

ORDINANCE NO. 17-965

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR APPROVING AN AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF MONTCLAIR MODIFYING THE ZONING DESIGNATION OF 10 ACRES AT THE SOUTHWEST CORNER OF ARROW HIGHWAY AND MONTE VISTA AVENUE FROM "M1" (LIMITED MANUFACTURING) TO "SPECIFIC PLAN" TO INCORPORATE SAID AREA INTO THE BOUNDARY OF THE AMENDED NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN. (APNs 1009-021-04, 07, 10, 11, 12, 19, 21, 22, 23, and 24)

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

WHEREAS, on April 19, 2016, the Montclair City Council authorized city staff to initiate the process to amend the NMDSP under Case No. 2006-14 'B', to allow for the future development of projects that are tied to the Montclair Transcenter, and the anticipated extension of the Foothill Gold Line that will extend light rail line to the City; and

WHEREAS, a key objective of the amendment to the NMDSP is to expand the current NMDSP boundary and incorporate approximately 10 acres of land at the southwest corner of Arrow Highway and Monte Vista Avenue and approximately 22 acres of land on the west side of Central Avenue at Richton Street and determine appropriate land use zones, density levels and street patterns for these areas; and

WHEREAS, this zone change applies to approximately 10 acres of property comprised of 10 separate lots of varying sizes and identified by Assessor Parcel Numbers 1009-021-04, 07, 10, 11, 12, 19, 21, 22, 23, and 24, and depicted on the attached Exhibit "A," a map incorporated herein by reference; and

WHEREAS, the subject parcels within the 10-acre site are currently designated by the Official Zoning Map as "M1" (Limited Manufacturing) and developed to varying degrees with commercial/industrial land uses and structures; and

WHEREAS, a General Plan Land Use Map Amendment is also required to change the current General Plan land use designation of 'Business Park' to 'Planned Development' to ensure that the General Plan and zoning land use designations are consistent; and

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

WHEREAS, the City prepared a Supplemental Environmental Review Initial Study (IS)/Notice of Preparation (NOP) to determine whether the Proposed Amendment would result in any of the conditions outlined in Public Resources Code section 21166 and State CEQA Guidelines section 15162, which would require further environmental review for the NMDSP Amendment Project; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, the City sent to the Office of Planning and Research and interested agencies and groups the IS/NOP; and

WHEREAS, the IS/NOP was issued for a 30-day review period between October 3, 2016 and November 1, 2016 in accordance with State CEQA Guidelines section 15082(a) and eight (8) comment letters/emails were received during the IS/NOP review period; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on October 18, 2016 at City Hall to solicit comments on the IS/NOP; and

WHEREAS, based on the information contained in the IS/NOP, it was determined that a Supplemental Environmental Impact Report (EIR) to the 2006 NMDSP EIR should be prepared pursuant to State CEQA Guidelines section 15163; and

WHEREAS, a Draft Supplemental EIR (DSEIR) was prepared, incorporating comments received during the NOP review period; 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 23, 2017; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the DSEIR to the public, at the same time that the City sent the Notice of Completion to the Office of Planning and Research, by publication in the local newspaper of general circulation, mailing to neighboring property owners within a 300-foot radius of the NMDSP boundaries, posting the document on the City's website, and making available copies of the DEIR document for review at City Hall and Montclair Branch of the San Bernardino County Library; and

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

WHEREAS, pursuant to State CEQA Guidelines section 15087(e), the DSEIR was circulated for a 45-day review period from January 23, 2017 to March 8, 2017; and

WHEREAS, on February 17, 2017, the City gave public notice of the Planning Commission's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the project boundary; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on February 27, 2017, to consider the Proposed Amendment and the Draft Supplemental Environmental Impact Report, pursuant to State CEQA Guidelines section 15025(c), at which hearing, members of the public were afforded an opportunity to comment upon the Proposed Amendment and the DSEIR to consider and make a recommendation to the City Council regarding the Proposed Amendment and the Supplemental Environmental Impact Report pursuant to State CEQA Guidelines section 15025(c); and

