



CITY OF MONTCLAIR
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS
5111 Benito Street, Montclair, California 91763

REGULAR ADJOURNED MEETING
Monday, August 22, 2011
7:00 p.m.

It is respectfully requested that you please silence your cell phones and other electronic devices while the meeting is in session. Thank you.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairman Sergio Sahagun, Vice Chairman Luis Flores, Commissioner Tenice Johnson, Commissioner Maynard Lenhert, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the July 11, 2011 Planning Commission meeting are presented for consideration.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

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

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete a speaker's card and submit it to the City Planner. Speaker's cards are available at the entrance to the Council Chambers.

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2011-8
 - Project Address: Citywide
 - Project Applicant: City of Montclair
 - Project Planner: Steve Lustro, AICP,
Community Development Director
 - Request: General Plan Amendment for the
2006-2014 City of Montclair Housing
Element

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

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of September 12, 2011 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California

CERTIFICATION OF AGENDA POSTING

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the south door of Montclair City Hall on August 18, 2011.

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2011-8

NAME OF APPLICANT	City of Montclair
LOCATION OF PROPERTY	Citywide
GENERAL PLAN IMPLEMENTATION PROGRAM	General Plan Amendment for 2006-2014 City of Montclair Housing Element Update
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration
PROJECT COORDINATOR	Steve Lustro

Project Description

The City of Montclair 2006-2014 Housing Element identifies and analyzes the existing and projected housing needs of the community and articulates the City's official policy action program for the preservation, conservation, improvement, and production of housing units in the City.

In addition to Background information and the proposed Policy Programs, the Housing Element contains the following appendices:

- Housing Profile
- Resources and Constraints
- Residential Land Resources
- Review of Past Performance
- Community Outreach Efforts

The Housing Element includes a Housing Policy Program that establishes 25 policy action programs to address identified housing needs. Through the policy action programs and adequate sites analysis, the Housing Element demonstrates that the City is providing adequate opportunities for the production of new housing units within the 2006-2014 planning period for all income levels in a manner that meets the City's Regional Housing Needs Assessment (RHNA) allocation and complies with State law.

The City has an unaccommodated RHNA from its 1998-2005 planning period of 640 dwelling units. In addition, it has been determined that the City's adjusted RHNA for the 2006-2014 planning period is 1,370 residential units, for a total RHNA of 2,010 dwelling units, as illustrated in Table AC-4 of the Housing Element. The Quantified Objectives by income category are contained in Table 2-1.

Copies of the Initial Study/Mitigated Negative Declaration (IS/MND) are enclosed in the Commission packets for reference. Copies of the Final Public Review Draft of the 2006-2014 Housing Element were previously distributed to the Commission for reference.

Background

The Housing Element is one of the seven statutorily-required elements of the City's General Plan. The Housing Element establishes the City's official policies related to housing, and plans for the long-term provision of housing to meet the needs of the community. In addition, the Housing Element must also comply with State requirements. In accordance with State law, the Housing Element is required to demonstrate that adequate housing opportunities are available to meet the City's RHNA allocation across all income categories. The Housing Element is also required to address recent legislative requirements, including AB 2346 (requiring an Adequate Sites Analysis), AB 2634 (requiring the Housing Element to address Extremely Low-Income Households), AB 1233 (identification of sites that are, or will be, appropriately zoned within the first year following Housing Element adoption to accommodate the remaining lower-income need), AB 2348 (establishing the minimum default density), SB 2 (requiring cities to identify zoning districts where Emergency Shelters are permitted by-right), and SB 520 (requiring cities to remove constraints and provide for reasonable accommodation of housing designed for persons with disabilities). The Housing Element is required to be reviewed and certified by the State Department of Housing and Community Development (HCD), finding that the Element complies with State law.

The City's Housing Element was last updated in 2000, covering the 1998-2005 planning period. However, that Housing Element was never certified by HCD. The Housing Element is the only component of the General Plan that is required to be updated on a regular schedule set forth by HCD. While the Housing Element for the 2006-2014 planning period was required to be updated by June 30, 2008, the City's deadline was extended past this date because of lengthy negotiations with HCD on certain Housing Element policies.

City staff has been working with professional staff from RBF Consulting for almost two years to coordinate the required public meetings, solicitation of public input, and ultimately, preparation of the 174-page 2006-2014 Housing Element update for consideration by the Planning Commission and City Council.

