor's plans and specifications. Ground-disturbing activities are defined by the Gabrieleño Band of Mission Indians Kizh Nation as activities that may include but are not limited to pavement removal, pot-holing or auguring, grubbing, tree removals, borings, grading, excavation, drilling, and/or trenching within the Project area. The Project site shall be made accessible to the monitor(s), provided adequate notice is given to the construction contractor and that a construction safety hazard does not occur. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) shall be required to provide insurance certificates, including liability insurance.

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

Construction activity shall not be contingent on the presence or availability of a monitor, and construction may proceed regardless of whether or not a monitor is present on site. The monitor shall complete daily monitoring logs that will provide descriptions of the day's activities and general observations and whether the Native American monitor believes they observed a TCR and what action they took. The on-site monitoring shall end when the Project site grading and excavation activities are completed or prior to the completion if the monitor has indicated that the site has a low potential for tribal cultural resources

MM-TCR-2 Upon discovery of any tribal cultural resources, a Native American monitor has the ability to halt construction activities in the immediate vicinity (within 50 feet) of the find until the find can be assessed. All tribal cultural resources unearthed during the Project construction activities shall be evaluated by the Native American monitor approved by the Gabrieleño Band of Mission Indians Kizh Nation and a qualified archaeologist. Construction work shall be permitted to continue on other parts of the Project site while evaluation and, if necessary, additional investigations and/or

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

2.3.8 Utilities and Service Systems

2.3.8.1 Wastewater Treatment Requirements

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

Finding: Less than significant impact with mitigation measures.

Explanation:

Existing utility service lines are located within the vicinity of the Project site. As part of the Project, utility service lines, including those for water, wastewater, stormwater drainage, electric power, natural gas, and telecommunications services would be reconfigured from their current locations on and nearby the Project site to the proposed buildings. The following discussion provides a summary of Project utility work.

- **Water.** There are existing water lines within the streets immediately surrounding the Project site, including a 12-inch line within State Street, an 8-inch line within Mission Boulevard, 4-inch, 30-inch, and 42-inch lines within Ramona Avenue, and an 8-inch line within 3rd Street. As part of the Project, the 8-inch line within 3rd Street would be extended across the Project site to Ramona Avenue as a 12-inch line. Buildings 7 and 8 would connect to the water line within either State Street or Third Street, or to both water lines, depending on the locations of the offices within each building. Buildings 1, 2, and 3 would connect to the new 12-inch water line in Third Street. Buildings 4, 5, and 6 would connect to an existing 8-inch water line within Mission Boulevard.

Additionally, an approximately 440-square-foot parcel containing an inactive subterranean water well that was formerly used for agricultural uses (APN 101-216-101) is located within the northwestern portion of the Project site in the concrete-paved area of the former (now demolished) industrial buildings. While this parcel is not a part of the Project site, construction and operational activities would occur on the parcel, which would ultimately be surrounded by landscaping associated with the frontage of the Project site facing State Street, near Building 7. The well is considered to be a “permanently inactive well” in accordance with

the definition set forth in the California Health and Safety Code Section 115700. Therefore, prior to the proposed Project's construction, the Project Applicant will coordinate with San Bernardino County to conduct the permanent abandonment of the well in accordance with all applicable regulations.

- **Wastewater.** The Project would be served by an existing 15-inch sewer line is located beneath State Street, an existing 18-inch sewer line is located beneath Ramona Avenue, and an existing 8-inch sewer line is located beneath Mission Boulevard. A new 8-inch line would connect to the 8-inch line within Mission Boulevard, which would be extended north between Buildings 2 and 3 and between Buildings 4 and 5 until it meets Third Street. Upon meeting Third Street, this new line would extend east and west to connect to a new 6-inch sewer laterals for Buildings 7 and 8. Building 1 would connect directly to the new sewer line in Third Street. Buildings 2 through 5 would connect to the new 8-inch sewer within a new public utility easement from Third Street to Mission Boulevard. Additionally, a segment of the existing 8-inch sewer line in Mission Boulevard would be replaced because the segment has reached the end of its service life.
- **Stormwater.** Stormwater sheet flows across the Project site to outlet points along Ramona Avenue and Mission Boulevard where flows are routed via curb and gutter to a catch basin within Mission Boulevard. This catch basin is connected to a 66-inch public storm drain within Mission Boulevard, which discharges into San Antonio Creek and ultimately the Pacific Ocean. As part of the Project, stormwater flows would be captured on-site and treated within a series of underground infiltration facilities. Buildings 7 and 8 would each have their own infiltration facilities, which would discharge to a new public storm drain line within 3rd Street. The new storm drain would continue south from 3rd Street between Buildings 2 and 3 and between Buildings 4 and 6 in a new public utility easement where it would connect to the existing 66-inch storm drain within Mission Boulevard. Two catch basins would be located at the west end of 3rd Street to collect stormwater flows along 3rd Street. Buildings 1 through 6 would drain to one or more on-site underground infiltration facilities before also discharging to the new storm drain.
- **Electric Power.** The Project site is currently served by 12-kV overhead electrical lines along State Street and 12-kV underground electrical lines within Ramona Avenue. The Project would connect to these existing lines and would also involve the undergrounding of existing overhead electrical lines located on the Project site.
- **Natural Gas.** The Project site is currently served by a 6-inch gas line within Ramona Avenue, a 2-inch gas line within State Street, 3-inch gas line within Mission Boulevard, a 2-inch gas line within Silicon Avenue and Third Street. The Project would connect to these existing gas lines via lateral connections.
- **Telecommunications.** Copper and fiber telephone facilities as well as cable television facilities are located adjacent to the Project site within State Street, Ramona Avenue, and Mission Boulevard. These facilities would be extended onto the Project site via lateral connections.

Given that the activity of reconfiguring the existing utility lines would involve ground disturbance and the use of heavy machinery associated with trenching, the installation of these utility service lines could potentially result in environmental effects. For example, construction equipment would emit air quality pollutants and greenhouse gas emissions, trenching and excavation could potentially destroy cultural and tribal cultural resources if located within the subsurface, and the disturbance of soils could potentially result in an increased potential for erosion or for disturbed soils to enter into downstream waters. However, the extension of these utility service lines, including their disturbance footprints and construction techniques, as well as their associated impacts, is part of the Project analyzed herein. As such, any potential environmental impacts related to these components, such as those described above, are already accounted for in this Draft EIR as part of the impact assessment conducted for the entirety of the Project. Additionally, the Project would be required to comply with all regulatory requirements and mitigation measures outlined within this Draft EIR for the purposes of lessening or mitigating impacts associated

with trenching activities and the use of heavy machinery. For example, Project construction would occur in accordance with the requirements of the NPDES General Construction Permit and the Montclair Municipal Code, which require the implementation of BMPs and pollutant control measures to minimize pollutants and reduce runoff to levels that comply with applicable water quality standards. Mitigation measures that would reduce construction impacts include **MM-AQ-2**, **MM-BIO-1**, **MM-CUL-1**, **MM-CUL-2**, **MM-GEO-1**, **MM-HAZ-1**, **MM-HAZ-2**, **MM-HAZ-3**, **MM-NOI-1**, and **MM-NOI-2**, **MM-TCR-1**, and **MM-TCR-2**. The Project would not require the construction, expansion, or relocation of water, wastewater, stormwater drainage facilities, electric power, natural gas, and telecommunications facilities beyond those facilities identified above, as existing facilities are in-place and adequately sized to accommodate the Project. Therefore, no adverse physical effects beyond those already disclosed in this Draft EIR would occur as a result of implementation of the Project's proposed utility system connections. Impacts would be less than significant with mitigation incorporated.

2.4 Impacts Determined to Be Less Than Significant

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

2.4.1 Aesthetics

2.4.1.1 Scenic Vistas

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

Finding: No impact.

Explanation: Scenic vistas and other important visual resources are typically associated with natural landforms such as mountains, foothills, ridgelines, coastlines, and open space areas. The City's General Plan Open Space Element identifies parks and recreational areas, flood control, and agricultural areas as three major sources of open space lands in the City. Open Space Objective OS-1.2.0 recognizes that open space provides visual relief from highly urbanized areas (City of Montclair 1999). However, the City's General Plan does not designate any specific vistas within the City as "scenic vistas" and notes that there are no scenic corridors within the City (City of Montclair 1999).

The nearest park to the Project site is Essex Park, located approximately 1,500 feet south of the Project site, and no natural drainages (only channelized flood control facilities), agricultural areas, or other natural landforms exist in the vicinity of the Project site. The Project site is located well outside the viewshed of any scenic vistas or other important visual resources. Therefore, no impacts associated with scenic vistas would occur. (Draft EIR, p. 5-1.)

2.4.1.2 Scenic Resources

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

Finding: No impact.

Explanation: There are no state scenic highways that occur within the vicinity of the Project site. The nearest Officially Designated State Highway is the portion of State Route 2 along the San Gabriel Mountains, located over 20 miles northwest of the Project site in Los Angeles County (County of Los Angeles 2014). Based on this distance and intervening natural topography and manmade development, the Project site is not located within the viewshed of this officially designated state scenic highway. Therefore, no impacts associated with state scenic highways would occur. (Draft EIR, p. 5-1.)

2.4.1.3 Visual Character

Threshold: Would the Project substantially degrade the existing visual character or quality of public view of the site and its surroundings?

Finding: Less than significant.

Explanation: Section 20171 of the California Public Resources Code defines an “urbanized area” as “(a) an incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons, or (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons.” As of January 1, 2020, the California Department of Finance estimated the population of Montclair to be 39,490 persons (DOF 2020). Additionally, the City of Montclair is located adjacent to the City of Ontario, which the California Department of Finance estimates to have a population of 182,871 as of January 1, 2020 (DOF 2020). Therefore, because the City of Montclair shares a border with the City of Ontario, and because the two cities’ combined population exceeds 100,000 persons, the City of Montclair is considered an urbanized area per CEQA and the first question of this threshold does not apply to the Project, as it is directed at non-urbanized areas. Section 21071 of the California Public Resources Code also defines an urbanized area for unincorporated areas; however, the City of Montclair is an incorporated city, so this definition was not considered for this analysis.

The City’s Municipal Code includes design standards related to building height, setbacks, landscaping requirements, and other development considerations that are relevant to scenic quality. Specifically, Title 11, Zoning and Development, of the City’s Municipal Code includes design standards for each zoning district, including the M1 Limited Manufacturing Zone and MIP Manufacturing Industrial Zone, which are the proposed zoning designations for the Project site. The M1 Limited Manufacturing Zone and MIP Manufacturing Industrial Zone have specified regulations that are outlined in Section 11.30 and 11.32 of the City’s Municipal Code (City of Montclair 2020a). The design standards exist, in part, to regulate the uses of buildings and structures, and to encourage the most appropriate use of land. As a part of the City’s development and design review process, project plans are reviewed by City staff, as well as the City’s Design Review Committee, to ensure compliance with applicable provisions of the City’s Municipal Code, including those provisions relating to scenic quality. Because the Project would undergo review by City Staff and the City’s Development Review Committee and no Project components that are inconsistent with provisions of the Municipal Code that relate to scenic quality are being

requested, the Project would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, impacts associated with scenic quality would be less than significant. (Draft EIR, pp. 5-1 through 5-2.)

2.4.1.4 Light and Glare

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

Finding: Less than significant.

Explanation: Under existing conditions, the Project site contains sources of artificial nighttime light that are typical of drive-in movie theatre and swap meet uses. In addition, streetlights are present along Mission Boulevard and Ramona Avenue to the south and east, all of which are sources of nighttime light as well. Other exterior artificial light sources in the immediate vicinity of the Project site include nearby residential dwelling units and the building bordering the site to the west.

Lighting is of most concern when it may potentially spill over or trespass onto off-site properties, particularly residential buildings and the public right-of-way. However, consistent with Section 11.66.030 of the City's Municipal Code, lighting used in the parking areas must be arranged so that the light is directed onto the parking areas and away from adjacent properties. The Building Security Requirements also state that exterior lighting must not shine away from the subject property (City of Montclair 2020b). Where light spillage on adjacent properties is a concern (i.e., residences to the west), the Project would be required to include light controlling devices, such as light guards. The light-controlling devices would reduce light spillage on adjacent sensitive receptors. Additionally, per the requirements of Section 11.80 of the City's Municipal Code, the Project's Precise Plan of Design must specify the location and design of all lighting within the proposed development area except that which is within any building. City staff will review the Project's Precise Plan of Design during the plan check process to ensure that lighting be arranged so it is directed away from adjacent properties.

With respect to glare potentially generated by the Project, the majority of the exterior building surfaces would consist of painted concrete (i.e., tilt-up concrete walls) and does not include any physical properties that would produce substantial amounts of glare. To provide architectural interest and break up the overall massing of Project buildings, the Project would feature the use of large glass windows throughout Project buildings' facades; however, the Project would use glass that is clear or tinted with medium to high performance anti-glare glazing and would not use glass with mirrored finishes. As such, the Project as a whole would not result in a substantial amount of glare in the Project area. Therefore, impacts associated with light and glare would be less than significant. (Draft EIR, p. 5-2.)

2.4.2 Agriculture and Forestry Resources

2.4.2.1 Farmland Conversion

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

Finding: No impact.

Explanation: The Project site is located in a developed portion of the City. According to the California Department of Conservation's California Important Farmland Finder, the Project site and surrounding area are identified as Urban and Built-Up Land (DOC 2016a). The Project site is not located on or adjacent to any parcels identified as Prime Farmland, Unique Farmland, or Farmland of State Importance (collectively called Important Farmland). Because no Important Farmland is located on the Project site and the surrounding area, development of the Project would not convert or otherwise impact any Important Farmland. Therefore, no impacts associated with conversion of Important Farmland would occur. (Draft EIR, p. 5-3.)

2.4.2.2 Agricultural Zoning

Threshold: Would the Project conflict with existing agricultural zoning or Williamson Act contract?

Finding: No impact.

Explanation: According to the California Department of Conservation's Williamson Act Parcels Map for San Bernardino County (DOC 2016b), there are no Williamson Act contracts on the Project site or within the Project site's vicinity. In addition, the City's Zoning Map identifies the Project site as MIP, C3, and M1 (City of Montclair 2013). Neither the Project site nor any surrounding parcels are zoned for an agricultural use. Therefore, no impacts associated with Williamson Act contract lands or agricultural zoning would occur. (Draft EIR, p. 5-3.)

2.4.2.3 Forestland Zoning

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

Finding: No impact.

Explanation: The Project site is located within a developed portion of the City. The Project site is not located on or adjacent to forest land, timberland, or timberland zoned Timberland Production (City of Montclair 2013). Therefore, no impacts associated with forest land or timberland zoning would occur. (Draft EIR, p. 5-3.)

2.4.2.4 Loss of Forest Land

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

Finding: No impact.

Explanation: The Project site is located within an urbanized area and not located on or adjacent to forest land. Therefore, no impacts associated with the loss or conversion of forest land would occur. (Draft EIR, p. 5-3.)

2.4.2.5 Conversion of Farmland or Forestland

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

Finding: No impact.

Explanation: The Project site is not located on or adjacent to any lands identified by either the State or the City as Important Farmland or forest land. The Project would not include any on-site or Project adjacent improvements that would result in the conversion of Important Farmland or forest land uses. Therefore, no impacts associated with the conversion of Important Farmland or forest land would occur. (Draft EIR, p. 5-3.)

2.4.3 Air Quality

2.4.3.1 Sensitive Receptors

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

Finding: Less than significant.

Explanation:

Localized Significance Thresholds Analysis

Sensitive receptors are those individuals more susceptible to the effects of air pollution than the population at large. People most likely to be affected by air pollution include children, the elderly, and people with cardiovascular and chronic respiratory diseases. According to the SCAQMD, sensitive receptors include residences, schools, playgrounds, childcare centers, long-term healthcare facilities, rehabilitation centers, convalescent centers, and retirement homes (SCAQMD 1993). Sensitive receptors near the Project site include residences adjacent to the Project site on the western boundary (less than 25 feet).

An LST analysis has been prepared to determine potential impacts to nearby sensitive receptors during construction of the Project. The SCAQMD also recommends the evaluation of localized NO₂, CO, PM₁₀, and PM_{2.5} impacts as a result of construction activities to sensitive receptors in the immediate vicinity of the Project site. The impacts were analyzed using methods consistent with those in the SCAQMD's *Final Localized Significance Threshold Methodology* (2008). According to the *Final Localized Significance Threshold Methodology*, "off-site mobile emissions from the Project should not be included in the emissions compared to the LSTs" (SCAQMD 2008). Hauling of soils and construction materials associated with Project construction are not expected to cause substantial air quality impacts to sensitive receptors along off-site roadways. Localized emissions from the trucks would be relatively brief in nature and would cease once the trucks pass through the main streets.

Construction activities associated with the Project would result in temporary sources of on-site fugitive dust and construction equipment emissions. Operational emissions include use of off-road equipment and mobile sources

onsite. Construction and operational activities would not generate emissions in excess of site-specific LSTs; therefore, localized impacts during construction and operation of the Project would be less than significant. No mitigation is required. (Draft EIR, pp. 4.1-41 through 4.1-42.)

Health Impacts of Carbon Monoxide

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

At the time that the SCAQMD 1993 Handbook was published, the SCAB was designated nonattainment under the CAAQS and NAAQS for CO. In 2007, the SCAQMD was designated in attainment for CO under both the CAAQS and NAAQS as a result of the steady decline in CO concentrations in the SCAB due to turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities. The SCAQMD conducted CO modeling for the 2003 AQMP (Appendix V: Modeling and Attainment Demonstrations, SCAQMD 2003b) for the four worst-case intersections in the SCAB: (1) Wilshire Boulevard and Veteran Avenue, (2) Sunset Boulevard and Highland Avenue, (3) La Cienega Boulevard and Century Boulevard, and (4) Long Beach Boulevard and Imperial Highway. At the time the 2003 AQMP was prepared, the intersection of Wilshire Boulevard and Veteran Avenue was the most congested intersection in Los Angeles County, with an average daily traffic volume of about 100,000 vehicles per day. Using CO emission factors for 2002, the peak modeled CO 1-hour concentration was estimated to be 4.6 ppm at the intersection of Wilshire Boulevard and Veteran Avenue. When added to the maximum 1-hour CO concentration from 2017 through 2019 at the Upland monitoring station, which was 1.9 ppm in 2017, the 1-hour CO would be 6.5 ppm, while the CAAQS is 20 ppm.

The 2003 AQMP also projected 8-hour CO concentrations at these four intersections for 1997 and from 2002 through 2005. From years 2002 through 2005, the maximum 8-hour CO concentration was 3.8 ppm at the Sunset Boulevard and Highland Avenue intersection in 2002; the maximum 8-hour CO concentration was 3.4 ppm at the Wilshire Boulevard and Veteran Avenue in 2002. Adding the 3.8 ppm to the maximum 8-hour CO concentration from 2017 through 2019 at the Upland monitoring station, which was 1.4 ppm in 2017, the 8-hour CO would be 5.2 ppm, while the CAAQS is 9.0 ppm.

Accordingly, CO concentrations at congested intersections would not exceed the 1-hour or 8-hour CO CAAQS unless projected daily traffic would be at least over 100,000 vehicles per day. Because the Proposed Project would not increase daily traffic volumes at any study intersection to more than 100,000 vehicles per day,⁷ a CO hotspot is not anticipated to occur and associated impacts would be less than significant. No mitigation is required. (Draft EIR, p. 4.1-42.)

⁷ For each study intersection in each scenario evaluated in the TIA, the daily volumes were estimated by assuming that the AM peak hour intersection volumes represent 8% of the daily traffic volumes and the total PM peak hour intersection volumes represent 10% of the daily traffic volumes. Using this method, all 28 study intersections were estimated to result in less than 100,000 vehicles per day in every scenario evaluated (ranging from 8,060 vehicles to 84,663 vehicles).

2.4.3.2 Other Adverse Emissions

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

The occurrence and severity of potential odor impacts depends on numerous factors. The nature, frequency, and intensity of the source; the wind speeds and direction; and the sensitivity of receiving location each contribute to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying and cause distress among the public and generate citizen complaints.

Odors would be potentially generated from vehicles and equipment exhaust emissions during construction of the Project. Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment, architectural coatings, and asphalt pavement application. Such odors would disperse rapidly from the Project site and generally occur at magnitudes that would not affect substantial numbers of people. In addition, the Project would be required to comply with the California Code of Regulations, Title 13, sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. This would further reduce the detectable odors from heavy-duty equipment exhaust. The project would also comply with the SCAQMD Regulation XI, Rule 1113 – Architectural Coating, which would minimize odor impacts from ROG emissions during architectural coating. According to the local meteorological data at the Ontario Airport, the predominant wind direction is blowing from the west and would therefore blow odors away from the nearest sensitive receptors. Furthermore, as the Project is required to implement mitigation measure **MM-AQ-2**, Tier 4 Interim equipment must be utilized. Tier 4 equipment is equipped with diesel particulate filters to reduce emissions, which also limits odors. Implementation of mitigation measure **MM-AQ-2** would further reduce the Project's already less than significant odor impacts to sensitive receptors. Therefore, impacts associated with odors during construction would be less than significant. No mitigation is required.

Land uses and industrial operations associated with odor complaints include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding (SCAQMD 1993). The Project would not include land uses that generate odors as discussed above during operation. Therefore, Project operations would result in an odor impact that is less than significant. No mitigation is required. (Draft EIR, pp. 4.1-46 through 4.1-47.)

2.4.4 Biological Resources

2.4.4.1 Riparian Habitat

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

Finding: No impact.

Explanation: The study area is located in an entirely developed upland area that contains no natural or man-made drainages that could support riparian habitat. Additionally, the entire study area is developed with asphalt, concrete, or landscaped ornamental vegetation and does not support any native or natural habitats. There are no riparian or

other hydrophytic vegetation communities on or immediately adjacent to the Project site; nor are there any sensitive natural communities. Therefore, construction of the proposed Project would have no impact on any riparian habitats or sensitive natural communities. (Draft EIR, p. 4.2-12.)

2.4.4.2 Wetlands

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

Finding: No impact.

Explanation: The study area is located in an entirely developed upland area that contains no natural or man-made drainages that could support state and federally protected water ways, or topographical depressions that could support state and federally protected wetlands. The concrete-lined West State Street storm drain channel occurs to the north of the Project site and the concrete-lined San Antonio Creek occurs further to the west of the site; however, the Project site is separated from these features by a State Street, the Union Pacific rail lines, and a chain link fence. There is no on-site connectivity to these features. Additionally, the Brooks Street Groundwater Recharge Basin is located to the further north of the site but does not have any connectivity with the Project site. The proposed impact area for the Project site is restricted to the existing developed areas of the existing drive-in theatre and no direct or indirect impacts will occur to off-site drainages or basins. Therefore, the Project would have no impacts to any state or federally protected waters or wetlands. (Draft EIR, pp. 4.2-12 through 4.2-13.)

2.4.4.3 Wildlife Movement

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

Finding: No impact.

Explanation: The Project site is surrounded by development and does not function as a wildlife movement corridor. A concrete-lined flood control channel occurs to the north of the Project site and further to the west that could facilitate the movement of wildlife in the region. The West State Street Storm Drain Channel occurs to the immediate north of the Project site and San Antonio Creek occurs approximately 1,850 feet to the west of the Project site. These features could support medium-sized wildlife moving through the region. However, these features are concrete lined and bound by chain link fences that act as impediments for wildlife entering the Project site. Additionally, State Street and the Union Pacific rail lines separate the Project site from these features. The Project would have no impact on these features as Project impacts would be limited to the existing developed areas on site. Additionally, the Project site does not function as a stopover site for wildlife moving through the area, particularly avian species, given the highly developed nature of the Project site. Lastly, the site does not function as a corridor between two larger patches of native habitat. While there are natural habitat blocks within the greater Project region (such as Tonner Canyon, Puddingstone Reservoir, and Chino Hills State Park), the Project site is separated from these features by approximately 4.5 to 5 miles of urban development, precluding the possibility for

wildlife occupying these natural areas to access the Project site. Therefore, the proposed Project would have no impacts to wildlife movement or migratory corridors. (Draft EIR, p. 4.2-13.)

2.4.4.4 Local Policies and Ordinances

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

Finding: Less than significant.

Explanation: Chapter 9.28.010 of the City of Montclair Municipal Code protects street trees located in the public right-of-way. Additionally, per the City Tree Policy Manual, mitigation may be required for the removal of trees on private property and the extent of mitigation is at the discretion of the City.

As discussed in the Arborist Report for the Project, the Project would directly impact approximately 131 privately owned trees within the boundary of the Project site. Because these trees are not located within the City rights-of-way, the removal of these trees would not conflict with Chapter 9.28.010 of the City of Montclair Municipal Code. Per the City Tree Policy Manual, the removal of these 131 private trees may require the replacement of trees or payment of a fee at the discretion of the City. As part of the Project, a landscaping plan has been prepared. According to the Project's landscape plan, the Project would plant approximately 293 24-inch box trees and 44 15-gallon box trees. In total, the Project would result in the planting of approximately 337 trees, which equates to an approximate 3:1 tree removal to replacement ratio. It should be noted that the City may require an alternate mitigation and/or replacement size for the removal of non-City trees. Because the proposed Project would replace the impacted trees that would be removed due to Project implementation, with new trees in accordance with the Landscaping Plan, and because the approval of the Landscaping Plan is subject to the City's review and approval, the proposed Project would not conflict with the City's municipal code or other requirements related to trees on private property.

In addition, the City of Montclair General Plan includes goals and policies to protect areas capable of replenishing groundwater supplies, and to preserve the biological significant habitats contained in the San Antonio Wash retention basins. The Project would not result in any impacts to groundwater basins or the San Antonio Wash and its tributaries, and as such, would be consistent with the goals and policies of the City of Montclair General Plan because the Project would not result in any impacts to groundwater basins or the San Antonio Wash and its tributaries.

Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources. Impacts would be less than significant. (Draft EIR, pp. 4.2-13 through 4.2-14.)

2.4.4.5 Habitat Conservation Plans

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

Finding: No impact.

Explanation: The Project is not located within the limits of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan; therefore, there would be no impact. (Draft EIR, p. 4.2-14.)

2.4.5 Cultural Resources

2.4.5.1 Historical Resources

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

Finding: Less than significant.

Explanation: To determine if the Project would impact historical resources under CEQA, the Mission Tiki Drive-In property (10798 Ramona Avenue) and the Montclair Tire Company property (4485 State Street) were evaluated for historical significance and integrity in consideration of NRHP, CRHR, and City of Montclair designation criteria and integrity requirements.

As detailed in the Historical Resources Technical Report, neither the Mission Tiki Drive-In Theater and associated buildings (10798 Ramona Avenue) property, or the Montclair Tire Company (4485 State Street) property appear eligible for listing in the NRHP, CRHR, or City of Montclair Historic Landmark designation due to a lack of important historical associations, lack of architectural merit, and lack of integrity, nor do they appear eligible as contributors to an historic district. As such, these properties are not considered historical resources for the purposes of CEQA. These resources have been assigned a California Historical Resource Status Code of 6Z (found ineligible for the NRHP, CRHR, or local designation through survey evaluation).

The Project would not cause a substantial adverse change in the significance of a historical resource, or otherwise result in a direct impact to a historical resource. No other adjacent resources were identified as a result of the records search or survey that could be indirectly impacted by the Project. Therefore, the Project would have a less than significant impact on historical resources. No mitigation is required. (Draft EIR, p. 4.3-17.)

2.4.5.2 Human Remains

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

Finding: Less than significant.

Explanation: No prehistoric or historic burials were identified within or immediately adjacent to the Project site as a result of the CHRIS records search, NAHC Sacred Lands File search, or pedestrian survey. Moreover, the Project

site is not part of a dedicated cemetery and as such, the likelihood of disturbing human remains is low. However, the possibility of encountering human remains within the Project site exists. In the unexpected event that human remains are unearthed during construction activities, impacts would be potentially significant. However, in the event that human remains are inadvertently encountered during construction activities, such resources would be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e). With adherence to these regulatory requirements, which requires immediate notification of the county coroner and halting construction activities within the vicinity of the find, impacts would be considered less than significant. Impacts would therefore be less than significant. (Draft EIR, p. 4.3-18.)

2.4.6 Energy

2.4.6.1 Wasteful Use of Energy

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

Finding: Less than significant.

Explanation: The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Construction

The electricity and natural gas used for construction of the proposed Project would be temporary and would be substantially less than that required for Project operation and would have a negligible contribution to the Project's overall energy consumption. Although the Project would see an increase in petroleum use during construction and operation, vehicles would use less petroleum due to advances in fuel economy and potential reduction in VMT over time. The project's energy use during construction as it relates to electricity, natural gas, and petroleum is evaluated further below.

Electricity

The 2020 National Construction Estimator identifies a typical power cost per 1,000 square feet of construction per month of \$2.38, which was used to calculate the Project's total construction power cost (Pray 2020). Based on information provided in the Project's Air Quality Impact Analysis, construction activities are anticipated to occur over the course of 28 months. The total power cost of on-site electricity usage during construction of the Project is estimated to be approximately \$33,046.99. Southern California Edison's (SCE) general service rate schedule was used to determine the Project's electrical usage. As of October 1, 2020, SCE's general service rate is \$0.10 per kilowatt hours of electricity for industrial services (SCE 2020). Based on the assumed power cost, it was estimated that the total electricity usage during construction, after full Project build-out, would be approximately 330,470 kilowatt hours. The Project's electricity requirements during construction would be temporary, and would not significantly affect local or regional supplies, or require additional capacity. For these reasons, electricity consumption during construction of the Project would not be considered inefficient or wasteful, and impacts would be less than significant.

Natural Gas

Natural gas is not anticipated to be required during construction of the proposed Project. Fuels used for construction would primarily consist of diesel and gasoline, which are discussed below under the “petroleum” subsection.

Petroleum

Heavy-duty construction equipment associated with demolition and construction activities would rely on diesel fuel, as would haul trucks involved in removing the materials from demolition and excavation. Construction workers would travel to and from the Project site throughout the duration of construction. It is assumed in this analysis that construction workers would travel to and from the site in gasoline-powered passenger vehicles.

Heavy-duty construction equipment of various types would be used during each phase of Project construction. Appendix B-1 lists the assumed equipment usage for each phase of construction.

Fuel consumption from construction equipment was estimated by converting the total carbon dioxide (CO₂) emissions from each construction phase to gallons using the conversion factors for CO₂ to gallons of gasoline or diesel. Construction is estimated to occur in the years 2021–2024 based on the construction phasing schedule. The conversion factor for gasoline is 8.78 kilograms per metric ton CO₂ per gallon, and the conversion factor for diesel is 10.21 kilograms per metric ton CO₂ per gallon (The Climate Registry 2020).

Fuel consumption from worker and vendor trips were estimated by converting the total CO₂ emissions from each construction phase to gallons using the conversion factors for CO₂ to gallons of gasoline or diesel. Worker vehicles are assumed to be gasoline and vendor/hauling vehicles are assumed to be diesel.

In summary, construction of the Project is anticipated to consume 119,828 gallons of gasoline and 208,503 gallons of diesel, which would last approximately 28 months. By comparison, Countywide total petroleum use by vehicles is expected to be 1.2 billion gallons per year by 2021 (CARB 2021). Based on these assumptions, approximately 48 billion gallons of petroleum would be consumed in California over the course of the Project’s construction phase based on the California daily petroleum consumption estimate of approximately 52.9 million gallons per day (EIA 2017).

The Project will be subject to CARB’s In-Use Off-Road Diesel Vehicle Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation: (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and 4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology (BACT) requirements. The Project is also located in an urban area and worker, vendor, and haul truck trip lengths would be shorter compared to a suburban project location, resulting in less energy use. Finally, the Project will require construction equipment that meets or exceeds the EPA Tier 4 Interim emission standard as part of mitigation measure **MM-AQ-2**. While this mitigation measure is required to reduce the quantity of criteria air pollutant emissions below a level of significance, because it would involve the use of more-efficient construction equipment, it would have the added benefit of further reducing the Project’s already less-than-significant petroleum usage. (Draft EIR, pp. 4.4-8 through 4.4-11.)

Summary

The electricity and natural gas used for construction of the Project would be temporary and would be substantially less than that required for Project operation and would have a negligible contribution to the Project's overall energy consumption. Construction is anticipated to consume 119,828 gallons of gasoline and 208,503 gallons of diesel. This would be a fraction of petroleum that would be consumed in California and Countywide over the course of the construction. Furthermore, equipment greater than 25 horsepower would be subject to CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation. Therefore, impacts to energy resources during construction would be less than significant. No mitigation is required. (Draft EIR, p. 4.4-11.)

Operation

Electricity

The operation of the Project buildout would require electricity for multiple purposes, including cooling, lighting, appliances, and various equipment. Additionally, the supply, conveyance, treatment, and distribution of water would indirectly result in electricity usage.

CalEEMod default values for energy consumption for each land use were applied for the Project analysis. The energy use from non-residential land uses is calculated in CalEEMod based on the California Commercial End-Use Survey database. Energy use in buildings (both natural gas and electricity) is divided by the program into end use categories subject to Title 24 requirements (end uses associated with the building envelope, such as the HVAC system, water heating system, and integrated lighting) and those not subject to Title 24 requirements (such as appliances, electronics, and miscellaneous "plug-in" uses). The Project would also use electricity for the EV charging stations and electric forklifts and yard trucks as required in mitigation measures **MM-AQ-4** and **MM-AQ-7**.

Title 24 of the California Code of Regulations serves to enhance and regulate California's building standards. The most recent amendments to Title 24, Part 6, referred to as the 2019 standards, became effective on January 1, 2020. According to these estimations, the proposed Project would consume approximately 4,412,062 kWh per year during operation. The non-residential electricity demand in 2018 was 10,189,923,519 kWh (10,190 GWh) for the County (CEC 2020a). As such, the Project would have a negligible impact on demand for the County and SCE. Furthermore, the project would conserve energy use as required by mitigation measure **MM-AQ-6**.

Natural Gas

The operation would require natural gas for various purposes, including water heating and natural gas appliances.

CalEEMod default values for energy consumption for each land use were applied for the Project analysis. The energy use from non-residential land uses is calculated in CalEEMod based on the California Commercial End-Use Survey database. Energy use in buildings (both natural gas and electricity) is divided by the program into end use categories subject to Title 24 requirements (end uses associated with the building envelope, such as the HVAC system, water heating system, and integrated lighting) and those not subject to Title 24 requirements (such as appliances, electronics, and miscellaneous "plug-in" uses).

Title 24 of the California Code of Regulations serves to enhance and regulate California's building standards. The most recent amendments to Title 24, Part 6, referred to as the 2019 standards, became effective on January 1, 2020. According to these estimations, the proposed Project would consume approximately 1,343,639 kilo-British

Thermal Units per year. The non-residential natural gas consumption in 2018 was 26,861,432,800 kilo-British Thermal Units for the County (CEC 2019).

Petroleum

During operations, the majority of fuel consumption resulting from the Project would involve the use of motor vehicles traveling to and from the Project site.

Petroleum fuel consumption associated with motor vehicles traveling to and from the Project site is a function of the vehicle miles traveled (VMT) as a result of Project operation. The annual VMT attributable to the proposed Project is expected to be 11,727,158 VMT. Similar to the construction worker and vendor trips, fuel consumption from worker and truck trips are estimated by converting the total CO₂ emissions from operation of the Project to gallons using the conversion factors for CO₂ to gallons of gasoline or diesel. Mobile source emissions were estimated using the EMFAC2021.

By comparison, California as a whole consumes approximately 28.7 billion gallons of petroleum per year (EIA 2020). Countywide total petroleum use by vehicles is expected to be 1.1 billion gallons per year by 2024, the project's operational start year (CARB 2021).

Summary

Statewide emission reduction measures proposed in the CARB-adopted amendments to the Pavley regulations include measures aimed at reducing GHG emissions associated with transportation. These amendments are part of California's commitment to a nationwide program to reduce new passenger vehicle GHGs from 2012 through 2016. Pavley regulations reduced GHG emissions from California passenger vehicles by about 22% in 2012. It is expected that Pavley regulations will reduce GHG emissions from California passenger vehicles by about 30% in 2016, all the while improving fuel efficiency and reducing motorists' costs. As such, vehicle trips associated with the Project are expected to use less petroleum due to advances in fuel economy over time.

CARB has adopted a new approach to passenger vehicles—cars and light trucks—by combining the control of smog-causing pollutants and GHG emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emission vehicles in California (CARB 2020).

The proposed Project would create additional electricity and natural gas demand by adding industrial facilities. New facilities associated with the proposed Project would be subject to the State Building Energy Efficiency Standards, embodied in Title 24 of the California Code of Regulations. The efficiency standards apply to new construction of nonresidential buildings and regulate energy consumed for heating, cooling, ventilation, water heating, and lighting.

In summary, although natural gas and electricity usage would increase due to the implementation of the Project, the Project's energy efficiency would go beyond compliance with State Building Energy Efficiency Standards. Implementation of mitigation measures **MM-AQ-4**, **MM-AQ-5**, **MM-AQ-6**, and **MM-AQ-7**, will further reduce the Project's already less than significant natural gas and electricity usage impacts. Although the Project would see an increase in petroleum use during construction and operation, vehicles would use less petroleum due to advances in fuel economy and potential reduction in VMT over time. Similarly, **MM-AQ-2** would further reduce the Project's already less-than-significant petroleum usage. Therefore, impacts to energy resources during operation would be less than significant. No mitigation is required. However, as noted above, implementation of air quality mitigation

measures will provide the added benefit of further reducing impacts to energy resources. (Draft EIR, pp. 4.4-11 through 4.4-13.)

2.4.6.2 Energy Efficiency Plans

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

Finding: Less than significant.

Explanation: The proposed Project would be subject to and would comply with, at a minimum, the 2019 California Building Code Title 24 (24 CCR, Part 6). The proposed Project would not conflict with existing energy standards and regulations. The electricity and natural gas used for construction of the Project would be temporary and would be substantially less than that required for Project operation and would have a negligible contribution to the Project's overall energy consumption. The Project's energy use would be further limited through the implementation of mitigation measures **MM-AQ-3** (vehicle miles traveled reduction strategies), **MM-AQ-4** (encourage electric vehicles), **MM-AQ-5** (idling restriction), **MM-AQ-6** (energy conservation), and **MM-AQ-7** (forklifts and yard trucks), which are required to reduce the Project's air quality emissions but would have the added benefit of reducing energy usage.

Construction

The electricity and natural gas used for construction of the Project would be temporary and would be substantially less than that required for Project operation and would have a negligible contribution to the Project's overall energy consumption. Construction is anticipated to consume 119,828 gallons of gasoline and 208,506 gallons of diesel. This would be a fraction of petroleum that would be consumed in California and Countywide over the course of the construction period. Therefore, construction would have a less-than-significant impact with regards to regional energy supplies. No mitigation is required. However, as discussed above, implementation of **MM-AQ-4** through **MM-AQ-7** would provide the added benefit of further reducing the Project's already less than significant energy impacts.

Operation

The proposed Project would result in an increased demand for electricity, natural gas, and petroleum. Design features would reduce the Project's energy consumption by what is required by the 2019 California Building Code Title 24 standards. The efficiency standards apply to new construction of nonresidential buildings and regulate energy consumed for heating, cooling, ventilation, water heating, and lighting.

