



MONTCLAIR

CITY OF MONTCLAIR  
PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS

5111 Benito Street, Montclair, California 91763

REGULAR ADJOURNED MEETING  
Monday, August 11, 2014  
7:00 p.m.

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

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Chair Tenice Johnson, Vice Chair Luis Flores, Commissioner Manny Martinez, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

**4. APPROVAL OF MINUTES**

The minutes of the June 23, 2014 and July 14, 2014 Planning Commission meetings 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 2014-18  
Project Address: Citywide  
Project Applicant: City of Montclair  
Project Planner: Steve Lustro, AICP,  
Community Development Director  
Request: Code Amendment adding Chapter 11.37 to  
the Montclair Municipal Code related to  
emergency shelters and SROs  
CEQA Assessment: Categorically Exempt (Section 15301)
- b. PUBLIC HEARING - CASE NUMBER 2014-19  
Project Address: Citywide  
Project Applicant: City of Montclair  
Project Planner: Steve Lustro, AICP,  
Community Development Director  
Request: Code Amendment amending  
Chapters 11.02 and 11.18 of the  
Montclair Municipal Code related to  
manufactured homes  
CEQA Assessment: Categorically Exempt (Section 15301)

## **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 August 25, 2014 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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**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 August 7, 2014.

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2014-18

|                             |                                      |
|-----------------------------|--------------------------------------|
| APPLICATION TYPE(S)         | Zoning Code Amendment                |
| NAME OF APPLICANT           | City of Montclair                    |
| LOCATION OF PROPERTY        | Citywide                             |
| ENVIRONMENTAL DETERMINATION | Categorically Exempt (Section 15301) |
| PROJECT PLANNER             | Steve Lustro                         |

#### Project Proposal and Background

On February 3, 2014, the City Council adopted Resolution No. 14-3018 approving a General Plan Amendment adopting the 2014-2021 Housing Element Update. The "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element. The Policy Actions being addressed by this agenda item include the following:

- ❑ Policy Action 2.2 requires staff to "Identify zoning districts available to encourage and facilitate a variety of housing types, including single-room occupancy units (SROs)...The City shall revise the Zoning Code to define SROs, identify the zones in which they are permitted and establish regulatory standards that encourage and facilitate single-room occupancy units," and
- ❑ Policy Action 4.1 states, in part, that "...the City will analyze and revise the existing Zoning Ordinance to allow for emergency shelters..." and "...will comply with the requirements of the State in the following manner.
  - Provide at least one zoning category...in which emergency shelters can be located and permitted 'by-right' without a CUP or other discretionary approvals. The subject zoning category(ies) shall include sites with sufficient capacity to meet the local need for emergency shelters.
  - Ensure the provisions of the Housing Accountability Act are enforced and prohibit the denial of emergency shelter/transition/supportive housing facility via discretionary approvals if it is consistent with adopted regulatory standards.
  - Evaluate development standard and regulatory provisions to ensure that standards encourage rather than discourage development."

Staff notes this is one of several General Plan and/or Municipal Code amendments related to implementation of the Policy Actions contained in the adopted Housing Element that are intended to be submitted to the Planning Commission and City Council for consideration.

Further, in order to be in full compliance with the state's certification of the City's Housing Element and pursuant to Government Code Section 65583(a)(4)(A), the City is required to take action on Policy Action 4.1 as described above within one year of the adoption of the Housing Element.

### **Analysis**

Emergency shelters and single-room occupancy (SRO) hotels or lodging facilities are not currently addressed in the Municipal Code. In order to be in compliance with the City's adopted 2014-2021 Housing Element, staff is proposing to add Chapter 11.37 to Title 11 of the Montclair Municipal Code to address these uses. The new Chapter would define the two uses, specify where said uses would be permitted, and set forth development standards. Pursuant to Government Code Section 65583(a)(4)(A), which was amended by Senate Bill 2 in 2007, emergency shelters are proposed to be allowed by-right in the "BP" (Business Park) land use district of the Holt Boulevard Specific Plan, and SROs would be allowed subject to approval of a Conditional Use Permit in the same land use district. Staff believes that said uses would be compatible with existing and anticipated land uses along Holt Boulevard and would be in convenient proximity to Omnitrans' Line 61 in the event facility residents have the need to access public transit.