Planning Division Comments

As previously indicated in this report, staff has worked with RBF Consulting for nearly two years to develop the document being considered by the Planning Commission. Entering into this project, staff was well aware that not having a previously-certified Housing Element would likely result in additional work for the consultant and a number of policy programs that will require implementation and monitoring by staff in the near future. Staff is hopeful that when the City is required to embark on this process again in the next 3-4 years, having a Housing Element that is certified by the State will make the process less onerous and costly with respect to the amount of time required to prepare the update.

The Housing Element update identified 25 policy programs, contained on Pages 2-2 through 2-11 of the document. While a handful of the policy programs involve continuation of existing activities such as Code Enforcement and the Housing Improvement Task Force, a number of

programs involve amending the Montclair Municipal Code to comply with State law and to promote the development of affordable housing. Some examples:

- ❑ Determine where single-room occupancy units (SROs) would be allowed by-right
- ❑ Adopt "reasonable accommodation procedures" for persons with disabilities
- ❑ Revise Chapter 11.85 MMC ("Residential Density Bonus") to comply with State law
- ❑ Define "residential care facilities" and prepare associated development standards and conditions for the use
- ❑ Allow manufactured housing as a single-family residential use pursuant to State law
- ❑ Remove CUP requirement for development in the R-3 (multiple-family residential) zone

Other policy programs involve a review of current requirements to determine whether they are a constraint to residential development, such as development fees, minimum unit size requirements, parking requirements, and potential revisions to the density standards in the R-3 zone.

As indicated above, a somewhat aggressive timeline and work schedule will need to be adopted by staff to successfully comply with the policy programs set forth in the Housing Element. Accordingly, the Planning Commission can expect to see a number of code amendments brought forth in the next 6-12 months.

Staff notes that many of the policy programs identify the Redevelopment Agency as the sole "Responsible Agency/Department" or as a partner with the Community Development Department. As the Commission is aware, the recent passage of Assembly Bills 1x26 and 1x27 and their subsequent approval by Governor Brown have had a significant impact on the future of RDAs. The outcome of the pending legal challenges to this misguided legislation will determine whether the City's RDA will have the ability to be an active participant in implementation of these policy programs.

Staff is greatly appreciative of the time and effort put forth by David Barquist, Michelle Kou, Arlene Granadosin, and Rita Garcia of RBF Consulting to develop the comprehensive document before the Commission for consideration and recommendation. RBF's knowledge of State law as it relates to housing and its experience working with the State's Housing and Community Development Department has been invaluable in the preparation of the Housing Element update. The "finish line" is obtaining Housing Element certification by HCD, not only to be in compliance with State law, but to also allow the City to be eligible to apply for grants that are only available to cities with a certified Housing Element.

Environmental Review

The Initial Study and Mitigated Negative Declaration (IS/MND) were prepared to evaluate the environmental impacts of the Project in compliance with the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines and in conformance with local CEQA Guidelines. The MND finds that the Project will have less than significant impacts to the environment with the implementation of mitigation measures. The 30-day public review period commenced on July 14, 2011 and concluded on August 12, 2011. Copies of the MND

were available at the Community Development counter at City Hall and on the City's website. The MND was also mailed to public agencies and to the State Clearinghouse for review by State agencies. During the public review period, the City received three (3) comment letters from public agencies and utilities. The comment letters, the City's Response to Comments, and a Mitigation Monitoring and Reporting Program are included as part of the Final MND for Commission review and reference.

Public Notice

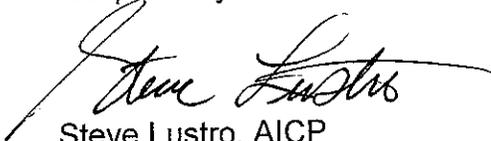
On July 13, 2011, the Notice of Availability of the Housing Element Initial Study/Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the San Bernardino County Clerk of the Board for posting and mailed to interested stakeholders, community members, local public agencies, and the State Clearinghouse. The Notice was posted on the City's website and the IS/MND made available at the Community Development public counter at Montclair City Hall on July 14, 2011. The Notice was also published in the Inland Valley Daily Bulletin newspaper on July 15, 2011.

Planning Division Recommendation

Staff finds the proposed General Plan Amendment for the 2006-2014 City of Montclair Housing Element to be consistent with all other elements of the City's General Plan and in compliance with statutory guidelines set forth by the State of California; therefore, it is recommended that the Planning Commission take the following actions:

- A. Move that, based on the evidence submitted, a finding is made that, although the Project could have a significant effect on the environment, there will not be a significant in this case because the mitigation measures described in Section 4.0 (Environmental Analysis) of the Initial Study have been incorporated into the Project. Accordingly, a Mitigated Negative Declaration will be prepared.
- B. Move to recommend City Council approval of the Initial Study/Mitigated Negative Declaration under Case No. 2011-8 and to adopt the 2006-2014 City of Montclair Housing Element.