In addition, it is expected that the Pavley regulations will reduce GHG emissions from California passenger vehicles by about 22% in 2012 and about 30% in 2016, all while improving fuel efficiency. By 2025, when the Advanced Clean Cars rules are fully implemented, one in seven new cars sold in California (1.4 million) will be non-polluting or nearly so, including plug-in hybrids, fully electric battery-powered cars, and hydrogen-powered fuel cell vehicles. Meanwhile, gasoline- and diesel-powered passenger vehicles would grow ever cleaner and more efficient. A variety of new technologies, from direct fuel injection to lower rolling resistance tires, will also cut pollution and create more energy-efficient vehicles (CARB 2011). As such, petroleum usage associated with operation of the proposed Project is anticipated to decrease due to a reduction in vehicle miles traveled in the region and due to advances in fuel economy over time. Therefore, impacts related to regional energy supplies and capacity during Project operation would be less than significant. No mitigation is required. However, as discussed above, implementation of **MM-AQ-3** would provide the added benefit of further reducing the Project's already less than significant energy impacts. (Draft EIR, pp. 4.4-13 through 4.4-14.)

2.4.7 Geology and Soils

2.4.7.1 Fault Rupture

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

Finding: Less than significant.

Explanation:

Known Fault

The Alquist–Priolo Earthquake Zoning Act (Alquist–Priolo Act) requires the delineation of fault zones along active faults in California. The purpose of the Alquist–Priolo Act is to regulate development on or near active fault traces to reduce hazards associated with fault rupture. The Alquist–Priolo Earthquake Fault Zones are the regulatory zones that include surface traces of active faults. According to the California Department of Conservation, the Project site is not located in an Alquist-Priolo Earthquake Fault Zone (DOC 2020). The nearest Alquist-Priolo Earthquake Fault Zones are the Prado Dam Fault Zone, approximately 5.8 miles south of the Project site and the Mount Baldy Fault Zone, located approximately 6.5 miles northeast of the Project site. As such, the potential for surface rupture of an Alquist-Priolo Earthquake Fault on the Project site is very low. Therefore, no impacts associated fault rupture would occur.

Strong Seismic Ground-Shaking

As previously discussed, the Project site is not located within an Alquist–Priolo Earthquake Fault Zone; however, similar to other areas located in seismically active Southern California, the Project area is susceptible to strong ground shaking during an earthquake, although the site would not be affected more by ground shaking than any other area in the region. The Project would be required to comply with the most recent version of the California Building Code (CBC), which contains universal standards related to seismic load requirements. This includes codified sections within the City of Montclair’s Municipal Code under Section 10.08 (City of Montclair 2020a). Further, as part of the Project design process, a site-specific Geotechnical Investigation was conducted for the Project site to detail the geotechnical characteristics of the site and develop specific design recommendations that would be incorporated into the Project’s construction plan. These recommendations include performing remedial grading, over-excavating existing soils, and recompacting these soils with structured fill, among other technical design recommendations. Incorporation of the design recommendations of the Project’s geotechnical report as well as compliance with the CBC and all other applicable building and engineering standards would ensure the structural integrity in the event that seismic ground shaking is experienced at the Project site. Therefore, impacts associated with seismic ground shaking would be less than significant.

Liquefaction

Soil liquefaction is a seismically induced form of ground failure. Liquefaction is a process by which water-saturated granular soils transform from a solid to a liquid state because of a sudden shock or strain such as an earthquake. According to the County of San Bernardino General Plan, Geologic Hazards Overlay, the Project site is not located

within an area of liquefaction susceptibility (County of San Bernardino 2009). Further, the Project's geotechnical report states that based on subsurface conditions encountered at boring locations, liquefaction is not considered to be a concern for the Project site. In addition, the Project would comply with the most recent version of the CBC, which contains universal standards to be implemented to ensure structural integrity regardless of the characteristics of the soils that underlie the Project site. Therefore, impacts associated with seismic ground failure would be less than significant.

Landslides

The majority of the Project site is relatively flat and is not located adjacent to any potentially unstable topographical feature such as a hillside or riverbank. The northeastern corner of the Project site contains a City-owned slope easement that is part the foundation for the Ramona Avenue and State Street overcrossing. This slope contains engineered and compacted fill and is supported by concrete and steel reinforcements. The Project would not require modifications to this slope or supporting structures, and thus, would not result in the potential for landslides to occur. Therefore, impacts associated with landslides would be less than significant. (Draft EIR, pp. 5-4 through 5-5.)

2.4.7.2 Soil Erosion

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

Finding: Less than significant.

Explanation: The Project would involve earthwork and other construction activities that would disturb surface soils and temporarily leave exposed soil on the ground's surface. Common causes of soil erosion from construction sites include stormwater, wind, and soil being tracked off site by vehicles. To help curb erosion, Project construction activities must comply with all applicable federal, state, and local regulations for erosion control. The Project would be required to comply with standard regulations, including South Coast Air Quality Management District Rules 402 and 403, which would reduce construction erosion impacts. Rule 402 requires that dust suppression techniques be implemented to prevent dust and soil erosion from creating a nuisance off site (SCAQMD 1976). Rule 403 requires that fugitive dust be controlled with best available control measures so that it does not remain visible in the atmosphere beyond the property line of the emissions source (SCAQMD 2005).

Since Project construction activities would disturb one or more acres, the Project must adhere to the provisions of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Construction activities subject to this permit include clearing, grading, and ground disturbances such as stockpiling and excavating. The NPDES Construction General Permit requires implementation of a stormwater pollution prevention plan, which would include construction features for the Project (i.e., best management practices [BMPs]) designed to prevent erosion and protect the quality of stormwater runoff. Sediment-control BMPs may include stabilized construction entrances, straw wattles on earthen embankments, sediment filters on existing inlets, or the equivalent. Therefore, construction impacts associated with soil erosion would be less than significant.

Once redeveloped, the Project site would include buildings, paved surfaces, and other on-site improvements that would stabilize and help retain on-site soils. The remaining portions of the Project site containing pervious surfaces would primarily consist of landscape areas. These landscape areas would include a mix of trees, shrubs, plants, and groundcover that would help retain on-site soils while preventing wind and water erosion from occurring.

Therefore, operational impacts related to soil erosion would be less than significant. (Draft EIR, pp. 5-5 through 5-6.)

2.4.7.3 Unstable Soils

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

Finding: Less than significant.

Explanation: As discussed in further detail below, the Project would not result in result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. As previously discussed, although the Project site contains a slope within its northeastern corner, this slope is structurally reinforced and the Project would not result in modifications that could potentially affect the structural integrity of the slope; therefore the Project would not be susceptible to landslides and would not result in in- or off-site landslides. Impacts would be less than significant.

As part of the Project design process, a site-specific Geotechnical Investigation was conducted for the Project site to identify Project design features that may be necessary to ensure compliance with the CBC and to address seismic design considerations. As part of the Project and as recommended by the Geotechnical Investigation, remedial grading will occur within the proposed building areas to remove undocumented fill that underlies the Project site, and these soils will be replaced with compacted fill soils. As a result of these grading activities (which are both part of the Project and required by the CBC), the Project would not be susceptible to the effects of any potential lateral spreading and subsidence. Impacts would be less than significant. In addition, as addressed earlier, the Project site is not within an area susceptible to liquefaction. Impacts would be less than significant.

Because the Project would not result in in- or off-site landslides, would implement structural design features to ensure the structural integrity of soils despite their potential for lateral spreading and subsidence, and is not located within an area susceptible to liquefaction, the Project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. In addition, the Project would comply with the most recent version of the CBC, which contains universal standards to be implemented to ensure structural integrity regardless of the Project site's specific soil characteristics. Compliance with the CBC would ensure the structural integrity in light of seismic-related issues experience at the Project site. Therefore, impacts would be less than significant. (Draft EIR, p. 5-6.)

2.4.7.4 Expansive Soils

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

Finding: Less than significant.

Explanation: Expansive soils are characterized by their potential shrink/swell behavior. Shrink/swell is the change in volume (expansion and contraction) that occurs in certain fine-grained clay sediments from the cycle of wetting and drying. Much of the damage to building foundations, roads, and other structures can be caused by the swelling and shrinking of soils as a result of wetting and drying. The volume change is influenced by the amount of moisture and the amount of clay in the soil. Clay minerals are known to expand with changes in moisture content. The higher

the percentage of expansive minerals present in near-surface soils, the higher the potential for substantial expansion.

According to the City's General Plan, the soil types in the Montclair area are categorized as having a low soil shrink/swell rate (City of Montclair 1999). In addition, the U.S. Department of Agriculture's Web Soil Survey does not identify the Project site or surrounding area as containing clay soils, which are typically expansive. The Project site is documented as approximately 90% Hanford coarse sandy loam and approximately 10% Tujunga loamy sand, which does not exhibit significant shrink/swell behavior (USDA 2020). Therefore, impacts associated with expansive soils would be less than significant. (Draft EIR, pp. 5-6 through 5-7.)

2.4.7.5 Septic Tanks

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

Finding: No impact.

Explanation: The Project would connect to the existing municipal sewer system. The Project does not propose the use of septic tanks or alternative wastewater disposal systems. Therefore, no impacts associated with the underlying soils' ability to support the use of septic tanks or alternative wastewater disposal systems would occur. (Draft EIR, p. 5-7.)

2.4.8 Hazards and Hazardous Materials

2.4.8.1 Hazardous Materials

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

Finding: Less than significant.

Explanation:

Long-Term Operational Impacts

Once Project construction is complete, it is not anticipated that the Project will involve the storage of large quantities of hazardous materials. The transport, use, or disposal of hazardous materials during the operational phase of the Project would likely be limited to cleaning products, landscaping chemicals and fertilizers, and other typical substances associated with the potential logistics, office, and possibly light manufacturing or assembly uses of the proposed Project. To the extent hazardous materials may be stored at a future on-site industrial or other use in quantities greater than 500 pounds of a solid, 55 gallons of a liquid, or 200 cubic feet of a compressed gas, then the site will need to prepare a Hazardous Materials Business Plan for submittal to the San Bernardino County Fire Department, in accordance with local regulations. Hazardous Materials Business Plans contain information on the location, type, quantity, and health risks of hazardous materials stored and used on the site. The Hazardous Materials Business Plan includes a chemical inventory for all hazardous materials or waste stored in quantities greater than or equal to the threshold amounts listed above.

It is not anticipated that any storage tanks will be installed as part of the proposed Project. Any tank systems (such as a tank associated with an emergency generator), if planned for the proposed Project, shall be designed in accordance with the California Fire Code, Uniform Fire Code, International Fire Code, and other applicable federal, state, and local regulations. Additionally, all chemicals shall be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).

California Accidental Release Program (CalARP), overseen by the San Bernardino County Fire Department, requires businesses that store, handle, or use more than threshold quantities of a regulated substance to develop a plan and prepare supporting documentation that summarizes the facility's potential risk to the local community and identify safety measures to reduce potential risks to the public. Should future tenants of the Project handle or store CalARP regulated substances above threshold quantities, a risk management plan will be required in accordance with state regulations.

Significant impacts associated with long-term operation of the site are not expected. Therefore, impacts from any potentially significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during operation of the proposed Project would be less than significant, and no mitigation is required. (Draft EIR, p. 4.7-14.)

2.4.8.2 Accident or Upset

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

Finding: Less than significant.

Explanation:

Long-Term Operational Impacts

Operation of the proposed Project would likely only require limited use of commercially available hazardous materials, although the future tenant uses are not yet defined and other hazardous materials may be used on site. Should the amount of on-site hazardous materials, including hazardous wastes, be greater than reporting thresholds (55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas), an HMBP would be required under California Health and Safety Code, Division 20, Chapter 6.11, Sections 25404–25404.9. The HMBP, which would be submitted to the San Bernardino County Fire Department (the local CUPA) via the California Environmental Reporting System, would include emergency and spill prevention and response measures, thereby reducing the potential for an upset or accident condition. Use of extremely hazardous materials and accumulation of acutely hazardous wastes are not anticipated. Operation of the proposed Project is not anticipated to impact nearby industrial uses. Project operational impacts are not anticipated to create a foreseeable upset or accident condition that would release hazardous materials to the environment. Thus, long-term operations of the Project are not anticipated to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Therefore, long-term operational impacts are less than significant, and no mitigation is required. (Draft EIR, p. 4.7-16.)

2.4.8.3 Waste Sites

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

Finding: No impact.

Explanation: The Hazardous Waste and Substances Sites list (Cortese List) is a planning document providing information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California Environmental Protection Agency to develop, at least annually, an updated Cortese List. The Department of Toxic Substances Control is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous materials release information for the Cortese List (CalEPA 2020). A review of Cortese List online data resources does not identify hazardous materials or waste sites on the Project site or immediately surrounding area (DTSC 2020). Therefore, no impacts associated with Cortese List hazardous materials sites would occur. (Draft EIR, p. 5-7.)

2.4.8.4 Public Airports

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

Finding: Less than significant.

Explanation: The nearest operational public-use airport to the Project site is Cable Airport (Upland), which is located approximately 3.5 miles northeast of the Project site. According to the Land Use Compatibility Plan for the Cable Airport, the Project site is not located within the Airport Influence Area (ALUC 1981).

In addition, Ontario International Airport is located approximately 5 miles east of the Project site. The Project site is located within the Airport Influence Area (as shown in Policy Map 2-1) of the Ontario International Airport and is subject to the Ontario Airport Land Use Compatibility Plan (ALUCP) (City of Ontario 2011). Policy Map 2-2, Safety Zones, of the Ontario ALUCP identifies the geographic locations of Safety Zones (City of Ontario 2011); however, the Project is located outside of the established Safety Zones and would not result in safety hazards for people residing or working in the Project area.

The Project was also evaluated for hazards to aircraft in flight utilizing by Policy Map 2-4, Airspace Obstruction Zones, of the Ontario ALUCP, which identifies height restrictions of proposed structures or buildings. The Project site is located within an allowable height area of greater than 200 feet. While the Project's ultimate architectural elevations have not yet been determined (and a final height has not been determined), the Project's buildings would be one story and would not come close to approaching the established allowable height threshold in the area. Therefore, impacts associated with airport and aircraft hazards and noise would be less than significant. (Draft EIR, p. 5-7.)

2.4.8.5 Emergency Plans

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

Finding: Less than significant.

Explanation: The City adopted an emergency operations plan that follows the California Office of Emergency Services' multi-hazard functional planning guidelines. The City's Emergency Operations Plan was approved by the California Emergency Management Agency on September 26, 2009 (City of Montclair 2021). The City's existing emergency operations plan includes a basis for conducting and coordinating operations in the management of critical resources during emergencies; a mutual understanding of authority, responsibilities, functions, and operations of civil government emergencies; and a basis for incorporating into the city emergency organization, nongovernmental agencies and organizations having resources necessary to meet foreseeable emergency requirements (City of Montclair 1999). Additionally, mutual aid/automatic aid and cooperation with surrounding jurisdictions will occur in accordance with the California master Mutual Aid Agreement. The City's Fire Department has mutual aid and automatic aid agreements with all surrounding communities, has enhanced emergency services response protocols with the City of Upland, and is a member of the San Bernardino County Fire Department CONFIRE Joint Powers Authority for emergency dispatch services. CONFIRE is a multi-agency emergency fire- and medical service-only dispatch center that provides direct fire/EMS dispatch services 24 hours, 7 days a week. CONFIRE Joint Powers Authority also functions as the Operational Area's dispatch for the County (City of Montclair 2014). The Project shall comply with the City's Emergency Operations Plan. The City's General Plan identifies key roadways within the Circulation Element with regional access to serve as evacuation routes in the event of a regional emergency. Two major roadways are located adjacent to the Project site: Mission Boulevard is classified as a major divided roadway, and Ramona Avenue is classified as a major arterial highway, connecting to Holt Boulevard, another major arterial highway, to the north (City of Montclair 1999). In the event of an emergency, these major roadways would serve as routes for emergency response and, if necessary, evacuation. Additionally, The San Bernardino County Transportation Authority, in conjunction with the City, recently completed grade separation projects at the intersection of Ramona Avenue and State Street, as well as the intersection of Monte Vista Avenue and State Street (one block east of the Project site), which will further facilitate north-south connectivity within the City. The Project does not propose any changes to the geometry of these roadways to the extent that these roadways' ability to serve as emergency evacuation routes would be compromised. As a result, the Project would not significantly affect emergency response or evaluation activities. Therefore, impacts associated with emergency response or evacuation plans would be less than significant. (Draft EIR, pp. 5-7 through 5-8.)

2.4.8.6 Wildland Fires

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

Finding: No impact.

Explanation: The Project site is not located within a Fire Hazard Severity Zone or a Very High Fire Hazard Severity Zone according to the Local Responsibility and State Responsibility Area maps by the California Department of Forestry and Fire Protection (CAL FIRE) (CAL FIRE 2008; CAL FIRE 2007). In addition, the Project site is currently

developed and located within a developed portion of the City of Montclair. Therefore, the Project would not expose people or structures to significant risk involving wildland fires. As such, no impacts associated with wildland fires would occur. (Draft EIR, p. 5-8.)

2.4.9 Hydrology and Water Quality

2.4.9.1 Water Quality Standards

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

Finding: Less than significant.

Explanation: Construction of the Project would include earthwork activities that could potentially result in erosion and sedimentation, which could subsequently degrade downstream receiving waters and violate water quality standards. Stormwater runoff during the construction phase may contain silt and debris, resulting in a short-term increase in the sediment load of the municipal storm drain system. Substances such as oils, fuels, paints, and solvents may be inadvertently spilled on the Project site and subsequently conveyed via stormwater to nearby drainages, watersheds, and groundwater.

For stormwater discharges associated with construction activity in the State of California, the State Water Resources Control Board (SWRCB) has adopted the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit) to avoid and minimize water quality impacts attributable to such activities. The Construction General Permit applies to all projects in which construction activity disturbs one acre or more of soil. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground, such as stockpiling and excavation. The Construction General Permit requires the development and implementation of a stormwater pollution prevention plan (SWPPP), which would include and specify water quality BMPs designed to prevent pollutants from contacting stormwater and keep all products of erosion from moving off site into receiving waters (in this case, the West State Street concrete open channel, San Antonio Creek, Chino Creek, the Prado Flood Control Basin, the Santa Ana River, and its discharge into the Pacific Ocean). Routine inspection of all BMPs is required under the provisions of the Construction General Permit, and the SWPPP must be prepared and implemented by qualified individuals as defined by the SWRCB.

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

The SWPPP requires the construction contractor to implement water quality BMPs to ensure that water quality standards are met, and that stormwater runoff from the construction work areas do not cause degradation of water quality in receiving water bodies. The SWPPP must describe the type, location, and function of stormwater BMPs to be implemented, and must demonstrate that the combination of BMPs selected are adequate to meet the discharge prohibitions, effluent standards, and receiving water limitations contained in Construction General Permit.

As such, through compliance with the Construction General Permit, the Project would not adversely affect water quality. Therefore, short-term construction impacts associated with water quality would be less than significant.

With respect to Project operation, future uses on-site that could contribute pollutants to stormwater runoff in the long term include uncovered parking areas (through small fuel and/or fluid leaks), uncovered refuse storage/management areas, landscape/open space areas (if pesticides/herbicides and fertilizers are improperly applied), and general litter/debris (e.g., generated during facility loading/unloading activities). During storm events, the first few hours of moderate to heavy rainfall could wash a majority of pollutants from the paved areas where, without proper stormwater controls and BMPs, those pollutants could enter the municipal storm drain system before eventually being discharged to adjacent waterways (in this case, the West State Street concrete open channel, San Antonio Creek, Chino Creek, the Prado Flood Control Basin, the Santa Ana River, and its discharge into the Pacific Ocean). The majority of pollutants entering the storm drain system in this manner would be dust, litter, and possibly residual petroleum products (e.g., motor oil, gasoline, diesel fuel). Certain metals, along with nutrients and pesticides from landscape areas, can also be present in stormwater runoff. Between periods of rainfall, surface pollutants tend to accumulate, and runoff from the first significant storm of the year (“first flush”) would likely have the largest concentration of pollutants.

Stormwater quality within the Santa Ana Region (of which the Project site is a part) is managed by the Santa Ana Regional Water Quality Control Board, which administers the *NPDES Permit and Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County within the Santa Ana Region* (Municipal Separate Storm Sewer System [MS4] Permit). The MS4 Permit covers 17 cities and most of the unincorporated areas of San Bernardino County within the jurisdiction of the Santa Ana RWQCB. Under the MS4 Permit, the San Bernardino County Flood Control District is designated as the Principal Permittee. The Co-Permittees are the 17 San Bernardino County cities, including the City of Montclair, and San Bernardino County. The MS4 Permit requires Co-Permittees, including the City of Montclair, to implement a development planning program to address stormwater pollution. These programs require project applicants for certain types of projects to implement a Water Quality Management Plan (WQMP) throughout the operational life of each projects. The purpose of a WQMP is to reduce the discharge of pollutants in stormwater and to eliminate increases in pre-existing runoff rates and volumes by outlining BMPs, which must be incorporated into the design plans of new development and redevelopment (SARWQCB 2010).

Per the MS4 Permit, and as described in the Water Quality Management Plan for the Santa Ana Region of San Bernardino County, a project-specific WQMP is required to manage the discharge of stormwater pollutants from development projects to the “maximum extent practicable” (SARWQCB 2013). The maximum extent practicable is the standard for control of stormwater pollutants, as set forth by Section 402(p)(3)(iii) of the Clean Water Act (CWA). However, the CWA does not quantitatively define the term maximum extent practicable. As implemented, maximum extent practicable varies with conditions. In general, to achieve the maximum extent practicable standard, co-permittees must require deployment of whatever BMPs are technically feasible (that is, are likely to be effective) and are not cost prohibitive. To achieve fair and effective implementation, criteria and guidance for those controls must be detailed and specific, while also offering the right amount of flexibility or exceptions for special cases. A project-specific WQMP’s compliance with the requirement to achieve the maximum extent practicable standard is documented within the project-specific WQMP through the completion of worksheets that document the feasibility or infeasibility of the deployment of BMPs.

As a Co-Permittee subject to the MS4 permit, the City is responsible for ensuring that all new development and redevelopment projects comply with the MS4 Permit, as required by Section 9.24, Storm Drain System Regulations, of the City's Municipal code (City of Montclair 2020a).

At this point in time, the Project's final stormwater management system has not yet been fully designed (and will likely be completed during the final engineering phase). However, in compliance with the MS4 Permit and the City's Municipal Code, a preliminary Project-specific WQMP has been prepared. As detailed in the preliminary Project-specific WQMP, stormwater would be managed and treated through a mixture of strategies, including the use of low-impact development BMPs, source control, and other treatment control BMPs. As required by Section 9.24 of the City's Municipal Code (and as outlined within the City's NPDES Local Implementation Plan [City of Montclair 2011]), City staff will review the Project's WQMP during the plan check process (concurrent with the review of the Project's Precise Plan of Design) to ensure the Project's treats and manages stormwater flows, and therefore, would not degrade water quality.

In addition, industrial facilities such as manufacturers, landfills, mining, steam generating electricity, hazardous waste facilities, transportation with vehicle maintenance, larger sewage and wastewater plants, recycling facilities, and oil and gas facilities are required to obtain coverage under the Statewide General Permit for Storm Water Discharges Associated with Industrial Activities, Order 2014-0057-DWQ (Industrial General Permit), which implements the federally required stormwater regulations in the state for stormwater associated with industrial activities. If the future end users of the Project site propose to operate a building as an industrial facility that would be required to obtain coverage under the Industrial General Permit, the end user would be required to seek coverage under the Industrial General Permit, which involves preparing a SWPPP for operational activities and the implementation of a long-term water quality sampling and monitoring program unless an exemption is granted. Mandatory compliance with the Industrial General Permit would further reduce water quality impacts during long-term operation of the Project to below a level of significance.

Furthermore, if the future end-users of the Project require the ability to discharge non-domestic wastewater into the City wastewater treatment system (e.g., in the case that manufacturing processes result in the need to discharge non-domestic wastewater), per Section 9.20, Sewer System, of the City's Municipal Code, the future end-user would be required to obtain an Industrial User Discharge Permit from the City (City of Montclair 2020a). The City Engineer, in reviewing applications for an Industrial User Discharge Permit, will ensure (1) that quality of the wastewater conforms to the requirements of Section 9.20, Sewer System of the City's Municipal Code; (2) all required pretreatment systems are approved by the City Engineer and it is demonstrated by the user that the systems can adequately achieve existing City point source limits or EPA categorical limitations, whichever are the more stringent, as well as having the capability to handle or to be easily modified to handle future requirements; (3) a City approved monitoring vault, manhole, or other approved monitoring station has been constructed or shall be constructed and has been included in the compliance time schedule; and (4) the City sewer system has adequate capacity for the volume of wastewater to be discharged. Therefore, given the permit requirements mandated by Section 9.20 of the City's Municipal Code (which have been adopted to mitigate potential impacts to wastewater treatment processes), any potential future industrial operations at the Project site would not result in waste discharge violations.

With respect to groundwater quality, the Project includes BMPs that would allow for stormwater to be collected and treated in on-site retention basins. Depending on the subgrade layers that underlie a project site, these BMPs may be designed to allow for stormwater flows to infiltrate soils and recharge groundwater. During the final engineering phase, the proposed locations for the structural BMPs will be thoroughly tested for potential infiltration opportunities and will be implemented if possible. If determined to be feasible, the structural BMPs would treat stormwater flows prior to infiltration, ensuring that flows infiltrating groundwater aquifers do not result in adverse

effects to groundwater quality. Moreover, flows entering these structural BMPs, if implemented as infiltration locations, would be typical of runoff collected from a commercial development and would not contain substantial quantities of pollutants that could not be appropriately treated by the proposed BMPs.

In summary, Project grading and construction would be completed in accordance with an NPDES-mandated SWPPP, which would include standard BMPs to reduce potential off-site water quality impacts related to erosion and incidental spills of petroleum products and hazardous substances from equipment. Surface water runoff during Project operations would be managed through a mixture of strategies that would be designed to remove pollutants from on-site runoff prior to discharge into the storm drain system to the maximum extent practicable, as required by MS4 and is demonstrated in the preliminary Project-specific WQMP. Therefore, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality and water quality impacts would be less than significant. (Draft EIR, pp. 5-8 through 5-11.)

2.4.9.2 Groundwater Supplies

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

Finding: Less than significant.

Explanation: The Project site is located within the Chino Basin Water Conservation District. Water services are provided by the Monte Vista Water District, which provides water for the City (CBWCD 2020). According to the Monte Vista Water District (District) 2015 Urban Water Management Plan, the District receives its water supply from four sources: groundwater from the Chino Groundwater Basin (Chino Basin), imported State Water Project surface water, entitlement water deliveries from the San Antonio Water Company, and recycled water from Inland Empire Utilities Agency (Monte Vista Water District 2016). As such, the Project area is supplied partially by groundwater supplies from the local Chino Basin. Furthermore, the District's primary source of water supply is the Chino Groundwater Basin, which has a total underground water storage capacity of approximately 6 million acre-feet and currently holds approximately 5 million acre-feet of groundwater (Monte Vista Water District 2016). The Chino Basin Judgement, adopted by the California Superior Court of 1978, designated a safe yield for the basin of 140,000 acre-feet as the allowable amount of groundwater that can be pumped each year without causing undesirable results. The Chino Basin Judgment permits the Chino Basin Watermaster to levy and collect annual assessments in amounts sufficient to purchase replenishment water to replace production during the preceding year that exceeds that allocated share of safe yield/operating safe yield (Monte Vista Water District 2016).

The District's total annual Chino Basin production rights vary based on the Watermaster's allocation of unused Agricultural Pool rights, purchases from other producers, and other factors. In the 2015 Fiscal Year Ending, the District's total rights were equal to approximately 14,217 acre-feet, and the District under produced by 6,197 acre-feet. While the District has under produced currently from the basin, the District has in the past and may in the future be an overproducer if required to do so. The consequence for pumping above the production rights is purchasing the additional water to replenish the basin, as governed by the Chino Basin Watermaster (Monte Vista Water District 2016).

Groundwater levels within these basins are both individually and collectively monitored by their respective watermasters to prevent future overdraft of the groundwater basins. Legal, regulatory, and other mechanisms are

currently in place to ensure that the amount of groundwater pumped in the broader Project region does not exceed safe yields/operating safe yields.

Given that all extraction of groundwater for use by the District is actively managed to prevent overdraft, ensure the long-term reliability of the groundwater basins, and avoid adverse effects to groundwater supplies, the Project's use of water supplies that could be composed, at least in part, of groundwater, would not result in adverse effects to groundwater supplies. Therefore, impacts associated with groundwater supplies would be less than significant.

In addition, the Project site is entirely developed. Under the existing condition, the Project site does not allow for significant groundwater recharge and does not share any characteristics with locations typically associated with groundwater recharge (e.g., earthen bottom creeks and streams, lakes, and spreading basins). Following construction, the Project site would contain landscape areas and other pervious surfaces that would allow for a similar percentage of water to percolate into the subsurface soils compared to the existing conditions. Therefore, impacts associated with groundwater recharge would be less than significant. (Draft EIR, pp. 5-11 through 5-12.)

2.4.9.3 Erosion or Siltation

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

Finding: Less than significant.

Explanation:

Erosion or Siltation

Under the existing conditions, the Project site is developed with buildings and a large asphalt-paved parking lot used for a drive-in movie theatre and swap-meet. The Project would result in the demolition and removal of the existing asphalt and structures on the Project site and the construction of new paved surfaces, warehouse buildings, and landscape areas. During construction, the Project would involve earthwork and other construction activities that would disturb surface soils and temporarily leave exposed soil on the ground's surface. Common causes of soil erosion from construction sites include stormwater, wind, and soil being tracked off site by vehicles. To help curb erosion, Project construction activities would comply with all applicable federal, state, and local regulations for erosion control. The Project would be required to comply with standard regulations, including South Coast Air Quality Management District Rules 402 and 403, which would reduce construction erosion impacts. Rule 402 requires that dust suppression techniques be implemented to prevent dust and soil erosion from creating a nuisance off site (SCAQMD 1976). Rule 403 requires that fugitive dust be controlled with best available control measures so that it does not remain visible in the atmosphere beyond the property line of the emissions source (SCAQMD 2005).

Since Project construction activities would disturb 1 or more acres, the Project would adhere to the provisions of the National Pollutant Discharge Elimination System Construction General Permit. Construction activities subject to this permit include clearing, grading, and ground disturbances such as stockpiling and excavating. The Construction General Permit requires implementation of a stormwater pollution prevention plan, which would include construction features for the Project (i.e., best management practices) designed to prevent erosion and protect the quality of stormwater runoff. Sediment-control best management practices may include stabilized construction

entrances, straw wattles on earthen embankments, sediment filters on existing inlets, or the equivalent. With implementation of these best management practices and compliance with standard regulations, the construction of the Project would not result in substantial erosion or siltation.

Once developed, the Project site would include buildings, paved surfaces, and other on-site improvements that would stabilize and help retain on-site soils. The remaining portions of the Project site containing pervious surfaces would primarily consist of landscape areas. These landscape areas would include a mix of trees, shrubs, plants, and groundcover that would help retain on-site soils while preventing wind and water erosion from occurring. Moreover, the Project's new engineered stormwater drainage system would feature structural BMPS such as retention facilities to treat and manage storm water flows before conveying them into the City's public storm drain system. While the Project's future drainage conditions would be designed to mimic the existing on-site drainage conditions to the maximum extent practicable, demolition and construction activities would inevitably result in changes to the internal drainage patterns of the site. However, the Project's future storm drain system will be designed to conform with applicable federal, state, and local requirements related to drainage, hydrology, and water quality, including the current MS4 Permit adopted by the Santa Ana RWQCB. Compliance with these requirements and regulations would ensure that operation of the Project would not result in substantial erosion or siltation, and impacts would be less than significant. (Draft EIR, pp. 5-12 through 5-13.)

2.4.9.4 Flooding

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

Finding: Less than significant.

Explanation: Under the existing conditions, the Project site is developed with buildings and a large asphalt-paved parking lot used for a drive-in movie theatre and swap-meet. The Project would result in the demolition and removal of the existing asphalt and structures on the Project site and the construction of new paved surfaces, warehouse buildings, and landscape areas. The Project would include a new engineered stormwater drainage system that would feature structural BMPS such as retention facilities to treat and manage storm water flows before conveying them into the City's public storm drain system. While the Project's future drainage conditions would be designed to mimic the existing on-site drainage conditions to the maximum extent practicable, demolition and construction activities would inevitably result in changes to the internal drainage patterns of the site. However, the Project's future storm drain system will be designed to conform with applicable federal, state, and local requirements related to drainage, hydrology, and water quality, including the current MS4 Permit adopted by the Santa Ana RWQCB. The MS4 Permit requires that Projects be designed to attenuate a 2-year, 24-hour storm event, as verified using methodology outlined in the Technical Guidance Document for Water Quality Management Plans (SARWQCB 2013). As discussed previously, the Project's final stormwater management system has not yet been fully designed at this point in time (and will likely be completed during the final engineering phase). However, as demonstrated in the Project's preliminary WQMP, the Project would provide sufficient attenuation for a 2-year, 24-hour storm event. Additionally, a Preliminary Hydrology Report has been prepared for the Project to confirm that the Project would not result in significant flooding consistent with the San Bernardino County Flood Control District Hydrology Manual. As concluded in the Preliminary Hydrology Report, the Project's drainage and storm drain facilities would be adequately sized for a 100-year storm event. During the plan check process, City staff will review the Project's Final WQMP and Final Hydrology Report (concurrent with the review of the Project's Precise Plan of Design) to ensure the Project's

future stormwater system is capable of stormwater flows such that flooding on or off site would not occur. As such, altering the on-site drainage pattern would be conducted in a manner consistent with all applicable standards related to the collection and treatment of stormwater. Therefore, impacts associated with altering the existing drainage pattern of the Project site would be less than significant. (Draft EIR, p. 5-13 through 5-14.)

2.4.9.5 Runoff

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

Finding: No impact.

Explanation: According to the Flood Insurance Rate Map No. 06071C8615H (FEMA 2020) for the Project area, the Project site is located within Zone X, which is defined by the Federal Emergency Management Agency as an area determined to be outside of the 0.2% annual chance floodplain. As such, the Project site is not located within a flood hazard area. Therefore, no impacts associated with impeding or redirecting flood flows would occur. (Draft EIR, p. 5-14.)

2.4.9.6 Flood Hazard

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

Finding: No impact.

Explanation: Due to the Project site not being located within a flood hazard zone or along the coast, and because of the lack of nearby large contained waterbody (e.g., a reservoir or similar), the Project would not be susceptible to seiche, tsunami, or mudflow. Therefore, no impacts associated with flood hazards, seiche, tsunami, would occur. (Draft EIR, p. 5-14.)

2.4.9.7 Water Quality Control Plan

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

Finding: Less than significant.

Explanation: The Project would comply with applicable water quality-regulatory requirements, including the implementation of a SWPPP, stormwater BMPs, and Low Impact Development design, which would minimize potential off-site surface water quality impacts and contribute to a reduction in water quality impacts. In addition, with compliance with these regulatory requirements, the Project would reduce potential water quality impairment of surface waters such that existing and potential beneficial uses of key surface water drainages throughout the jurisdiction of the Santa Ana RWQCB Basin Plan would not be adversely impacted. As a result, the Project would not conflict with or obstruct the Santa Ana RWQCB Basin Plan.

With respect to groundwater management, the Sustainable Groundwater Management Act empowers local agencies to form Groundwater Sustainability Agencies to manage basins sustainably and requires those Groundwater Sustainability Agencies to adopt Groundwater Sustainability Plans for crucial groundwater basins in California. A Groundwater Sustainability Plan is currently being established for Chino Basin Water Conversation District, as it was determined to be a high priority basin. Until that plan is approved, a GWMP has been established to ensure sustainable management of the Santa Clara River Valley East Groundwater Basin. In addition, given that the Project would rely on domestic water supplies originating from a variety of sources, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. As such, the Project would not conflict with or obstruct any groundwater management plans. Therefore, impacts associated with water quality control plans or Groundwater Sustainability Plans would be less than significant. (Draft EIR, p. 5-14.)

2.4.10 Land Use

2.4.10.1 Established Communities

Threshold: Would the Project physically divide an established community?

Finding: No impact.

Explanation: The physical division of an established community typically refers to the construction of a linear feature (e.g., a major highway or railroad tracks) or removal of a means of access (e.g., a local road or bridge) that would impair mobility within an existing community or between a community and outlying area.

Under the existing condition, the Project site is developed land and is not used as a connection between established communities. Instead, connectivity within the area surrounding the Project site is facilitated via local roadways. As such, the Project would not impede movement within the Project area, within an established community, or from one established community to another. In addition, the Project would include the construction of a new roadway, which would connect the existing Third Street to the west and Dale Street to the east, through the Project site. Implementation of the Project would increase connectivity within the established Project site vicinity from existing conditions. Therefore, no impacts associated with the division of an established community would occur. (Draft EIR, p. 5-15.)

2.4.10.2 Conflicts With Plans

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

Finding: Less than significant.

Explanation: To evaluate the proposed Project's impacts related to land use and planning, this analysis examines the Project's consistency with both regional and local plans, policies, and regulations that regulate uses on the Project site. These plans are as follows:

- SCAG 2020-2045 RTP/SCS
- 2016 AQMP
- San Bernardino County CMP

- Ontario International Airport Land Use Compatibility Plan
- City of Montclair General Plan
- City of Montclair Municipal Code

As detailed below, the Project would cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Southern California Association of Governments 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy

The proposed Project would not conflict with the applicable goals in the RTP/SCS that were adopted for the purpose of avoiding or mitigating and environmental effects. (See Table 4.8-2 of the Draft EIR.)

San Bernardino County CMP

The Project's consistency with the San Bernardino County CMP is addressed in Section 2.4.16, Transportation. The Project would not conflict with the San Bernardino County CMP LOS standards for the CMP arterial roadway and freeway network. Land use and planning impacts associated with CMP consistency would thus be less than significant.

Ontario International Airport Land Use Compatibility Plan

Montclair is within the AIA of the ONT ALUCP. Given that the Project involves a general plan amendment and zone change (which is considered a "Major Land Use" action), the Project is subject to the ONT ALUCP notification process. As part of the notification process, the City has prepared an analysis of the Project's consistency with the ONT ALUCP and determined that it is consistent with the ONT ALCUP. The City will provide this consistency analysis to the City of Ontario for review and distribution to other affected agencies. The Project would not conflict with any policies of the ONT ALUCP.

City of Montclair General Plan

The City's General Plan currently designates the entire Project Site for "General Commercial" land uses. The proposed General Plan Amendment would change the land use designation of the northern half of the Project site to "Limited Manufacturing", and the southern half of the Project site to "Industrial Park". Approval of the proposed General Plan Amendment would eliminate any potential inconsistency between proposed land uses and the site's existing land use designations. Impacts to the environment associated with the Project's proposed General Plan Amendment are evaluated throughout this document, and where significant impacts are identified, mitigation measures are imposed to reduce impacts to the maximum feasible extent. There are no environmental impacts that would result as a specific consequence of the proposed changes to the site's General Plan land use designation, beyond what is already evaluated and disclosed by this document.

In some cases, mitigation measures identified within this document for the purposes of reducing impacts to other Appendix G CEQA environmental resource areas (i.e., air quality and noise) would assist the Project in maintaining consistency with applicable goals, objectives, and policies adopted for the purpose of avoiding or mitigating environmental effects. With implementation of mitigation, the Project would be consistent with the applicable goals and policies of the General Plan.