### **Public Notice and Comment from the Public**

A notice of public review was advertised in the Inland Valley Daily Bulletin newspaper on August 1, 2014, inviting public comment. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

### **Fiscal Impact**

The cost to publish the public notice in the Inland Valley Daily Bulletin was \$365.36. Implementing the ordinance would have minimal impact on City resources.

### **Environmental Determination**

The Director has concluded that proposed Ordinance No. 14-944 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines, in that it will not have a significant effect on the environment as the code amendments, in and of themselves, do not approve any construction activities, but instead establish standards and criteria for the establishment of specific types of businesses and uses.

### **Findings**

No findings of the Planning Commission or City Council are required for recommending approval of, or approving the proposed Municipal Code amendment.

## Planning Division Recommendation

Staff finds the proposed Zoning Code Amendment to be consistent with City policy and the Montclair Municipal Code. Accordingly, staff recommends approval of Case No. 2014-18 by taking the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with the staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and
- B. Recommend the City Council adopt proposed Ordinance No. 14-944, adding Chapter 11.37 to the Montclair Municipal Code to define and establish development standards for emergency shelters and single-room occupancy lodging facilities as set forth in Planning Commission Resolution No. 14-1812.

Respectfully Submitted,



Steve Lustro, AICP  
Community Development Director

Attachments - Planning Commission Resolution No. 14-1812  
Draft Ordinance No. 14-944

Z:\COMMDEV\SL\2014\2014-18 PC RPT

**RESOLUTION NUMBER 14-1812**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL ADOPTION OF PROPOSED ORDINANCE NO. 14-944, ADDING CHAPTER 11.37 TO THE MONTCLAIR MUNICIPAL CODE RELATED TO EMERGENCY SHELTERS AND SINGLE-ROOM OCCUPANCY LODGING FACILITIES (CASE NO. 2014-18)**

A. Recitals.

**WHEREAS**, the Housing Element is one of seven statutorily-required elements of the General Plan; 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 the State's Housing and Community Development Department (HCD); and

**WHEREAS**, the City, through its consultant, RBF Consulting, prepared the 2014-2021 Housing Element, as an update to its previously adopted Housing Element in compliance with State law; and

**WHEREAS**, in January 2014, HCD provided the City with a letter of substantial compliance indicating that upon adoption by the City Council, the Housing Element would fully comply with State law; and

**WHEREAS**, on February 3, 2014, the City Council adopted Resolution No. 14-3018 approving a General Plan Amendment adopting the 2014-2021 Housing Element Update; and

**WHEREAS**, the "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element; and

**WHEREAS**, Policy Action 2.2 requires staff to "identify zoning districts available to encourage and facilitate a variety of housing types, including single-room occupancy units (SROs)...The City shall revise the Zoning Code to define SROs, identify the zones in which they are permitted and establish regulatory standards that encourage and facilitate single-room occupancy units"; and

**WHEREAS**, Policy Action 4.1 states, in part, that "...the City will analyze and revise the existing Zoning Ordinance to allow for emergency shelters..." and "...will comply with the requirements of the State in the following manner:

- o Provide at least one zoning category...in which emergency shelters can be located and permitted 'by-right' without a CUP or other discretionary

approvals. The subject zoning category(ies) shall include sites with sufficient capacity to meet the local need for emergency shelters.

- Ensure the provisions of the Housing Accountability Act are enforced and prohibit the denial of emergency shelter/transitional/supportive housing facility via discretionary approvals if it is consistent with adopted regulatory standards.
- Evaluate development standards and regulatory provisions to ensure that standards encourage rather than discourage development."

**WHEREAS**, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on August 1, 2014; and

**WHEREAS**, on August 11, 2014, 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 said proposal were heard, and said application was fully studied.

B. 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 adopt the finding that proposed Ordinance No. 14-944 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines.
3. This Commission recommends the City Council adopt proposed Ordinance No. 14-944, adding Chapter 11.37 to the Montclair Municipal Code related to emergency shelters and single-room occupancy lodging facilities.