WHEREAS, on February 27, 2017, the Planning Commission, by a vote of 4-0-1, recommended that the City Council certify the Supplemental EIR, adopt findings of fact, a statement of overriding considerations, and a mitigation measure monitoring and reporting program, and approve the proposed amendments pursuant to Resolution No. 17-1883; and

WHEREAS, on March 10, 2017, the City gave public notice of the City Council's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the Proposed Amendment area; and

WHEREAS, on March 20, 2017, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the City Council conducted a public hearing at which time all persons wishing to testify in connection with the amendment to the Official Zoning Map were heard, and said application was fully studied.

WHEREAS, on March 20, 2017, the City of Montclair (City) City Council, by a 4-0-1 vote, certified the Final Supplemental Environmental Impact Report (FSEIR) for the Amended NMDSP project. The FSEIR was prepared as a Program EIR, which is intended to provide analysis that is more general and allow anticipated future projects within the NMDSP area to "tier" future environmental assessment off the Amended NMDSP SEIR.

WHEREAS, on March 21, 2017, A Notice of Determination for the Final Supplemental EIR (FSEIR) was prepared and filed with the Office of Planning; and

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

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

SECTION I. Recitals. The City Council hereby specifically finds that all of the facts set forth in the Recitals of this Ordinance are true and correct.

SECTION II. Approval of Amendment to the Official Zoning Map. The City Council hereby approves the Amendment to the Official Zoning Map of the City of Montclair associated with Case No. 2006-14 'B', modifying the zoning designation of approximately 10 acres located at the southwest corner of Arrow Highway and Monte Vista Avenue from "M1" (Limited Manufacturing) to "Specific Plan" thereby incorporating said area into the boundary of the amended North Montclair Specific Plan.

SECTION III. California Environmental Quality Act. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the Amendment to the Official Zoning Map of the City of Montclair is an integral component of the project that was evaluated in the Supplemental Environmental Impact Report for the North Montclair Downtown Specific Plan Amendment (SCH#2016101001), which was certified by the City Council in Resolution No. 17-3147. All of the environmental impacts associated with the Amendment have been fully disclosed and mitigated, to the extent possible, in the Supplemental Environmental Impact Report. No further environmental review is necessary.

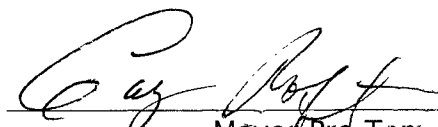
SECTION IV. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

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

SECTION VI. 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.

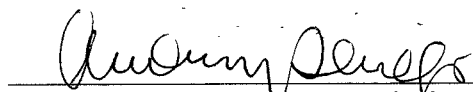
SECTION VII. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

APPROVED AND ADOPTED this 3rd day of April, 2017.



Mayor Pro Tem

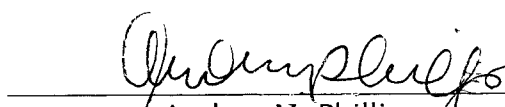
ATTEST:



Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 17-965 of said City, which was introduced at a regular meeting of the City Council held on the 20th day of March, 2017, and finally passed not less than five (5) days thereafter on the 3rd day of April, 2017, by the following vote, to-wit:

AYES: Martinez, Ruh, Dutrey, Raft
NOES: None
ABSTAIN: None
ABSENT: Eaton



Andrea M. Phillips,
Deputy City Clerk

Exhibit A

CASE NUMBER: 2006-14 'B'

PROJECT LOCATION: 10 acres at the Southwest Corner of
Arrow Highway and Monte Vista Avenue

ASSESSOR'S PARCEL NOs: 1009-021-4, 7, 10, 11, 12, 19, 21, 22, 23, 24

PROPERTY OWNER: Various

Official Zoning Map Amendment	
<i>Existing</i>	<i>Proposed</i>
"M1" (Limited Manufacturing)	"Specific Plan" (North Montclair Downtown Specific Plan)