City of Montclair Zoning Code

The Project site currently has three zoning designations: Limited Manufacturing (M1), Manufacturing Industrial (MIP), and General Commercial (C3). The Project would involve a Zone Change to change the Project site's zoning to Limited Manufacturing (M1) and Manufacturing Industrial Park (MIP), removing the General Commercial (C3) zoning designation from the Project site. If the proposed Zone Change is approved, the Limited Manufacturing (M1) and Manufacturing Industrial Park (MIP) would become the applicable zoning designations for the site.

Title 11 of the Montclair Municipal Code includes regulations concerning where and under what conditions various land uses may occur in the City. It also establishes zone-specific height limits, setback requirements, parking ratios, and other development standards, for residential, commercial, industrial, and all other types of sites. According to the City's Municipal Code, the Limited Manufacturing (M1) zone is intended for limited manufacturing and limited industrial uses. The Manufacturing Industrial Park Zone (MIP) is intended to provide an appropriate physical environment for the establishment of industrial and light manufacturing uses. Additionally, the M1 Limited Manufacturing Zone and MIP Manufacturing Industrial Zone have specified development regulations that are outlined in Title 11 of the City's Municipal Code (City of Montclair 2021b). The purpose of the development regulations is, in part, to regulate the uses of buildings and structures, and to encourage the most appropriate use of land.

If the proposed Zone Change is approved, the Project's proposed uses (i.e., warehouse/logistics uses) would be consistent with the M1 and MIP zones. The Project does not involve any component that would be incompatible with the development regulations of these zones, and no variances or administrative adjustments are contemplated as part of the Project. Additionally, as part of the Project's development review process, the Project would be subject to review by the City's Development Review Committee. The City's Development Review Committee was established by the City Council to review the preliminary development proposal and provides a list of recommendations and conditions. The list is then forwarded to the Planning Commission for consideration as a condition of project approval. All final considerations for project approvals are made by the Planning Commission, and not the Development-Review Committee (Montclair Zoning Chapter 11.06).

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

Approval of the Project, in accordance with the provisions outlined in Title 11 of the Montclair Zoning Code, would ensure compliance with applicable development standards. Additionally, through the application process, the City would thoroughly review all plans for the proposed Project to ensure compliance with the Montclair Municipal Code, and other relevant plans, policies, and regulations. Therefore, compliance with the City's development review process would ensure that the proposed Project would not conflict with the Montclair Zoning Code. Impacts would be less than significant. (Draft EIR, pp. 4.8-6 through 4.8-22.)

2.4.11 Mineral Resources

2.4.11.1 Regional and Statewide Mineral Resources, and Locally-Important Mineral Resource

Threshold: Would the Project result in the loss of availability of (i) a known mineral resource that would be of value to the region and the residents of the state, or (ii) a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Finding: Less than significant.

Explanation: As discussed in the City's General Plan, within the Los Angeles region, potentially useful minerals have been covered by urban expansion. The loss of these resources has been addressed through the Surface Mining and Reclamation Act of 1975, which identifies an inventory of mineral resources. Although sand and gravel operations historically occurred throughout the City, mining activities have ceased, and reactivation is deemed infeasible based on current technologies (City of Montclair 1999). Furthermore, the Department of Conservation, Division of Mines and Geology Special Report 143 classified the mineral land within the Project site's vicinity as MRZ-3, defined as areas containing mineral deposits that cannot be evaluated from available data (DOC 1984). Since no significant mineral resources have been identified within the Project site's vicinity, implementation of the Project would not adversely affect the availability of known mineral resources or a locally important mineral resource recovery site. Therefore, impacts associated with mineral resources would be less than significant. (Draft EIR, p. 5-15.)

2.4.12 Noise

2.4.12.1 Noise Standards

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

Finding: Less than significant.

Explanation:

Short-Term Construction Impacts

Off-Site Construction Noise

The Project would result in local, short-term increases in roadway noise as a result of construction traffic. Based on information developed as part of the Project's air quality analysis, Project-related traffic would include workers commuting to and from the Project site as well as vendor and haul trucks bringing or removing materials. The highest number of average daily worker trips would be 508, occurring during the building construction phase. The highest number of average daily vendor truck trips would be 198, also during building construction. The highest number of average daily haul trips is estimated to be 75, during the grading phase.

Based upon a review of average daily traffic volumes (City of Montclair Public Works 2016), Ramona Avenue carries approximately 13,679 vehicles per day (from Howard Street to Mission Boulevard), and approximately 19,204 vehicles per day (from Mission Boulevard to State Street). Mission Boulevard carries approximately 17,257 (from Monte Vista Avenue to Ramona Avenue) to approximately 18,717 vehicles per day (from Ramona Avenue to Pipeline Avenue). Comparing the maximum number of daily construction-related trips (508 worker trips, 198 vendor truck trips and 75 haul truck trips) to the lower range of ADT volumes (13,679), the additional vehicle trips would amount to an increase of less than six percent. Based upon the fundamentals of acoustics, a doubling (i.e., a 100 percent increase) would be needed to result in a 3 decibel increase in noise levels, which is the level corresponding to an audible change to the typical human listener. An incremental increase of six percent would not correspond to an audible or a measurable increase on an hourly average basis, and thus would be less than significant. Therefore, traffic related to construction activities would not result in a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts from Project-related construction traffic noise would be less than significant and no mitigation is required. (Draft EIR, p. 4.9-16.)

Long-Term Operational Impacts

Potential operational noise impacts include on-site noise (from vehicle activities on the Project site as well as mechanical equipment) and off-site noise from Project-related increases in traffic. As such, the following analysis is organized into separate discussions of on-site noise effects and off-site roadway noise effects.

The proposed Project would include the construction of 513,295 square feet of warehouse, manufacturing, and office space. The Project would include construction of new buildings for warehouse/office use, loading docks located interior to the Project site, and parking spaces for the proposed warehouse/office use. Because loading docks would face the interior frontages; the buildings would act as a visual and acoustical screen for properties located to the west, east and south. from truck maneuvering and loading/unloading activities. In addition, the Project would include the construction of 8-foot-tall concrete screen walls between Buildings 1 and 6, 2 and 5, 3 and 4, and 7 and 8.

Implementation of the Project would result in changes to existing noise levels on the Project site by developing new stationary sources of noise, including introduction of outdoor heating, ventilation and air conditioning (HVAC) equipment, and vehicle parking lot and truck loading dock activities. These sources may affect noise-sensitive vicinity land uses off the Project site. The following analysis evaluates noise from exterior mechanical equipment and activities associated with vehicle parking lots and truck loading docks. (Draft EIR, p. 4.9-16.)

On-site Outdoor Mechanical Equipment

The proposed warehouse spaces within the warehouse/office buildings would not be served by heating or air conditioning equipment. However, the proposed office areas would be equipped with single-packaged rooftop HVAC units with air-handling capacity of 20 to 60 nominal tons. For the analysis of noise from HVAC equipment operation, a Carrier WeatherMaker A HVAC unit was used as a reference. Based upon the provided site plan, there would be one HVAC unit for the offices located within Buildings 1 through 6 (one office per building), and two HVAC units for each of the two offices located within Buildings 7 and 8 (two offices per building).

Noise level data provided by the manufacturer was used to determine the noise levels that would be generated by the HVAC equipment. Based on the warehouse/office building's roof design, there will be a 6-foot-high parapet

extending along the perimeter of the roofs. The worst-case calculated noise levels at the nearest residential properties (to the west, east and south) and the property lines to the north, south, east and west) were taken into account. The calculations were performed at the worst-case locations of each of the subject property lines—that is, the closest distances between the proposed office locations and the adjacent property lines, to ensure that the shortest distance from equipment to property line was examined.

The maximum hourly noise level for the HVAC equipment operating at each examined point would range from approximately 31 to 33 dBA L_{eq} at the nearest residential properties and approximately 32 to 33 dBA L_{eq} at the Project's property boundaries. The results of the mechanical equipment operations noise analysis indicate that the Project would comply with Section 6.12.100(d) of the City's Municipal Code, which prohibits noise levels from exceeding the Base Ambient Noise Level by 5 dBA or more at the property line. Therefore, impacts associated with on-site HVAC noise would be less than significant. (Draft EIR, pp. 4.9-16 through 4.9-17.)

On-site Parking Lot Activity

A comprehensive study of noise levels associated with surface parking lots was published in the Journal of Environmental Engineering and Landscape Management (Baltrėnas et al. 2004). The study found that average noise levels for parking lots of similar size during the peak period of use of the parking lot (generally in the morning with arrival of commuters, and in the evening with the departure of commuters), was 47 dBA L_{eq} at 1 meter (3.28 feet) from the outside boundary of the parking lot. The parking area would function as a point source for noise, which means that noise would attenuate at a rate of 6 dBA with each doubling of distance. Employee parking lots are proposed to be distributed throughout the Project site adjacent to the warehouse/office buildings, no closer than 5 feet from the western⁸ property line of the Project site (and approximately 10 feet from the edge of the parking lot to the nearest residences to the west). At a distance of 5 feet, parking lot noise levels would be approximately 43 dBA L_{eq} at the western property line, and approximately 37 dBA L_{eq} at the nearest residence. Accounting for the noise attenuation provided by the Project's proposed 7-foot high perimeter barrier along the western boundary, the resulting parking lot noise level would be approximately 23 dBA L_{eq} at the nearest residence. The combined noise levels from the parking lot noise (23 dBA L_{eq}) and the HVAC equipment level (31 dBA L_{eq}) would be 32 dBA L_{eq} ⁹, which is well below the applicable limits (i.e., the BANLs for industrial-zoned properties) of 70 dBA L_{eq} daytime (7:00 a.m. to 10:00 p.m.) and 60 dBA L_{eq} nighttime (10:00 p.m. to 7:00 a.m.) Therefore, impacts associated with parking lot noise would be less than significant.

Very brief, intermittent noise levels (such as from car alarm "beeps" or car door slams) generating higher noise levels would also occur. These sources typically range from about 30 to 66 dBA at a distance of 100 feet (Gordon Bricken & Associates 1996). The estimated maximum noise level of 66 dBA from 100 feet would equate to a level of 86 dBA at 10 feet. Accounting for the noise attenuation provided by the Project's proposed 7-foot high perimeter barrier along the western boundary, the resulting parking lot noise level would be approximately 72 dBA L_{eq} . This level would be less than the City's Municipal Code standard for maximum noise levels during the nighttime hours for industrial zones (60 dBA plus 16 dBA equals 76 dBA), as well as the maximum noise standard for daytime hours (70 dBA plus 16 dBA equals 86 dBA). Therefore, the impact from maximum noise levels from parking lots would be less than significant. (Draft EIR, p. 4.9-18.)

⁸ The western project boundary is the critical location because of proximity to the nearest residences

⁹ Noise levels are summed in the energy (that is, the logarithmic) domain, not arithmetically; for example, two sound sources, each generating noise levels of 65 dBA at a given distance, would result in a combined noise level of 68 dBA.

On-Site Truck Loading Dock/Truck Yard Activity

The aforementioned parking lot study (Baltrėnas et al. 2004) also examined noise levels associated with cargo truck delivery activity. The study concluded that maximum noise levels (i.e., L_{max}) from truck loading/unloading areas was 96 dBA at 1 meter (3.28 feet) from the boundary of the truck activity area. Average noise levels would be lower. Truck loading docks would be located not closer than 230 feet from the nearest residential property line (located to the northwest). Using the outdoor attenuation rate of 6 dBA with each doubling of distance, truck loading activity at residences to the northwest would produce noise levels of approximately 59 dBA L_{eq} . However, the proposed warehouse/office buildings, as well as the 8-foot-tall concrete screen walls, would provide a substantial amount of noise reduction by blocking the direct line-of-sight between the truck loading dock area and the residences to the northwest. Because of the height and size of the buildings and barriers, it is estimated that the noise from loading dock activities would be reduced by approximately 24 dB or more¹⁰. Thus, the loading dock noise at the nearest residences would be approximately 35 dBA L_{max} or less, which would be well below the City's Municipal Code standard for maximum noise levels during the nighttime hours for industrial zones (76 dBA), and daytime hours (86 dBA). Because the average noise level would be less than 35 dBA, the City's Municipal Code standard for average noise levels for industrial zones (60 dBA L_{eq}), and daytime hours (70 dBA L_{eq}) would also not be exceeded. Therefore, impacts associated with truck loading docks and truck yard noise would be less than significant. (Draft EIR, pp. 4.9-18 through 4.9-19.)

Off-Site Traffic Noise Levels

The Project has the potential to result in significant off-site noise impacts from Project-related traffic at nearby noise-sensitive land uses. Based upon the Project's Transportation Impact Analysis, during the AM peak hour, implementation of the Project would result in a total of 82 passenger vehicles, 7 2-axle trucks, 6 3-axle trucks, and 43 4-or-more axle trucks. During the PM peak hour, implementation of the Project would result in a total of 87 passenger vehicles, 6 2-axle trucks, 5 3-axle trucks, and 45 4-or-more axle trucks. In terms of average daily trips, the Project would generate approximately 762 passenger vehicle trips, 53 2-axle truck trips, 53 3-axle truck trips, and 381 4-or-more axle truck trips. All truck trips would access and exit the Project site to the east, via Ramona Avenue, and then travel in all directions along designated truck routes.

Potential noise effects from vehicular traffic were assessed using the Federal Highway Administration's Traffic Noise Model Version 2.5 (FHWA 2004). Information used in the model included the Existing, Existing plus Project, Year 2024, and Year 2024 plus Project traffic volumes. Noise levels were modeled at representative noise-sensitive receivers. The receivers were modeled to be 5 feet above the local ground elevation. The seven receiver locations used for the short-term noise measurements were used to represent existing off-site noise-sensitive land uses (residences).

The information provided from this modeling, along with the results from ambient noise survey measurements, was compared to the noise impact significance criteria to assess whether Project-related traffic noise would cause a significant impact and, if so, where these impacts would occur.

The Project would increase the traffic noise levels along the nearby arterial roadways by 0 to 2 dBA (when rounded to whole numbers). Based upon the FICON guidance, the Project would not result in substantial traffic noise

¹⁰ The buildings would be approximately 35 feet high and the truck loading dock areas would be configured so as to block the direct line of sight from the loading dock areas and noise-sensitive receivers. As such the buildings would function as massive noise barriers. Noise barrier calculations are included in Appendix F-3.

increases or cause an exceedance of applicable traffic noise standards. Therefore, impacts associated with off-site traffic noise would be less than significant. (Draft EIR, pp. 4.9-19 through 4.9-20.)

2.4.12.2 Airport Noise

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

Finding: Less than significant.

Explanation: The nearest operational public-use airport to the Project site is Cable Airport (Upland), which is located approximately 3.5 miles northeast of the Project site. According to the Land Use Compatibility Plan for the Cable Airport, the Project site is not located within the Airport Influence Area (ALUC 1981).

In addition, Ontario International Airport is located approximately 5 miles east of the Project site. The Project site is located within the Airport Influence Area (as shown in Policy Map 2-1) of the Ontario International Airport and is subject to the Ontario ALUCP (City of Ontario 2011). Policy Map 2-3, Noise Impact Zones, of the Ontario ALUCP identifies projected noise levels for areas surrounding the Ontario Airport. Table 2-3, Noise Criteria, of the Ontario ALUCP, identifies the compatibility of uses for each of the corresponding noise contour zones in Policy Map 2-3. According to the Policy Map 2-3, the Project site is partially located within the 60–65 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour area. According to Table 2-3, Noise Criteria, of the Ontario ALUCP, Industrial, Manufacturing, and Storage Uses are normally compatible uses within the 60–65 dB CNEL noise contour area. Therefore, because the Project would result in a use deemed to be compatible with the 60-65 dB CNEL noise contour area, the Project would not expose people residing or working in the project area to excessive noise levels. Therefore, impacts associated with public airport noise would be less than significant. (Draft EIR, pp. 5-15 through 5-16.)

2.4.13 Population and Housing

2.4.13.1 Population Growth

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

Finding: Less than significant.

Explanation: The Project involves construction and operation of eight new buildings, which would require temporary construction and a permanent operational workforce, both of which could potentially induce population growth in the Project area. The temporary workforce would be needed to construct the new buildings and associated on-site improvements. The number of construction workers needed during any given period would largely depend on the specific stage of construction. These short-term positions are anticipated to be filled primarily by construction

workers who reside in the Project site's vicinity; therefore, construction of the Project would not generate a permanent increase in population within the Project area.

In terms of operational employees, because the future tenants are not known yet, the number of jobs that the Project would generate cannot be precisely determined, but can be estimated. For purposes of this analyses, employment estimates were calculated using average employment density factors reported by Southern California Association of Governments (SCAG). The SCAG Employment Density Survey (SCAG 2001) reports that in San Bernardino County, for every 1,538 square feet of light manufacturing use, the median number of jobs supported is one employee and for every 2,111 square feet of industrial warehouse space, the median number of jobs supported is one employee. The Project would include approximately 296,800 square feet of Warehousing Use and 217,469 square feet of Industrial Park use (comparable to Light Manufacturing use). Therefore, the estimated number of employees for the industrial park portion of the project would be approximately 142 persons and the estimated number of employees for the warehouse portion of the project would be 141 persons, for a total of 282 employees.¹¹

According to the SCAG Demographic and Growth Forecast, located as an appendix of the SCAG Regional Transportation Plan/Sustainable Communities Strategies, employment in the City of Montclair is anticipated to grow from 19,300 in 2016 to 20,900 in 2045 (SCAG 2020). Thus, the Project's 282 new employees would represent a relatively small percentage of this projection and, thus, is consistent with anticipated future employment projections within the City. Therefore, the Project would not stimulate population growth or population concentration above what is assumed in local and regional land use plans. Therefore, impacts associated with population growth would be less than significant. (Draft EIR, pp. 5-16 through 5-17.)

2.4.13.2 Displacement of Housing

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

Finding: No impact.

Explanation: Given that no residential uses are located on the Project site, and because residential uses are not allowed under the current zoning, the Project would not displace existing housing, nor would it impede future residential development potential. Therefore, no impacts associated with the displacement of people or housing would occur. (Draft EIR, p. 5-17.)

¹¹ At the time of preparation of the Initial Study, in which the Project's impacts to population and housing were first evaluated, the Project's employee generation was calculated assuming that the entire Project would be coded for warehousing uses. However, this has since been revised to account for the industrial park portion of the Project.

2.4.14 Public Services

2.4.14.1 Fire Protection

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

Finding: Less than significant.

Explanation: Fire prevention and emergency services for the City is provided by the City of Montclair Fire Department (Fire Department), operating out of two stations located at 8901 Monte Vista Avenue (Fire Station #151) and 10825 Monte Vista Avenue (Fire Station #152), approximately 2.5-miles north and approximately 0.5 mile to the east of the Project site, respectively. According to the Fire Department, calls to service include structure fires, hazardous materials mitigation, medical calls, traffic accidents, and confined space rescue among other things (City of Montclair 2020c). The Fire Department's staff includes 18 firefighters, three chief officers, a public safety director, and one fire investigator, one administrative technician, and one part-time receptionist (City of Montclair 2020c). According to the Fire Department, Fire Station #151 (8901 Monte Vista Avenue) is equipped with a three-person engine, a Type 1 engine, and will soon have a quint with a 100-foot aerial ladder and platform (City of Montclair 2020c). Fire Station #152 (10825 Monte Vista Avenue) is equipped with one chief officer (stationed at Fire Station 151), a crew of three fire suppression/public safety personnel, including a fire captain, fire engineer, and firefighter/paramedic. Station #152 currently operates with a 2014 KME Type 1 fire engine in service along with a 2000 KME Type 1 reserve engine. Station #152 also houses a lighting unit, which is used to carry urban search and rescue equipment (City of Montclair 2020c). The Fire Department has an average response time of 6 minutes and 13 seconds for medical emergencies and a response time of 6 minutes and 53 seconds for structural fires. Response goals are currently being met by the Montclair Fire Department (City of Montclair 2020c).

The Fire Department participates in an "All Hazard" emergency aid system (through mutual aid agreements) with the fire departments from the surrounding communities of Chino, Upland, Ontario, Rancho Cucamonga, San Bernardino County, and Los Angeles County.

The Fire Department currently serves the Project site and provides emergency response services as required. Under existing conditions, the drive-in theater portion of the Project site has the capacity to support approximately 1,450 cars. If it were to be conservatively assumed there were only one drive-in theater patron per car, it could be estimated that the Project site could support a population of up to roughly 1,450 persons. This represents a conservative estimate as each car is likely to support more than one person, and this estimate does not account for employees of the drive-in theater or other businesses on the Project site.

As discussed previously, upon implementation of the Project, an estimated 282 persons would be employed at the Project site. Given the substantial reduction in persons at the Project site after implementation, it can be assumed that calls for service to the Project site would be reduced in comparison to existing conditions because there would be fewer people on the Project site during a given day compared with the existing conditions.

Additionally, the Project would be subject to the existing Fire Department requirements for fire sprinkler systems, fire alarm systems, fire flow, and equipment and firefighter access, as well as International Fire Code requirements.

Implementation of these requirements would both mitigate the potential for fire services to be required and aid the Fire Department in the unlikely event a fire occurred.

The Project would also result in the payment of both developer's fees and property taxes, both of which would result in additional revenue available to the City and, indirectly, would result in increased revenue available to the Fire Department. Developer's fees cannot be used for personnel; however, assuming that the City routed increased property tax revenues to the Fire Department, impacts to the Fire Department as a result of the Project would be partially alleviated. Therefore, because the Project would result in a decrease in calls for service to the Project site, would be developed in accordance with existing requirements, and would result in increased revenue available to the Fire Department, impacts associated with Fire Department facilities, equipment, and personnel would be less than significant. (Draft EIR, pp. 5-17 through 5-18.)

2.4.14.2 Police Protection

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

Finding: Less than significant.

Explanation: Police protection services in the City are provided by the Montclair Police Department (Police Department), which is headquartered on the northwest corner of Arrow Highway and Monte Vista Avenue, at 4870 Arrow Highway. The Police Department serves an approximately 5.5 square-mile community. The Police Department employs 53 sworn officers, 32 full and part-time civilian support personnel, including 5 reserve officers and 2 chaplains (City of Montclair 2020c). The Montclair Police Department treats all calls as priority calls; however, the response times vary based on the nature of the call. The Police Department has a goal of 4-minute response times for Priority 1 calls, and 5-minute response times for Priority 2 calls. As of August 2019, Captain Jason Reed of the Montclair Police Department confirmed response time goals were being met (City of Montclair 2020c). In addition to patrolling, the Police Department also includes specialized assignments such as Detective Bureau, Narcotics Investigations Task Force, Motor Officer Program, Technical Services, Plaza Precinct Patrol, and School Resource Officer.

Similar to fire protection services, it can be assumed that calls for service to the Project site would be reduced in comparison to existing conditions because there would be fewer people on the Project site during a given day compared with the existing conditions.

The Project would also result in the payment of both developer's fees and property taxes, both of which would result in additional revenue available to the City and, indirectly, would result in increased revenue available to the Police Department. Developer's fees cannot be used for personnel; however, assuming that the City routed increased property tax revenues to the Police Department, impacts to the Police Department as a result of the Project would be partially alleviated. Therefore, because the Project would result in a decrease in calls for service to the Project site and would result in increased revenue available to the Police Department, impacts associated with Police Department facilities, equipment, and personnel would be less than significant. (Draft EIR, pp. 5-18 through 5-19.)

2.4.14.3 Schools

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

Finding: No impact.

Explanation: The Project would not directly or indirectly induce substantial population growth in the City. It is not anticipated that people would relocate to the City as a result of the Project, and an increase in school-age children requiring public education is not expected to occur as a result of the Project. Nonetheless, all residential and non-residential development projects is subject to SB 50, which requires payment of mandatory impact fees to offset any impact to school services or facilities. The provisions of SB 50 are deemed to provide full and complete mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other state or local laws (Government Code Section 65996). In accordance with SB 50, the Project Applicant would pay all required impact fees, as required of most residential, commercial, and industrial development projects in the City. Therefore, no impacts associated with school facilities would occur. (Draft EIR, p. 5-19.)

2.4.14.4 Parks

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

Finding: No impact.

Explanation: Given the lack of population growth as a result of the Project, neither construction nor operation of the Project would generate new residents to the extent that new or expanded park facilities would be required. Therefore, no impacts associated with park facilities would occur. (Draft EIR, p. 5-19.)

2.4.14.5 Other Public Facilities

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

Finding: No impact.

Explanation: Given the lack of population growth as a result of the Project, neither construction nor operation of the Project would generate new residents to the extent that new or expanded public facilities such as libraries would be required. Therefore, no impacts associated with libraries and other public facilities would occur. (Draft EIR, p. 5-19.)

2.4.15 Recreation

2.4.15.1 Increased Use, Construction, and Expansion

Threshold: Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, or does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Finding: No impact.

Explanation: The Project would construct eight new buildings and associated improvements. The Project does not propose any residential uses and would not directly or indirectly result in a substantial and unplanned increase in population growth within the Project area. As an industrial use, the Project does not propose recreational facilities or require the construction or expansion of recreational facilities. As such, the Project would not increase the use of existing neighborhood parks or regional parks in the City and surrounding area. Therefore, no impacts associated with the use of existing recreational facilities or construction of new or expansion of existing recreational facilities would occur. (Draft EIR, p. 5-20.)

2.4.16 Transportation

2.4.16.1 Plans, Policies, and Ordinances

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

Finding: Less than significant.

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

RTP/SCS

The RTP/SCS establishes goals for the region and identifies transportation investments that address the region's growing population, as well as strategies to reduce traffic congestion and greenhouse gas (GHG) emissions.

The Project would involve the construction of an eight-building warehouse/industrial park. Thus, the Project would generate jobs and tax revenue for the City and its residents. Once operational, the Project would add to the City's business tax base and would employ approximately 244 workers, helping the City better meet its jobs/housing balance, while also providing commercial/industrial business park use that will help the City offer a more balanced array of land uses throughout the broader Project area. This may also result in potentially shorter commute distances of City residents who choose to work on the Project site. The Project would be readily accessible to I-10 and SR-60, which would also help to facilitate regional goods movement throughout Southern California, thus helping meet the RTP/SCS goal of improving mobility, accessibility, and reliability of the transportation of goods. RTP/SCS Goal 1 is to encourage regional economic prosperity and global competitiveness. According to the Southern California Association of Governments Comprehensive Regional Goods Movement Plan and Implementation Strategy, the region will run out

of suitably zoned vacant land designated for warehouse facilities in or around 2028. Thus, the Project would meet the growing demand for warehousing space, thereby promoting regional economic prosperity, and would do so in an area that is proximate to regional highways (I-10 and SR-60). For these reasons, the Project would be consistent with the applicable goals and policies set forth by in the RTP/SCS.

City of Montclair General Plan Circulation Element

The General Plan Circulation Element outlines the City's goals and implementation policies to provide a safe and efficient transportation system strategy.

The Project would protect street traffic capacities by controlling access points at the Project driveways and parking would be provided entirely on site. Project generated traffic would travel along arterials and major roadways to access the site, including Monte Vista Avenue, Central Avenue, Indian Hill Boulevard, Ramona Avenue, Reservoir Street, Mission Boulevard, Holt Boulevard, 3rd Street, and State Street. Most of these roadways are also City-designated truck routes. Travel on residential streets is not anticipated. The Project would also include improvements along State Street, Ramona Avenue, and Mission Boulevard, including frontage landscape and pedestrian improvements. Therefore, the Project would not conflict with relevant policies in the City's Circulation Element.

As discussed previously, a TIA was prepared to evaluate the Project's effects on the LOS on transportation facilities in the Project area, including eight intersections and one roadway segment. LOS has been addressed herein for informational purposes only and can no longer be used to determine significant transportation impacts under CEQA as directed by SB 743.

Transit, Bicycle, and Pedestrian Facilities

The Project site is served by passenger rail and bus services, as shown in Figure 4.10-2, Existing Transit Routes of the Draft EIR. The Montclair Transcenter, located approximately 3 miles north of the Project site, would serve as the nearest Metrolink station serving the San Bernardino Line. The Pomona-Downtown Train Station, located approximately 2.5 miles to the west of the Project site, would serve as the nearest Metrolink station serving the Riverside County Line. This station also services the Texas Eagle and Sunset Limited Amtrak lines. Omnitrans Routes 61, 85, and 88 are the closest bus routes to the Project site, with stops along Holt Avenue, Central Avenue, and Ramona Avenue, respectively. The Ramona Avenue and Holt Boulevard bus stop serves Route 61 and is located approximately ¼-mile to the north of the Project site. The Central Avenue and Mission Boulevard bus stop serves Route 85 and is located approximately 1 mile to the east of the Project site. The Ramona Avenue and Mission Boulevard bus stop serves Route 88 and is the nearest stop to the Project site, located near the southeast corner of the Project site. Project construction would require the temporary relocation of this stop. Prior to construction, the Project Applicant would coordinate with Omnitrans regarding construction and relocation of this facility to ensure continual operation during Project construction. The Project would not permanently relocate any existing bus stops and would not require any changes to existing or future routes. The Project would not require an increase in service frequency or additional routes to serve the Project area. Therefore, development of the Project would not conflict with the existing bus routes or bus stops. Impacts to transit would be less-than-significant.

The nearest proposed facilities include a planned Class II bicycle lane with the potential for a future Class IV bike path, along Mission Boulevard, adjacent to the southern frontage of the Project site, and a planned Class I bikeway along the San Antonio Creek Channel, approximately ¾-mile to the west of the Project site. While the Project does not involve any plans to construct these planned and contemplated facilities, the Project's design would ensure

that these facilities can be readily developed when the City commences implementation of those projects. Moreover, the Project would provide street and frontage improvements and access to the site would be facilitated for both pedestrian and bicycle users in the overall area. The frontage improvements associated with Project development would not conflict with planned bicycle facilities along Mission Boulevard; therefore, the Project would not conflict with any plans or policies regarding existing or proposed bicycle and pedestrian facilities in the study area and would be consistent with the City of Montclair ATP and San Bernardino County NMTP.

Based on analysis provided above, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and its impact to transportation plans and programs would be less than significant. (Draft EIR, pp. 4.10-12 through 4.10-14.)

2.4.16.2 VMT

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

Finding: Less than significant.

Explanation: As shown in the analysis below, based on City's criteria, the Project generated VMT and the Project's effect on VMT would result in a less than significant impact.

VMT Screening

The following screening criteria were analyzed per City Resolution No. 20-3281, *Vehicle Miles Traveled Thresholds of Significance for the Purpose of Analyzing Transportation Impacts under the California Environmental Quality Act* (August 2020). Any one of the following criteria would need to be satisfied in order to screen-out of significant VMT impacts:

- ***Projects generating less than 110 daily trips (or 836 VMT):*** The proposed Project involves the construction and operation of 296,800 square feet of warehousing buildings, as well as 217,469 SF of industrial park buildings, estimated to generate 1,249 ADT as shown in Table 4.10-1. Therefore, the Project would not fall under the threshold for projects generating less than 110 ADT.
- ***Local serving retail less than 50,000 SF:*** The proposed Project does not include retail components. Therefore, the Project is not considered a local serving retail project and cannot be screened out from further VMT analysis using this criterion.
- ***Local Serving Projects:*** The proposed Project would not be categorized as a local serving land use. Therefore, the Project cannot be screened out from further VMT analysis using this criterion.
- ***Affordable Housing (100 percent of units):*** The proposed Project does not include affordable housing units. Therefore, the Project cannot be screened out from further VMT analysis using this criterion.
- ***Transit Priority Area (TPA) Screening:*** Projects located within a TPA¹² as determined by the most recent RTP/SCS. The proposed Project is located within a TPA. However, the proposed Project's FAR is 0.45 per and this screening criterion is inapplicable to projects with a FAR of less than 0.75. Therefore, it cannot be screened out using this criterion.

¹² Per Public Resources Code section 21099(a)(7) a "Transit priority area" means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a

- **Low VMT Area Screening:** Development in a low VMT generating area consistent with a RTP/SCS and consistent with existing land use that is generation low VMT/SP. This will include both a land use (type, density, demographics, etc.) comparison.

The SBCTA screening tool was used to determine whether the proposed Project would be in a low VMT-generating area. The City's TIA guidelines define a project VMT impact if "the Project generated VMT per service population exceeds 15% below what the County of San Bernardino average VMT per service population" As such, for the purposes of this analysis, if the proposed Project is located within a Traffic Analysis Zone (TAZ) in which the VMT per service population is greater than 15% below the existing baseline, the Project would be located in a low VMT generating area. TAZs are geographic polygons similar to Census block groups used to represent areas of homogenous travel behavior.

It should be noted that the City's guidelines do not specify the use of Production-Attraction (PA) VMT per service population (SP), or Origin-Destination (OD) VMT per SP. However, the SBCTA VMT Screening Tool User's Guide (2020) indicates that the PA VMT per SP metric should be used for mixed-use (residential and commercial) projects. As the Project is not a mixed-use (residential and commercial) project, the OD VMT per SP was used as it provides the most representative and conservative analysis for the proposed Project.

The OD VMT per SP for the Project TAZ is 40.9, and the County's OD VMT per SP is 33.2. Therefore, the TAZ would be 23.11% above the City's threshold, and would not meet the 15% below baseline screening criteria. Additionally, the Project is not consistent with the land uses in the TAZ and therefore, the Project cannot be screened out using the low VMT area screening criterion.

As the proposed Project would not meet the screening criteria established in the City's TIA guidelines, a Project level detailed VMT analysis is required.

VMT Analysis

The City requires the evaluation of project generated VMT as well as project's effect on VMT to be analyzed in detail for projects that do not meet any of their screening criteria. To conduct a detailed VMT analysis, the City requires the use of the San Bernardino Transportation Analysis Model (SBTAM). The technical memorandum describing the SBTAM model run for VMT by sub-consultant Translutions, Inc is included in Appendix G of the Draft EIR.

Project VMT

The SBTAM is trip-based regional travel demand model that considers interaction between different land uses based on socio-economic data such as population, households, and employment. Project VMT has been calculated using the most current version of SBTAM. The Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018) provides technical assistance and recommendations for the analysis of VMT. The methodology recommendations for the VMT analysis include a discussion on vehicle types. An excerpt from the OPR Technical Advisory regarding vehicle types is below:

"Vehicle Types. Proposed Section 15064.3, subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable

Transportation Improvement Program adopted pursuant to [Section 450.216](#) or [450.322 of Title 23 of the Code of Federal Regulations](#). For purposes of SB 743, a transit priority area also includes major transit stops that are scheduled to be completed within the planning horizon of the RTP/SCS.

to a project.” Here, the term “automobile” refers to on-road passenger vehicles, specifically cars and light trucks. Heavy-duty truck VMT could be included for modeling convenience and ease of calculation (for example, where models or data provide combined auto and heavy truck VMT). For an apples-to-apples comparison, vehicle types considered should be consistent across project assessment, significance thresholds, and mitigation.”

Per Section 21099 of the Public Resource Code, the selection of the VMT criteria for determining the significance of transportation impacts was intended to promote reductions of greenhouse gas emissions; to develop multimodal transportation networks; and to diversify land uses. As mentioned in the OPR’s Technical Advisory, there are various legislative mandates and state policies that establish quantitative GHG emission reduction targets. Pursuant to Senate Bill 375, the California Air Resources Board GHG emissions reduction targets for metropolitan planning organizations (MPOs) call for reductions in GHG emissions only from cars and light trucks. Therefore, a custom model run using the SBTAM was conducted to estimate VMT from automobiles (i.e. cars and light trucks) only, and the Project’s VMT and the threshold VMT were extracted only for automobile VMT. This allows for an apples-to-apples comparisons of VMT generated by vehicle types across project assessment, significance thresholds, and mitigation (if any). While the abovementioned OPR Technical Advisory allows for heavy duty truck VMT to be included in modeling, it is important to note that this allowance was provided for modeling convenience and ease of calculation; however, in keeping with the intent of Section 21099 of the Public Resource Code and Section 15064.3, subdivision (a) of the CEQA Guidelines (which specify that automobile VMT is the primary metric that should be evaluated), the extra step of removing heavy truck VMT from SBTAM was undertaken provide for a project level analysis that most appropriately meets the intent of SB 743. Additionally, as noted during an informational question and answer session conducted by OPR to provide information and guidance on conducting project-level VMT analysis (OPR 2020), it is automobile VMT (i.e. cars and light duty trucks) that needs to be quantified for all land uses, including warehouses.

Therefore, a custom model run using the SBTAM was conducted to estimate VMT from automobiles (i.e. cars and light trucks) only, and the Project’s VMT and the threshold VMT were extracted only for automobile VMT. This allows for an apples-to-apples comparisons of VMT generated by vehicle types across project assessment, significance thresholds, and mitigation (if any).

The Project is located in TAZ# 53608201 of the SBTAM travel demand model. The Project socio-economic data was based on the median factors for San Bernardino County from the SCAG Employment Density Survey (October 31, 2001). Income groups and other parameters were kept consistent with the factors included in SBTAM for the City of Montclair. Based on number of employees estimated using the SCAG study, the Project was coded with 282 employees¹³. In addition, 30 employees that are attributed to the current uses were removed from the adjacent zone. No network edits were made for the Project.

¹³ The SCAG Employment Density Survey (SCAG 2001) reports that in San Bernardino County, for every 1,538 square feet of light manufacturing use, the median number of jobs supported is one employee and for every 2,111 square feet of industrial warehouse space, the median number of jobs supported is one employee. The Project would include approximately 296,800 square feet of Warehousing Use and 217,469 square feet of Industrial Park use (comparable to Light Manufacturing use) and as shown in Table 4.10.1. Therefore, the estimated number of employees for the industrial park portion of the Project would be approximately 142 persons and the estimated number of employees for the warehouse portion of the Project would be 141 persons, for a total of 282 employees. Note that a previous version of the draft project design included a Project with 514,269 square feet of development (an increase of 974 square feet over the proposed Project). Because the analysis in this TIA had commenced, and because the size of the project buildings would provide a conservative analysis, a 514,269 square foot project is used throughout the technical analysis.

Per standard travel demand modeling procedure, two model runs were conducted to estimate Project's VMT. The first model run included the existing land uses for the area with no changes. While the base year VMT is available from the SBCTA Screening Tool (i.e. 33.2 VMT/SP), the first model run was conducted to set the thresholds and to present an apples-to-apples comparison of only automobile VMT. The VMT threshold for automobile VMT was estimated to be 30.04 VMT/SP. The second model run was conducted with socio-economic data from the proposed Project and provided the Project generated VMT per SP estimate of 20.18 VMT/SP. Roadway (or link-level boundary) VMT was also calculated for all vehicles to estimate Project's effect on VMT.

The Project generated VMT is defined as the VMT attributed to automobile trips to and from the Project. Based on the City thresholds, if a project generated VMT per service population exceeds 15% below what the County of San Bernardino average VMT per service population, the project has a significant impact under CEQA.

The County average automobile VMT is 30.04 VMT/SP under cumulative (Year 2040) conditions, which translates to a threshold of 25.54 VMT/SP (15% less than average VMT/SP). The Project generated VMT is 20.18 VMT/SP under cumulative (Year 2040) conditions, which is below the 25.54 VMT/SP threshold. Because the Project generated VMT per SP does not exceed 15% below County average VMT per SP in the cumulative conditions, the Project generated VMT impact would be less than significant.

Project-Effect on VMT

The Project effect on VMT evaluates the change in roadway (or link-level boundary) VMT within the City streets due to the proposed Project. Based on the City thresholds, if the link-level boundary VMT per SP increases Citywide under the plus Project condition compared to the no Project condition, the Project would have a significant impact per Project effect on VMT criteria. With the proposed Project, the VMT/SP within the City will decrease from 14.4 VMT/SP to 14.3 VMT/SP. Because the Project would not increase the roadway (or link-level boundary) VMT per SP in the cumulative conditions, the Project's effect on VMT would be less than significant.