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

APPROVED AND ADOPTED THIS 11TH DAY OF AUGUST, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Tenice Johnson, 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 11th day of August, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

z:\COMMDEV\SL\2014\2014-18 PC RESO 14-1812

**ORDINANCE NO. 14-944**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING CHAPTER 11.37 TO THE MONTCLAIR MUNICIPAL CODE RELATED TO EMERGENCY SHELTERS AND SINGLE-ROOM OCCUPANCY LODGING FACILITIES (CASE NO. 2014-18)**

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

**WHEREAS**, the California Government Code requires cities to review and update their Housing Element according to a schedule set forth by the State's Housing and Community Development Department (HCD); and

**WHEREAS**, the City, through its consultant, RBF Consulting, prepared the 2014-2021 Housing Element, as an update to its previously adopted Housing Element in compliance with State law; and

**WHEREAS**, in January 2014, HCD provided the City with a letter of substantial compliance indicating that upon adoption by the City Council, the Housing Element would fully comply with State law; and

**WHEREAS**, on February 3, 2014, the City Council adopted Resolution No. 14-3018 approving a General Plan Amendment adopting the 2014-2021 Housing Element Update; and

**WHEREAS**, the "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element; and

**WHEREAS**, Policy Action 2.2 requires staff to "identify zoning districts available to encourage and facilitate a variety of housing types, including single-room occupancy units (SROs)...The City shall revise the Zoning Code to define SROs, identify the zones in which they are permitted and establish regulatory standards that encourage and facilitate single-room occupancy units"; and

**WHEREAS**, Policy Action 4.1 states, in part, that "...the City will analyze and revise the existing Zoning Ordinance to allow for emergency shelters..." and "...will comply with the requirements of the State in the following manner:

- Provide at least one zoning category...in which emergency shelters can be located and permitted 'by-right' without a CUP or other discretionary approvals. The subject zoning category(ies) shall include sites with sufficient capacity to meet the local need for emergency shelters.
- Ensure the provisions of the Housing Accountability Act are enforced and prohibit the denial of emergency shelter/transitional/supportive housing

facility via discretionary approvals if it is consistent with adopted regulatory standards.

- o Evaluate development standards and regulatory provisions to ensure that standards encourage rather than discourage development."

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I. Amendment of Code.**

Chapter 11.37 is hereby added to the Montclair Municipal Code as follows:

**Chapter 11.37  
EMERGENCY SHELTERS AND SINGLE-ROOM OCCUPANCY  
LODGING FACILITIES**

**Sections:**

- 11.37.010 Purpose and intent.**
- 11.37.020 Definitions.**
- 11.37.030 Emergency shelters.**
- 11.37.040 Single-room occupancy lodging facilities.**

**11.37.010 Purpose and intent.**

The purpose of this Chapter is to identify locations where emergency shelters and single-room occupancy lodging facilities ("SROs") may locate in the City and to provide development standards to facilitate their development. The City Council finds that these types of supportive housing units are different in so many respects from other types and forms of development as to require a specialized set of regulations.

**11.37.020 Definitions.**

As used in this Chapter:

**Emergency shelter** shall have the same meaning as that term defined in California Health and Safety Code Section 50801, which currently is defined to mean housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

**Single-room occupancy (SRO) lodging facilities** means any building containing five or more guest rooms or units intended for or designed to be used, rented, and occupied for sleeping purposes by residents, which is also the primary residence of those residents. The individual units shall lack either cooking facilities or individual sanitary facilities or both. For purposes of this definition, a SRO does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities or hospitals.

**11.37.030 Emergency shelters.**

A. Permitted locations. Emergency shelters shall be permitted "by-right" in the "BP" (Business Park) land use district of the Holt Boulevard Specific Plan.

B. Development standards. The development standards for emergency shelters shall be governed by those outlined in Chapter IV ("Development Regulations") for the "BP" (Business Park) land use district of the Holt Boulevard Specific Plan, except that the following specific standards shall apply to emergency shelters:

1. The maximum number of persons that may be served by an emergency shelter on a nightly basis shall be 20. Community sanitary facilities shall be provided in a location, design, and capacity to the satisfaction of the Building Official.

2. Room sizes. Living spaces intended to be occupied by persons needing shelter shall be between 150 and 300 square feet in area, exclusive of closets or storage areas.

3. Access. Each living space or room within the emergency shelter shall be accessed exclusively from the interior of the building. No direct access to the exterior of the building shall be permitted from any private living space.