Respectfully Submitted,



Steve Lustro, AICP
Community Development Director

RESOLUTION NUMBER 11-1745

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND GENERAL PLAN AMENDMENT TO ADOPT THE 2006-2014 CITY OF MONTCLAIR HOUSING ELEMENT

A. Recitals.

WHEREAS, the Housing Element is one of seven statutorily-required elements of the General Plan; and

WHEREAS, the City of Montclair adopted its 1998-2005 General Plan Housing Element in 2000; however, said Housing Element update was not certified by the State's Housing and Community Development Department (HCD) as being in substantial compliance with statute; and

WHEREAS, the California Government Code requires cities to review and update their Housing Element every five years according to a schedule set forth by HCD; and

WHEREAS, the City desires to update its Housing Element to ensure that it accurately reflects the City's official housing policy and contains policy actions and programs that address the housing needs of the Montclair community; and

WHEREAS, the City, through its consultant, RBF Consulting, has prepared the 2006-2014 Housing Element, dated July 2011, as an update to its previously adopted Housing Element in compliance with State law; and

WHEREAS, HCD has provided the City with a letter of substantial compliance, indicating that upon adoption by the City Council, the Housing Element will fully comply with State law; and

WHEREAS, the City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the 30-day public review period for the IS/MND commenced on July 14, 2011 and concluded on August 12, 2011; and

WHEREAS, on July 13, 2011, the Notice of Availability of the IS/MND was filed with the San Bernardino County Clerk of the Board for posting and mailed to interested stakeholders, community members, public agencies, and to the State Clearinghouse for review by State agencies; and

WHEREAS, copies of the IS/MND were available during the public review period at the Community Development counter at City Hall and on the City's website; and

WHEREAS, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 15, 2011; and

WHEREAS, the Planning Commission has reviewed and considered the Housing Element along with the information contained in the IS/MND, comments received during the public review period, and responses to comments; and

WHEREAS, based on its review and independent judgment, the Planning Commission finds that the Housing Element will not have a significant effect on the environment with the implementation of mitigation measures; and

WHEREAS, on August 22, 2011, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with the General Plan Amendment for the 2006-2014 City of Montclair Housing Element were heard, and said application was fully studied.

B. Findings.

1. *The General Plan Housing Element meets the requirements of Housing Element law (Article 10.6 of the Government Code).*

The Housing Element contains a Needs Assessment, Resources and Constraints Analysis, Review of Past Performance, Housing Policy Program, and Adequate Sites Analysis consistent with State requirements. Further, the State Department of Housing and Community Development (HCD) reviewed the Public Review Draft Housing Element and issued a letter of substantial conformance, dated April 7, 2011, finding that the Housing Element substantially conforms to State law. While minor changes were made to the Draft Housing Element after HCD review, the Housing Element content is substantially the same and continues to comply with State law. Following City adoption of the 2006-2014 Housing Element, a copy will be submitted to HCD for final certification.

2. *The Housing Element is generally consistent with the goals and policies stated within all other elements of the City's General Plan.*

The Housing Element has been reviewed and is generally consistent with the remaining elements of the Montclair General Plan.

3. *The Housing Element advances the State's housing goal of "decent housing and a suitable living environment for all members of the community".*

The Housing Element contains a Needs Assessment documenting housing needs in Montclair and establishes policy action programs to meet those needs through the preservation, conservation, improvement, and production of housing

units. The Housing Policy Action Programs aim to provide opportunities for production of new housing units for all income levels, and also address housing for special needs groups, including seniors, large families, and workforce housing. Accordingly, City adoption of the Housing Element and implementation of the Housing Policy Action Programs advances the State's housing goal of providing "decent housing and a suitable living environment for all members of the community".

C. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Montclair as follows:

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.
2. This Commission recommends that the City Council approve the General Plan Amendment associated with Case No. 2011-8 for the 2006-2014 City of Montclair Housing Element, and further, that the City Council adopt the Mitigated Negative Declaration based on the findings contained in the Initial Study and in Part B of this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the City Council direct staff to implement the 25 policy action programs identified in the 2006-2014 General Plan Housing Element.

The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 22ND DAY OF AUGUST, 2011.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Luis Flores, Chair

ATTEST: _____
Steve Lustro, Secretary

I, Steve Lustro, 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 22nd day of August, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\PLANNING DIV\HOUSING ELEMENT UPDATE\2011-8 PC RESO 11-1745