VMT Impact Determination

As determined from the VMT analysis summarized above, the Project generated OD VMT for automobiles is 20.18 VMT/SP, which is less than the threshold of 25.54 VMT/SP (established for automobiles only VMT from the Project specific model run). The roadway (or link level boundary) VMT within the City of Montclair is 14.4 VMT/SP under without Project conditions which decreases to 14.3 VMT/SP under with Project conditions. Therefore, based on City's thresholds, the Project generated VMT and the Project's effect on VMT would have a less than significant impact. The Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). (Draft EIR, pp. 4.10-14 through 4.10-18.)

2.4.16.3 Design Hazards

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

Finding: Less than significant.

Explanation: The Project does not propose changes to the City's circulation system which would result in sharp curves or dangerous intersections and would not introduce incompatible uses to the area roadways (e.g., farm equipment). 3rd Street currently ends at the Project site's western boundary. Access to the Project site would be

provided by 13 driveways: four driveways at the northern boundary off State Street, one driveway at the eastern boundary off Ramona Avenue, two driveways on the southern boundary off Mission Boulevard, and six driveways on 3rd Street (which will be extended to Ramona Avenue).

The on- and off-site roadway improvements, consisting of new and improved Project driveways, and the extension of 3rd Street to Ramona Avenue, proposed as part of the Project would be designed and constructed in accordance with all applicable City of Montclair roadway design standards and would be reviewed and approved by the City's Public Works Department. The Project driveways would be improved and designed per local standards to accommodate Project traffic, including trucks. As such, no hazardous design features would be part of the Project's roadway improvements.

Project traffic would be distributed throughout the site. Truck traffic would be primarily distributed to and from the access driveways along State Street and the main access driveway at Ramona Avenue/Dale Street, with a small percentage of truck traffic assigned to the remaining driveways based on the layout of the proposed Project land uses. Passenger vehicle traffic would be primarily distributed to and from the main access driveway, with a small percentage distributed to the remaining driveways. Based on the findings in the TIA (Appendix G), all main driveways are anticipated to operate within the City's acceptable LOS standards which indicates that the driveways have the capacity to accommodate Project vehicles. On-site circulation would be facilitated at Project driveways and would not be expected to cause excessive delays and congestion for vehicles entering or exiting the Project site. Sufficient throat distance is available along the drive aisle at this driveway to accommodate approximately 550 feet of queuing between Mission Boulevard and the proposed 3rd Street extension. As one vehicle is routed out of the Project site at this driveway during the morning peak hour, queuing would be negligible, and limited to one vehicle length. Therefore, impacts associated with hazardous design features in conjunction with the implementation of improvements would be less than significant.

Project generated traffic would travel along arterials and major roadways to access the site, including Monte Vista Avenue, Central Avenue, Indian Hill Boulevard, Ramona Avenue, Reservoir Street, Mission Boulevard, Holt Boulevard, 3rd Street, and State Street. Most of these roadways are also City-designated truck routes. The introduction of Project-related truck trips would not be considered an incompatible use in the study area. Therefore, based on the above analysis, impacts related to hazardous conditions would be less than significant. (Draft EIR, pp. 4.10-18 through 4.10-19.)

2.4.16.4 Emergency Access

Threshold: Would the Project result in inadequate emergency access?

Finding: Less than significant.

Explanation: The Project has 13 access driveways and in the event of an emergency all the driveways would enable vehicles to enter/exit the Project site. All streets improvements will be designed with adequate width, turning radius, and grade to facilitate access by City's firefighting apparatus, and to provide alternative emergency ingress and egress. The site plan would be subject to plan review by the City's Fire Department to ensure proper access for fire and emergency response is provided and required fire suppression features are included. Therefore, the Project's impact due to inadequate emergency access would be less than significant. (Draft EIR, p. 4.10-19.)

2.4.17 Tribal Cultural Resources

2.4.17.1 Tribal Cultural Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

Finding: Less than significant.

Explanation: As part of the Historical Resources Technical Report, records of California Historical Resources Information System (CHRIS) and Sacred Lands File (SLF) were reviewed in January 2020. The CHRIS search included a review mapped prehistoric, historical, and built-environment resources; Department of Parks and Recreation site records; technical reports; archival resources; and ethnographic references. Additional consulted sources include historical maps of the Project site, the NRHP, the CRHR, the California Historic Property Data File, the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility. No previously recorded TCRs listed in the CRHR, SLF, or a local register were identified within the Project site. Further, no TCRs have been identified by California Native American tribes as part of the City's AB 52 and SB 18 notification and consultation process. Impacts are considered less than significant. No mitigation is required. (Draft EIR, p. 4.11-13.)

2.4.18 Utilities and Service Systems

2.4.18.1 Wastewater Treatment Requirements

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

Finding: Less than significant.

Explanation:

Water Conveyance and Treatment Facilities

The water conveyance facilities in the Project area are adequately sized to accommodate the Project and would not require the installation or expansion of off-site facilities beyond those described above. With regard to water treatment facilities, as discussed below, the Project's water demand would not result in or require new or expanded water supplies beyond those that are anticipated within the Monte Vista Water District 2015 and 2020 UWMPs. As such, implementation of the Project would not result in the need to expand water treatment facilities. Therefore, impacts associated with water treatment facilities would be less than significant.

Wastewater Conveyance and Treatment Facilities

The wastewater conveyance facilities in the Project area are adequately sized to accommodate the Project and would not require the installation or expansion of off-site facilities beyond those described above. With regard to wastewater treatment facilities, as discussed in below, the Project would generate a nominal amount of wastewater in the context of the available capacity of IEUA wastewater treatment facilities. Based on the remaining treatment capacity, impacts associated with wastewater conveyance and treatment facilities would be less than significant.

Stormwater Drainage Facilities

The Project's stormwater system would contribute a similar amount of stormwater to the storm drain in Mission Boulevard (and subsequently San Antonio Creek) when compared to the existing conditions, as determined in the Preliminary Hydrology. According to the Preliminary Hydrology Report, the existing public storm drain system is adequately sized to accommodate stormwater flows from the Project. Therefore, impacts associated with stormwater drainage facilities would be less than significant.

Electric Power

Electrical power service would be provided to the Project site via the existing 12 kV electrical lines surrounding the Project site. These electrical lines are part of the Kadota circuit, which emanate from the Francis Substation, located southwest of the Project site near the intersection of Francis Avenue and East End Avenue (SCE 2021). The Francis Substation is part of the Chino 220-kV/66-kV distribution system and transforms an incoming 220-kilovolt (kV) electrical current into a 12-kV current, which is distributed to the substation's end users (including the Project site) via a network of underground and aboveground electrical lines. The Francis Substation has a total generation capacity of 32.52 megawatts (MW), and currently generates 11.91 MW. According to SCE's Integration Capacity Analysis Portal, the Kadota circuit has a moderate integration capacity, meaning that some level of development can be accommodated prior to distribution upgrades being required (SCE 2021). Given the available capacity at the Francis Substation and within the Kadota circuit, these existing facilities can adequately serve the Project site without the need for additional off-site improvements. Impacts would be less than significant.

Natural Gas

The Project would involve lateral connections to the existing gas lines within Ramona Avenue, State Street, Mission Boulevard, and Third Street. These facilities are adequately sized and would not require the installation or expansion of off-site facilities beyond those described above. Impacts would be less than significant.

Telecommunications

The Project would involve lateral connections to the existing telecommunication facilities within State Street, Ramona Avenue, and Mission Boulevard. These facilities are adequately sized and would not require the installation or expansion of off-site facilities beyond those described above. Impacts would be less than significant. (Draft EIR, pp. 4.12-14 through 4.12-15.)

2.4.18.2 Water Supplies

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

Finding: Less than significant.

Explanation: Implementation of the Project would result in the construction of an eight-building business park with associated office spaces, surface parking, and loading areas. According to water demand rates for industrial uses¹⁴ within Monte Vista Water District, industrial land uses have an average water demand of 0.65 acre-feet of water per year (AFY) per acre (MVWD 2016¹⁵). Given that the Project would be developed on an approximately 26.2-acre (net) site, the Project's estimated water demand is approximately 17.03 AFY, as shown in Table 4.12-3 of the Draft EIR.

The 2015 and 2020 Monte Vista Water District UWMPs have planned for growth within its service area through their planning horizons (i.e., 20 years). As an urban water supplier, MVWD is required to assess the reliability of its water supply service under a multiple-dry-year scenario. Based on historical extraction and estimated population growth rates, the projected water supply and demand for the single- and multiple-dry-year scenarios were calculated for the 2015 and 2020 UWMPs. Monte Vista Water District anticipates that has sufficient water supply to meet current and projected water demands through 2045 during normal-, historic single-dry-, and historic multiple-dry-year periods. These projections are based on a land use-based demand model that accounts for a variety of factors, including the land use plans of jurisdictions within MVWD's service area. While the Project would involve a General Plan Land Use change from General Commercial to Limited Manufacturing and Industrial Park, this change would actually result in a reduction in the water use assumed for the Project site in MVWD's long-term water planning efforts. This is because according to MVWD's Land Use Based Demand Model, commercial land uses require more three times more water than industrial uses. Given that MVWD has adequate existing supplies to serve the Project under normal-, historic single-dry-, and historic multiple-dry-year periods, the Project's impact to water supply would be less than significant. (Draft EIR, p 4.12-15.)

2.4.18.3 Wastewater Capacity

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

Finding: Less than significant.

Explanation: Wastewater generated by the Project would be treated by the IEUA's CCWRF or RP-1, which collectively have the capacity to treat 55.4 mgd of wastewater and treats, on average, 27.4 mgd of wastewater. Project operations are conservatively estimated to generate approximately 9,882 gallons per day, or 0.0098 mgd. (The

¹⁴ Monte Vista Water District does not have specific water demand rates for warehousing and distribution uses and considers these uses as part of the "industrial" category. Generally, warehousing and distribution uses typically result in less water demand than other industrial uses, such as manufacturing, considering that warehousing and distribution uses do not typically have processes that require significant amounts of water use. As such, the application of the industrial rate to the Project may result in a conservative overestimation of the Project's water use.

¹⁵ Water demand rates are provided in the 2015 UWMP and are based on the IEUA Land Use Based Demand Model. The 2020 UWMP relied on these same water demand rates (MVWD 2021b).

Project's wastewater demand mirrors the water demand for Project operations and is conservative because Project operations include water use for landscape irrigation, which does not flow into the sewer system or require wastewater treatment). Projected wastewater from the Project would represent approximately 0.04% of the remaining capacity of the IEUA treatment facilities. Given the remaining capacity of IEUA treatment facilities, the IEUA would be able to accommodate the Project's contribution of 0.0098 mgd of wastewater. Therefore, impacts associated with wastewater treatment capacity would be less than significant. (Draft EIR, p. 4.12-16.)

2.4.18.4 Solid Waste

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

Finding: Less than significant.

Explanation:

Construction

Based on a review of the current structures located on the site, demolition activities are anticipated to generate approximately 22,806 tons of demolition materials. Waste also would be generated by the construction process, primarily consisting of discarded materials and packaging. Based on a proposed building area of 513,295 square feet and a construction waste generation factor of 4.34 pounds per square foot (EPA 2009), approximately 559.5 tons of waste would be generated over the course of the Project's construction phase ($[513,295 \text{ sq. ft.} \times 4.34 \text{ pounds/square foot}] \div 2,000 \text{ pounds/ton} = 1,114 \text{ tons}$). In total, the Project would generate 23,920 tons of waste during construction (22,806 tons of demolition debris + 1,114 tons of construction waste = 23,920 tons).

As mentioned above, CALGreen requires that a minimum of 65% of all solid waste be diverted from landfills (by recycling, reusing, and other waste reduction strategies) consistent with the State's solid waste reduction goals; therefore, approximately 15,548 tons of construction waste would be diverted ($23,920 \text{ tons} \times 65\% = 15,548 \text{ tons}$). The remaining 8,372 tons of construction and demolition materials ($23,920 \text{ tons} \times 35\% = 8,372 \text{ tons}$) that is currently not required to be recycled, would either be disposed of or voluntarily recycled at a solid waste facility with available capacity.

The Project's demolition debris would be hauled from the site over the course of the Project's demolition and site preparation phases, which would last approximately 2.5 months (50 working days). This would correspond to approximately 159.642 tons of demolition waste per day of construction activity. The Project's building construction would occur over a period of approximately 20 months (400 working days), which corresponds to approximately 0.97 tons of construction waste being generated per day of construction activity. As previously described, the San Timoteo Landfill is the only landfill in San Bernardino County to accept inert solid waste, has a daily maximum permitted throughput of 2,000 tons/day, has a remaining capacity of 12,360,396 cubic yards, and is expected to remain open for another 18 years (CalRecycle 2021). In 2020, San Timoteo Landfill received an average of 934 tons per day, and the maximum daily tonnage received throughout the year was 2,733 tons during a high wind day when Mid-Valley was closed. Given that San Timoteo Landfill has an average excess capacity of 1,066 tons per day (and at no point in 2020 had a capacity below 277 tons per day), the Project's daily peak demolition and construction waste delivery of 159.64 tons could be received by San Timoteo Landfill. Therefore, Project demolition and construction would not generate solid waste in excess of State or local standards, or in excess of the capacity

of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts during construction would be less than significant. No mitigation is required.

Operation

Once operational, the Project would produce solid waste on a regular basis associated with operation and maintenance activities. Using CalEEMod waste generation factors for the Industrial Park and Warehouse uses, the Project would generate approximately 549 tons of solid waste per year, or 1.5 tons per day. A minimum of 50% of all solid waste would be required to be recycled pursuant to AB 939, consistent with the State's solid waste reduction goals; therefore, the Project would generate approximately 0.75 tons per day of solid waste requiring disposal at a landfill.

The Burrtec Waste Industries provides solid waste collection and disposal within the City. Waste would likely be hauled to the nearest landfills, which includes the Mid-Valley and San Timoteo Sanitary Landfills. The Mid-Valley Landfill has a permitted throughput of 7,500 tons/day and is expected to remain open for another 24 years. The increase of waste generated by the Project during operations would represent approximately 0.01% of the total daily capacity of permitted at the landfill. In addition, the San Timoteo Sanitary Landfill, which has a maximum permitted throughput of 2,000 tons/day, is expected to remain open for another 18 years. The net increase in waste generated by the Project during operations would represent approximately 0.03% of the available daily capacity at the landfill.

Once the Mid-Valley and San Timoteo Sanitary Landfills reach capacity, additional landfills and strategies would be identified, so that disposal needs continue to be met. Further, there are landfills within the County with up to 51 years of remaining life. For example, the Barstow Sanitary Landfill is expected to remain open for another 50 years, and the Landers Sanitary Landfill is expected to remain open another 51 years (CalRecycle 2021). As such, in the event of the closure of the Mid-Valley and San Timoteo Sanitary Landfills, other landfills in the region would be able to accommodate solid waste from the Project, and regional planning efforts would ensure continued landfill capacity in the foreseeable future. Therefore, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts during operation would be less than significant. No mitigation is required.

Nevertheless, mitigation measure **MM-GHG-2** would further reduce impacts related to solid waste. As required in **MM-GHG-2**, the proposed Project would be required to provide storage areas for recyclables and green waste in new construction, and food waste storage, if a pick-up service is available, as well as evaluate the potential for on-site composting. (Draft EIR, pp. 4.12-16 through 4.12-18.)

2.4.18.5 Solid Waste Laws

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

Finding: Less than significant.

Explanation: Solid waste from the Project would be transported to either the Mid-Valley Sanitary Landfill or the San Timoteo Sanitary Landfill. These facilities are regulated under federal, state, and local laws. Additionally, the City of Montclair is required to comply with the solid waste reduction and diversion requirements set forth in AB 939, AB 341, AB 1327, and AB 1826. Per AB 341, businesses that generate 4 cubic yards or more of organic waste per

week are required to arrange for organic waste recycling services. In addition, as previously described, waste diversion and reduction during Project construction and operations would be completed in accordance with CALGreen standards and City diversion standards. As a result, the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste and impacts would be considered less than significant. No mitigation is required. (Draft EIR, p. 4.12-18.)

2.4.19 Wildfire

2.4.19.1 Response Plans

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

Finding: No impact.

Explanation: The Project site is not located within a Fire Hazard Severity Zone or a Very High Fire Hazard Severity Zone according to the Local Responsibility and State Responsibility Area maps by CAL FIRE (CAL FIRE 2008; CAL FIRE 2007). In addition, the Project site is currently developed and located within a developed portion of the City of Montclair. The Project would not significantly affect emergency response or evaluation activities and the Project would not conflict with or impair implementation of the City's Emergency Operations Plan. As such, the Project would not expose people or structures to significant risk involving wildland fires, exacerbate wildfire risks, or otherwise result in wildfire-related impacts. Therefore, no impacts associated with wildfire would occur. (Draft EIR, p. 5-20.)

2.4.19.2 Pollutant Concentrations

Threshold: Due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?

Finding: No impact.

Explanation: The Project site is not located within a Fire Hazard Severity Zone or a Very High Fire Hazard Severity Zone according to the Local Responsibility and State Responsibility Area maps by CAL FIRE (CAL FIRE 2008; CAL FIRE 2007). In addition, the Project site is currently developed and located within a developed portion of the City of Montclair. Further, the Project site contains only limited amounts of ornamental vegetation associated with existing landscaping and does not contain extensive amounts of vegetation or wildland fuel. Therefore, it is not anticipated that the Project, due to slope, prevailing winds, and other factors, would exacerbate wildfire risks or expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Thus, the Project would not expose people or structures to significant risk involving wildland fires, exacerbate wildfire risks, or otherwise result in wildfire-related impacts. Therefore, no impacts associated with wildfire would occur. (Draft EIR, p. 5-20.)

2.4.19.3 Infrastructure Risks

Threshold: Would the Project require the installation or maintenance of associated infrastructure (such a roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Finding: No impact.

Explanation: The Project site is not located within a Fire Hazard Severity Zone or a Very High Fire Hazard Severity Zone according to the Local Responsibility and State Responsibility Area maps by CAL FIRE (CAL FIRE 2008; CAL FIRE 2007). In addition, the Project site is currently developed and located within a developed portion of the City of Montclair. The Project would construct surface parking lots, new internal circulation roadways, and infrastructure for the proposed development. It is not anticipated that installation or maintenance of internal driveways would exacerbate fire risk, since the driveways would be surrounded by developed land on all sides. Further, the Project site is located in a predominantly developed area and would connect to existing utilities. The Project would not require installation or maintenance of other associated infrastructure such as fuel breaks, power lines, or other utilities that would exacerbate fire risk. As such, the Project would not expose people or structures to significant risk involving wildland fires, exacerbate wildfire risks, or otherwise result in wildfire-related impacts. Therefore, no impacts associated with wildfire would occur. (Draft EIR, pp. 5-20 through 5-21.)

2.4.19.4 Runoff Risks

Threshold: Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes ?

Finding: No impact.

Explanation: The Project site is not located within a Fire Hazard Severity Zone or a Very High Fire Hazard Severity Zone according to the Local Responsibility and State Responsibility Area maps by CAL FIRE (CAL FIRE 2008; CAL FIRE 2007). As discussed previously, the Project would not result in significant risks associated with flooding, landslides, runoff, or drainage changes, and the Project does not propose the use of fire (such as for a controlled vegetation burn) that would result in post-fire slope instability. Further, the Project site is located within a developed portion of the City of Montclair that is not susceptible to wildland fires, given its considerable distance from open, natural areas. Thus, the Project would not expose people or structures to significant risk involving wildland fires, exacerbate wildfire risks, or otherwise result in wildfire-related impacts. Therefore, no impacts associated with wildfire would occur. (Draft EIR, p. 5-21.)

3 Cumulative Impacts

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

3.1 Aesthetics

As discussed above, the Project would not impact scenic vistas, State Scenic Highway, and the existing Project site contains sources of artificial nighttime light. Additionally, the proposed Project is consistent with applicable regulations, plans, and policies regarding scenic quality. All future development within the City would be required to conform to the regulations set forth by the City. The Project would not combine with other projects to result in significant cumulative impacts associated with aesthetics. Conformance to these regulations would ensure that scenic quality is appropriately protected and preserved, and therefore, implementation of the proposed Project would result in no cumulative impact on aesthetics. (Draft EIR, pp. 5-2 through 5-3.)

3.2 Agriculture and Forestry Resources

As the Project site and surrounding area do not include nor are adjacent to farmland or forest resources and are zoned for urban uses, the Project would not combine with other projects to result in significant impacts associated agriculture and forestry resources. The Project would have no cumulative impact on agricultural and forestry resources. (Draft EIR, p. 5-4.)

3.3 Air Quality

Regional air pollution by nature is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the SCAQMD develops and implements plans for future attainment of ambient air quality standards. In addition to the SCAQMD efforts, CARB has comprehensive regulatory programs in place for new and existing sources of air pollution. Local policies, such as land use decisions that involve siting, zoning, and permitting actions, in conjunction with air agency efforts have the potential to greatly enhance the effectiveness of these programs by addressing cumulative impacts in local areas. Project-specific emissions associated with implementation of the Project could result in regional and localized impacts. Regional pollutants such as O₃ and PM_{2.5} are derived from complex interactions of emissions from many sources. In contrast, localized, or near-source, pollutants such as SO₂ are mainly derived from a single source or group of sources. Cumulative air quality impacts are the effect of long-term emissions of the Project plus any existing emissions at the same location, as well as the effect of long-term emissions of reasonably foreseeable similar projects, on the Projected regional air quality or localized air pollution in the SCAB and surrounding areas. Accordingly, impacts can be localized or far-reaching and the geographic scope of air quality impacts varies based on the type of emission source.

Based on the cumulative nature of air pollution and the various mechanisms in place to reduce cumulative air pollutant emissions, Project-level thresholds of significance for criteria pollutants, as analyzed above, are relevant in the determination of whether the Project's individual emissions would have a cumulatively significant impact on air quality. This approach is supported by the SCAQMD which indicates that if a project's emissions would exceed the SCAQMD significance thresholds, it would be considered to have a cumulatively considerable contribution;

conversely, projects that do not exceed the Project-specific thresholds are generally not considered to be cumulatively significant.¹⁶

This section provides an analysis of cumulative impacts from construction and operation of the Project and other past, present, and reasonably foreseeable future projects, as required by Section 15130 of the State CEQA Guidelines.

Construction-Related Cumulative Impacts

Construction of the Project would not exceed the SCAQMD mass daily emission-based construction thresholds with the incorporation of **MM-AQ-2**. In addition, as discussed above, construction of the Project would not exceed the SCAQMD's LST threshold. The Project's short-term construction-related TAC emissions would be less than significant with incorporation of **MM-AQ-2**. It is reasonable to assume that construction emissions of the related projects would be limited by applicable SCAQMD thresholds and rules. Therefore, because of the less than significant amount of Project-related emissions relative to significance thresholds, and because of compliance with SCAQMD rules, Project-generated construction emissions would not be cumulatively considerable. Regarding odors, no significant construction-related odors are anticipated, and the Project's cumulative odor impact would not be cumulatively considerable. (Draft EIR, pp. 4.1-47 through 4.1-48.)

Operation-Related Cumulative Impacts

The analysis for operational health risk impacts would be less than significant with mitigation. **MM-AQ-4**, **MM-AQ-5**, and **MM-AQ-7** were included in the calculation of mitigation for operational impacts. Mitigation measures **MM-AQ-3** and **MM-AQ-6** do not have reliable quantifiable methodologies for reducing DPM emissions and thus, were not included in the mitigated emissions. Although mitigation measures **MM-AQ-3** and **MM-AQ-6** were not quantified, they will result in a reduction in TAC emissions from the Project in and around the Project site.

The Project is not anticipated to generate nuisance operational odors; therefore, the Project would result in a less than cumulatively considerable operational odor impact. (Draft EIR, pp. 4.1-47 through 4.1-48.)

Operation-Related Cumulative Impacts

As discussed above, the Project requires implementation of **MM-AQ-1** because it would conflict with the SCAQMD 2016 AQMP, which addresses the cumulative emissions in the SCAB. Because the SCAQMD air quality plans consider the cumulative emissions of existing and projected development, it may be concluded that a project is not in conformance with the applicable air quality plan and has a direct air quality impact would also have a cumulative regional air quality impact. Therefore, even with incorporation of the mitigation identified in this Draft EIR, the Project would still conflict with the 2016 Air Quality Management Plan, and impacts would be significant and unavoidable.

As discussed above, the Project would result in less than significant long-term operational air quality impacts for all criteria pollutants, with the exception of NO_x. Mitigation measures **MM-AQ-4**, **MM-AQ-5**, and **MM-AQ-7** were included in the calculation for mitigation of operational NO_x emissions. Mitigation measures **MM-AQ-3** and **MM-AQ-6** do not have reliable quantifiable methodologies for reducing criteria air pollutants and thus, were not included in the

¹⁶ SCAQMD. 2003a. White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution. August 2003. <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf?sfvrsn=2>.

mitigated emissions. Although mitigation measures **MM-AQ-3** and **MM-AQ-6** were not quantified, they will result in a reduction in criteria air pollutants from the Project in and around the Project site. Even with mitigation, the emissions of NO_x would exceed applicable thresholds of significance and impacts would be significant and unavoidable. Therefore, the proposed Project would result in a cumulatively considerable net increase of NO_x, for which the Project region is non-attainment under an applicable national or California ambient air quality standard, and cumulative impacts would also be significant and unavoidable. (Draft EIR, pp. 4.1-47 through 4.1-48.)

3.4 Biological Resources

As currently designed, the proposed Project may only result in a potential impact to nesting birds if Project construction and vegetation removal occur during the nesting season. **MM-BIO-1** would reduce potential impacts to nesting birds through breeding season avoidance, pre-construction surveys, buffers, and monitoring during construction. With implementation of **MM-BIO-1** any potential Project-related impacts to biological resources will be reduced to a less than significant level on a Project-level scale. The Project is located in an existing developed area, surrounded by development, and will not result in the removal of any native habitats or natural resources. Impacts related to nesting birds would be mitigated, as would any other project in the cumulatively scope. Therefore, the Project would not contribute to a cumulatively considerable impact on biological resources and construction of the proposed Project would be considered cumulatively less than significant with mitigation. (Draft EIR, p. 4.2-14.)

3.5 Cultural Resources

Cumulative impacts on cultural resources consider whether impacts of the proposed Project together with other related projects identified within the vicinity of the Project site, when taken as a whole, substantially diminish the number of historic or archaeological resources within the same or similar context or property type. Cumulative impacts on cultural resources consider whether impacts of the proposed Project together with other related projects, when taken as a whole, substantially diminish the number of historical or archaeological resources within the same or similar context or property type. However, impacts to cultural resources, if any exist, tend to be site-specific.

As discussed above in this section, there are no known historical or archaeological resources within the Project site and as such, the Project site is not part of an existing or known grouping or district of historical or archaeological that would be impacted as part of the cumulative impacts of other projects.

The CHRIS record search has not identified any previously identified cultural resources within a 1-mile record search radius and no cultural resources immediately adjacent to the Project site. The proposed Project was determined to have less than significant direct and indirect impacts on historic resources. Therefore, the proposed Project would not result in any cumulatively considerable impacts to historic resources.

For archaeological resources, cumulative projects may require extensive excavation in culturally sensitive areas, and thus, may result in adverse effects to known or previously unknown, inadvertently discovered archaeological resources. There is the potential for accidental discovery of other archaeological resources by the Project as well as by cumulative projects. Because all significant cultural resources are unique and non-renewable, all adverse effects or negative impacts contribute to a dwindling resource base. Through implementation of **MM-CUL-1**, **MM-CUL-2**, as well as **MM-TCR-1**, and **MM-TCR-2**, the Project-level impact to archaeological resources would be reduced to less than significant.

Other individual projects occurring in the vicinity of the Project site would also be subject to the same requirements of CEQA as the Project and any impacts to cultural resources would be mitigated, as applicable. These determinations would be made on a case-by-case basis, and the effects of cumulative development on historical and archaeological resources would be mitigated to the extent feasible in accordance with CEQA and other applicable legal requirements. Therefore, impacts on archaeological resources would not be cumulatively considerable with mitigation incorporated (**MM-CUL-1** and **MM-CUL-2**).

The Project was determined to have less-than-significant direct impacts on human remains. Existing regulations are adequate to address the potential for impacts due to the inadvertent discovery of human remains on the Project site. Other individual projects occurring in the vicinity of the Project site would also be subject to the same state requirements to contact appropriate agencies and coordinate with the County Coroner. Therefore, the Project would not result in any cumulatively considerable impacts related to human remains.

The Project would not contribute to any potential cumulative impacts, and cumulative impacts to historical or cultural resources after mitigation is implemented, are considered less than significant. No further mitigation is required. Therefore, the proposed Project will not have a cumulatively considerable impact on cultural resources with mitigation incorporated. (Draft EIR, p. 4.3-19.)

3.6 Energy

The Project would not result in wasteful, inefficient, or unnecessary use of energy. Cumulative projects that could exacerbate the Project's impacts include any projects that could result in wasteful, inefficient, or unnecessary use of energy. However, cumulative projects would be required by the Community Development Department, to conform to current state and local energy conservation standards, including the state building code. As a result, the Project, in combination with other reasonably foreseeable projects, would not cause a wasteful use of energy or other non-renewable natural resources. Additionally, the Project would also incorporate mitigation measure **MM-AQ-2** through **MM-AQ-7** to reduce the Project's air quality impacts. These mitigation measures would have the added benefit of decreasing the Project's energy use, further reducing already less than significant impacts. Therefore, the energy demand and use associated with the Project and cumulative projects would not substantially contribute to a cumulative impact on existing or proposed energy supplies or resources and would not cause a significant cumulative impact on energy resources. (Draft EIR, pp. 4.4-14 through 4.4-15.)

3.7 Geological and Soils

With regard to cumulative impacts on paleontological resources, the City and surrounding area are overlain by Late Quaternary deposits are generally considered to be too young geologically to contain significant nonrenewable paleontological resources (i.e., fossils) and are typically assigned a low paleontological sensitivity. Thus, based on the lack of paleontological sensitivity in the area, the Project and other cumulative projects are unlikely to result in the destruction of a unique paleontological resource or site. This possibility would be even further reduced with implementation of **MM-GEO-1**, which would ensure the proper treatment of paleontological resources if discovered on the Project site.

Other individual projects occurring in the vicinity of the Project site would also be subject to the same requirements of CEQA as the Project and any impacts to paleontological resources would be mitigated, as applicable. These determinations would be made on a case-by-case basis, and the effects of cumulative development on

paleontological resources would be mitigated to the extent feasible in accordance with CEQA and other applicable legal requirements. Therefore, impacts on paleontological resources would not be cumulatively considerable with mitigation incorporated (**MM-GEO-1**).

The Project would not contribute to any potential cumulative impacts, and cumulative impacts to geological or paleontological resources after mitigation is implemented, are considered less than significant. No further mitigation is required. Therefore, the proposed Project will not have a cumulatively considerable impact on geological or paleontological resources with mitigation incorporated. (Draft EIR, p. 4.5-3.)

3.8 Greenhouse Gas Emissions

The Project would emit GHGs that would contribute to increased accumulation of GHGs from more than one project and many sources in the atmosphere that may result in global climate change. An individual project's GHG emissions typically would be very small in comparison to state or global GHG emissions. Due to the complex physical, chemical, and atmospheric mechanisms involved in global climate change and the nature of the issue, a project's GHG emissions and the resulting significance of potential impacts are assessed on a cumulative basis. The thresholds developed by SCAQMD consider the cumulative development and the ability for the air basin to meet the required emissions reductions.

The Project would generate GHG emissions that may have a significant impact on the environment. Operation and amortized construction of the Project would generate 14,487 MT CO_{2e} of GHG per year, which would exceed the SCAQMD threshold of 3,000 MT CO_{2e} per year, which is the SCAQMD's recommended non-industrial project quantitative threshold for determining whether a project's GHG emissions would have a significant impact on the environment. Even with incorporation of the mitigation identified below, the Project's annual GHG emissions would still exceed the threshold of 3,000 MT CO_{2e} per year, and impacts would be significant and unavoidable.

The Project would conflict with the applicable air quality management plans adopted for the purpose of reducing the emissions of GHG as well as exceed the threshold of 3,000 MT CO_{2e} per year. As such, the Project would generate GHG emissions that may interfere with the implementation of GHG reduction goals for 2030 and 2050 and impacts would be significant and unavoidable. Therefore, the project would have a cumulatively considerable impact on GHG emissions. (Draft EIR, pp. 4.6-36 through 4.6-37.)

3.9 Hazards and Hazardous Materials Impacts

For cumulative analysis, the hazardous materials geographic scope is generally restricted to the area immediately surrounding the Project site as the potential for risk is limited to the area immediately surrounding an affected hazardous material site or risk generator. However, other topics associated with human health and safety such as transportation of hazardous materials, can expand through the surrounding region.

There are a variety of hazardous material and public health and safety issues that are relevant and applicable to the Project. Many potential impacts related to hazardous materials and public health and safety risks would be minimized due to compliance with federal, state, and local regulatory requirements. These legal requirements and regulations minimize potential for health and safety risks.

Cumulative projects would also be subject to federal, state, and local regulations related to hazardous materials and other public health and safety issues. In a manner similar to the proposed Project, adherence to these

regulatory requirements would reduce incremental impacts associated with public exposure to health and safety hazards in each of the affected project areas. Additionally, most hazardous material and safety-related risks are localized, generally affecting a specific site and immediate surrounding area, thus minimizing the potential for an impact to combine with another project to create a cumulative scenario.

Because cumulative projects would be fully regulated, thus reducing potential for public safety risks, cumulative impacts associated with exposure to hazards and hazardous materials would be less than significant. Through mitigation and compliance with regulatory requirements, the construction or operation of the proposed Project itself would not create significant human or environmental health or safety risks that could combine with other Project impacts to create a significant and cumulatively considerable impact. The quantities of hazardous materials that would be present during occupancy of the proposed Project are expected to be minimal and would consist likely of cleaning and maintenance products (paints, solvents, cleaning supplies, pesticides, and herbicides). Implementation of applicable hazardous materials management laws and regulations adopted at the federal, state, and local level would ensure cumulative impacts related to hazardous materials use remain less than significant.

Hazardous materials incidents would typically be site-specific and would involve accidental spills or inadvertent releases. Associated health and safety risks generally would be limited to those individuals using the materials or to persons in the immediate vicinity of the materials. Thus, the Project's contribution to increased use of hazardous materials and associated exposure risks would not be cumulatively considerable.

For these reasons, the proposed Project would not result in cumulatively considerable impacts related to hazards and hazardous materials. (Draft EIR, pp. 4.7-17 through 4.7-18.)

3.10 Hydrology and Water Quality

All impacts related to hydrology and water quality would be less than significant. Cumulative projects would similarly be required to comply with the requirements outlined above, and would also be required to provide a Stormwater Quality Management Plan for operations and Stormwater Pollution Prevention Plan for construction. Therefore, the proposed Project would result in a less than significant contribution towards cumulative water quality impacts. It is also noted that cumulative projects would also be subject to federal, state, and local regulations concerning runoff flows and stormwater quality. In conclusion, the Project would have a less than significant contribution towards cumulative erosion and sedimentation impacts to the watershed. (Draft EIR, p. 5-14.)

3.11 Land Use and Planning

The proposed General Plan Amendment and Zone Change would allow for the development of the proposed eight-building business park. Implementation of the Project's proposed General Plan Amendment and Zone Change would eliminate any inconsistencies between the proposed land use and the site's existing General Plan land use designation and zoning code, respectively. Presumably, as development occurs elsewhere throughout the City of Montclair and the larger San Bernardino County area, any proposal to change the underlying land use or development intensity for a specific property would similarly be resolved through an amendment to the applicable land use plan. Given that amendments to land use plans are discretionary in nature, any action involving an amendment would be subject to CEQA and reviewed on a case-by-case basis. Should any amendment result in a significant environmental effect, mitigation measures would be identified to reduce those impacts. Additionally, the

periodic and frequent nature of regional planning efforts such as updates to Connect SoCal Plan and AQMP allow for changes in land use to be integrated into a regional planning context, thereby accounting for ever-changing land use patterns. Given these factors, the Project would not result in any cumulatively considerable land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Sections of this document. (Draft EIR, pp. 4.8-22 through 4.8-23.)

3.12 Mineral Resources

The Project is not within a designated mineral resource area. Therefore, the proposed Project would not contribute to a cumulatively considerable impact concerning mineral resources. The Project would have less than significant cumulative impacts to mineral resources. (Draft EIR, p. 5-15.)

3.13 Noise

Related projects considered in the cumulative scenario consist of those listed in Table 3-2, Cumulative Projects, depicted on Figure 3-7, Cumulative Project Locations in Section 3.2, Environmental Setting of this Draft EIR, and described in the Future Project Accounted For In The Year 2024 cumulative analysis conducted in the Project's Transportation Impact Analysis (Appendix G of Draft EIR). The nearest related projects, identified as M2 and M3 in Table 3-2 and Figure 3-7, Cumulative Projects in Chapter 3 of this Draft EIR, are located approximately 1,000 feet (0.19 miles) northeast of the proposed Project site. The next-nearest related Project identified as M4 in Table 3-2, is located approximately 5,000 feet (0.95 miles) to the east. The other related projects are located approximately 1.5 miles or more from the Project site.

Noise in Excess of Standards

The proposed Project and related projects would all be subject to applicable noise standards. The proposed Project would incorporate mitigation measures **MM-NOI-1** and **MM-NOI-2** to ensure compliance with applicable noise standards. With the incorporation of the mitigation measures, the proposed Project would not contribute to cumulative exceedances of noise standards, and its incremental effect is not cumulatively considerable.

Temporary/Periodic Increases in Ambient Noise Levels

The proposed Project would result in temporary noise increases during the approximately 27-month construction period. The proposed Project's construction period would have the potential to overlap with the related projects' construction periods. The nearest related projects, involving the construction of an office/industrial use project at Ramona and Holt (project M2) and a warehouse at 4651 Brooks Street (project M3), are located approximately 0.19 miles northeast of the proposed Project site, with intervening numerous structures in between. The next nearest related project is located approximately 0.95 miles to the east, also with numerous structures in between. Due to the decrease in noise levels with distance and the presence of physical barriers, the related projects would not combine with the proposed Project to produce a cumulative noise effect during construction. Additionally, all projects would be required to comply with applicable local noise ordinances to limit noise hours during construction. The mitigation measures **MM-NOI-1** and **MM-NOI-2**, along with the requirement to comply with the applicable noise regulations, would reduce the proposed Project's incremental effect, ensuring that impacts are not cumulatively considerable.

Vibration

Other foreseeable projects within the vicinity of the Project site would not be close enough to create a combined excessive generation of groundborne vibrations; the nearest such projects would be located approximately 0.19 miles northeast of the Project site. Therefore, cumulative impacts associated with excessive groundborne vibrations are not cumulatively considerable.

Permanent Increase in Ambient Noise Levels

Stationary Sources. Noise generated from the proposed Project would include mechanical (HVAC) noise, as well as noise from employee parking areas and on-site truck loading dock areas. Compliance with the City's municipal code would limit exposure to excessive nuisance noise. Similarly, the related projects would be required to comply with the noise standards applicable to the jurisdictions in which they would be located (the two nearest related projects would also be located within the City of Montclair). Compliance with the City's municipal code would reduce the proposed Project's operational noise so that its incremental effect is not cumulatively considerable.