3. Resident intake/waiting areas. Emergency shelters shall provide a client intake area of at least 150 square feet in area and located entirely within the interior of the building.

4. Parking. Emergency shelters shall provide a minimum of one parking space per bed provided.

5. Lighting. The exterior illumination level around the building perimeter and in the parking lot shall be maintained at a minimum of one foot-candle at grade during all hours of darkness.

6. Open space/recreation area. If an emergency shelter desires to provide an area for rest, relaxation, or recreation on the exterior of the building, it shall be located outside of any front yard or street side yard setback and shall be fenced at a height of six feet (6'-0") and in a manner to provide a solid screen as viewed from any adjacent public right-of-way or adjacent property. The preferred access to such an area is directly from the interior of the building in order to provide a safe, secure area for residents of the emergency shelter.

C. Operational standards.

1. Emergency shelters shall provide on-site management on a 24-hour per day basis at all times when a shelter is open for business.

2. A minimum of one uniformed, licensed and bonded security guard shall be provided on-site from dusk until dawn each day when the shelter is open for business. Security guards shall comply with Section 7580 et. seq. of the California Business and Professions Code.

3. The maximum stay at an emergency shelter for an individual, couple or family shall be 180 consecutive days.

**11.37.040 Single-room occupancy lodging facilities.**

A. Permitted locations. Single-room occupancy ("SRO") lodging facilities shall be permitted in the "BP" (Business Park) land use district of the Holt Boulevard Specific Plan, subject to approval of a Conditional Use Permit by the Planning Commission.

B. Development standards. The development standards for SROs shall be governed by those outlined in Chapter IV ("Development Regulations") for the "BP" (Business Park) land use district of the Holt Boulevard Specific Plan, except that the following specific standards shall apply to SROs:

1. Number of units. A SRO lodging facility shall have a minimum of five (5) units and a maximum of 30 units.

2. A maximum of two (2) persons may occupy any single SRO unit.

3. Unit sizes. The living space of each SRO unit shall be between 150 and 300 square feet in area, exclusive of closets or storage areas.

4. Kitchens and bathrooms. Either a kitchen or bathroom may be provided in a SRO unit, but no individual unit shall contain both.

5. Community cooking and/or sanitary facilities shall be provided in a location, design, and capacity to the satisfaction of the Building Official.

6. Access. Each unit within the SRO shall be accessed exclusively from the interior of the building. No direct access to the exterior of the building shall be permitted from any SRO unit.

7. Resident intake/waiting areas. Emergency shelters shall provide a client intake area of at least 150 square feet in area and located entirely within the interior of the building.

8. Common areas. A minimum of 50 square feet per unit of indoor common areas shall be provided for the use of SRO residents, except that any SRO lodging facility shall provide a minimum of 400 square feet of indoor common area. The required square footage shall be exclusive of storage rooms, closets, laundry areas, common kitchens, dining areas, and sanitary facilities, and hallways. If outdoor common areas are provided, the square footage of such areas shall not be counted as a credit toward the required indoor common areas.

9. Laundry facilities. Community laundry facilities consisting of at least one washer and one dryer shall be required for every ten (10) SRO units or fraction thereof. If the SRO facility is multiple stories, washers and dryers shall be provided on each floor based on the number of SRO units on that floor at the ratio stated herein.

10. Parking. SRO facilities shall provide a minimum of one parking space per unit.

11. Lighting. The exterior illumination level around the building perimeter and in the parking lot shall be maintained at a minimum of one foot-candle at grade during all hours of darkness.

12. Open space/recreation area. If a SRO lodging facility desires to provide an area for rest, relaxation, or recreation on the exterior of the building, it shall be located outside of any front yard or street side yard setback and shall be fenced at a height of six feet (6'-0") and in a manner to provide a solid screen as viewed from any adjacent public right-of-way or adjacent property. The preferred access to such an area is directly from the interior of the building in order to provide a safe, secure area for residents of the SRO facility.

C. Operational standards.

1. SRO lodging facilities shall provide on-site management on a 24-hour per day basis at all times when the facility is open for business.

2. A minimum of one uniformed, licensed and bonded security guard shall be provided on-site from dusk until dawn each day when the shelter is

open for business. Security guards shall comply with Section 7580 et. seq. of the California Business and Professions Code.