Off-Site Traffic Noise

The proposed Project and related projects would generate off-site traffic noise. When calculating future traffic impacts, the traffic data prepared by Dudek for the proposed Project included traffic from the related projects in the future year traffic volumes (Appendix G of Draft EIR). Recent pending and approved projects in the Project area were included in the traffic model. Thus, the future traffic results with and without the proposed Project already account for the cumulative impacts from the list of related projects contributing to traffic increases. As shown in Table 4.9-10, future with Project traffic noise levels would increase by 2 dBA or less compared to future without Project noise levels. Based upon the FICON guidance, traffic noise would not be substantially increased in the Project vicinity. As such, the incremental effect of the proposed Project on off-site traffic noise is not cumulatively considerable. (Draft EIR, pp. 4.9-21 through 4.9-22.)

3.14 Population and Housing

The Project would not generate a permanent increase in population within the Project areas, and the Project's new 282 employees is consistent with anticipated future employment projections within the City. Overall, the proposed project would not induce substantial unplanned population growth in the City, and would have a less than significant cumulative impact to population and housing. (Draft EIR, p. 5-17.)

3.15 Public Services

The Project would result in a decrease in calls for service to the Project site, would be developed in accordance with existing requirements, and would result in increased revenue available to public services, and impacts associated with public service facilities, equipment, and personnel would be less than significant. Cumulative development in the City will increase the structures, residents and employees requiring public services. With adherence to State and local law, and compliance with applicable fees as determined by the City Planning commission, impacts to public services would be reduced. Therefore, the proposed Project would not result in a cumulatively considerable impact to public services, and impacts would be less than significant. (Draft EIR, p. 5-19.)

3.16 Recreation

The Project would not increase the use of existing neighborhood parks or regional parks in the City and surrounding area. The Project does not propose any residential uses and would not directly or indirectly result in a substantial and unplanned increase in population growth within the Project area. Therefore, the Project would have no cumulative impact to recreation. (Draft EIR, p. 5-20.)

3.17 Transportation

The proposed Project would not conflict with any program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; nor would the Project result in hazardous conditions or inadequate emergency access. The Project's VMT impacts were analyzed under cumulative conditions (Year 2040), and impacts to VMT would be less than significant. Under cumulative conditions, no additional impacts are anticipated. (Draft EIR, p. 4.10-19.)

3.18 Tribal Cultural Resources

There are no known tribal cultural resources on the Project site and the area is considered to be of low potential to contain unanticipated cultural or tribal cultural resources. No archaeological resources have been documented by the SCCIC within the Project site.

Other individual projects occurring in the vicinity of the Project site would also be subject to the same requirements of CEQA as the proposed Project and any impacts to tribal cultural resources would be mitigated, as applicable. These determinations would be made on a case-by-case basis, and the effects of cumulative development on tribal cultural resources would be mitigated to the extent feasible in accordance with CEQA and other applicable legal requirements.

Therefore, impacts to tribal cultural resources would not be cumulatively considerable after the incorporation of **MM TCR-1** and **MM-TCR-2**, as well as **MM-CUL-1** and **MM-CUL-2**. (Draft EIR, p. 4.11-14.)

3.19 Utilities and Service Systems

The Project would require water, wastewater, and stormwater drainage services and infrastructure, electric power, natural gas, and telecommunication infrastructure, as well as solid waste disposal for building operation. Development of public utility infrastructure is part of an extensive planning process involving utility providers and jurisdictions with discretionary review authority, including the UWMP planning process. The coordination process associated with the preparation of infrastructure plans is intended to ensure that adequate public utility services and resources are available to serve both individual development projects and cumulative growth in the region. Each individual development project is subject to review for utility capacity to avoid unanticipated interruptions in service or inadequate supplies. Coordination with the utility providers would allow for the provision of utility services to development projects without interrupting or degrading services to existing customers.

The Project and other development projects are subject to connection and service fees to offset increased demand and assist in facility expansion and service improvements (at the time of need). Because the comprehensive utility and service planning and coordination activities described above would ensure that new development projects do not disrupt or degrade the provision of utility services, cumulatively considerable impacts to utilities and service systems would not occur. (Draft EIR, p. 4.12-18.)

3.20 Wildfire

The Project site is not located within a Fire Hazard Severity Zone or a Very High Fire Hazard Severity Zone. In addition, the Project site is currently developed and located within a developed portion of the City of Montclair that is not susceptible to wildland fires, given its considerable distance from open, natural areas. Therefore, the Project would have no cumulative impact related to wildfire. (Draft EIR, p. 5-21.)

4 Findings Regarding Significant and Irreversible Environmental Changes

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

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

4.1 Change in Land Use that Commits Future Generations to Similar Uses

The Project site is currently used as a four-screen drive-in theatre located within an established industrial area of the City of Montclair. The site is presently designated by the City of Montclair's General Plan as General Commercial and zoned as General Commercial (C3), Limited Manufacturing (M1), and Manufacturing Industrial (MIP) (City of Montclair 2013; City of Montclair 2018). Implementation of the Project would commit the Project site to an eight-building industrial park. However, because the proposed Project is a redevelopment project within a fully developed and urbanized portion of the City, it would not commit future generations to new urban land uses. The replacement

of underutilized buildings and surface parking would result in changes to the current land uses in a manner that is consistent with the City's General Plan goals and policies (see Section 4.8, Land Use and Planning of the Draft EIR). Since the Project site is located near and adjacent to existing industrial uses, the Project would not result in land use changes that would commit future generations to uses that are not already prevalent in the Project area.

4.2 Significant Irreversible Environmental Effects

The Project site is currently used as a four-screen drive-in theatre located within an established industrial area of the City of Montclair. Implementation of the Project would commit the Project site to an eight-building industrial park. The land use proposed by the Project is compatible with the existing industrial land uses that are located west, north, and east of the Project site within the greater State Street industrial corridor. Residential land uses exist to the south of the Project across Mission Boulevard and legal non-conforming residential uses abut the Project site to the west and to the east, across Ramona Avenue. However, the Project would not result in any significant and unavoidable local/localized physical impacts to these receptors. Although the Project would result in unavoidable physical impacts to air quality and greenhouse gas emissions, these effects are significant due to their effect on the region, not their local impacts to receptors located near the Project site. Accordingly, the Project and its environmental effects would not compel or commit surrounding properties to land uses other than those that are existing today or those that are planned by the City of Montclair General Plan. For this reason, the Project would not result in significant, irreversible effects to nearby, off-site properties.

4.3 Irreversible Damage from Environmental Accidents

Potential environmental accidents of concern include those events that would adversely affect the environment or public due to the type or quantity of materials released and the receptors exposed to that release. Demolition and construction activities associated with the Project would involve some risk of environmental accidents. However, these activities would be conducted in accordance with all applicable federal, state, and local regulations, and would follow professional industry standards for safety. Once operational, any materials associated with environmental accidents would comply with applicable federal, state, and local regulations, ensuring that any hazardous materials used on-site would be safely and appropriately handled to preclude any irreversible damage to the environment that could result if hazardous materials were released from the site.

4.4 Large Commitment of Nonrenewable Resources

Commitment of nonrenewable resources includes issues related to increased energy consumption, loss of agricultural lands, and lost access to mining reserves. There would be an irretrievable commitment of labor, capital, and materials used during construction and operation of the Project. Nonrenewable resources would primarily be committed in the form of fossil fuels such as fuel, oil, natural gas, and gasoline used by equipment associated with construction of the Project. Consumption of other non-renewable or slowly renewable resources would also occur. These resources would include lumber and other forest products, sand and gravel, asphalt, and metals such as steel, copper, and lead.

To ensure that energy implications are considered in Project decisions, CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy (Public Resources Code (PRC) Section 21100(b)(3)). Energy conservation implies that a project's cost-effectiveness be reviewed not only in dollars but also in terms of energy requirements. For many projects, cost-effectiveness may be determined more by energy efficiency than by initial dollar costs. A lead agency may consider the extent to which an energy source serving the project has already undergone environmental review that adequately analyzed and mitigated the effects of energy production.

Consistent with both PRC Section 21100(b)(3) and a ruling set forth by the court in *California Clean Energy Committee v. City of Woodland*, potentially significant energy implications of a project must be considered in an EIR to the extent relevant and applicable to the project. Accordingly, based on the energy consumption thresholds set forth in Appendix F and Appendix G of the CEQA Guidelines, the Project's estimated energy demands (both short-term construction and long-term operational demands) were evaluated (see Section 4.4., Energy, of this Draft EIR). The overall purpose of the energy analysis was to evaluate whether the Project would result in the wasteful, inefficient, or unnecessary consumption of energy.

As further assessed in the energy analysis, for new development such as that proposed by the Project, compliance with California Title 24 energy efficiency requirements is considered demonstrable evidence of efficient use of energy. The Project would provide for and promote energy efficiencies beyond those required under other applicable federal and state standards and regulations, and in so doing would meet or exceed all Title 24 standards. (Draft EIR, pp. 6-2 through 6-4.)

5 Growth-Inducing Impacts

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

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

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

The proposed Project would require a temporary construction workforce and a permanent operational workforce, both of which could potentially induce population growth in the Project area. The temporary workforce would be needed to construct the eight warehouse/distribution/ logistics buildings and associated improvements. The

number of construction workers needed during any given period would largely depend on the specific stage of construction but would likely range between a few dozen workers to up to 254 on a daily basis. These short-term positions are anticipated to be filled primarily by construction workers who reside in the Project site's vicinity; therefore, construction of the Project would not generate a permanent increase in population within the Project area.

Because the future tenants are not yet known, the number of jobs that the Project would generate cannot be precisely determined. Thus, for the purposes of this analysis, employment estimates were calculated using average employment density factors reported by the Southern California Association of Governments (SCAG). SCAG reports that for every 2,111 square feet of industrial warehouse space in San Bernardino County, the median number of jobs supported is one employee (SCAG 2001). The Project would include 513,295 square feet of industrial space. As such, the estimated number of employees required for operation would be approximately 244 people.

According to the SCAG Demographics & Growth Forecast (an appendix to the 2020–2045 RTP/SCS; SCAG 2020a), employment in the City of Montclair is anticipated to grow from 19,300 in 2016 to 20,900 in 2045 (SCAG 2020b). The Project-related increase of 244 employees would be minimal in comparison to the increase anticipated in the SCAG Growth Forecast.

In addition, data provided by the California Employment Development Department in December 2020 found that the unemployment rate for San Bernardino County is at 9.2%, which is above the state (8.8%) and national (6.5%) averages (EDD 2021). As such, the Project's temporary and permanent employment requirements could be met by the local existing labor force without people needing to relocate into the Project region, and the Project would not stimulate population growth or a population concentration above what is assumed in local and regional land use plans.

Growth-inducing impacts can also occur when implementation of a project includes infrastructure improvements that would remove physical obstacles to population growth. Projects that physically remove obstacles to growth, or projects that indirectly induce growth, are those that may provide a catalyst for future unrelated development in the area. The Project is currently served by existing infrastructure, including water, wastewater, stormwater drainage, gas, electric, and telecommunication lines. As part of the Project, some of these lines would be extended or upsized within the Project site; however, these activities would be undertaken solely for purposes of supporting the Project. Further, as discussed in Section 4.12, Utilities and Service Systems, given the lack of population growth that would result from the Project, and because the Project site and surrounding area are already served by existing facilities the Project would not tax existing community service facilities or require construction of substantial new facilities. With regard to the Project's extension of 3rd Street across the Project site, the construction of this roadway would be within an established industrial area and would be consistent with the City's General Plan Circulation Element. Its primary purpose would be to improve local circulation within the area and would not provide a catalyst for future development in a previously undeveloped area. (Draft EIR, pp. 6-4 through 6-5.)

6 Findings on Project Alternatives

CEQA requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, that could feasibly attain the basic objectives of the project, and that it evaluate the comparative merits of the alternatives (14 CCR 15126.6[a]). The CEQA Guidelines direct that the selection of alternatives be governed by “a rule of reason” (14 CCR 15126.6[a], [f]). As defined by the CEQA Guidelines, “The range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the

significant effects of the project. Of those alternatives, the EIR needs to examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project” (14 CCR 15126.6[f]).

6.1 Project Objectives

The following objectives have been established for the Project (Draft EIR, p. 3-15):

- **Objective 1:** Establish a jobs-producing and tax-generating business park land use near transportation corridors within the housing-rich Inland Empire that is constructed to high standards of quality and provides diverse economic opportunities for those residing and wishing to invest within the City of Montclair.
- **Objective 2:** Develop a high-quality business park campus with light manufacturing and distribution facilities for related uses in Montclair that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.
- **Objective 3:** Develop light manufacturing and distribution buildings with loading bays within the western portion of the Inland Empire and in close proximity to the Interstate 10 Freeway that can be used as part of the Southern California supply chain and goods movement network.
- **Objective 4:** Create a fiscally sound and employment-generating business park within an established industrial area and resolve land use conflicts between existing planning documents.
- **Objective 5:** Concentrate non-residential uses near existing roadways, highways, and freeways in an effort to isolate and reduce any potential environmental impacts related to truck traffic congestion, air emissions, and industrial noise to the greatest extent feasible.

6.2 Alternatives Considered and Eliminated During the Scoping/Project Planning Process

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

The following alternatives were considered but rejected as part of the environmental analysis for the Project (See Draft EIR, pp. 7-2 through 7-5):

- **Alternate Locations**
- **Alternate Land Uses without General Plan Amendment or Zone Change**
- **Alternate Land Uses with General Plan Amendment or Zone Change**
- **Substantially Reduced Intensity Alternative**

Finding: The City Council rejects the Alternative Locations, Alternate Land Uses without General Plan Amendment or Zone Change, Alternate Land Uses with General Plan Amendment or Zone Change, and Substantially Reduced Intensity Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternatives do not avoid any significant and unavoidable impacts, (2) the alternatives would likely not further reduce any of the proposed project's significant impacts; and (3) the alternatives are technically, financially, and legally infeasible given that the availability of a site comparable in size to that of the Project site is extremely rare within the City. Therefore, these alternatives are eliminated from further consideration.

6.3 Alternatives Selected for Further Analysis

The alternatives selected for further detailed review within the EIR focus on alternatives that could the Project's significant environmental impacts, while still meeting most of the basic Project objectives. Those alternatives include:

- **Alternative 1: No Project/No Development Alternative (Draft EIR, pp. 7-5 through 7-7)**
- **Alternative 2: Distribution Project Per Limited Manufacturing Zoning Designation Alternative (Draft EIR, pp. 7-7 through 7-11)**
- **Alternative 3: Reduced Development Intensity Alternative (Draft EIR, pp. 7-11 through 7-15)**

6.3.1 No Project/No Development Alternative (Alternative 1)

Description

Under Alternative 1, construction of the Project would not occur. The Project site would remain unchanged, and development activities related to construction and operation of the proposed business park and associated improvements would not occur.

In the short term, consistent with the existing conditions, the Project site would continue to be developed with a four-screen drive-in theatre, accessory ticket booth, office, storage, and refreshment structures. The Montclair Tire Company would remain within the northern corner of the Project site. Additionally, the concrete foundations and partially demolished masonry block walls associated with former industrial buildings would remain in the northwest corner of the Project site. Under Alternative 1, the central portion of the Project site (i.e., the portion currently used as a drive-in theater) would also retain its secondary use as a swap meet. (Draft EIR, p. 7-6.)

Impacts

The Project site would remain unchanged and would remain the location for the existing four-screen drive-in theater with associated structures and the Montclair Tire Company. However, under existing conditions, the Montclair Tire Company is not currently an operating business. Additionally, while the existing four-screen drive-in is currently operating, drive-in movie theaters face bleak long-term prospects. Following their peak in the late 1950s when there were approximately 4,000 theaters nationwide, drive-in theaters have declined rapidly in numbers. As of 2019, fewer than 350 drive-ins remain in the United States (UDITOA 2019). Remaining drive-ins are typically located in smaller towns, tend not to compete with each another and face

competition from indoor cinemas that will typically have more screens and more movie choices (Fox and Black 2010). Recently, the COVID-19 pandemic has resulted in a considerable increase in the patronization of drive-in theaters nationwide (S&P Global 2020). However, this recent increase in popularity is likely due to social distance measures and it is unclear whether such levels would be sustainable following the easing of social distancing restrictions and the reopening of indoor movie theaters. Notably, the owner of the Mission Tiki Drive-In theater anticipates that the industry is unlikely to be a long-term profitable venture (Los Angeles Magazine 2021).

Under Alternative 1, on-site conditions would remain similar to existing conditions, and because development activities associated with the Project would not occur, many environmental impacts would be reduced compared with Project conditions (i.e., air quality, biological resources, cultural resources, greenhouse gas emissions, noise, transportation, tribal cultural resources, and utilities). Exceptions would include impacts related to aesthetics, agricultural and forestry resources, geology and soils, mineral resources, population and housing, public services, recreation, and wildfire which would result in less-than-significant impacts or no impact, whether or not the Project is constructed on the Project site.

Because the Project would resolve existing conflicts between the City's General Plan and zoning ordinance, under Alternative 1, the General Commercial General Plan land use designation would continue to conflict with the M1 Limited Manufacturing and MIP Manufacturing Industrial zoning designations for the site. Impacts would be significant and unavoidable under this Alternative.

Additionally, impacts associated with hazards and hazardous materials would likely be greater under Alternative 1 than with the Project. Environmental investigations conducted in the northwestern industrial park identified the presence of petroleum hydrocarbons in the subsurface, and previous industrial operations in the southwestern portion of the site are believed to have likely used fuels, oils, and solvents and may have impacted the subsurface in that area of the Project site (Appendix E-1 of the Draft EIR).

Under the Project scenario, implementation of **MM-HAZ-1** through **MM-HAZ-4** would still be required under Alternative 1, which mandates, among other requirements, the identification and abatement of hazardous materials on the Project site in accordance with all applicable guidelines and requirements. However, under Alternative 1, **MM-HAZ-1** through **MM-HAZ-4** would not be initiated, and any hazardous materials on-site would remain. The Project would help to identify and remove any hazardous materials on the Project site through compliance with **MM-HAZ-1** through **MM-HAZ-4**, and because these mitigation measures would not be implemented if not for the Project, Alternative 1 would result in greater impacts related to hazardous materials. (Draft EIR, pp. 7-6 through 7-7.)

Attainment of Project Objectives

Overall, none of the mitigation measures required for the Project would be necessary with Alternative 1, and this Project alternative would not result in any significant adverse and unavoidable impacts. However, Alternative 1 would not develop a jobs-producing and tax generating land use near transportation corridors within the housing-rich Inland Empire (Objective 1); develop a high-quality business park campus with light manufacturing and distribution facilities for related uses (Objective 2); develop light manufacturing and distribution buildings with loading bays within the western portion of the Inland Empire (Objective 3); or create a fiscally sound and employment-generating business park within an established industrial area and resolve land use conflicts between existing planning documents (Objective 4). Given that the Project site currently contains an existing non-residential

use, Alternative 1 would result in a non-residential uses near existing roadways, highways, and freeways and reduce potential environmental impacts related to traffic congestion, air emissions, and noise to the greatest extent feasible (Objective 5). As such, Alternative 1 meets one out of the five Project Objectives. (Draft EIR, p. 7-7.)

Finding

The City Council rejects Alternative 1: No Project/No Development Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to satisfy the Project's underlying purpose and to meet most of the Project objectives, (2) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to land use and planning, (3) the alternative would result in increased impacts to hazards and hazardous materials., and (4) the alternative is infeasible.

6.3.2 Distribution Project per Limited Manufacturing Zoning Designation Alternative (Alternative 2)

Description

As previously discussed, the Project site is currently comprised of a patchwork of conflicting land use designations and varying parcel sizes. Under Alternative 2, a General Plan Amendment would be processed to change the Project site's General Plan land use designation from General Commercial to Limited Manufacturing and a zone change would be processed to change the zoning designation for parcels zoned as MIP Manufacturing Industrial Park and C-3 General Commercial to M1 Limited Manufacturing (a portion of the Project site is already zoned M1 Limited Manufacturing and therefore a zone change would not be needed for that portion of the site).

These administrative changes would facilitate development of the Project site with distribution/warehouse buildings similar to Buildings 7-8 throughout the entirety of the Project site. (Note that these types of larger distribution/warehouse buildings would not be permitted within the MIP Manufacturing Industrial Park zone that is currently contemplated for the southern portion of the site.) Under this alternative, a hypothetical "All Distribution/Warehouse" project was developed, and it was determined that such a project could theoretically involve the development of approximately 520,000 square feet of building space¹⁷. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 2, and it is assumed that the form and style of the proposed buildings would be similar to those proposed by the Project. (Draft EIR, pp. 7-7 through 7-8.)

Impacts

Air Quality

For both Alternative 2 and the proposed Project, mitigation measures would be required to reduce construction-related emissions of NO_x to below the SCAQMD regional thresholds. With regard to operation, because Alternative 2 would involve the development of buildings with sizes larger than 100,000 square feet, this Alternative was evaluated assuming the "Warehousing" trip generation rate (as opposed to both "warehousing" and "industrial park"5). According to the ITE Trip Generation Handbook (ITE 2017), Alternative 2 would result in a decrease in the number of heavy-duty trucks accessing the Project site. Accordingly, the Project's air quality emissions would be

¹⁷ This scenario was developed applying the development intensity/floor-area-ratio/site coverage statistics from the northern half of the Project site (containing Buildings 7-8) to the southern half of the Project site (after accounting for the right-of-way dedication for Third Street).

reduced. Calculations were computed to determine whether Alternative 2 would reduce the Project's significant and unavoidable air quality impacts below a level of significance. The results of these calculations are presented in Table 7-1 of the Draft EIR.

Alternative 2 would substantially reduce operational NOx emissions, through a decrease in the number of heavy-duty trucks accessing the Project site, but not to below a level of significance. Even with the application of **MM-AQ-3** through **MM-AQ-7**, impacts would remain significant and unavoidable for both the proposed Project and for Alternative 2 because the primary cause of the pollutant would be mobile sources (vehicular traffic), which cannot be easily reduced without further substantive changes in land use. As such, both the Project and Alternative 2 would result in operational emissions of NOx that exceed the SCAQMD regional thresholds for this pollutant, which would contribute to the SCAB's existing "non-attainment" status for O3. Thus, operational-related emissions of NOx would be significant and unavoidable under both the Project and Alternative 2, although the level of impact would be substantially reduced under Alternative 2 as compared to the Project. Because of this significant and unavoidable impact, Alternative 2 would correspondingly result in a significant and unavoidable impact due to a conflict with the SCAQMD 2016 AQMP. Similar to the Project, **MM-AQ-1** would be required to resolve conflicts with the land use assumptions in the SCAQMD 2016 AQMP. Implementation of **MM-AQ-1** would ensure that the appropriate employment growth projections at the Project site would be incorporated into the next SCAG RTP/SCS (anticipated to be in 2024) and would thereby, be incorporated into the following SCAQMD AQMP. As the SCAQMD is in process of preparing their 2022 AQMP based on the SCAG 2020 RTP/SCS, there is an anticipated interim period where the SCAG RTP/SCS growth projections and the SCAQMD AQMP do not reflect the appropriate employment growth at the Project site; however, this will eventually be resolved with updates of both plans. As such, similar to the Project, Alternative 2 would still conflict with SCAQMD Consistency Criterion No. 2 and impacts would remain significant and unavoidable.

Implementation of **MM-AQ-2** during construction would reduce both the Project's and Alternative 2's exposure of sensitive receptors to localized pollutants during construction to less than significant levels. Neither the Project nor Alternative 2 would expose sensitive receptors to localized pollutants during operation; thus, impacts would be less than significant, although the level of impact would be slightly reduced under Alternative 2 due to the reduction in the number of trucks accessing the Project site. Neither the Project nor Alternative 2 would result in or contribute to CO "hot spots," although the Project's less-than-significant impacts would be slightly reduced under Alternative 2 due to the reduction in vehicular traffic. Implementation of Alternative 2 also would reduce the Project's less-than-significant impacts due to diesel particulate matter (DPM) emissions. In summary, As such, Alternative 2 would reduce the Project's air quality emissions, including its significant and unavoidable air quality emissions, but not to below a level of significance. (Draft EIR, pp. 7-8 through 7-9.)

Biological Resources

Under Alternative 2, the Project would be constructed and operated as planned on the entire Project site. Alternative 2 would not change the area that would be disturbed by the Project, and thus, impacts would be the same for Alternative 2. Potential impacts related to nesting birds would still occur and mitigation measures similar to those incorporated into the Project would be required by Alternative 2 to reduce impacts to a level below significance. Therefore, biological resources impacts would be similar under Alternative 2 when compared to the Project. (Draft EIR, p. 7-9.)

Cultural Resources

Similar to the Project, Alternative 2 would develop the entire Project site with buildings, parking and loading areas, and other associated improvements. Both the Project and Alternative 2 would require the demolition of existing

structures on-site; however, the demolition of these structures was determined to result in a less than significant impacts to potential historical resources. Similarly, both the Project and Alternative 2 would result grading of the entirety of the Project site, resulting in the same potential to disturb presently unknown/unrecorded cultural resources and TCRs within the Project site. Mitigation measures similar to those incorporated into the Project would be required by Alternative 2 to reduce impacts to a level below significance. Therefore, cultural resources and TCRs impacts would be similar under Alternative 2 when compared to the Project. (Draft EIR, p. 7-9.)

Energy

The level of construction activities would be the same under Alternative 2 compared to the Project. Alternative 2 would generate fewer daily vehicle trips, equating to less on-site and mobile energy consumption. Accordingly, energy usage associated with long-term operation of Alternative 2 would be lessened compared to the Project. Therefore, energy impacts would be reduced under Alternative 2 when compared to the Project. (Draft EIR, p. 7-9.)

Greenhouse Gas Emissions

Similar to air quality, Alternative 2 would result in a reduction in the number of heavy-duty trucks accessing the Project site. Accordingly, the Project's air quality emissions would be reduced. Calculations were computed to determine whether Alternative 2 would reduce the Project's significant and unavoidable GHG impacts below a level of significance. The results of these calculations are presented in Table 7-2 of the Draft EIR.

Alternative 2 would result in a similar amount of GHG emissions when compared to the proposed Project, and the inclusion of mitigation measures **MM-GHG-1** and **MM-GHG-2** would not reduce these impacts to levels less than significant. Accordingly, Alternative 2 would result in a significant and unavoidable impact associated with applicable plans to reduce GHGs. (Draft EIR, p. 7-9.)

Hazards and Hazardous Materials

Under Alternative 2, the Project would be constructed and operated as planned on the site, with the exception that the development intensity would be reduced. Incorporation of **MM-HAZ-1** through **MM-HAZ-4** would still be required under Alternative 2, which mandates, among other requirements, the identification and abatement of hazardous materials on the Project site in accordance with all applicable guidelines. As such, under Alternative 2, the cleanup activities required pursuant to **MM-HAZ-1** through **MM-HAZ-4** would be initiated, and the Project would still help to remediate the Project site through compliance with **MM-HAZ-1** through **MM-HAZ-4**. Therefore, hazards and hazardous materials impacts would be similar under Alternative 2. (Draft EIR, p. 7-10.)

Land Use and Planning

Similar to the proposed Project, Alternative 2 would require a General Plan Amendment and Zone Change. Assuming approval of the Project's and Alternative's requested General Plan Amendments and zone changes, both the Project and Alternative would be consistent with the Project Site's existing General Plan and Zoning Code. Implementation of **MM-AQ-1** would address inconsistencies between the Project and the land use inputs in the SCAQMD 2016 AQMP. Because the Project's air quality and GHG impacts would remain significant and unavoidable, the Project would conflict with the SCAQMD 2016 AQMP. Because of the interim period where the SCAG RTP/SCS growth projections and the SCAQMD AQMP do not reflect the appropriate employment growth at the Project site, this impact is considered significant and unavoidable. With respect to other land use plans and policies, both the proposed Project and Alternative 2 would be required to comply with all applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. In summary, the level of impact would be the same under both the Project and the Alternative, and impacts would remain significant and unavoidable. (Draft EIR, p. 7-10.)

Noise

Noise associated with Alternative 2 would occur during short-term construction activities and under long-term operation. The types of construction activities conducted on the Project site would be similar under Alternative 2 and would generally cover the same physical area. Daily and hourly construction noise levels would be similar. Under long-term operational conditions, noise generated by Alternative 2 would primarily be associated with vehicles traveling to and from the site, and on-site vehicle idling, maneuvering, and parking. Alternative 2 would generate fewer daily trips than the Project, and, as such, would contribute less traffic-related noise to local roadways than the Project. Therefore, noise impacts would be reduced under Alternative 2 when compared to the Project. (Draft EIR, p. 7-10.)

Transportation

While Level of Service is no longer a concern under CEQA, Alternative 2 would result in reduction in vehicular traffic accessing the site. Similar to the Project, Alternative 2 would not affect the effectiveness of the circulation system. With regard to VMT, similar to the Project, Alternative 2 would be screened out from further VMT analysis based on the site's location in a low VMT-generating traffic analysis zone and given its proximity to transit. Similar to the Project, Alternative 2's driveways and drive aisles would be designed in accordance with City engineering specifications and would not result in incompatible uses, hazardous conditions, or impede emergency access. Therefore, transportation impacts would be similar under Alternative 2 when compared to the Project. (Draft EIR, p. 7-11.)

Tribal Cultural Resources

Similar to the Project, Alternative 2 would develop the entire Project site with buildings, parking and loading areas, and other associated improvements. As such, Alternative 2 would result in the same potential to disturb presently unknown/unrecorded TCRs within the Project site. Mitigation measures similar to those incorporated into the Project would be required by Alternative 2 to reduce impacts to a level below significance. Therefore, TCR impacts would be similar under Alternative 2 when compared to the Project. (Draft EIR, p. 7-11.)

Utilities

Under Alternative 2, the Project would be constructed and operated as planned on the Project site. All on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 2. As such, the same wet and dry utilities would be required, with construction characteristics of these on- and off-site improvements being similar to the Project. Alternative 2 would have similar demand for utilities and services systems, including water, sewer, stormwater drainage service/facilities, and solid waste collection and disposal. Therefore, utilities and service systems impacts would be similar under Alternative 2. (Draft EIR, p. 7-11.)

Attainment of Project Objectives

Because Alternative 2 would develop the same product type that is generally proposed under the proposed Project, Alternative 2 would meet all of the Project's objectives. (Draft EIR, p. 7-11.)

Finding

The City Council rejects Alternative 2: Distribution Project per Limited Manufacturing Zoning Designation Alternative, on the following ground, which provides sufficient justification for rejection of this alternative: (1) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to air quality, greenhouse gas emissions, land use and planning, and (2) the alternative is infeasible.

6.3.3 Reduced Development Intensity Alternative (Alternative 3)

Description

Presently, the only feasible approach to reducing the Project's operational-related air quality and GHG impacts would be to reduce the total number of daily trips and employees generated by the Project. To fully avoid the Project's operation air quality and GHG impacts, the Project Applicant would need to reduce the Project's size by approximately 83%, resulting in a project that is only approximately 17% of the Project's size. Given the substantial reduction in size, such a project was rejected from consideration. However, in order to account for a project with a more reasonable reduction in size, the City considered a project that involves only a 20% reduction, referred to as the Reduced Development Intensity Alternative (Alternative 3).

Under Alternative 3, the same limited manufacturing and distribution buildings would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 20%. This would equate to a limited manufacturing and distribution project consisting of approximately 410,636 square feet, compared to the Project's 513,295 square feet. Since the building footprint would be reduced by 102,659 square feet (approximately 2.4 acres), this extra space on the Project site would remain vacant and undeveloped. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 3. (Draft EIR, p. 7-12.)

Impacts

Air Quality

Under Alternative 3, the extent of construction activities would be incrementally reduced compared to the Project. Thus, construction-related air quality emissions would be lessened. Due to the reduction in the amount of building space, Alternative 3 would generate fewer daily vehicle trips, including heavy truck trips. Accordingly, air pollutant emissions associated with long-term operation of Alternative 3 would be lessened compared to the Project.

However, Alternative 3 would still require implementation of mitigation measures similar to those required by the Project. Because an 83% reduction in the size of the Project is required to avoid significant air quality impacts (see Section 7.2, above), even with incorporation of mitigation measures, long-term operation of Alternative 3 would still result in significant and unavoidable impacts due to emissions of NO_x and conflicts with the 2016 SCAQMD AQMP. As such, Alternative 3 would reduce, but not avoid, the Project's significant and unavoidable impact due to operational air emissions. (Draft EIR, p. 7-12.)

Biological Resources

Under Alternative 3, the Project would be constructed and operated as planned on the entire Project site, although the development intensity would be reduced. Compared to the Project, Alternative 3 would develop less of the Project site, resulting in a smaller overall building footprint. However, potential impacts related to nesting birds would still occur, despite the smaller footprint under Alternative 3. Mitigation measures similar to those incorporated into the Project would be required by Alternative 3 to reduce impacts to a level below significance. All other biological resources impacts would be similar to those of the Project under Alternative 3. Therefore, biological resources impacts would be similar under Alternative 3 when compared to the Project. (Draft EIR, p. 7-12.)

Cultural Resources

Compared to the Project, Alternative 3 would develop less of the Project site with buildings, parking and loading areas, and other associated improvements, resulting in a smaller overall building footprint on the site that would disturb less land. Despite disturbing a smaller area, Alternative 3 would result in the same less-than-significant impacts associated with demolition of existing structures and the same potential to disturb presently unknown/unrecorded cultural resources within the Project site as the Project. Mitigation measures similar to those incorporated into the Project would be required by Alternative 3 to reduce impacts to a level below significance. Therefore, cultural resources impacts would be similar under Alternative 3 when compared to the Project. (Draft EIR, p. 7-13.)

Energy

The level of construction activities would be reduced under Alternative 3 compared to the Project. Thus, construction-related energy usage would be lessened. Alternative 3 would also generate fewer daily vehicle trips and result in less building space than the Project as proposed, equating to less on-site and mobile energy consumption. Accordingly, energy usage associated with long-term operation of Alternative 3 would be lessened compared to the Project. Therefore, energy impacts would be reduced under Alternative 3 when compared to the Project. (Draft EIR, p. 7-13.)

Greenhouse Gas Emissions

Similar to air quality, the extent of construction activities would be reduced under Alternative 3 compared to the Project. Thus, construction-related GHG emissions would be lessened. Alternative 3 would also generate fewer daily vehicle trips due to the reduction in the amount of building space. Accordingly, GHG emissions associated with long-term operation of Alternative 3 would be lessened compared to the Project, but not below a level of significance. Regardless, GHG emissions impacts would be reduced under Alternative 3 when compared to the Project. (Draft EIR, p. 7-13.)

Hazards and Hazardous Materials

Under Alternative 3, the Project would be constructed and operated as planned on the site, with the exception that the development intensity would be reduced. Incorporation of **MM-HAZ-1** through **MM-HAZ-4** would still be required under Alternative 3, which mandates, among other requirements, the identification and abatement of hazardous materials on the Project site in accordance with all applicable guidelines. As such, under Alternative 3, the cleanup activities required pursuant to **MM-HAZ-1** through **MM-HAZ-4** would be initiated, and the Project would still help to remediate the Project site through compliance with **MM-HAZ-1** through **MM-HAZ-4**. Therefore, hazards and hazardous materials impacts would be similar under Alternative 3 when compared to the Project. (Draft EIR, p. 7-13.)

Land Use and Planning

Similar to the proposed Project, Alternative 3 would require a General Plan Amendment and Zone Change. Assuming approval of the Project's and Alternative's requested General Plan Amendments and zone changes, both the Project and Alternative would be consistent with the Project Site's existing General Plan and Zoning Code. Implementation of **MM-AQ-1** would address inconsistencies between the Project and the land use assumptions in the SCAQMD 2016 AQMP. Because the Project's air quality and GHG impacts would remain significant and unavoidable, the Project would conflict with the SCAQMD 2016 AQMP. Because of the interim period where the SCAG RTP/SCS growth projections and the SCAQMD AQMP do not reflect the appropriate employment growth at the Project site, this impact is considered significant and unavoidable. With respect to other land use plans and policies, both the proposed Project and Alternative 3 would be required to comply with all applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. In summary, the level of

impact would be the same under both the Project and the Alternative, and impacts would remain significant and unavoidable. (Draft EIR, pp. 7-13 through 7-14.)

Noise

Noise associated with Alternative 3 would occur during short-term construction activities and under long-term operation. The types of construction activities conducted on the Project site would be similar under Alternative 3 and would generally cover the same physical area. Despite Alternative 3 likely resulting in a reduced construction duration when compared to the Project, daily and hourly construction noise levels would be similar. Under long-term operational conditions, noise generated by Alternative 3 would primarily be associated with vehicles traveling to and from the site, and on-site vehicle idling, maneuvering, and parking. Alternative 3 would generate fewer daily trips than the Project, and, as such, would contribute less traffic-related noise to local roadways than the Project. Therefore, noise impacts would be reduced under Alternative 3 when compared to the Project. (Draft EIR, p. 7-14.)

Transportation

Similar to the Project, Alternative 3 would be screened out from further VMT analysis based on the site's location in a low VMT-generating traffic analysis zone and given its proximity to transit. Similar to the Project, Alternative 3's driveways and drive aisles would be designed in accordance with City engineering specifications and would not result in incompatible uses, hazardous conditions, or impede emergency access. Therefore, transportation impacts would be similar under Alternative 3 when compared to the Project. (Draft EIR, p. 7-14.)

Tribal Cultural Resources

Compared to the Project, Alternative 3 would develop less of the Project site with buildings, parking and loading areas, and other associated improvements, resulting in a smaller overall building footprint on the site that would disturb less land. Despite disturbing a smaller area, Alternative 3 would result in the same potential to disturb presently unknown/unrecorded TCRs within the Project site. Mitigation measures similar to those incorporated into the Project would be required by Alternative 3 to reduce impacts to a level below significance. Therefore, TCR impacts would be similar under Alternative 3 when compared to the Project. (Draft EIR, p.7-14.)

Utilities

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 20%. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 3. As such, the same wet and dry utilities would be required, with construction characteristics of these on- and off-site improvements being similar to the Project. However, given the reduction in building square footage, Alternative 3 would have reduced demand for utilities and services systems, including water, sewer, stormwater drainage service/facilities, and solid waste collection and disposal, as compared to the Project. Therefore, utilities and service systems impacts would be reduced under Alternative 3 when compared to the Project. (Draft EIR, p. 7-14.)

Attainment of Project Objectives

Alternative 3 would meet all Project objectives, albeit to a lesser extent as proposed under the Project because of the 20% reduction in the Project's size. In particular, because of its reduced size, Alternative 3 would produce fewer jobs (Objectives 1 and 4), would generate less tax revenue (Objectives 1 and 4), and would accommodate a smaller amount of users (Objective 2) when compared to the Project.

Finding

The City rejects Alternative 3 on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to satisfy the Project's underlying purpose and meets most project objectives to a lesser extent, (2) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to air quality, greenhouse gas emissions, land use and planning; and (3) the alternative is infeasible.

6.3.4 Environmentally Superior Alternative

Section 15126(e)(2) of the CEQA Guidelines requires an EIR to identify an "environmentally superior alternative." If the No Project/No Development Alternative is the environmentally superior alternative, which is the case in this analysis, the EIR must also identify an environmentally superior alternative from among the other Project alternatives.

Each of the three Project alternatives considered herein would lessen at least one environmental impact relative to the Project. As previously addressed, if the No Project/No Development Alternative is the environmentally superior alternative—which is the case in this analysis—the EIR must also identify another environmentally superior alternative among the remaining alternatives. Table 1 provides a comparison of the Project with the Project alternatives based on the environmental topic areas addressed in Chapter 4, Environmental Impact Analysis, of this Draft EIR. Table 2 presents how the Project and each of the Project alternatives compare in terms of meeting the Project objectives.

Table 1. Project Alternatives Environmental Impacts Comparison

Environmental Issue	Project	No Project/No Development Alternative (Alternative 1)	Distribution Project per Limited Manufacturing Zoning Designation Alternative (Alternative 2)	Reduced Development Intensity Alternative (Alternative 3)
Air Quality	Significant and Unavoidable	Avoided	Lessened, but significant and unavoidable	Lessened, but significant and unavoidable
Biological Resources	Less-than-Significant with Mitigation Incorporated	Avoided	Similar	Similar
Cultural Resources	Less-than-Significant with Mitigation Incorporated	Avoided	Similar	Similar
Energy	Less-than-Significant	Avoided	Similar	Lessened
Geology and Soils	Less-than-Significant with Mitigation Incorporated	Avoided	Similar	Similar
Greenhouse Gas Emissions	Significant and Unavoidable	Avoided	Lessened, but significant and unavoidable	Lessened, but significant and unavoidable

Table 1. Project Alternatives Environmental Impacts Comparison

Environmental Issue	Project	No Project/No Development Alternative (Alternative 1)	Distribution Project per Limited Manufacturing Zoning Designation Alternative (Alternative 2)	Reduced Development Intensity Alternative (Alternative 3)
Hazards and Hazardous Materials	Less-than-Significant with Mitigation Incorporated	Greater	Similar	Similar
Land Use and Planning	Significant and Unavoidable	Greater	Similar	Similar
Noise	Less-than-Significant with Mitigation Incorporated	Avoided	Similar	Lessened
Transportation	Less-than-Significant	Avoided	Similar	Similar
Tribal Cultural Resources	Less-than-Significant with Mitigation Incorporated	Avoided	Similar	Similar
Utilities and Service Systems	Less-than-Significant	Avoided	Similar	Lessened

Based on a comparison of Alternative 2 and Alternative 3, environmental impacts associated with air quality, energy, GHG emissions, noise, and utilities and service systems would be less under Alternative 3 compared to Alternative 2. Impacts associated with biological resources, cultural resources, hazards and hazardous materials, transportation, and tribal cultural resources would be similar under Alternative 3 compared to Alternative 2. Overall, based on these findings, Alternative 3 would be considered the environmentally superior alternative. (Draft EIR, pp. 7-15 through 7-17.)

Table 2. Comparison of Project Alternatives and Project Objectives

Project Objective	Would the Project or Alternative Meet the Project Objective?			
	Project	No Project/No Development Alternative (Alternative 1)	Distribution Project per Limited Manufacturing Zoning Designation Alternative (Alternative 2)	Reduced Development Intensity Alternative (Alternative 3)
Objective 1: Establish a jobs-producing and tax-generating business park land use near transportation corridors within the housing-rich Inland Empire that is constructed to high standards of quality and provides diverse economic opportunities for those residing and wishing to invest within the City of Montclair.	Yes	No	Yes	Yes, albeit to a less degree than the Project

Table 2. Comparison of Project Alternatives and Project Objectives

Project Objective	Would the Project or Alternative Meet the Project Objective?			
	<i>Project</i>	<i>No Project/No Development Alternative (Alternative 1)</i>	<i>Distribution Project per Limited Manufacturing Zoning Designation Alternative (Alternative 2)</i>	<i>Reduced Development Intensity Alternative (Alternative 3)</i>
Objective 2: Develop a high-quality business park campus with light manufacturing and distribution facilities for related uses in Montclair that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.	Yes	No	Yes	Yes, albeit to a less degree than the Project
Objective 3: Develop light manufacturing and distribution buildings with loading bays within the western portion of the Inland Empire and in close proximity to the I-10 Freeway that can be used as part of the Southern California supply chain and goods movement network.	Yes	No	Yes	Yes, albeit to a less degree than the Project
Objective 4: Create a fiscally sound and employment-generating business park within an established industrial area and resolve land use conflicts between existing planning documents.	Yes	No	Yes	Yes, albeit to a less degree than the Project
Objective 5: Concentrate non-residential uses near existing roadways, highways, and freeways in an effort to isolate and reduce any potential environmental impacts related to truck traffic congestion, air emissions, and industrial noise to the greatest extent feasible.	Yes	Yes	Yes	Yes

7 Adoption of Statement of Overriding Considerations

Pursuant to PRC Section 21081(b) and CEQA Guidelines Sections 15093(a) and (b), the decision-making agency (City of Montclair) is required to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable” (14 CCR 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (14 CCR 15093[b]).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, implementation of an agency’s economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656. In accordance with the requirements of CEQA and the CEQA Guidelines, the City finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen virtually all of the significant effects identified in the Final EIR for the Mission Boulevard and Ramona Avenue Business Park Project. However, certain significant impacts of the proposed Project are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts result from air quality impacts due to conflicts with the SCAQMD 2016 AQMP and project-level and cumulative operational NO_x emissions; and greenhouse gas impacts associated with operation of the Project that would generate significant greenhouse gas emissions and would conflict with applicable plans to reduce greenhouse gas emissions; and land use conflicts with the SCAQMD 2016 AQMP.

The City finds that all feasible mitigation measures identified in the Final EIR that are within the purview of the City would be implemented with the proposed Project. Generally, the Project’s significant and unmitigable impacts are primarily the result of mobile source tailpipe emissions from diesel trucks carrying goods to and from the proposed Project’s buildings. While mitigation measures have been identified to reduce the severity of these impacts, on the whole, current technology precludes the ability of the City to mitigate these significant impacts to a less-than-significant level. The City acknowledges that the transportation sector is making strides in developing technologies that will reduce air pollutant and greenhouse gas emissions over time, and the City will promote and advance their use as they are developed and implemented on a wide scale; however, many of these advancements are in their nascent stages and not yet commercially available or viable in mass. The complexity of this issue is further compounded by the fact that the majority of trucks traveling throughout the state and nation are diesel-fueled, as currently permitted by state and federal laws and regulations. Prohibiting diesel-fueled trucks from accessing the Project site would essentially render the Project inviable as the regional and nation-wide goods movement sector inherently relies on a combination of various truck fleets composed of primarily diesel-powered trucks to deliver goods to their destinations. In light of the foregoing, because it is not currently possible to reduce the Project’s significant and mitigatable impacts to a less-than-significant level due to technological constraints, the City’s decisionmakers are tasked in considering whether to adopt this Statement of Overriding Considerations in consideration of the Project’s economic, legal, social, technological, and other benefits.

As identified below, the City further finds that the Project's significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits, based upon the facts set forth above, the Final EIR, and the record.

Purpose and Need

The Inland Empire remains one of the most sought-after markets for industrial space, with vacancies dropping from 10% in 2010 to 4% in 2020 (C&W 2021). Accordingly, the industrial sector has been a strong source of job growth for the region, leading economic growth in Southern California with the addition 33,000 jobs over the last year for a 2.1% annual growth rate. Three primary factors have been responsible for these demand for industrial space and increase in employment (IEEP 2017). First has been the expansion of imported trade through the Ports of Los Angeles and Long Beach. This reached 17.3 million 20-foot-equivalent container units in 2020, up 13% over a 5-year period between 2015-2020 (NAI Capital 2015; Logistics Management 2021). Second has been the increase in national e-commerce demand, with most of Southern California's facilities located in the Inland Empire (Newmark Knight Frank 2020). These two factors led to strong net absorption, with 21.1 million square feet being absorbed in 2020 (C&W 2021). Third has been the greater use of technology within the facilities, which has caused an increase in the skill and knowledge needed by workers and a commensurate rise in median pay (IEEP 2017). As such, the Project would help meet the needs of the growing industrial sector while producing new jobs in the region.

The growing industrial sector requires flexible facilities with certain characteristics to allow for efficient use. High quality industrial buildings are necessary to accommodate the growing use of technology within the facilities. Similarly, buildings with high capacity for storage and associated loading bays to accommodate the increase in e-commerce, are also in demand. In addition, locations in close proximity to major transportation corridors provide industrial facilities with ease of access to the supply chain and goods movement network. Likewise, the industrial sector requires flexible facilities to provide for related uses and businesses which may support the industrial uses.

In addition, the Project site currently has conflicting land use and zoning designations that affect the City's ability to provide a cohesive land use concept as well as to provide areas within the City that are capable of supporting employment-generating uses that also meet the growing demand by industrial users for suitably sited facilities. This is because the Project site's General Commercial General Plan land use designation conflicts with the Limited Manufacturing and Manufacturing Industrial zoning designations for the Project site, precluding the development of almost any use due to these constraints. In consideration of the fact that the properties to north, east, and west of the Project site are almost entirely developed with industrial uses, it is logical from a planning and land use perspective to rezone and redesignate the Project site for similar uses in an effort to concentrate these areas within one area and support and maintain an economically viable, contained industrial corridor within the City away from potentially non-compatible uses.

In summary, the Project would help meet the needs of the growing logistics sector by providing flexible industrial space in a location that is proximate to regional transportation corridors while producing new jobs in a region that historically may have been considered light on jobs and heavier on housing.

Overriding Benefits Resulting from the Project

The City finds that the Project would have the economic, legal, social, technological, or other overriding benefits, including region-wide or statewide environmental benefits, listed below. Each of the benefits cited below constitutes a separate and independent basis that justifies approval of the Project and outweighs the unavoidable adverse

environmental effects of approving the Project and thus makes the adverse environmental effects acceptable. Therefore, even in the absence of one or more of the reasons set forth below, the City has determined that each remaining reason, or any combinations of reasons, is a sufficient basis for approving the Project, notwithstanding any significant and unavoidable impacts that may occur.

1. **The Project would provide flexible industrial facilities that would meet substantial unmet market demands in the region and support the region's domestic and international economic competitiveness by facilitating the efficient and cost-effective movement of goods.** The Inland Empire remains one of the most sought-after markets for industrial space, with vacancies dropping from 10% in 2010 to a record-breaking razor thin margin of 0.7% at the end of 2021 (C&W 2022). Within the Montclair sub-market, industrial vacancies are essentially non-existent, as the vacancy rate is at 0.0% at two numbers of mathematical significance (C&W 2022). These trends are attributed in part to the explosion of e-commerce, the growing third-party logistics sector, shifting consumer expectations for faster delivery times, and the prime locational characteristics of the Montclair market (C&W 2022). Decreases in the availability of available industrial facilities resulted in double-digit increases in asking prices for rents in the Inland Empire market, which rose 17.8% in a one year period between 2020 and 2021 (C&W 2022). Market reports indicate that the region will continue to see strong demand for industrial facilities driven by the needs of retail and e-commerce users for facilities with modern amenities to maximize distribution efficiency, as well by as the scarcity of available facilities in the more expensive Los Angeles and Orange County industrial markets (C&W 2022). The limited availability of industrial facilities can result in negative effects such as stock-outs, trade bottlenecks, delays in the time it takes for good to reach consumers, and a decrease in the economic competitiveness of the region.

In response to these factors, the Project would provide approximately 513,295 square feet of state-of-the-art industrial space across eight buildings to meet this substantial unmet demand for such facilities at a time when market demands for such space are at historic highs. The Project's buildings would be built to contemporary industry standards and contain amenities such as large clear heights, loading bays, suitable electrical systems, and functional office space, which are highly desired by industrial users. Accordingly, the Project's facilities would be flexible enough to accommodate a wide array of potential users and businesses, including those in the light industrial, manufacturing, and research and development (R&D) sectors. The delivery of these facilities would also result in the benefit of supporting the goods movement industry in increasing the local supply of goods for regional businesses and expediting the delivery of essential goods to consumers within the City and beyond the City boundaries. This would also have the secondary benefit of supporting the region's competitiveness on a domestic and international scale by facilitating the efficient and cost-effective movement of goods, laying the foundation for future economic investment in the region and nation.

2. **The Project would result in the redevelopment of a site that currently contains an economically unsustainable use with a highly viable and economically sustainable use.** The Project site is currently developed with a commercial use that has been determined by both its previous and current owner to be non-viable from an economic perspective in the short- and long-term. According to the previous landowner that operated the current use since its inception in 1956 and who continues to operate the use on a short-term basis, the decision to sell the properties comprising the Project site to the current landowner, and in effect, cease operations, was heavily influenced by projections indicating that continued operation of the current use would not be profitable or economically sustainable (Atwell, J. 2022). According to the previous landowner, the economics of the current use improved during the COVID-19 pandemic due to the nature of

the use; however, following the easing of public health and safety restrictions, revenues have decreased dramatically from their temporary highs, and the use is not anticipated to continue being economically viable as restrictions continue to be eased by local and state public health officials (Atwell, J. 2022).

In contrast to the current uses, according to projections by the current landowner, the proposed Project is anticipated to be highly viable and economically sustainable in the short- and long-term due to extreme market demands for the facilities that it would provide (Atwell, J., pers. comm. 2022). The viability of the Project would allow for it to be redeveloped with a state-of-the-art business park that would generate revenue for the landowner, City, and County, and also contribute to regional economic growth for decades to come. Should the Project not proceed as planned, the current use is likely to cease operations and the Project site would be highly underutilized, resulting in a vacant site with deteriorating buildings. Thus, the Project would maximize the site's development potential and avoid negative aesthetics and safety effects of leaving the site vacant, unsecured, and unmaintained.

3. **The Project would provide the benefit of assisting the City in creating a cohesive and high-quality business park environment, supporting a balance of diverse land uses throughout the City.** The proposed Project would result in the development of a previously developed site with a project that is consistent with existing surrounding uses. The Project site is located within the Mission Boulevard corridor, which is an area identified as a focus area by the City in background documents used to prepare the Montclair General Plan Update, which is currently in progress. The Mission Boulevard corridor has the highest share of industrial uses within the City, and approximately 71.9% of the area contains industrial land uses (City of Montclair 2019). The City has long identified this corridor as providing an opportune location for the development of industrial uses due to its proximity to the Union Pacific freight railroad tracks (which presents undesirable environmental factors that are a barrier to highly-occupied uses such as commercial and residential uses) and the abundance of historic industrial uses in the corridor prior to the annexation of the area into the City.

Given these locational characteristics, the Project would leverage the area's industrial characteristics and provide an eight-building business park complex that would provide needed flexible business park space to businesses wishing to invest in the City, as well as to provide approximately 282 permanent jobs to residents. The Project's mix of building types and sizes would provide the opportunity for a wide range of potential businesses and users to come to the City. As envisioned, the Project's six smaller buildings could support a mix of manufacturing, office, e-commerce, medical storage, laboratory, and research and development uses. The Project's two larger warehouses are more likely to support more traditional light industrial uses such as storage, logistics, and distribution uses.

The Project would be generally consistent with its surrounding land uses and feature high-quality architectural treatments (i.e., each building would feature a variety of building materials, colors and textures) to create a contemporary business park environment at a prominent location within the Mission Boulevard corridor. Conditions, Covenants, and Restrictions would be placed in effect during operation of the Project, which would ensure the Project is maintained at a high level throughout the life of the Project and that nuisances are promptly abated. Taken together, the Project would assist the City in creating a cohesive land use concept within Mission Boulevard corridor.

Given the Project's location within an established industrial area, the Project would assist the City in the concentrating non-residential uses away from residential uses in the County. These two land uses can often

be incompatible due to the operational characteristics of non-residential uses, which by their nature, can result in traffic congestion, air emissions, and industrial light and noise.

In summary, development of the proposed industrial use within an area generally designated for industrial uses would assist the City in maximizing the utility of an industrially-designated vacant parcel to result in City- and region-wide economic benefits associated with job creation and the provision of needed services to local businesses; in concentrating non-residential uses away from residential areas; and in fulfilling the City's vision for a developed, high-quality business park environment for those wishing to invest in the City.

4. **The Project would provide employment opportunities and reduce the City's and region's jobs:housing imbalance.** The Project is anticipated support a number of temporary construction jobs and approximately 282 permanent jobs once constructed. The logistics and transportation industry has been one of the leading drivers in decreasing the Inland Empire's unemployment rate, which has dropped from nearly 17% in 2010 to approximately 5.4% in 2019 (IEEP 2017; C&W 2022). While salaries for jobs in this sector are limited on the higher end, the median pay for workers in the logistics and transportation sector in 2018 was \$49,976, which is above the 2017 average salary per job of \$40,457 within the City (IEEP 2019; SCAG 2019). These jobs are also well suited to a large segment (44%) of the Inland Empire's relatively young workforce with less than a bachelor's degree, as 80% of workers in the sector had less than an associate's degree (IEEP 2019). The Project would also provide these jobs in an area that is typically seen as jobs-poor due to the fact that in 2017, the City supported 18,791 jobs, which is far below the City's total population in 2018 of approximately 40,402 persons (SCAG 2019). Accordingly, it is estimated that only approximately 780 residents both live and work in the City (City of Montclair 2019). Taken together, the Project would provide approximately 282 permanent jobs that are well suited to the area's workforce, which would stimulate economic growth and lower the City and regional unemployment rate.
5. **The Project would result in economic and fiscal benefits as the Project is constructed and operated.** The Project would stimulate economic growth and diversity within the City by providing flexible industrial facilities for businesses wishing to invest in the City. At the Project's onset, construction spending would create an initial one-time stimulus as sales tax revenues are collected during the sales of construction materials and as construction workers spend wages in the area. Once operational, the Project would increase annual property tax revenues as improvements increase the assessable value of the Project site and would also generate additional revenues through the collection of certain other taxes, licenses, and fees associated with business operation. The Project would support approximately 282 permanent jobs once constructed. The generation of these jobs would result in indirect economic benefits as wages associated with these jobs translate to regional economic growth by way of local spending, as well as indirect fiscal benefits when wages are spent on goods and services, which generates sales tax revenues for the City's General Fund. The Project would also result in the contribution of fair share costs that would be directed towards capital improvements for infrastructure in the area.
6. **The Project would provide direct public infrastructure benefits in the form of capital improvements.** The Project would involve the construction several capital improvements that would benefit the City. The Project would construct 3rd Street through the middle of the Project site in an east-west orientation, connecting the areas west of the Project site to Ramona Avenue, a major north-south roadway that traverses the City. The Project Applicant would dedicate the approximately 1.54-acres of land necessary for this improvement to the City. This roadway would be constructed to its full width and contain sidewalks, gutters, and landscaping. The Project would also involve the construction of new sanitary sewer infrastructure within

3rd Street that would connect to its existing location within 3rd Street west of the Project site. In a similar fashion, the Project would also replace a portion of an existing, deteriorating 8-inch sewer line within Mission Boulevard. These utility improvements would increase the reliability of the City's system for existing users.

7. **The Project would provide the benefit of sustainable design.** The Project would stimulate regional economic growth while also incorporating a number of project design features and mitigation measures to promote environmental sustainability and reduce greenhouse gas emissions that contribute to climate change (see EIR Section 4.1, Air Quality of the Draft EIR). The Project's buildings have been designed to comply with Title 24 CalGreen requirements in order to conserve resources, including energy and water. The Project would also assist the City in concentrating industrial facilities in a primarily non-residential area. The Project's stormwater system has been designed consistent with the most recent version of the National Pollutant Discharge Elimination System permits. The NPDES permits emphasize runoff reduction through on-site stormwater use, interception, evapotranspiration, and infiltration through nonstructural controls, such as Low Impact Development practices, and conservation design measures. The Project will provide approximately 41 parking spaces designated for electric vehicles, and the Project would implement a vehicle miles traveled reduction strategies to facilitate increased opportunities for carpooling, bicycling and pedestrian travel for employees. Development of the Project in an area that is proximate to regional transportation corridors and major metropolitan areas would also reduce vehicle miles traveled associated with both truck and automobile trips, reducing the distances that employees and trucks would need to drive to access an industrial facility.

Conclusion

In light of the foregoing, and the information contained within the Final EIR and other portions of the project record, the City concludes that implementation of the proposed Mission Boulevard and Ramona Avenue Business Park Project will result in the development of a beneficial project as outlined above. The City also finds that the benefits identified above outweigh and make acceptable the significant, unavoidable environmental impacts associated with the proposed Project and, accordingly, adopts this Statement of Overriding Considerations.

This page intentionally left blank

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

This page intentionally left blank

Mitigation Monitoring and Reporting Program

Mission Boulevard and Ramona Avenue Business Park Project

NOVEMBER 2022

Prepared for:



CITY OF MONTCLAIR

Community Development Department, Planning Division
5111 Benito Street
Montclair, California 91763
Contact: Michael Diaz, Community Development Director

Prepared by:

DUDEK

3615 Main Street, Suite 103
Riverside, California 92501
Contact: Patrick Cruz, Project Manager

Table of Contents

SECTION	PAGE NO.
1 Introduction	1
1.1 Introduction.....	1
2 Mitigation Monitoring and Reporting Program Table.....	3

TABLE	
1 Mitigation Monitoring and Reporting Program	3

INTENTIONALLY LEFT BLANK

1 Introduction

1.1 Introduction

California Public Resources Code Section 21081.6 requires that, upon certification of an EIR, “the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.” (PRC Section 21000–21177)

This Mitigation Monitoring and Reporting Program was developed in compliance with Section 21081.6 of the California Public Resources Code and Section 15097 of the CEQA Guidelines (14 CCR 15000–15387 and Appendices A–L), and includes the following information:

- A list of mitigation measures
- The timing for implementation of the mitigation measures
- The party responsible for implementing or monitoring the mitigation measures
- The date of completion of monitoring

The City of Montclair must adopt this Mitigation Monitoring and Reporting Program, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval.

INTENTIONALLY LEFT BLANK

2 Mitigation Monitoring and Reporting Program Table

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Air Quality			
MM-AQ-1: Prior to Southern California Association of Governments (SCAG's) next update to the regional growth forecast as part of the Regional Transportation Plan/Sustainable Communities Strategy, the City of Montclair (City) shall prepare a revised employment forecast for SCAG that reflects anticipated growth generated from the proposed Project. The updated forecast provided to SCAG shall be used to inform the South Coast Air Quality Management District's update to the Air Quality Management Plan. The City shall prepare and submit a letter notifying the South Coast Air Quality Management District of this revised forecast for use in the future update to the Air Quality Management Plan as required.	Prior to the Regional Transportation Plan/Sustainable Communities Strategy regional growth forecast update	City of Montclair	
MM-AQ-2: Construction Equipment. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase to minimize diesel particulate matter emissions: <ul style="list-style-type: none"> a) Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Interim or better diesel engines for engines 75 horsepower or greater. The City shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Interim standards. b) Vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions. c) All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications. d) When construction equipment units that are less than 50 horsepower would be employed, that equipment shall be electrical or natural gas powered, where available. 	Prior to construction-related permit approvals	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>e) A Construction Traffic Control Plan shall be developed to ensure construction traffic and equipment use is minimized to the extent practicable. The Construction Traffic Control Plan shall include measures to reduce the amount of large pieces of equipment operating simultaneously during peak construction periods, schedule vendor and haul truck trips to occur during non-peak hours, establish dedicated construction parking areas to encourage carpooling and efficiently accommodate construction vehicles, identify alternative routes to reduce traffic congestion during peak activities, and increase construction employee carpooling.</p>			
<p>MM-AQ-3: Vehicle Miles Traveled Reduction Strategies. Prior to the approval of any construction-related permits, the Project applicant or its designee shall prepare a Transportation Demand Management (TDM) Program to facilitate increased opportunities for transit, bicycling, and pedestrian travel, as well as provide the resources, means, and incentives for ride-sharing and carpooling to reduce vehicle miles traveled and associated criteria air pollutant emissions. The Plan shall be subject to the City's review and approval. The following components are to be included in the TDM Program:</p> <p><i>Bicycle and Pedestrian Travel</i></p> <p>a) Develop a comprehensive pedestrian network designed to provide safe bicycle and pedestrian access between the various internal Proposed Project land uses, which will include design elements to enhance walkability and connectivity and shall minimize barriers to pedestrian access and interconnectivity. Physical barriers, such as walls or landscaping, that impede pedestrian circulation shall be eliminated.</p> <p>b) The Proposed Project design shall include a network that connects the Proposed Project uses to the existing off-site facilities (e.g., existing off-site bike paths).</p> <p>c) Proposed Project design shall include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways shall be designed to reduce motor vehicle speeds and</p>	Prior to construction-related permit approvals	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others.</p> <p>d) Provide bicycle parking facilities along main travel corridors: one bike rack space per 20 vehicle/employee parking spaces or to meet demand, whichever results in the greater number of bicycle racks.</p> <p>e) Provide shower and locker facilities to encourage employees to bike and/or walk to work: one shower and three lockers per every 25 employees.</p> <p><i>Ride-Sharing and Commute Reduction</i></p> <p>a) Promote ridesharing programs through a multi-faceted approach, such as designating a certain percentage of parking spaces for ridesharing vehicles; designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles; or providing a website or message board for coordinating rides.</p> <p>b) Implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip-reduction strategies. Implementing commute trip-reduction strategies without a complementary marketing strategy would result in lower VMT reductions. Marketing strategies may include: new employee orientation of trip reduction and alternative mode options; event promotions; or publications.</p> <p>c) One percent (1%) of vehicle/employee parking spaces shall be reserved for preferential spaces for car pools and van pools.</p> <p>d) Coordinate with the Southern California Association of Governments (SCAG) for carpool, vanpool, and rideshare programs that are specific to the Proposed Project.</p>			

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
e) Implement a demand-responsive shuttle service that provides access throughout the GCSP area, to the park-and-ride lots, and to the nearby transit centers. <i>Transit</i> a) Bus pull-ins shall be constructed where appropriate within the Proposed Project area. b) Coordinate with SCAG on future siting of transit stops/stations within or near the Project.			
MM-AQ-4: Encourage Electric Vehicles. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during construction: a) Install Level 2 EV charging stations in 10% of all parking spaces, with a minimum of 43 EV charging stalls for the Project site. b) Install EV infrastructure at truck loading bays for trucks to plug-in when commercially available.	Prior to construction-related permit approvals	City of Montclair	
MM-AQ-5: Idling Restriction. For proposed Project land uses that include truck idling, the Project shall minimize idling time of all vehicles and equipment to the extent feasible and shall include such restrictions in the Covenants, Conditions, and Restrictions (CCRs) for tenants of the Project; idling for periods of greater than five (5) minutes shall be prohibited. Signage shall be posted at truck parking spots, entrances, and truck bays advising that idling time shall not exceed five (5) minutes per idling location. To the extent feasible, the tenant shall restrict idling emission from trucks by using auxiliary power units and electrification.	During construction	City of Montclair	
MM-AQ-6: Energy Conservation. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase: a) Install a solar-ready rooftop to facilitate the installation of solar photovoltaic panels in the future. b) Purchase 100% renewable electricity through SCE.	Prior to construction-related permit approvals	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<ul style="list-style-type: none"> c) Install Energy Star rated heating, cooling, lighting, and appliances. d) Outdoor lighting shall be light emitting diodes (LED) or other high-efficiency lightbulbs. e) Provide information on energy efficiency, energy efficient lighting and lighting control systems, energy management, and existing energy incentive programs to future tenants of the Proposed Project. f) Non-residential structures shall meet the U.S. Green Building Council standards for cool roofs. This is defined as achieving a 3-year solar reflective index (SRI) of 64 for a low-sloped roof and 32 for a high-sloped roof. g) Outdoor pavement, such as walkways and patios, shall include paving materials with 3-year SRI of 0.28 or initial SRI of 0.33. h) Construction of modest cool roof, defined as Cool Roof Rating Council (CRRC) Rated 0.15 aged solar reflectance and 0.75 thermal emittance. i) Use of Heating, Ventilation and Air Conditioning (HVAC) equipment with a Seasonal Energy Efficiency Ratio (SEER) of 12 or higher. j) Installation of water heaters with an energy factor of 0.92 or higher. k) Maximize the use of natural lighting and include daylighting (e.g., skylights, windows) in rooms with exterior walls that would normally be occupied. l) Include high-efficacy artificial lighting in at least 50% of unit fixtures. m) Install low-NOx water heaters and space heaters, solar water heaters, or tank-less water heaters. n) Use passive solar cooling/heating. o) Strategically plant trees to provide shade. p) Structures shall be equipped with outdoor electric outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment. 			
MM-AQ-7: Electric Forklifts and Yard-Trucks. Proposed Project warehouse and manufacturing tenants shall require that all forklifts and yard-trucks are electric-powered or utilize other zero-emission technology. These requirements	During construction	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
shall be included in the Project's Covenants, Conditions, and Restrictions (CCRs).			
Biological Resources			
MM-BIO-1: The construction contractors' contract specifications shall include the following requirements: "Construction activities should avoid the migratory bird nesting season (typically February 1 through August 31), to reduce any potential significant impact to birds that may be nesting on the study area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and contiguous habitat within 500 feet of all impact areas must be conducted for protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the MBTA (16 USC 703-712) and California Fish and Game Code, Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate no disturbance buffer, which will be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing."	During construction	City of Montclair	
Cultural Resources			
MM-CUL-1: All construction personnel and monitors who are not trained archaeologists shall be briefed regarding inadvertent discoveries prior to the start of construction activities. A basic presentation and handout or pamphlet shall be prepared in order to ensure proper identification and treatment of inadvertent discoveries. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains	Prior to construction activities	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.			
MM-CUL-2: A qualified archaeologist shall be retained and on-call to respond and address any inadvertent discoveries identified during initial excavation in native soil. Initial excavation is defined as initial construction-related earth moving of sediments from their place of deposition. As it pertains to archaeological monitoring, this definition excludes movement of sediments after they have been initially disturbed or displaced by Project-related construction. A qualified archaeological principal investigator, meeting the Secretary of the Interior's Professional Qualification Standards, should oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits or material. The archaeological monitor will be responsible for maintaining daily monitoring logs. In the event that potential prehistoric or historical archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 100 feet of the find shall immediately stop and a qualified archaeologist must be notified immediately to assess the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted. If monitoring is conducted, an archaeological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City for review. This report should document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South Central Coastal Information Center (SCCIC).	During construction	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Geology and Soils			
MM-GEO-1: In the event that paleontological resources (fossil remains) are exposed during construction activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified paleontologist, as defined by the Society of Vertebrate Paleontology's 2010 guidelines, can assess the nature and importance of the find. Depending on the significance of the find, the qualified paleontologist may record the find and allow work to continue or may recommend salvage and recovery of the resource. All recommendations will be made in accordance with the Society of Vertebrate Paleontology's 2010 guidelines and shall be subject to review and approval by the City of Montclair. Work in the area of the find may only resume upon approval of a qualified paleontologist.	During construction	City of Montclair	
Greenhouse Gas Emissions			
MM-GHG-1: Water Conservation. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during construction: a) Install low-water use appliances and fixtures b) Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces c) Implement water-sensitive urban design practices in new construction d) Install rainwater collection systems where feasible.	Prior to construction-related permit approvals	City of Montclair	
MM-GHG-2: Solid Waste Reduction. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during construction: a) Provide storage areas for recyclables and green waste in new construction, and food waste storage, if a pick-up service is available. b) Evaluate the potential for on-site composting.	Prior to construction-related permit approvals	City of Montclair	
Hazards and Hazardous Materials			
MM-HAZ-1: Prior to issuance of a grading permit, the existing subsurface feature in the northeastern portion of the Project site (as evidenced by the	Prior to issuance of a grading permit	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>manholes) shall be identified. If it is determined to be a subsurface tank, clarifier, or oil/water separator, the feature shall be closed and removed from the Project site in accordance with San Bernardino County Fire Department requirements prior to site construction. The closure will include the following:</p> <ul style="list-style-type: none"> a) Obtain permits from the San Bernardino County Fire Department b) Remove all wastes from the units for proper disposal c) Remove the subsurface feature for proper disposal/recycling and remove or cap/plug associated piping in accordance with the permit requirements d) Follow permit requirements <p>If impacted soil is identified, manage soil in accordance with MM-HAZ-2.</p>			
<p>MM-HAZ-2: Prior to issuance of a grading permit, a hazardous materials contingency plan (HMCP) shall be prepared and shall be followed during demolition, excavation, and construction activities for the proposed Project. The hazardous materials contingency plan shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> a) Identification of known and suspected areas with hazardous waste and/or hazardous materials of concern. b) Procedures for identifying suspect materials c) Procedures for temporary cessation of construction activity and evaluation of the level of environmental concern d) Procedures for restricting access to the contaminated area except for properly trained personnel e) Procedures for notification and reporting, including internal management and local agencies (e.g., San Bernardino County Fire Department), as needed f) Health and safety measures for excavation of contaminated soil g) Procedures for characterizing and managing excavated soils <p>Site workers shall be familiar with the hazardous materials contingency plan and should be fully trained on how to identify suspected contaminated soil.</p>	Prior to issuance of a grading permit	City of Montclair	
<p>MM-HAZ-3: Prior to commencement of construction of the northwestern proposed building (Building 1), a vapor intrusion mitigation system shall be</p>	Prior to construction	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
designed for the portion of Building 1 with vapor intrusion concerns (see Figure 4.6-1, Known Hazards Building Footprints Map). The vapor mitigation system shall include one or more of the methods presented in the Department of Toxic Substances Control's <i>Vapor Intrusion Mitigation Advisory</i> dated October 2011. The construction contractor shall design a vapor intrusion mitigation system that adequately mitigates potential vapor intrusion in the northwestern corner of the building. The vapor mitigation design shall be submitted to the City for review and approval prior to issuance of a building permit. Typical vapor mitigation systems are comprised of a sub-slab geomembrane or vapor barrier. Sub-slab ventilation piping is typically installed below the geomembrane layer for capturing VOCs in the soil gas and discharging them above the building roof through vent stacks. The vapor barrier, if used, shall be installed and inspected in accordance with the manufacturer's specifications. Operation of the Project shall maintain functionality of these features as required to continue protection from vapor intrusion. Alternatively, if collection and evaluation of additional data, such as statistical evaluation of further soil vapor sampling data throughout the Building 1 footprint or site-specific soil and/or building parameters, demonstrate that concentrations are below soil vapor or ambient air screening levels, such data shall be presented to the City for review and consideration of elimination of the need for the vapor intrusion mitigation system.			
MM-HAZ-4: Prior to the issuance of a demolition permit for any existing on-site structure, a qualified environmental specialist shall conduct a survey for PCBs, mercury, and other hazardous building materials (other than asbestos and lead paint) such as universal wastes and refrigerant to document the presence of any potentially hazardous materials within the structures. Any potentially hazardous materials identified as part of this survey shall be handled in accordance with the federal and state hazardous waste and universal waste regulations. Demolition plans and contract specifications would incorporate any necessary materials management measures in compliance with the Metallic Discards Act (Public Resources Code, Section 42160 et seq.), particularly Public Resources Code, Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-	Prior to the issuance of a demolition permit	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
containing ballasts, and refrigerants and the DTSC June 2019 Fact Sheet Guidance on Major Appliances for Scrap Recycling Facilities.			
Noise			
<p>MM-NOI-1: Prior to issuance of grading permits, the Project Applicant shall provide a Construction Noise Control Plan (CNCN) to the City for review and approval. The CNCN shall include best management practices to reduce short-term construction noise. Enforcement of the CNCN shall be accomplished by field inspections during construction activities and/or documentation of compliance, to the satisfaction of the City. The CNCN measures shall be incorporated by the City of Montclair as conditions on City-issued permits. Noise reduction best management practices shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) Prior to Project construction, temporary sound barriers/shielding shall be installed at the western site boundary adjacent to the residential land uses. The construction noise barrier shall be a minimum of 7 feet in height. The barrier may be constructed of 3/4-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility having a surface weight of 2 pounds per square foot or greater. Prefabricated acoustic barriers are available from various vendors. When barrier units are joined together, the mating surfaces of the barrier sides should be flush or overlap with one another. Gaps between barrier units, and between the bottom edge of the barrier panels and the ground, should be closed with material that will completely fill the gaps, and be dense enough to attenuate noise. b) All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers consistent with the manufacturers' specifications and standards. c) Construction noise reduction methods, such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied sensitive receptor areas, and using electric air compressors and similar power tools rather than diesel equipment, shall be used. 	Prior to issuance of a grading permit	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>d) During construction, stationary equipment should be placed as far away from the adjacent residential property boundary as feasible and positioned such that emitted noise is directed away from or shielded from sensitive receptors. Acoustically attenuating shields, shrouds, or enclosures may be placed over stationary equipment.</p> <p>e) During construction, stockpiling and vehicle staging areas shall be located far from noise-sensitive receptors.</p> <p>The Project shall be in compliance with the City's Noise Ordinance (Montclair Municipal Code Chapter 6.12): Noise sources associated with construction, repair, remodeling, or grading of any real property are exempt, provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on any given day and provided that the City Building Official determines that the public health and safety will not be impaired.</p>			
<p>MM-NOI-2: The Project applicant shall notify nearby property owners within 300 feet of the Project site, including residences to the east, south and west, of the construction activities and construction hours proposed to occur on the Project site, as well as provide contact information in the event a property owner or residence has a noise complaint. Additionally, construction hours, allowable workdays, and the phone number of the job superintendent and City code enforcement shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent. Upon receipt of a complaint, the job superintendent shall respond to the complainant, investigate to ensure a good understanding of the specifics of the complaint, and coordinate with City staff to resolve the issue by ensuring that the measures listed above in MM-NOI-1 are being implemented.</p>	Prior to construction activities	City of Montclair	
Tribal Cultural Resources			
<p>MM-TCR-1: Prior to the issuance of any grading permit for the Project, the City of Montclair (City) shall ensure that the Project Applicant retains the services of a tribal monitor(s) approved by the Gabrieleño Band of Mission Indians Kizh Nation to provide Native American monitoring during ground-disturbing activities. This provision shall be included on the Project contractor's plans and specifications. Ground-disturbing activities are defined by the Gabrieleño</p>	Prior to issuance of a grading permit	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Band of Mission Indians Kizh Nation as activities that may include but are not limited to pavement removal, pot-holing or auguring, grubbing, tree removals, borings, grading, excavation, drilling, and/or trenching within the Project area. The Project site shall be made accessible to the monitor(s), provided adequate notice is given to the construction contractor and that a construction safety hazard does not occur. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) shall be required to provide insurance certificates, including liability insurance. If evidence of any tribal cultural resources is found during ground-disturbing activities, the monitor(s) shall have the capacity to halt construction in the immediate vicinity of the find to recover and/or determine the appropriate plan of recovery for the resource in consultation with a qualified archaeologist. The recovery process shall not unreasonably delay the construction process and must be carried out consistent with CEQA and local regulations. Construction activity shall not be contingent on the presence or availability of a monitor, and construction may proceed regardless of whether or not a monitor is present on site. The monitor shall complete daily monitoring logs that will provide descriptions of the day's activities and general observations and whether the Native American monitor believes they observed a TCR and what action they took. The on-site monitoring shall end when the Project site grading and excavation activities are completed or prior to the completion if the monitor has indicated that the site has a low potential for tribal cultural resources.			
MM-TCR-2: Upon discovery of any tribal cultural resources, a Native American monitor has the ability to halt construction activities in the immediate vicinity (within 50 feet) of the find until the find can be assessed. All tribal cultural resources unearthed during the Project construction activities shall be evaluated by the Native American monitor approved by the Gabrieleño Band of Mission Indians Kizh Nation and a qualified archaeologist. Construction work shall be permitted to continue on other parts of the Project site while evaluation and, if necessary, additional investigations and/or preservation measures take place (CEQA Guidelines Section 15064.5(f)). If the resources are Native American in origin, the Gabrieleño Band of Mission Indians Kizh Nation tribe shall coordinate	Upon discovery of tribal cultural resources	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

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

RESOLUTION NO. 22-1972

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL AMENDING THE MONTCLAIR GENERAL PLAN LAND USE MAP BY MODIFYING THE LAND USE DESIGNATION OF 27.74 ACRES AT THE NORTHWEST CORNER OF MISSION BOULEVARD AND RAMONA AVENUE FROM “GENERAL COMMERCIAL” (ENTIRE SITE) TO “M1 LIMITED MANUFACTURING” (NORTH SIDE OF THIRD STREET EXTENSION) AND “INDUSTRIAL PARK” (SOUTH SIDE OF THIRD STREET EXTENSION) (APNs 1012-151-20; 1012-151-27; 1012-151-28; 1012-151-29; 1012-161-01; 1012-161-02; 1012-161-03; 1012-161-04; AND 1012-161-05) [PLANNING CASE NO. 2021-07], CONTINGENT ON THE CITY COUNCIL CERTIFYING THE EIR FOR THE MISSION AND RAMONA BUSINESS PARK PROJECT

WHEREAS, local governments are authorized by Government Code section 65350 et seq., to prepare, adopt, and amend General Plans; and

WHEREAS, on February 8, 2021, Mission Blvd Industrial Owner LP, the property owner, filed an application requesting approval for a General Plan Amendment, Zone Change, Tentative Tract Map, and a Precise Plan of Design (PPD), under Case No. 2021-07 to construct an eight-building industrial park development on the subject site; and

WHEREAS, the proposed project is identified as the Mission and Ramona Business Park (“Project”); and

WHEREAS, the Mission and Ramona Business Park Project (“Project”) proposes to involve the demolition of all existing on-site structures and the construction of an eight-building business park on a 27.74-acre site located at the northwest corner of Mission Boulevard and Ramona Avenue in the southeastern part of the City of Montclair; and

WHEREAS, the Project would require a General Plan Amendment, Zone Change, Tract Map, Precise Plan of Design, and other ministerial permits, such as an encroachment permit, grading permit, general construction permit, and street/lane closure permit; and

WHEREAS, currently the entire Project site is designated “General Commercial” (GC) by the General Plan (1999), which allows for a wide range of commercial activities including retail and wholesale establishments; and

WHEREAS, since the GC land use designation has been in place for 23 years, no new commercial development (particularly retail) has occurred on Mission Boulevard and nearly all

new construction activity on the north side of Mission Boulevard has been smaller-scale industrial development on underutilized or vacant land parcels; and

WHEREAS, the City's General Plan recognizes that a wide range of land uses are necessary to promote a prosperous community and sound economic base, and General Plan Policy LU-1-1.32 states that it is a policy of the City to "encourage the use of the industrial park or business park concept for the development of industrial land," and given the Project would be located within the Mission Boulevard corridor, which has long been an established industrial corridor, the Project is consistent with the City's land use and planning strategy; and

WHEREAS, the requested amendments to the General Plan Land Use Map from GC to "M1 Limited Manufacturing" (north side of the Third Street extension) and "Industrial Park" (south side of Third Street) would bring the Project site into consistency with predominate zoning designations of the surrounding area between State Street and the north side of Mission Boulevard, and are depicted in Exhibit A; and

WHEREAS, the proposed General Plan amendment and related zone changes would resolve the current inconsistency between both land use documents, and allow for the development of the site with a project in line with existing and new types of improvements in the same area, and the Project would result in the development of industrial uses in keeping with the surrounding industrial corridor within the City; and

WHEREAS, the City of Montclair, as the lead agency for the proposed Project, prepared an Environmental Impact Report ("EIR") that analyzed the Project's environmental impacts in compliance with the provisions of the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.: "CEQA"), including the proposed General Plan amendment; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on November 28, 2022, to consider the Project, the EIR prepared to analyze the Project's environmental impacts, and proposed amendments to the General Plan Land Use Map, where members of the public were allowed to comment on the recommendation to the City Council regarding the proposed General Plan Amendment, Zone Change, Tentative Tract Map, Precise Plan of Design, and the EIR.