3. Affordability requirements. The owner/operator of a SRO lodging facility shall execute a deed restriction to the satisfaction of the City Attorney ensuring the facility complies with Section 65580 et. seq. of the California Government Code regarding affordability.

**SECTION II. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

**SECTION III. Effective Date.**

This Ordinance shall be in full force and effect thirty (30) days after passage.

**SECTION IV. Posting.**

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

**APPROVED AND ADOPTED** this XX day of XX, 2014.

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Mayor

**ATTEST:**

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Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 14-944 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2014, and finally passed not less than five (5) days thereafter on the XX day of XX, 2014, by the following vote, to-wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Yvonne L. Smith  
Deputy City Clerk

## Report on Item Number 6.b

### PUBLIC HEARING - CASE NUMBER 2014-19

|                             |  |
|-----------------------------|--|
| APPLICATION TYPE(S)         | Zoning Code Amendment (Chapters 11.02 and 11.18 MMC) |
| NAME OF APPLICANT           | City of Montclair                                    |
| LOCATION OF PROPERTY        | Citywide   |
| ENVIRONMENTAL DETERMINATION | Categorically Exempt (Section 15301)                 |
| PROJECT PLANNER             | Steve Lustro   |

#### Project Proposal and Background

On February 3, 2014, the City Council adopted Resolution No. 14-3018 approving a General Plan Amendment adopting the 2014-2021 Housing Element Update. The "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element. The Policy Action being addressed by this agenda item includes the following:

- Policy Action 3.12 requires the City to "...amend the Zoning Ordinance to permit manufactured homes as a single-family residential use, subject to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements."

Staff notes this is one of several General Plan and/or Municipal Code amendments related to implementation of the Policy Actions contained in the adopted Housing Element that are intended to be submitted to the Planning Commission and City Council for consideration.

#### Analysis

Manufactured housing is not currently specified as a permitted use in the City's R-1 (Single-Family Residential) zone. In order to be in compliance with state law and the City's adopted 2014-2021 Housing Element, staff is proposing to more accurately define manufactured homes and set forth the necessary criteria so that such homes would be compatible if placed in one of Montclair's neighborhoods. The appearance and aesthetics of manufactured homes has improved considerably in the last generation, so much so that it is sometimes difficult to discern whether a home has been conventionally built or is manufactured. Nevertheless, staff is proposing reasonable standards in Chapter 11.18 to ensure that manufactured homes are designed or enhanced in such ways so as to make them compatible with the character and scale of the neighborhood in which they are located.

## **Public Notice and Comment from the Public**

A notice of public review was advertised in the Inland Valley Daily Bulletin newspaper on August 1, 2014, inviting public comment. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

## **Fiscal Impact**

The cost to publish the public notice in the Inland Valley Daily Bulletin was \$369.98. Implementing the ordinance would have minimal impact on City resources.

## **Environmental Determination**

The Director has concluded that proposed Ordinance No. 14-945 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines, in that it will not have a significant effect on the environment as the code amendments, in and of themselves, do not approve any construction activities, but instead establish standards and criteria for the establishment of specific types of businesses and uses.

## **Findings**

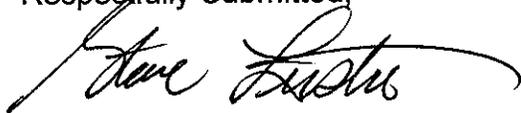
No findings of the Planning Commission or City Council are required for recommending approval of, or approving the proposed Municipal Code amendment.

## **Planning Division Recommendation**

Staff finds the proposed Zoning Code Amendment to be consistent with City policy and the Montclair Municipal Code. Accordingly, staff recommends approval of Case No. 2014-19 by taking the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with the staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and
- B. Recommend the City Council adopt proposed Ordinance No. 14-945, amending Chapters 11.02 and 11.18 of the Montclair Municipal Code defining and establishing standards for allowing manufactured housing in the R-1 (Single-Family Residential) zone as set forth in Planning Commission Resolution No. 14-1813.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steve Lusto". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steve Lusto, AICP  
Community Development Director

Attachments - Planning Commission Resolution No. 14-1813  
Draft Ordinance No. 14-945