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

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR:

SECTION 1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the Recitals of this Resolution are true and correct.

SECTION 2. Recommendation of the Amendment to the General Plan Land Use Map. Based on the entire record before the Planning Commission, all written and oral evidence presented, and the findings made in this Resolution, the Planning Commission recommends City

Council approval of the proposed Amendment to the General Plan Land Use Map associated with Case No. 2021-07, modifying the land use designation of 27.74 acres of land located at the northwest corner of Mission Boulevard and Ramona Avenue in the City of Montclair, as set forth in the attached Exhibit "A", contingent upon the City Council certifying the EIR for the project.

SECTION 3. Amendment Findings. Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds the Amendment promotes the goals and objectives of the General Plan and leaves the General Plan a compatible, integrated, and internally consistent statement of policies for the following reasons:

- A. The GPA is integrated and compatible with the Land Use and Community Design Elements in that it provides an appropriate orientation and relationship between land uses within and adjacent to the subject site located on the northwest corner of Mission Boulevard and Ramona Avenue. The implementation of the proposed GPA would be consistent with the General Plan's policy to encourage the development of parcels on Mission Boulevard where development has previously been hindered due to parcel size and configuration and access. Moreover, the GPA would be consistent with policies seeking to establish an effective balance of land use, circulation, transportation, and community design. The proposed GPA does not result in the removal or division of any existing residential neighborhoods on or adjacent to the site but would allow for the site to be redeveloped into a modern multi-building industrial park development consistent with development standards of the underlying MIP and M1 zones and recent new development in the immediate area. As such, the site would become an integral part of the City's efforts to see dilapidated and underutilized properties transformed into attractive properties within the community.
- B. The GPA is integrated and compatible with the future use of the site on Mission Boulevard and will generate traffic that is anticipated and within capacity levels, as provided for in the Circulation Element. The GPA would be consistent with the General Plan's overall goal of providing residents and visitors of the City of Montclair with a circulation network that provides safe and efficient travel within and through the community.
- C. The GPA does not result in the displacement of any existing housing units located on the site or adjacent parcels. The property does not contain any housing units and the surrounding development includes existing and new industrial uses only. The property is not on any potential housing inventory sites and as such does not impact the potential for adding new housing units.
- D. The GPA is integrated and compatible with the Conservation Element in that it provides uses, which promote the orderly conservation, development, and utilization of natural resources. The City's General Plan does not designate any areas of the City as being within a habitat conservation plan (City of Montclair 1999). Furthermore, the City is not within any of the regional conservation plans designated by the state (CDFW 2014). As such, implementation of the Proposed GPA would not conflict with any applicable habitat conservation plan or natural community conservation plan. The subject site is characterized as being almost completely covered with paved surfaces and buildings with

landscaping and trees along the Mission Boulevard frontage and near the existing movie screens.

- E. The GPA is integrated and compatible with the Open Space Element in that it provides for uses that are consistent with and promote the adopted goals and policies for preserving and managing open space within the City. No open space resources exist on the subject site.
- F. The GPA is integrated and compatible with the Noise Element in that it provides a pattern of land uses that minimizes the exposure of community residents to excessive noise. The Montclair General Plan requires future development to comply with the standards of the Noise Element. The proposed GPA allows for the development of a modern multi-building industrial park development that maximizes the use of the site leaving only areas for onsite circulation, required parking, setbacks, and landscaping. No outdoor storage, manufacturing, or assembly operations are permitted. As such, outdoor activities would be largely limited to vehicle and truck movements. The closest residential uses are located immediately west of Lot 7 off Third Street. Potential noise impacts to these properties would be mitigated by utilizing new solid walls along the common (west) property line. Further mitigating noise impacts to the nearest residences on Third Street is the height of Building No. 7 and the truck docks for this building are on the east side at a distance of 382 feet away.
- G. The GPA is integrated and compatible with the Safety Element in that it provides an appropriate land use distribution and orientation that protects the community from unreasonable risks associated with seismic, geologic, flood, and wildfire hazards. Given the urbanized nature of the site and relatively gentle slope, there is no serious threat from wildland fires or geological instability. However, the General Plan recognizes the City of Montclair's location within Seismic Zone 4, which is considered the most active seismic zone in the state. Further, there are no designated "Earthquake Fault Zones" in the City or the subject as confirmed by the Alquist-Priolo Earthquake Fault Zoning Maps, geologic hazard overlays in the City of Montclair's General Plan Safety Element, and the County of San Bernardino's Land Use Plan General Plan (City of Montclair 1999 and County of San Bernardino 2010). Finally, as standard practice for all development in the City, all development projects on the subject site will be required to comply with the Uniform Building Code standards and regulations which include proper soil preparation and compaction requirements for construction.

SECTION 4. California Environmental Quality Act. Resolution No. 22-1971 recommends certification of the Final EIR (SCH # 2021010005), adoption of findings under CEQA, adoption of the MMRP, and acceptance for the Statement of Overriding Considerations, and, among other things, properly assesses the environmental impact of the Project in accordance with CEQA. This Resolution incorporates by reference the environmental findings and analysis set forth in Resolution No. 22-1971 as if fully set forth herein.

SECTION 5. Custodian of Records. The location and custodian of the documents and any other material, which constitute the record of proceedings upon which the Planning Commission based its decision, is as follows: Director of Community Development, Community

Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477

SECTION 6. Effective Date. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED this 28th day of November 28, 2022.

Manny Martinez, Chair

ATTEST:

Michael Diaz, Secretary

I, Michael Diaz, Secretary of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 22-1972 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 28th day of November by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Exhibit A

CASE NUMBER: 2022-07

**Planning Commission Resolution No. 22-1972
NWC Mission Boulevard and Ramona Avenue**



RESOLUTION NO. 22-1973

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF MONTCLAIR MODIFYING THE ZONING DESIGNATION OF 27.74 ACRES OF LAND AT THE NORTHWEST CORNER OF MISSION BOULEVARD AND RAMONA AVENUE FROM "C3 - GENERAL COMMERCIAL," "MIP - MANUFACTURING INDUSTRIAL," AND "M1- LIMITED MANUFACTURING" TO "M1-LIMITED MANUFACTURING" (NORTH SIDE OF THIRD STREET EXTENSION) AND "MIP - MANUFACTURING INDUSTRIAL" (SOUTH SIDE OF THIRD STREET EXTENSION) (APNs 1012-151-20; 1012-151-27; 1012-151-28; 1012-151-29; 1012-161-01; 1012-161-02; 1012-161-03; 1012-161-04; AND 1012-161-05) [PLANNING CASE NO. 2021-07], CONTINGENT ON THE CITY COUNCIL CERTIFYING THE EIR FOR THE MISSION AND RAMONA BUSINESS PARK PROJECT

WHEREAS, on February 8, 2021, Mission Blvd Industrial Owner LP, the property owner, filed an application requesting approval for a General Plan Amendment, Zone Change, a Tentative Tract Map (TTM), and a Precise Plan of Design (PPD), under Case No. 2021-7 to construct an eight-building industrial park development on the subject site; and

WHEREAS, the proposed project is identified as the *Mission and Ramona Business Park* ("Project"); and

WHEREAS, the Project proposes to involve the demolition of all existing on-site structures and the construction of an eight-building business park on a 27.74-acre site located at the northwest corner of Mission Boulevard and Ramona Avenue in the City of Montclair; and

WHEREAS, the Project would require a General Plan Amendment, Zone Change, Tract Map, Precise Plan of Design, and other ministerial permits, such as an encroachment permit, grading permit, general construction permit, and street/lane closure permit; and

WHEREAS, the proposed zone change applies to nine parcels of varying sizes totaling approximately 27.74 acres in size ("project site") located at the northwest corner of Mission Boulevard and Ramona Avenue and as identified by Assessor Parcel Numbers Assessor Parcel Nos: 1012-151-20; 1012-151-27; 1012-151-28; 1012-151-29; 1012-161-01; 1012-161-02; 1012-161-03; 1012-161-04; 1012-161-05; and

WHEREAS, the proposed Tentative Tract Map No. 20381 consolidates the nine existing parcels and reorganizes the Project site into two major land areas (identified as "north" and "south") created by the eastward extension of Third Street to Ramona Avenue; and

WHEREAS, the "north" and "south" land areas of the total site created by the extension of Third Street will be areas upon which the proposed zone change will apply, as further illustrated in attached Exhibit "A," a site diagram incorporated herein by reference; and

WHEREAS, the Project site is currently developed as a drive-in movie theater with four screens and paved parking surfaces, a projection building/snack bar, ticket booths office, and warehouse; and

WHEREAS, the Project site is currently designated by the General Plan as "General Commercial;" and

WHEREAS, the Project Site is currently assigned by Montclair Zoning Map three zoning districts - "C3 General Commercial," "MIP Manufacturing Industrial," and "M1 Limited Manufacturing"(Current) as depicted in Exhibit A; and

WHEREAS, the proposed zone change from "C3 General Commercial," "MIP Manufacturing Industrial," and "M1 Limited Manufacturing"(Current) to "M1 Limited Manufacturing" (north side of Third Street) and "MIP Manufacturing Industrial" (south side of Third Street) is required to be consistent with the General Plan Amendment associated with the Project; and

WHEREAS, the City of Montclair, as the lead agency for the proposed Project, prepared an Environmental Impact Report ("EIR") that analyzed the Project's environmental impacts in compliance with the provisions of the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.: "CEQA"), including the proposed zoning changes; and

WHEREAS, on November 28, 2022, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a duly-noticed public hearing on November 28, 2022, to consider the Project, the EIR prepared to analyze the Project's environmental impacts, and amendments to the Official Zoning Map, at which time all persons wishing to testify in connection with the proposal were heard; and

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

B. Resolution.

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

SECTION 1. Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals of the proposed Ordinance are true and correct.

SECTION 2. Recommendation of Approval of An Amendment to the Official Zoning Map. The Planning Commission hereby recommends City Council approval of the Amendment to the Official Zoning Map of the City of Montclair associated with Case No. 2021-07, modifying the zoning designation of approximately 27.74 acres at the northwest corner of Mission Boulevard and Ramona Avenue from "C3 General Commercial," "MIP Manufacturing Industrial," and "M1 Limited Manufacturing"(Current) to "M1 Limited Manufacturing" (north side of Third Street) and "MIP Manufacturing Industrial" (south side of Third Street) thereby allowing the said area to be rezoned for purposes of developing the *Mission and Ramona Business Park* project, contingent upon the City Council certifying the EIR for the project

SECTION 3. Zone Change Findings. Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds the Zone Change promotes the goals and objectives of the General Plan for the following reasons:

- A. The Zone Change of the Project site area to “M1 Limited Manufacturing” (north side of Third Street) and “MIP Manufacturing Industrial” (south side of Third Street) would officially change the current Montclair Zoning Map and related documents from the current “C3 General Commercial,” “MIP Manufacturing Industrial,” and “M1 Limited Manufacturing” designations assigned to the project site by the Montclair Zoning Map. The new zoning designations would then accommodate the proposed development of the project site. Further, the zone change to “M1 Limited Manufacturing” (north side of Third Street) and “MIP Manufacturing Industrial” (south side of Third Street) would be consistent with the proposed General Plan Amendment to re-designate the project site from “General Commercial” (Entire Site) to “M1 Limited Manufacturing” (north side of Third Street) and “Industrial Park” (south side of Third Street).
- B. Uses of the project site authorized by the Zone Change promote and achieve the intended goals of the proposed *Mission and Ramona Business Park* project. Further, new industrial development under the new land use zones of the site would be consistent with the General Plan Land Use and Community Design Elements policies that encourage projects that effectively balance land use, circulation, transportation, and community design.
- C. The Zone Change is reasonably related to the public welfare of the citizens of the City of Montclair and the surrounding region because the change would enable the City to employ good zoning practices that seek to integrate the uses of this very prominent piece of property with surrounding uses and the City’s overall goals for a balanced economic base and orderly development. Without the proposed zone change, the above goals could not be achieved.

SECTION 4. California Environmental Quality Act. Resolution No. 22-1971 recommends certification of the Final EIR (SCH # 2021010005), adoption of findings under CEQA, adoption of the MMRP, and acceptance for the Statement of Overriding Considerations, and, among other things, properly assesses the environmental impact of the Project in accordance with CEQA. This Resolution incorporates by reference the environmental findings and analysis set forth in Resolution No. 22-1971 as if fully set forth herein.

SECTION 5. Custodian of Records. The location and custodian of the documents and any other material, which constitute the record of proceedings upon which the Planning Commission based its decision, is as follows: Director of Community Development, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477

SECTION 6. Effective Date. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED this 28th day of November 28, 2022.

Manny Martinez, Chair

ATTEST:

Michael Diaz, Secretary

I, Michael Diaz, Secretary of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 22-1972 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 28th day of November by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

EXHIBIT A



This page intentionally left blank

RESOLUTION NO. 22-1974

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING TENTATIVE TRACT MAP NO. 20381 AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2021-07 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR AN EIGHT-BUILDING INDUSTRIAL PARK DEVELOPMENT ON 27.74 ACRES OF LAND AT THE NORTHWEST CORNER OF MISSION BOULEVARD AND RAMONA AVENUE (APNs 1012-151-20; 1012-151-27; 1012-151-28; 1012-151-29; 1012-161-01; 1012-161-02; 1012-161-03; 1012-161-04; AND 1012-161-05), CONTINGENT UPON THE CITY COUNCIL CERTIFYING THE FINAL EIR FOR THE MISSION AND RAMONA BUSINESS PARK PROJECT

WHEREAS, on February 8, 2021, Mission Blvd Industrial Owner LP, the property owner, filed an application requesting approval for a General Plan Amendment, Zone Change, Tentative Tract Map, and a Precise Plan of Design (PPD), under Case No. 2021-07 to construct an eight-building industrial park development on the subject site; and

WHEREAS, the application for development applies to nine existing parcels of varying sizes totaling approximately 27.74 acres in size ("Project Site") located at the northwest corner of Mission Boulevard and Ramona Avenue and as identified by Assessor Parcel Numbers Assessor Parcel Nos: 1012-151-20; 1012-151-27; 1012-151-28; 1012-151-29; 1012-161-01; 1012-161-02; 1012-161-03; 1012-161-04; 1012-161-05; and

WHEREAS, the proposed Project is identified as the *Mission and Ramona Business Park* ("Project"); and

WHEREAS, the proposed Tentative Tract Map No. 20381 consolidates the nine existing parcels and reorganizes the Project Site into two major land areas (identified as "north" and "south") created by the eastward extension of Third Street to Ramona Avenue as further illustrated in attached Exhibit "A," a site diagram incorporated herein by reference; and

WHEREAS, the Project Site is currently developed as a drive-in movie theater with four screens and paved parking surfaces, a projection building/snack bar, office, warehouse, and ticket booths; and

WHEREAS, the Project proposes to involve the demolition of all existing on-site structures; and

WHEREAS, the Project involves the construction of eight buildings that provide approximately 513,295 square feet of new flexible space for light manufacturing and distribution uses, as well as associated site improvements (e.g., buildings with loading docks, trailer stalls, on-site parking spaces, and landscape improvements), as summarized in Exhibit "B" and incorporated herein by reference; and

WHEREAS, the Project requires the approval of a General Plan Amendment, Zone Change, Tentative Tract Map, Precise Plan of Design, and other ministerial permits, such as an encroachment permit, grading permit, general construction permit, and street/lane closure permit; and

WHEREAS, the General Plan Land Use Map Amendment to “Business Park,” if approved by the City Council, would be consistent with the Manufacturing Industrial Park (MIP) zoning designation for the site and allow for the development of the proposed Project; and

WHEREAS, the Tentative Tract Map and Precise Plan of Design approval for the project is contingent upon the City Council’s approval of a proposed General Plan Amendment, and Zone Change; and

WHEREAS, staff finds the project to be in compliance with the guidelines and applicable development standards of the M1 and MIP zones; and

WHEREAS, the City of Montclair, as the lead agency for the proposed Project, prepared an Environmental Impact Report (“EIR”) that analyzed the Project’s environmental impacts in compliance with the provisions of the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.: “CEQA”), including the proposed zoning changes; and

WHEREAS, on November 28, 2022, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a duly noticed public hearing, at which time all persons wishing to testify in connection with the said proposal were heard and said application was fully studied; and

WHEREAS, on November 28, 2022, the Planning Commission, by a vote of X-X, recommended the City Council certify the EIR, adopt findings of fact, a statement of overriding considerations, and a mitigation measure monitoring and reporting program, and approve the proposed amendments under Planning Commission Resolution No. 22-1971; and

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

B. Resolution.

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

SECTION 1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

SECTION 2. Based upon the entire record before the Planning Commission during the above-referenced hearing on November 28, 2022, including written and oral staff reports together with public testimony, this Planning Commission hereby finds as follows concerning the recommendation of approval of Precise Plan of Design under 2021-07, subject to the conditions of approval contained in this resolution:

- A. The proposed development of the project site with new industrial-type buildings and site improvements are consistent with their new land use designations of “M1 Limited Manufacturing” (north side of Third Street) and “MIP Manufacturing Industrial” (south side of Third Street) per the amended land use maps of the City’s General Plan and Official Zoning Map. The development of Lots 1 through 6 of Tentative Tract Map No. 20831 fronting Mission Boulevard and Ramona Avenue will contribute to the mix of existing commercial uses and new industrial development found on the north side of Mission Boulevard and the development of Lots 7 and 8 of TTM 20381 will continue the ongoing improvement of the State Street properties with appropriate development related to the area near the south side of the Union Pacific Railroad right-of-way. Further, future users of the site will be subject to zoning verification and would be restricted to indoor activities only.
- B. The proposed project would result in a significant improvement to the appearance of the area by allowing the development of well-designed and scaled buildings in a manner that makes efficient use of the site, contribute to the improvement of property values in the area, is compatible with adjacent land uses, and complies with the intent and applicable development standards of the M1 Limited Manufacturing” (north side of Third Street) and “MIP Manufacturing Industrial” (south side of Third Street) zoning districts.
- C. The site plan, building form, massing, and height of the proposed buildings on the project site and their respective architectural design as indicated in the submitted plans are attractive and up-to-date and will contribute to the ongoing improvement of the Mission Boulevard corridor. The design features high-quality exterior materials and finishes and incorporates appropriate lighting and landscape materials to give the project a distinct and attractive street appearance.

SECTION 3. Based upon the entire record before the Planning Commission during the above-referenced hearing on November 28, 2022, including written and oral staff reports together with public testimony, this Planning Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, Montclair Municipal Code, and good planning principles, and approves the application subject to each condition set forth below, and contingent upon the City Council certifying the Final EIR for the *Mission and Ramona Business Park* project:

Planning

1. The approval for *Mission and Ramona Business Park* includes the following elements:
 - a. Tentative Tract Map No. 20381, subdividing a 27.74-acre site into two major areas (north and south) created by the eastward extension of Third Street to Ramona Avenue, and eight numbered lots to develop an industrial park with associated public improvements.
 - b. A Precise Plan of Design (PPD) approving the site plan, floor plans, elevations, colors and materials, conceptual landscape plan, and site improvements for an eight-building industrial park development totaling approximately 513,295 square feet of space as described in the staff report and depicted on approved plans.
2. The above entitlements are contingent upon City Council approval of a General Plan Amendment, Zone Change, and Final Tract Map under Case No. 2021-07.

3. This approval shall supersede all previously approved entitlements for the subject project site.
4. The approved project shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved by the Planning Commission and on file with the Planning Division. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development, or the Planning Commission, depending on the scope of the changes. The Director shall have the discretion to determine the nature of the proposed changes and authority to approve minor modifications to conditions of approval if required to comply with applicable Building Codes and/or which do not result in detrimental impacts to the approved project.
5. If exhibits and written conditions are inconsistent, the written conditions shall prevail.
6. The applicant and the property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. 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 \$3,589.25 payable to "Clerk of the Board of Supervisors," to cover the California Department of Fish and Wildlife (CDFW) fee for filing an Environmental Impact Report (EIR) as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of \$596.97, the actual cost of publication for the Notice of Availability, payable to the "City of Montclair," to cover the cost of publication in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
 - c. A check in the amount of \$639.78, the actual cost of publication of the Public Hearing Notice, payable to the "City of Montclair," to cover the cost of publication in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
8. In establishing and conducting the subject use, the applicant shall at all times comply with any and all laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino, and the State of California. Approval of this PPD shall not waive compliance with any such requirements.
9. Applicant/Owner shall comply with all Mitigation Measures listed in the Mitigation Monitoring and Reporting Program (Exhibit C) contained in the Environmental Impact Report prepared for the *Mission and Ramona Business Park* project (SCH#2021010005); including but not limited to mitigation measures regarding Tribal Cultural Resources and Noise (construction and post-construction).
10. 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 the City Council approves the application for the Tentative Tract Map referenced in Condition No. 2. 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.

11. Precise Plan of Design (PPD) approval shall be valid for one year and shall automatically expire on the anniversary date of City approval unless the applicant is diligently pursuing building division approval of building permits for the project. The applicant/owner shall be responsible to apply for a time extension at least 30 days before 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 a transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of the 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. Before the issuance of a grading permit for the project, the applicant shall work with the Directors of Community Development and Public Works to complete the following items for the project:
 - a. Sign program;
 - b. Final wall and fence plans for the site; and
 - c. Final refinement of the landscape plan.
15. The owner must consent, in writing, to create an Owners Association and set of Conditions, Covenants, and Restrictions (CC&Rs) against the entire property providing for the perpetual maintenance of all buildings and site improvements. The Owners Association and CC&Rs shall be effective during the lifetime of the Project. Property shall thereafter be maintained per the property maintenance standards contained in the Montclair Municipal Code.
 - a. Costs for the review of the CC&Rs shall be reimbursed to the City by the applicant.
 - b. The CC&Rs shall provide, at a minimum, the following requirements:
 - i. Exhibits showing private and common areas within the development.

- ii. A certified professional management company with demonstrated experience in leasing, operating, and maintaining a commercial/industrial development.
- iii. Specific provisions to ensure the maintenance of all on-site property (building and site) improvements, including common areas, trash enclosures, gates, fences, walls, exterior light fixtures, vehicular access ways, sewers, storm drains, and stormwater treatment devices associated with the Water Quality Management Plans, exterior light fixtures, fire prevention water systems, and/or landscaping and irrigation systems, security cameras, etc. Such maintenance shall include, without limitation, the following:
 - Keeping the exterior surfaces of buildings painted, plastered, or otherwise appropriately treated to be in sound condition; and
 - Replacing broken or severely etched windows and other glass surfaces promptly; and
 - Keeping the Project free from accumulation of debris, graffiti, waste materials (including pet waste); and
 - Keeping trees, ground cover, shrubs, and other plant materials trimmed in healthy condition, and replacing missing or dead plant materials; and
 - 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
 - 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
 - Prohibiting vehicle repairs, car washing, or storage within parking areas of the Project; and
 - Keeping refuse collection facilities in a sanitary, orderly, and functional condition at all times. Sanitary shall mean free of scattered trash and debris, spills or splatter on floors and/or walls, free of odors to the highest degree possible, and free of insects and rodents.
 - Security and security monitoring measures (e.g., security cameras, etc.) for the development, including measures to address unauthorized parking and the occupancy of the premises by transients/homeless individuals or encampments.

- iv. Formation of a fund account in the name of the Owners Association to be used to repair, maintain and/or replace common areas or common equipment. In the event maintenance responsibilities of the Association are not fulfilled, the city shall have the power to compel such maintenance, but not the obligation to correct any deficiencies. Any costs incurred by the city shall be billed to and paid by the Association. The city may also seek recovery by any means allowed by law, including but not limited to placing a lien on the property.
 - v. No individual owner may avoid liability for his or her prorated share of the expenses for the common area by renouncing his or her rights in the common area.
 - vi. Provisions to govern the use of designated parking spaces for each property.
 - vii. The prohibition of outdoor storage of such items as raw materials, finished products, waste, chemical containers, cargo/shipping containers, inoperable vehicles, heavy construction equipment, structures, or any item unrelated to the operation of an approved business on the site.
 - viii. Prohibition of cold storage warehousing within the project boundaries.
 - ix. Amendment or modification to the CC&Rs shall require the advance review and approval of the city.
16. No outdoor payphones, loudspeakers, or vending machines shall be installed or placed on the exterior of the property. Vending machines may be allowed within buildings or in private outdoor areas when machines are located out of view from the street and are placed in a secure alcove space that is architecturally integrated into the design of the building, subject to the satisfaction of the Director of Community Development.
 17. All future business(es) occupying each building within the *Mission and Ramona Business Park* shall obtain and maintain valid business licenses and comply with applicable City regulations at all times. As part of the routine review process for each new business license application, the property and subject lease spaces will be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.
 18. All automobile parking spaces shall be delineated with double-line (e.g. "hairpin") striping per City Standard No. SP-2A.
 19. All land uses and operations other than loading or unloading activities shall be conducted wholly within enclosed buildings. No processing or activities other than storage as allowed below shall be permitted outside of the building(s), including required setback areas, parking and circulation areas, or other landscaped areas.
 20. Permanent outdoor storage of raw materials, parts, finished products, solid waste items, pallets, machines, cargo/shipping containers, shelving, or the storing of any vehicles, structures, or equipment unrelated to the operation of a permitted business operation

shall not be allowed on any parcel within the *Mission and Ramona Business Park* project boundaries.

21. Trucks and/or trailers (with wheels) parking shall be limited only to the spaces located on each property and intended by design for such purposes. A cargo/shipping container (or similar structures) placed and resting directly on the ground is not considered to be a trailer.
22. No hazardous or toxic materials shall not be stored, even temporarily, outdoors or within trash enclosures.
23. No temporary or permanent living quarters shall be established on the premises within any building or motorhome/recreational vehicle.
24. Future business operations at the site shall be subject to the applicable noise requirements of Chapter 6.12 of the Montclair Municipal Code.
25. The placement and design of all walls or fences on the site shall be consistent with the submitted conceptual plans and shall be complementary to the overall appearance and colors of the new buildings. Fences and walls shall meet the following requirements subject to the approval of the Director of Community Development (Director) or designee:
 - a. All metal fencing shall have a durable finish (e.g. powder coat) in a color that complements the color(s) of the buildings.
 - b. The maximum height of the fence or wall on the project site boundaries shall not exceed eight feet (8'-0") as adjusted for existing grade conditions.
 - c. The applicant shall coordinate with adjoining property owners when developing a fence/wall plan to avoid double fence conditions to the west boundary of the project to the greatest extent possible.
 - d. Barbed or concertina wire shall be strictly prohibited.
 - e. All proposed block walls shall incorporate a finished cap piece (except concrete tilt-up walls). Unfinished gray-colored masonry block is prohibited.
 - f. Any gates on the premises shall be made accessible to emergency personnel (Police/Fire/Building and Safety) during times when they are closed. Contact Brett Petroff, Deputy Fire Marshal, firemarshal@cityofmontclair.org for further information on requirements.
26. All 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 lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.

- c. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses to direct illumination down to the surface to be illuminated and away from public rights-of-way surrounding the subject site.
 - d. Freestanding light fixtures and poles shall not exceed a maximum height of 25'-0" (inclusive of base pedestals) as measured from adjacent grades to the top edge of luminaires.
 - e. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be smooth-finished or clad in a color-coordinated stucco finish to complement the main building.
 - f. Wall-mounted fixtures shall be shielded. The use of unshielded wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely to illuminate the roof shall not be permitted.
 - g. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Director.
27. All trash enclosure(s) shall have a solid roof cover and be designed to complement the overall architecture of the main building. Contact Gary Knootz at gknootz@burrtec.com Burrtec Waste Industries to determine the number of required bins to support the most likely end-user(s) of the building and request a will-serve letter. Will serve letter must be printed directly on the construction plan sets submitted for plan check.
28. Before issuance of a Certificate of Occupancy of each building within the project boundary, the applicant shall install approved landscaping materials immediately around the subject building including any adjacent public street frontages, subject to the satisfaction of the Director or designee. The following standards shall apply:
- a. All shrubs shall be a minimum five-gallon container size (except herbaceous perennials and woody spreading shrubs on slopes).
 - b. All trees (except required street trees) shall be a minimum 24-inch box size or larger as specified, and double-staked.
 - c. A minimum of 3 inches of dark brown bark mulch (shredded or chips) or gravel materials shall be provided on all planted areas, per approved plans.
 - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
 - e. Within the public right-of-way, any tree plantings shall be setback a minimum of five feet behind (back of) the adjacent public sidewalk to prevent future tree root damage to the greatest extent possible.
29. Before the issuance of a Certificate of Occupancy for each building, the Landscape Architect of record shall submit a Letter of Completion to both the Planning Division and Engineering Divisions confirming plant materials and the irrigation system have been installed per the approved plan and in compliance with the State Water Conservation Requirements.

30. All landscaping and irrigation systems shall be continuously maintained per the approved site and/or landscape plan to ensure water use efficiency.
31. Any plant material that does not survive, or is removed, or destroyed shall be replaced upon its demise or removal with plant material of a like type and size as that originally approved and installed.
32. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). 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, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size and maturity as that which was removed or, as required by the Director.
33. No exterior surface-mounted exposed ducts, conduits, or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
34. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the Director and Fire Marshal. Efforts shall be made to place these elements in locations that are as visually unobtrusive as possible.
35. Mailboxes for the project shall comply with locational requirements outlined in Section 11.60.070.D of the Montclair Municipal Code with respect to a weather-protected location subject to City review and approval before installation. The applicant shall also ascertain any requirements for such mailboxes from the United States Postal Service (USPS). The City acknowledges that the proposed location for the building's mailboxes shall also be to the satisfaction of the USPS.
36. All trash enclosure(s) shall have a solid roof cover and be designed to complement the overall architecture of the main building. Contact Burrtec Waste Industries to determine the number of required bins to support the most likely end user(s) of each building.
37. Before the installation of any sign, a licensed sign contractor or property owner shall submit a Sign Permit Application in compliance with the adopted master sign program and set of scaled plans to the Planning Division for review and approval. The set of plans shall be drawn to scale, and include all proposed building-mounted signs, directional signs, wall-mounted, or freestanding monument signs. All permanent signs shall be installed by a licensed and insured sign contractor only. Building permits for the installation of all signs shall be required.
38. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners to announce the grand opening or advertising promotions

shall require a banner permit from the Planning Division before installation.

- b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, or other similar advertising devices be utilized on the property or off-site.
39. No exterior surface-mounted exposed ducts, conduit, or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
40. All roof-mounted mechanical equipment (e.g., air conditioning, heating ventilation ducts, exhaust vents, meters, pumps, filters, transformers and generators, conduit, satellite dishes, and similar equipment (excluding solar collectors), shall project above the roof parapet and be screened from direct view from the adjacent public right(s)-of-way in any direction (360 degrees) and adjacent properties, subject to the approval of the Community Development Director. Screening of the top of roof-mounted mechanical equipment may be required by the Director, if necessary, to protect views from a higher-grade elevation. Screening of roof-mounted equipment shall be accomplished using a raised parapet(s) or solid screen walls of sufficient height to completely block the visibility of equipment as installed. Such screens shall be designed to be compatible with the architectural design of the building. Wooden lattice, painted metal panels, fence-like screens/covers, or similar are not appropriate screening materials and shall not be allowed.
41. All ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the Community Development Director.
42. Freestanding electrical transformers and double-check detector assembly (DCDA) equipment shall be painted and screened with a powder-coated green backflow armor and backflow enclosure to prevent vandalism.
43. To ensure compliance with the conditions of the approval, a final inspection is required from the Planning Division upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
44. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul, the any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and

instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such actions, are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The city shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

Building

45. The applicant shall comply with the latest adopted California Building Codes, and other applicable codes, ordinances, and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of the submitted plans.
46. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan
 - b. Floor Plan(s)
 - 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. Mechanical plans including CA Energy Code compliance documentation
 - g. Provide an existing plan of the building including all walls to be demolished
 - h. Waste recycling plan, recycling 65% of all construction debris.
47. Submit two sets of:
 - a. Structural calculations
 - b. Energy conservation calculations
 - c. Soils reports.
48. All plans shall be wet signed and wet stamped by the responsible licensed design professional at the time plans are submitted for plan review.
49. Plans shall be submitted for plan check and approved before construction. All plans shall be marked with the project file number.
50. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City before permit issuance.
51. Separate permits are required for fencing and/or walls. Submit details of construction on the plans. Double-wall conditions which have been created by adjacent property line walls will not be allowed.

52. Construct trash enclosure(s) per City Standards (available at the Building Division's public counter) or a site-specific trash enclosure design acceptable to the Planning Division.
53. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
54. Before 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 Transportation Development Fees, Permit and Plan Check Fees, and School Fees. The applicant shall be responsible for paying all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District and submitting proof of payment to the City before permit issuance.
55. All utility services to the project shall be installed underground.
56. Electrical and fire suppression service lines shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
57. 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. Paint and stucco in all cases shall not be below standard for the use applied.
58. Provide and clearly show 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%).
59. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. The numerical address of the building shall be displayed in a maximum of two locations on the south-facing elevation as follows:
 - b. Numerals shall be in a font acceptable to the Planning Division, minimum of 10 inches in height, minimum of 1½ inches in-depth, and in a color that adequately contrasts with the background to which they are attached.
 - c. The facility shall be provided with a minimum maintained illumination level of one (1) foot candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot candles of illumination shall be maintained at grade.
60. Install approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.

61. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the Director of Community Development.
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 10 feet in height.
63. If the building is divided, each unit shall have individual and independent one-hour separation walls enveloping each assigned airspace or unit and independent utility meters, sewer and water connections, and fire protection systems, subject to the review and approval of the Public Works, Community Development, and Fire Departments.
64. Building permits will not be issued until the Final Map is signed and recorded with the County of San Bernardino.
65. Security gates that encompass a building shall be equipped with Medeco locks or other approved and acceptable devices to allow access by emergency personnel and utility providers at all times.
66. All mechanical devices and their parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or 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.
67. 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.
68. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed buildings. Double-detector check facility shall be adequately screened by landscaping or an architectural screen wall.
69. 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.
70. No soil shall be imported or exported to or from the project site from an adjacent building site or 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 NPDES requirements.
71. Underground Service Alert shall be notified 48 hours before any excavation at (800) 422-4133.
72. 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.

73. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, the developer shall also submit evidence to the Building Official that the lessee or purchaser has been advised in writing of the lessee's or purchaser's ongoing maintenance responsibilities for the requirements of the Water Quality Management Plan.
74. Prior to the issuance of the Certificate of Occupancy, a Final Grade Certificate shall be provided to the Building Official issued from the Registered Civil Engineer of Record that all on-site improvements have been constructed per all City Standards, Specifications, Conditions of Approval, and approved plans.
75. Before a Certificate of Occupancy is requested from the Building Official, a complete, stamped, and signed Commissioning Report shall be submitted to the Building Official for review and acceptance for all buildings which require Commissioning Reports per the California Green Standards.
76. A Certificate of Occupancy is required before the occupancy of any building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from all other departments and/or agencies.
77. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Complete all on- and off-site improvements.
 - b. Install all disabled parking stalls and parking lot signage.
78. Before any temporary construction and/or storage trailers trailer is set on the site, Planning Division and Building Division approval is required including the issuance of building permits. 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 be handicapped accessible. The trailer will require access to the facility by way of ramps that comply with the California Building Code (CBC) 2016 edition, Chapter 11B, in addition to access to each feature of the trailer.

Water Quality Management Plan

79. Each 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. If 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.
80. The property owner understands that if the stormwater treatment device is infeasible at the proposed location, and an alternative treatment device is proposed that may affect

the site design project owner may have to revisit with the Planning Department for any revised site changes.

81. The owner understands no permits are issued before the approval of the WQMP.
82. 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.
83. 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 permits and fees.
84. Prior to issuance of a rough grading and/or precise grading permit, the applicant must:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Obtain a State Construction General Permit and proof must be shown (WDID Number) on both rough grading plan and precise grading plan.
 - c. Qualified SWPPP Developer and Practitioner contact information must be included on the title page of grading plans.
85. 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, and elevations for all inlets, outlets, flow lines, and basins.
 - b. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
 - c. Prior to the 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, the developer shall also submit evidence to the NPDES Coordinator that the lessee or purchaser has been advised in writing of the lessee's or purchaser's ongoing maintenance responsibilities for the requirements of the WQMP.
 - d. The applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP, if applicable.

Engineering

86. Developer/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.
87. The tentative tract 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.
88. The final tract 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 a final 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.
89. 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.
90. Street improvement plan is required for all public and private streets. Construction drawings shall be 24" by 36" with City standard title block.
91. All public and private streets shall have sidewalks conforming to the Americans with Disabilities Act. Widths and scoring patterns shall conform to City Standard Plan No. 114.
92. Remove and replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and the sidewalk adjacent to the property along State Street, Ramona Avenue, and Mission Boulevard. Additionally, remove and replace all sidewalk areas that show signs of ponding or pitting, scaling, or spalling, curb ramps not in compliance with ADA guidelines, on the above mentioned street frontages adjacent to the site.
93. Streetlights shall be provided on all public and private streets. Streetlights on public streets shall be owned and maintained by Southern California Edison (SCE). The applicant shall provide Street Lighting plans for City approval. All street lights shall be placed at the back edge of the sidewalk unless otherwise directed by the City Engineer. The developer shall pay all costs involved directly to the SCE. Proof of payment shall be submitted to the City Engineer's office prior to the issuance of any Public Works construction permits.
94. Monument signs shall not be permitted in the corner cut-off areas as defined by the Montclair Municipal Code (11.72.172.D) and pursuant to City Standard No. 110.
95. All pavement damaged by excavation will be replaced with permanent pavement per City Standard for Paving and Trench Repair No. 301.

96. All driveways, existing or proposed, shall comply with the Americans with Disabilities Act and shall conform to City Standard Plan No. 102.
97. All utilities in the public right of way 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.
98. All utilities within development boundaries shall be placed underground. This requirement applies to electrical services, transformers and switches, telephone, communications, and cable television facilities as well.
99. All poles in the right-of-way or within development boundaries shall be placed underground prior to the issuance of a Certificate of Occupancy for the last building of the project. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, telephone, communications, and cable television facilities as well. Provide easement(s) for the utilities to be underground.
100. All existing overhead utilities within project boundaries and within street frontages adjacent to the project shall be placed underground. All existing or new guy wires required to anchor end poles shall be located beyond the project limits. No poles or guy wires shall be permitted to remain within property frontage.
101. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
102. Payment of all sewer connection fees, outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any shall be paid at time building permits are requested.
103. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
104. Sewer improvement plans are required for all sewers, public or private, and shall include both plan and profile views on 24" by 36" construction drawings.
105. 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.
106. Prepare and submit to the satisfaction of the City Engineer a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County.
107. 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.

108. Prepare and submit to the satisfaction of the City Engineer a comprehensive grading and drainage plan prepared by a Registered Civil Engineer in conformance with Chapter 70 of the Uniform Building Code. Prior to commencement of any demolition, clearing and grubbing, and/or grading, a grading permit shall be obtained from the Building Division. Plan approval is required prior to issuance of a grading permit by the Building Division.
109. 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.
110. 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.
111. Prepare and submit a final hydrology and hydraulic study showing the tributary area, layout of storm drains and downstream impacts to a point as defined as the closest receiving point on a master storm drain line or existing facility as approved by the City Engineer. The study shall identify off-site and on-site runoff impacts resulting from the build-out of permitted General Plan uses, the project's contribution, location and sizes of catchments and system connection points plus all downstream drainage mitigation measures. All mitigations/recommendations resulting from any final approved report shall be included in the improvement design submittals.
112. All drainage facilities shall comply with the requirements of the approved WQMP.
113. Prepare and submit to the satisfaction of the City Engineer plans for erosion control and stormwater pollution prevention. A general construction stormwater permit may be required. Contact Steve Stanton at 909-625-9441 for details. The erosion control plan shall be an integral part of the grading plans. Plan approval is required prior to the issuance of a grading permit by the Building Division.
114. 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.
115. Prepare and submit to the satisfaction of the City Engineer "will serve" letters from all utility companies serving the site. The developer will be required to coordinate with the various public and private utilities for the necessary improvements for said utilities to service the site.
116. 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.

117. Where street construction, surfacing, or resurfacing is required, all utility work within the frontage of the development shall be completed prior to the street being capped.
118. Street improvements including median modifications may be required along Mission Boulevard to restrict left-turn movements at Silicon Avenue and/or traffic signal modifications at the intersection of Mission Boulevard and Pipeline Avenue.
119. 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.
120. Vehicular access shall be provided to all sewer, water and storm drain manholes.
121. The developer shall complete the following improvements to Third Street:
 - a. Design the Third Street right-of-way extension to eliminate the creation of a steep slope street condition and to provide a smooth road transition to the Ramona Avenue and Dale Street intersection. Traffic signal modifications may be required at the intersection of Ramona Avenue and Dale Street due to street re-design
 - b. Pay \$24,300 for grind and overlay along Third Street from Silicon Avenue to the west boundary of the Project Site.
 - c. Construct curb, gutter, sidewalk and driveway on the north side of Third Street for a distance of approximately 170 feet from the project's west boundary, as determined by the City Engineer.
 - d. Install "NO OVERNIGHT PARKING" signs on the Third Street extension through the Project Site to Ramona Avenue.
122. Developer to dedicate a two to seven feet roadway easement for a turning lane on State Street (affecting Parcels 7 & 8) to provide better access for trucks entering and exiting the Project site.

Environmental

127. 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 the California Department of Resources Recycling and Recovery (CalRecycle). Contact Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information.
128. 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.

129. The future tenant/occupant of each building must complete and submit the City of Montclair's Wastewater Discharge Survey to Engineering Division Manager, Steve Stanton (sstanton@cityofmontclair.org) for review to determine pretreatment/wastewater discharge requirements. Contact Steve Stanton at (909) 625-9444 for more information. If 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.
130. Discharge of wastewater into the City of Montclair sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
131. Regional Sewerage Supplemental Capital Outlay fees are required per Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).
132. Connection to the City of Montclair Sanitary Sewer System is required. Additional comments may follow pending submittal of plans for plan check review.

NPDES Conditions

133. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified for each of the eight approved WQMP documents, 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. If 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 each property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
134. The owner understands that if the stormwater treatment device is infeasible at the proposed location, and an alternative treatment device is proposed that may affect the site design project owner shall contact the Planning Department for review of any revised site changes.
135. The owner understands no permits are issued before approval of the WQMP.
136. 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.
137. 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 permits and fees.
138. Prior to the 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 the 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.
139. Prior to the issuance of a Certificate of Occupancy for each of the eight parcels, the applicant shall:
- a. Submit to the Engineering Division as-built drawings as it relates to the WQMP document and, provide adequate plan notes identifying grades and elevations for all inlets, outlets, flow lines, and basins.
 - b. Submit the certification of the landscape document
 - c. Submit stamped and signed post-construction BMP certification by the Engineer of Record, identifying that all BMPs 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 an electronic copy of FINAL WQMP including all as-built drawings, certification forms, and recorded WQMP maintenance agreement as described above.
140. Prior to the release of the Certificate of Occupancy for each of the eight parcels, the person or corporation responsible for the preparation of the individual WQMP documents shall certify in writing to the NPDES Coordinator that all conditions and requirements for each of the WQMP documents have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, the developer shall also submit evidence to the NPDES Coordinator that the lessee or purchaser has been advised in writing of the lessee's or purchaser's ongoing maintenance responsibilities for the requirements of the WQMP.
141. The owner of each parcel is responsible for the WQMP Maintenance agreement. The owner is required to self-certify each BMP treatment device per the recorded Maintenance Agreement. While maintenance and inspections are required monthly, the owner is responsible to provide the City Engineer with a signed and stamped certification form every 24 months. The first certification shall be prepared by a professional engineer and submitted to the City Engineer starting the first July 1 date following the project completion date. Certifications shall be prepared and submitted every 24 months thereafter. The monthly self-certification form shall be recorded and kept as a record. Monthly records shall be readily available upon request during the City inspector's annual visit.

WQMP Landscape Conditions

142. Before issuance of a Certificate of Occupancy, the Landscape Architect of record shall submit a Letter of Completion to both Planning Division and Engineering Division.
143. Property Owner/Lessee is required to employ a Bonded and California Licensed C -27 Landscape Contractor to conduct all landscaping on the property.
144. The landscape contractor must have a City Business License to operate in the City of Montclair.
145. 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.
146. 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.
147. 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.
148. 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.
149. 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.
150. 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.

Fire

151. The project shall comply with all requirements set forth by the California Code of Regulations Title 24 Parts 1-12 respectively.
152. 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.

153. Prior to the issuance of a grading permit, 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.
154. Prior to the issuance of grading permits, evidence of sufficient fire flow of 4,000 GPM for 4- hours shall be provided to the City of Montclair. The City of Montclair Building and Fire Marshal Water Available/Fire Flow Form shall be utilized.
155. 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.
156. The fire department access road shall be inspected by Montclair Fire Prevention Bureau prior to building construction.
157. The fire department access road shall remain unobstructed at all times.
158. 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 the Montclair Fire Prevention Bureau.
159. A minimum of two points of connection to the public water shall be provided for the private fire-line water.
160. The private underground fire-line system shall be a looped design.
161. The private underground fire-line system shall have indicating sectional valves for every five (5) appurtenances.
162. All required fire hydrants shall be installed and operational before building construction. All fire hydrants shall remain operational during construction.
163. 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.
164. Prior to construction activities, a temporary address sign shall be posted and be clearly visible from the street.
165. 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.
166. 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.
167. Each 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 before installation.

168. Before the building final, the building shall be provided with a Knox Lock key box located no more than seven feet above the finished surface and near the main entrance door.
169. 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, which 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 whether the building meets the emergency communications without an enhancement system.

Police

170. The developer and/or Owners Association shall provide the following security and security monitoring measures during the term of this Agreement:
 - a. 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).
 - b. At any time, should the calls for Police service or response to the *Mission and Ramona Business Park* development exceed a level reasonably considered normal and customary for the size of the Project by the Executive Director Office of Public Safety/Police Chief, during any consecutive two-month period, the Owners Association shall be required to provide a State-licensed security patrol company.
 - c. The State-licensed security patrol company shall be retained by the developer or Owners Association, with the prior approval of the Executive Director Office of Public Safety/Police Chief, for a specified timeframe 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.
171. There shall be no special promotional events held on the property unless a written request for such is received and approved by the Community Development Director and the Police Chief or their designees.
172. The parking lot of the premises shall be equipped with light fixtures of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
173. The applicant shall install and maintain a closed circuit video surveillance (CCVS) system. The system shall, at minimum, be capable of monitoring all entrances/exits to the premises and exterior storage and parking areas. Cameras shall be positioned to allow for the identification of patron facial features and physical characteristics. A

minimum of one camera shall be placed in a position to monitor the parking lot of the premises, positioned in a manner that allows for the widest view from the entrance, without significant lens distortion. Typically acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920x1080 pixels, otherwise known as 1080p. IR (night vision) is preferred, however, cameras shall at minimum be capable of low-light operation. Audio recording is desirable, but not a requirement. Camera footage shall be retained for no less than 90 days. To conserve storage space, cameras may be motion-activated. When active, cameras shall record no less than 30 frames per second. Motion sensors shall be configured to activate properly in all areas covered including the parking area. Motion sensors may be configured to prevent incidental activation from hanging or moving displays. Depending on the nature of the premises, additional cameras may be required, but not limited to areas such as cash registers, or access to restroom areas.

The Secretary to this Commission shall certify the adoption of this Resolution.

APPROVED AND ADOPTED THIS 28TH DAY OF NOVEMBER, 2022.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
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 28th day of November 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2021-07 PC RESOLUTION22-1974

Exhibit A
Tentative Tract Map No. 20381

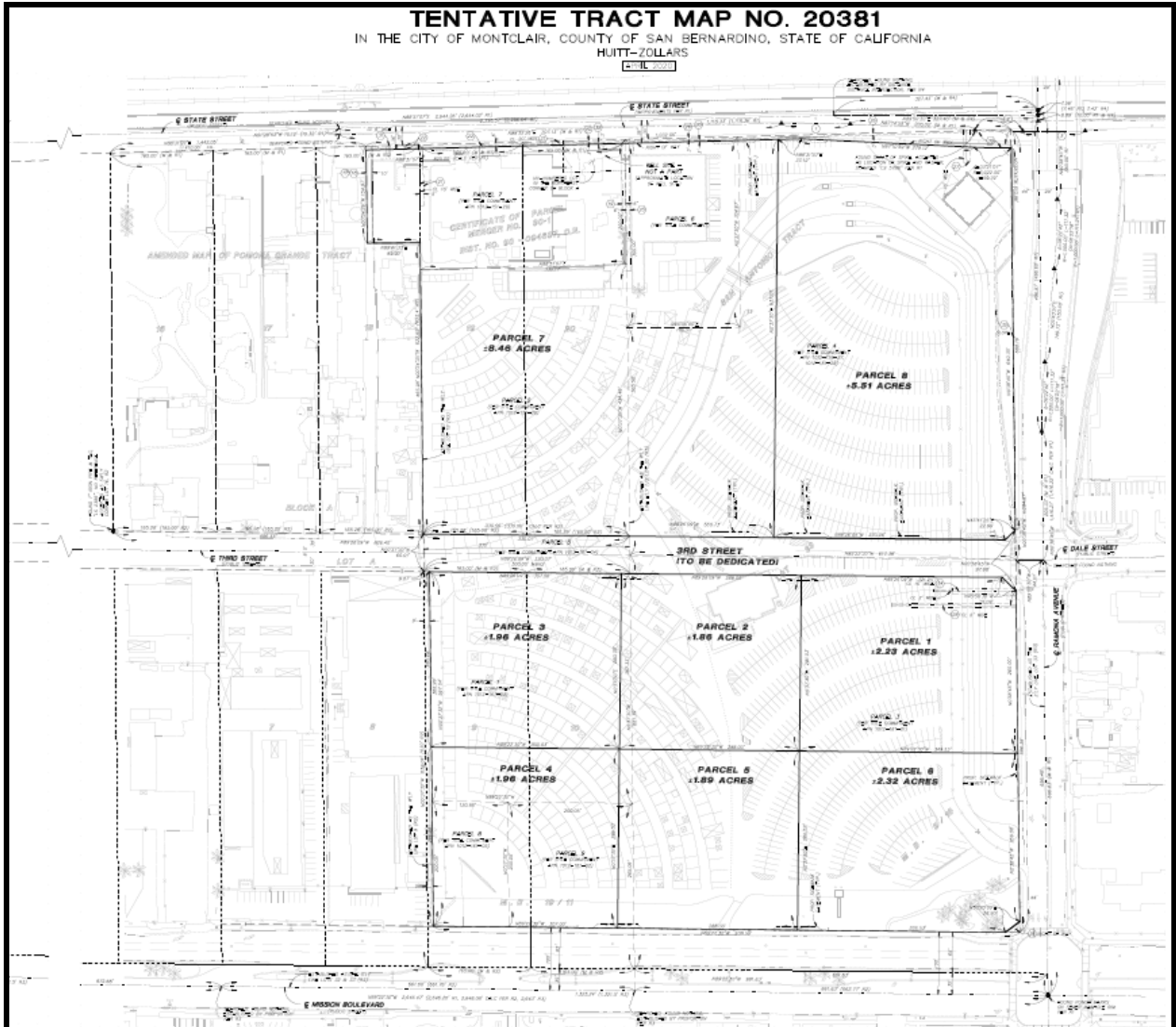


Exhibit B Site Plan

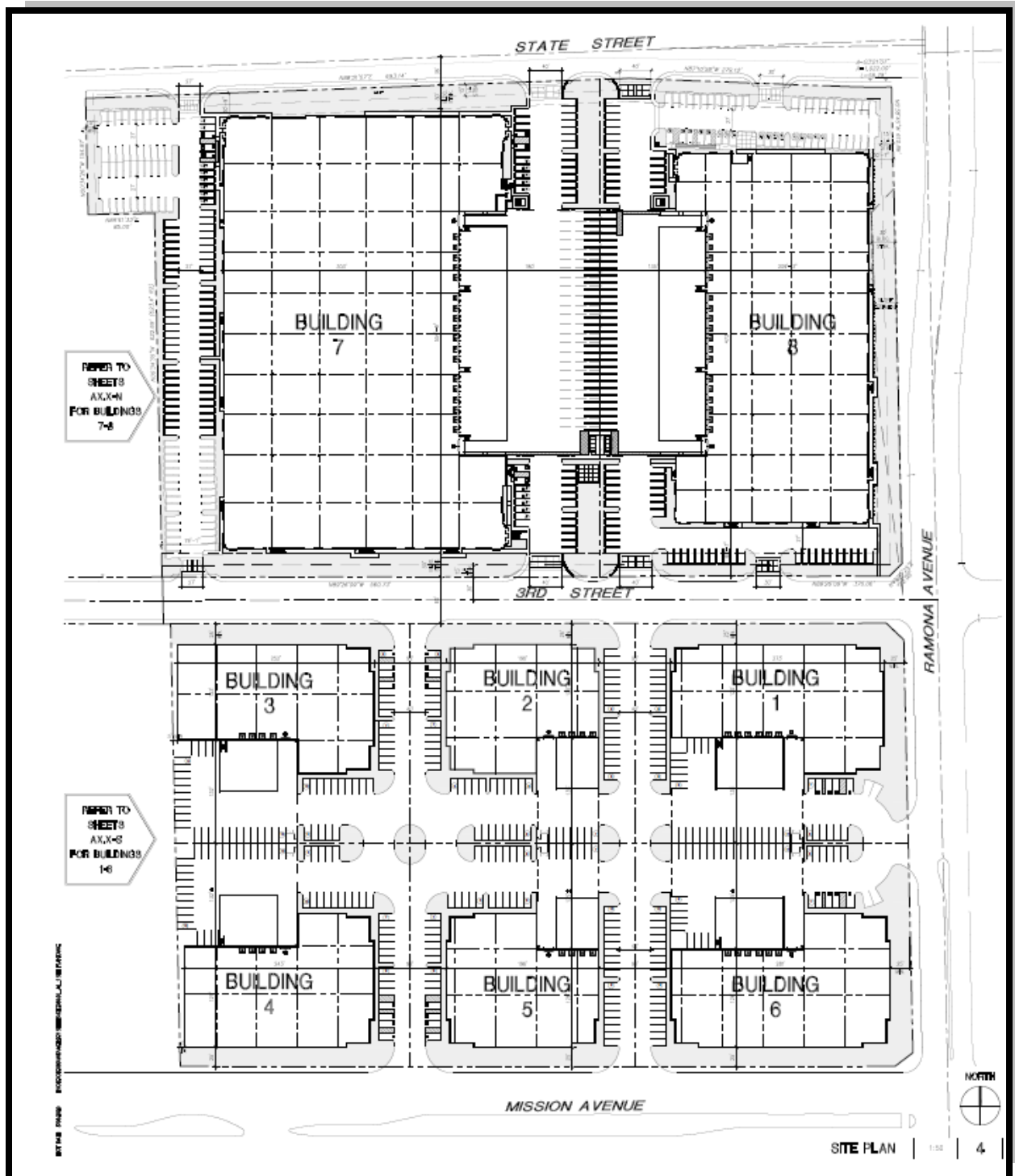


Exhibit C
Mitigation Measures listed in the Mitigation Monitoring and
Reporting Program

This page intentionally left blank

Mitigation Monitoring and Reporting Program

Mission Boulevard and Ramona Avenue Business Park Project

NOVEMBER 2022

Prepared for:



CITY OF MONTCLAIR

Community Development Department, Planning Division
5111 Benito Street
Montclair, California 91763
Contact: Michael Diaz, Community Development Director

Prepared by:

DUDEK

3615 Main Street, Suite 103
Riverside, California 92501
Contact: Patrick Cruz, Project Manager

Table of Contents

SECTION	PAGE NO.
1 Introduction	1
1.1 Introduction.....	1
2 Mitigation Monitoring and Reporting Program Table.....	3

TABLE

1 Mitigation Monitoring and Reporting Program	3
---	---

INTENTIONALLY LEFT BLANK

1 Introduction

1.1 Introduction

California Public Resources Code Section 21081.6 requires that, upon certification of an EIR, “the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.” (PRC Section 21000–21177)

This Mitigation Monitoring and Reporting Program was developed in compliance with Section 21081.6 of the California Public Resources Code and Section 15097 of the CEQA Guidelines (14 CCR 15000–15387 and Appendices A–L), and includes the following information:

- A list of mitigation measures
- The timing for implementation of the mitigation measures
- The party responsible for implementing or monitoring the mitigation measures
- The date of completion of monitoring

The City of Montclair must adopt this Mitigation Monitoring and Reporting Program, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval.

INTENTIONALLY LEFT BLANK

2 Mitigation Monitoring and Reporting Program Table

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Air Quality			
MM-AQ-1: Prior to Southern California Association of Governments (SCAG's) next update to the regional growth forecast as part of the Regional Transportation Plan/Sustainable Communities Strategy, the City of Montclair (City) shall prepare a revised employment forecast for SCAG that reflects anticipated growth generated from the proposed Project. The updated forecast provided to SCAG shall be used to inform the South Coast Air Quality Management District's update to the Air Quality Management Plan. The City shall prepare and submit a letter notifying the South Coast Air Quality Management District of this revised forecast for use in the future update to the Air Quality Management Plan as required.	Prior to the Regional Transportation Plan/Sustainable Communities Strategy regional growth forecast update	City of Montclair	
MM-AQ-2: Construction Equipment. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase to minimize diesel particulate matter emissions: <ul style="list-style-type: none"> a) Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Interim or better diesel engines for engines 75 horsepower or greater. The City shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Interim standards. b) Vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions. c) All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications. d) When construction equipment units that are less than 50 horsepower would be employed, that equipment shall be electrical or natural gas powered, where available. 	Prior to construction-related permit approvals	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>e) A Construction Traffic Control Plan shall be developed to ensure construction traffic and equipment use is minimized to the extent practicable. The Construction Traffic Control Plan shall include measures to reduce the amount of large pieces of equipment operating simultaneously during peak construction periods, schedule vendor and haul truck trips to occur during non-peak hours, establish dedicated construction parking areas to encourage carpooling and efficiently accommodate construction vehicles, identify alternative routes to reduce traffic congestion during peak activities, and increase construction employee carpooling.</p>			
<p>MM-AQ-3: Vehicle Miles Traveled Reduction Strategies. Prior to the approval of any construction-related permits, the Project applicant or its designee shall prepare a Transportation Demand Management (TDM) Program to facilitate increased opportunities for transit, bicycling, and pedestrian travel, as well as provide the resources, means, and incentives for ride-sharing and carpooling to reduce vehicle miles traveled and associated criteria air pollutant emissions. The Plan shall be subject to the City's review and approval. The following components are to be included in the TDM Program:</p> <p><i>Bicycle and Pedestrian Travel</i></p> <p>a) Develop a comprehensive pedestrian network designed to provide safe bicycle and pedestrian access between the various internal Proposed Project land uses, which will include design elements to enhance walkability and connectivity and shall minimize barriers to pedestrian access and interconnectivity. Physical barriers, such as walls or landscaping, that impede pedestrian circulation shall be eliminated.</p> <p>b) The Proposed Project design shall include a network that connects the Proposed Project uses to the existing off-site facilities (e.g., existing off-site bike paths).</p> <p>c) Proposed Project design shall include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways shall be designed to reduce motor vehicle speeds and</p>	Prior to construction-related permit approvals	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others.</p> <p>d) Provide bicycle parking facilities along main travel corridors: one bike rack space per 20 vehicle/employee parking spaces or to meet demand, whichever results in the greater number of bicycle racks.</p> <p>e) Provide shower and locker facilities to encourage employees to bike and/or walk to work: one shower and three lockers per every 25 employees.</p> <p><i>Ride-Sharing and Commute Reduction</i></p> <p>a) Promote ridesharing programs through a multi-faceted approach, such as designating a certain percentage of parking spaces for ridesharing vehicles; designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles; or providing a website or message board for coordinating rides.</p> <p>b) Implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip-reduction strategies. Implementing commute trip-reduction strategies without a complementary marketing strategy would result in lower VMT reductions. Marketing strategies may include: new employee orientation of trip reduction and alternative mode options; event promotions; or publications.</p> <p>c) One percent (1%) of vehicle/employee parking spaces shall be reserved for preferential spaces for car pools and van pools.</p> <p>d) Coordinate with the Southern California Association of Governments (SCAG) for carpool, vanpool, and rideshare programs that are specific to the Proposed Project.</p>			

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
e) Implement a demand-responsive shuttle service that provides access throughout the GCSP area, to the park-and-ride lots, and to the nearby transit centers. <i>Transit</i> a) Bus pull-ins shall be constructed where appropriate within the Proposed Project area. b) Coordinate with SCAG on future siting of transit stops/stations within or near the Project.			
MM-AQ-4: Encourage Electric Vehicles. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during construction: a) Install Level 2 EV charging stations in 10% of all parking spaces, with a minimum of 43 EV charging stalls for the Project site. b) Install EV infrastructure at truck loading bays for trucks to plug-in when commercially available.	Prior to construction-related permit approvals	City of Montclair	
MM-AQ-5: Idling Restriction. For proposed Project land uses that include truck idling, the Project shall minimize idling time of all vehicles and equipment to the extent feasible and shall include such restrictions in the Covenants, Conditions, and Restrictions (CCRs) for tenants of the Project; idling for periods of greater than five (5) minutes shall be prohibited. Signage shall be posted at truck parking spots, entrances, and truck bays advising that idling time shall not exceed five (5) minutes per idling location. To the extent feasible, the tenant shall restrict idling emission from trucks by using auxiliary power units and electrification.	During construction	City of Montclair	
MM-AQ-6: Energy Conservation. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase: a) Install a solar-ready rooftop to facilitate the installation of solar photovoltaic panels in the future. b) Purchase 100% renewable electricity through SCE.	Prior to construction-related permit approvals	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<ul style="list-style-type: none"> c) Install Energy Star rated heating, cooling, lighting, and appliances. d) Outdoor lighting shall be light emitting diodes (LED) or other high-efficiency lightbulbs. e) Provide information on energy efficiency, energy efficient lighting and lighting control systems, energy management, and existing energy incentive programs to future tenants of the Proposed Project. f) Non-residential structures shall meet the U.S. Green Building Council standards for cool roofs. This is defined as achieving a 3-year solar reflective index (SRI) of 64 for a low-sloped roof and 32 for a high-sloped roof. g) Outdoor pavement, such as walkways and patios, shall include paving materials with 3-year SRI of 0.28 or initial SRI of 0.33. h) Construction of modest cool roof, defined as Cool Roof Rating Council (CRRC) Rated 0.15 aged solar reflectance and 0.75 thermal emittance. i) Use of Heating, Ventilation and Air Conditioning (HVAC) equipment with a Seasonal Energy Efficiency Ratio (SEER) of 12 or higher. j) Installation of water heaters with an energy factor of 0.92 or higher. k) Maximize the use of natural lighting and include daylighting (e.g., skylights, windows) in rooms with exterior walls that would normally be occupied. l) Include high-efficacy artificial lighting in at least 50% of unit fixtures. m) Install low-NOx water heaters and space heaters, solar water heaters, or tank-less water heaters. n) Use passive solar cooling/heating. o) Strategically plant trees to provide shade. p) Structures shall be equipped with outdoor electric outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment. 			
MM-AQ-7: Electric Forklifts and Yard-Trucks. Proposed Project warehouse and manufacturing tenants shall require that all forklifts and yard-trucks are electric-powered or utilize other zero-emission technology. These requirements	During construction	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
shall be included in the Project's Covenants, Conditions, and Restrictions (CCRs).			
Biological Resources			
MM-BIO-1: The construction contractors' contract specifications shall include the following requirements: "Construction activities should avoid the migratory bird nesting season (typically February 1 through August 31), to reduce any potential significant impact to birds that may be nesting on the study area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and contiguous habitat within 500 feet of all impact areas must be conducted for protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the MBTA (16 USC 703-712) and California Fish and Game Code, Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate no disturbance buffer, which will be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing."	During construction	City of Montclair	
Cultural Resources			
MM-CUL-1: All construction personnel and monitors who are not trained archaeologists shall be briefed regarding inadvertent discoveries prior to the start of construction activities. A basic presentation and handout or pamphlet shall be prepared in order to ensure proper identification and treatment of inadvertent discoveries. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains	Prior to construction activities	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.			
MM-CUL-2: A qualified archaeologist shall be retained and on-call to respond and address any inadvertent discoveries identified during initial excavation in native soil. Initial excavation is defined as initial construction-related earth moving of sediments from their place of deposition. As it pertains to archaeological monitoring, this definition excludes movement of sediments after they have been initially disturbed or displaced by Project-related construction. A qualified archaeological principal investigator, meeting the Secretary of the Interior's Professional Qualification Standards, should oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits or material. The archaeological monitor will be responsible for maintaining daily monitoring logs. In the event that potential prehistoric or historical archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 100 feet of the find shall immediately stop and a qualified archaeologist must be notified immediately to assess the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted. If monitoring is conducted, an archaeological monitoring report shall be prepared within 60 days following completion of ground disturbance and submitted to the City for review. This report should document compliance with approved mitigation, document the monitoring efforts, and include an appendix with daily monitoring logs. The final report shall be submitted to the South Central Coastal Information Center (SCCIC).	During construction	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Geology and Soils			
MM-GEO-1: In the event that paleontological resources (fossil remains) are exposed during construction activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified paleontologist, as defined by the Society of Vertebrate Paleontology's 2010 guidelines, can assess the nature and importance of the find. Depending on the significance of the find, the qualified paleontologist may record the find and allow work to continue or may recommend salvage and recovery of the resource. All recommendations will be made in accordance with the Society of Vertebrate Paleontology's 2010 guidelines and shall be subject to review and approval by the City of Montclair. Work in the area of the find may only resume upon approval of a qualified paleontologist.	During construction	City of Montclair	
Greenhouse Gas Emissions			
MM-GHG-1: Water Conservation. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during construction: a) Install low-water use appliances and fixtures b) Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces c) Implement water-sensitive urban design practices in new construction d) Install rainwater collection systems where feasible.	Prior to construction-related permit approvals	City of Montclair	
MM-GHG-2: Solid Waste Reduction. Prior to the approval of any construction-related permits, the Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during construction: a) Provide storage areas for recyclables and green waste in new construction, and food waste storage, if a pick-up service is available. b) Evaluate the potential for on-site composting.	Prior to construction-related permit approvals	City of Montclair	
Hazards and Hazardous Materials			
MM-HAZ-1: Prior to issuance of a grading permit, the existing subsurface feature in the northeastern portion of the Project site (as evidenced by the	Prior to issuance of a grading permit	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>manholes) shall be identified. If it is determined to be a subsurface tank, clarifier, or oil/water separator, the feature shall be closed and removed from the Project site in accordance with San Bernardino County Fire Department requirements prior to site construction. The closure will include the following:</p> <ul style="list-style-type: none"> a) Obtain permits from the San Bernardino County Fire Department b) Remove all wastes from the units for proper disposal c) Remove the subsurface feature for proper disposal/recycling and remove or cap/plug associated piping in accordance with the permit requirements d) Follow permit requirements <p>If impacted soil is identified, manage soil in accordance with MM-HAZ-2.</p>			
<p>MM-HAZ-2: Prior to issuance of a grading permit, a hazardous materials contingency plan (HMCP) shall be prepared and shall be followed during demolition, excavation, and construction activities for the proposed Project. The hazardous materials contingency plan shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> a) Identification of known and suspected areas with hazardous waste and/or hazardous materials of concern. b) Procedures for identifying suspect materials c) Procedures for temporary cessation of construction activity and evaluation of the level of environmental concern d) Procedures for restricting access to the contaminated area except for properly trained personnel e) Procedures for notification and reporting, including internal management and local agencies (e.g., San Bernardino County Fire Department), as needed f) Health and safety measures for excavation of contaminated soil g) Procedures for characterizing and managing excavated soils <p>Site workers shall be familiar with the hazardous materials contingency plan and should be fully trained on how to identify suspected contaminated soil.</p>	Prior to issuance of a grading permit	City of Montclair	
<p>MM-HAZ-3: Prior to commencement of construction of the northwestern proposed building (Building 1), a vapor intrusion mitigation system shall be</p>	Prior to construction	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
designed for the portion of Building 1 with vapor intrusion concerns (see Figure 4.6-1, Known Hazards Building Footprints Map). The vapor mitigation system shall include one or more of the methods presented in the Department of Toxic Substances Control's <i>Vapor Intrusion Mitigation Advisory</i> dated October 2011. The construction contractor shall design a vapor intrusion mitigation system that adequately mitigates potential vapor intrusion in the northwestern corner of the building. The vapor mitigation design shall be submitted to the City for review and approval prior to issuance of a building permit. Typical vapor mitigation systems are comprised of a sub-slab geomembrane or vapor barrier. Sub-slab ventilation piping is typically installed below the geomembrane layer for capturing VOCs in the soil gas and discharging them above the building roof through vent stacks. The vapor barrier, if used, shall be installed and inspected in accordance with the manufacturer's specifications. Operation of the Project shall maintain functionality of these features as required to continue protection from vapor intrusion. Alternatively, if collection and evaluation of additional data, such as statistical evaluation of further soil vapor sampling data throughout the Building 1 footprint or site-specific soil and/or building parameters, demonstrate that concentrations are below soil vapor or ambient air screening levels, such data shall be presented to the City for review and consideration of elimination of the need for the vapor intrusion mitigation system.			
MM-HAZ-4: Prior to the issuance of a demolition permit for any existing on-site structure, a qualified environmental specialist shall conduct a survey for PCBs, mercury, and other hazardous building materials (other than asbestos and lead paint) such as universal wastes and refrigerant to document the presence of any potentially hazardous materials within the structures. Any potentially hazardous materials identified as part of this survey shall be handled in accordance with the federal and state hazardous waste and universal waste regulations. Demolition plans and contract specifications would incorporate any necessary materials management measures in compliance with the Metallic Discards Act (Public Resources Code, Section 42160 et seq.), particularly Public Resources Code, Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-	Prior to the issuance of a demolition permit	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
containing ballasts, and refrigerants and the DTSC June 2019 Fact Sheet Guidance on Major Appliances for Scrap Recycling Facilities.			
Noise			
<p>MM-NOI-1: Prior to issuance of grading permits, the Project Applicant shall provide a Construction Noise Control Plan (CNCN) to the City for review and approval. The CNCN shall include best management practices to reduce short-term construction noise. Enforcement of the CNCN shall be accomplished by field inspections during construction activities and/or documentation of compliance, to the satisfaction of the City. The CNCN measures shall be incorporated by the City of Montclair as conditions on City-issued permits. Noise reduction best management practices shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) Prior to Project construction, temporary sound barriers/shielding shall be installed at the western site boundary adjacent to the residential land uses. The construction noise barrier shall be a minimum of 7 feet in height. The barrier may be constructed of 3/4-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility having a surface weight of 2 pounds per square foot or greater. Prefabricated acoustic barriers are available from various vendors. When barrier units are joined together, the mating surfaces of the barrier sides should be flush or overlap with one another. Gaps between barrier units, and between the bottom edge of the barrier panels and the ground, should be closed with material that will completely fill the gaps, and be dense enough to attenuate noise. b) All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers consistent with the manufacturers' specifications and standards. c) Construction noise reduction methods, such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied sensitive receptor areas, and using electric air compressors and similar power tools rather than diesel equipment, shall be used. 	Prior to issuance of a grading permit	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>d) During construction, stationary equipment should be placed as far away from the adjacent residential property boundary as feasible and positioned such that emitted noise is directed away from or shielded from sensitive receptors. Acoustically attenuating shields, shrouds, or enclosures may be placed over stationary equipment.</p> <p>e) During construction, stockpiling and vehicle staging areas shall be located far from noise-sensitive receptors.</p> <p>The Project shall be in compliance with the City's Noise Ordinance (Montclair Municipal Code Chapter 6.12): Noise sources associated with construction, repair, remodeling, or grading of any real property are exempt, provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on any given day and provided that the City Building Official determines that the public health and safety will not be impaired.</p>			
<p>MM-NOI-2: The Project applicant shall notify nearby property owners within 300 feet of the Project site, including residences to the east, south and west, of the construction activities and construction hours proposed to occur on the Project site, as well as provide contact information in the event a property owner or residence has a noise complaint. Additionally, construction hours, allowable workdays, and the phone number of the job superintendent and City code enforcement shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent. Upon receipt of a complaint, the job superintendent shall respond to the complainant, investigate to ensure a good understanding of the specifics of the complaint, and coordinate with City staff to resolve the issue by ensuring that the measures listed above in MM-NOI-1 are being implemented.</p>	Prior to construction activities	City of Montclair	
Tribal Cultural Resources			
<p>MM-TCR-1: Prior to the issuance of any grading permit for the Project, the City of Montclair (City) shall ensure that the Project Applicant retains the services of a tribal monitor(s) approved by the Gabrieleño Band of Mission Indians Kizh Nation to provide Native American monitoring during ground-disturbing activities. This provision shall be included on the Project contractor's plans and specifications. Ground-disturbing activities are defined by the Gabrieleño</p>	Prior to issuance of a grading permit	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Band of Mission Indians Kizh Nation as activities that may include but are not limited to pavement removal, pot-holing or auguring, grubbing, tree removals, borings, grading, excavation, drilling, and/or trenching within the Project area. The Project site shall be made accessible to the monitor(s), provided adequate notice is given to the construction contractor and that a construction safety hazard does not occur. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) shall be required to provide insurance certificates, including liability insurance. If evidence of any tribal cultural resources is found during ground-disturbing activities, the monitor(s) shall have the capacity to halt construction in the immediate vicinity of the find to recover and/or determine the appropriate plan of recovery for the resource in consultation with a qualified archaeologist. The recovery process shall not unreasonably delay the construction process and must be carried out consistent with CEQA and local regulations. Construction activity shall not be contingent on the presence or availability of a monitor, and construction may proceed regardless of whether or not a monitor is present on site. The monitor shall complete daily monitoring logs that will provide descriptions of the day's activities and general observations and whether the Native American monitor believes they observed a TCR and what action they took. The on-site monitoring shall end when the Project site grading and excavation activities are completed or prior to the completion if the monitor has indicated that the site has a low potential for tribal cultural resources.			
MM-TCR-2: Upon discovery of any tribal cultural resources, a Native American monitor has the ability to halt construction activities in the immediate vicinity (within 50 feet) of the find until the find can be assessed. All tribal cultural resources unearthed during the Project construction activities shall be evaluated by the Native American monitor approved by the Gabrieleño Band of Mission Indians Kizh Nation and a qualified archaeologist. Construction work shall be permitted to continue on other parts of the Project site while evaluation and, if necessary, additional investigations and/or preservation measures take place (CEQA Guidelines Section 15064.5(f)). If the resources are Native American in origin, the Gabrieleño Band of Mission Indians Kizh Nation tribe shall coordinate	Upon discovery of tribal cultural resources	City of Montclair	

Table 1. Mitigation Monitoring and Reporting Program

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