Z:\COMMDEV\SL\2014\2014-19 PC RPT

**RESOLUTION NUMBER 14-1813**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL ADOPTION OF PROPOSED ORDINANCE NO. 14-945, AMENDING CHAPTERS 11.02 AND 11.18 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO MANUFACTURED HOUSING (CASE NO. 2014-19)**

A. Recitals.

**WHEREAS**, the Housing Element is one of seven statutorily-required elements of the General Plan; 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 the State's Housing and Community Development Department (HCD); and

**WHEREAS**, the City, through its consultant, RBF Consulting, prepared the 2014-2021 Housing Element, as an update to its previously adopted Housing Element in compliance with State law; and

**WHEREAS**, in January 2014, HCD provided the City with a letter of substantial compliance indicating that upon adoption by the City Council, the Housing Element would fully comply with State law; and

**WHEREAS**, on February 3, 2014, the City Council adopted Resolution No. 14-3018 approving a General Plan Amendment adopting the 2014-2021 Housing Element Update; and

**WHEREAS**, the "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element; and

**WHEREAS**, Policy Action 3.12 requires the City to "...amend the Zoning Ordinance to permit manufactured homes as a single-family residential use, subject to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements."

**WHEREAS**, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on August 1, 2014; and

**WHEREAS**, on August 11, 2014, 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 said proposal were heard, and said application was fully studied.

B. 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 adopt the finding that proposed Ordinance No. 14-945 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines.
3. This Commission recommends the City Council adopt proposed Ordinance No. 14-945, amending Chapters 11.02 and 11.18 of the Montclair Municipal Code related to manufactured housing.

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

APPROVED AND ADOPTED THIS 11TH DAY OF AUGUST, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Tenice Johnson, 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 11th day of August, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SL\2014\2014-19 PC RESO 14-1813

**ORDINANCE NO. 14-945**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF MONTCLAIR AMENDING CHAPTERS 11.02  
AND 11.18 OF THE MONTCLAIR MUNICIPAL CODE  
RELATED TO MANUFACTURED HOUSING (CASE  
NO. 2014-19)**

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

**WHEREAS**, the California Government Code requires cities to review and update their Housing Element according to a schedule set forth by the State's Housing and Community Development Department (HCD); and

**WHEREAS**, the City, through its consultant, RBF Consulting, prepared the 2014-2021 Housing Element, as an update to its previously adopted Housing Element in compliance with State law; and

**WHEREAS**, in January 2014, HCD provided the City with a letter of substantial compliance indicating that upon adoption by the City Council, the Housing Element would fully comply with State law; and

**WHEREAS**, on February 3, 2014, the City Council adopted Resolution No. 14-3018 approving a General Plan Amendment adopting the 2014-2021 Housing Element Update; and

**WHEREAS**, the "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element; and

**WHEREAS**, Policy Action 3.12 requires the City to "...amend the Zoning Ordinance to permit manufactured homes as a single-family residential use, subject to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements."

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR  
DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I. Amendment of Code.**

Section 11.02.010 of the Montclair Municipal Code is hereby amended as follows:

The definition of "Factory-built housing unit" is hereby deleted in its entirety.

The definition of "Manufactured housing unit" is hereby deleted in its entirety and replaced as follows:

**Manufactured home** means a dwelling unit constructed wholly or partially off-site that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and pursuant to Section 18551 of the California Health and Safety Code.

## **SECTION II. Amendment of Code.**

Subsection 11.18.030.J of the Montclair Municipal Code is hereby deleted in its entirety and replaced as follows:

J. Manufactured homes, provided that they shall be designed and built to have an appearance, scale and character similar to and in conformance with the predominant architectural style of homes in the immediate neighborhood and consistent with the provisions of this Chapter applicable to conventionally-built single-family residences including, but not limited to:

1. Massing;
2. Foundations;
3. Roof pitch and roofing materials;
4. Fire sprinkler requirements;
5. Building materials; and
6. Window and architectural treatments.

## **SECTION III. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

## **SECTION IV. Effective Date.**

This Ordinance shall be in full force and effect thirty (30) days after passage.

## **SECTION V. Posting.**

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

**APPROVED AND ADOPTED** this XX day of XX, 2014.

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Mayor

**ATTEST:**

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Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 14-945 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2014, and finally passed not less than five (5) days thereafter on the XX day of XX, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Yvonne L. Smith  
Deputy City Clerk