

**MINUTES OF THE REGULAR MEETING OF THE CITY OF MONTCLAIR PLANNING COMMISSION HELD ON MONDAY, MAY 13, 2024, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA**

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**1. CALL TO ORDER**

Chair Martinez called the meeting to order at 7:03 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chair Martinez led meeting participants in the Pledge.

**3. ROLL CALL ATTENDANCE**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Manny Martinez	Chair	Present
Jaso Sanchez	Vice Chair	Present
Sergio Sahagun	Planning Commissioner	Present
Krishna Patel	Planning Commissioner	Present
Xavier Mendez	Planning Commissioner	Present
Diane Robbins	City Attorney	Present
Michael Diaz	Director of Community Development	Present
Tenice Johnson	Council Member	Also Present

**4. MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF APRIL 22, 2024**

Moved by Commissioner Mendez, seconded by Commissioner Sahagun, and carried unanimously 5-0 to approve the minutes of the April 22, 2024, Planning Commission meeting.

**5. ORAL AND WRITTEN COMMUNICATIONS — None**

**6. AGENDA ITEMS**

**PUBLIC HEARING**

**A. CASE NUMBER            2024-21**

**Project Address            Citywide**

**Project Applicant        City of Montclair**

**Project Planner            Silvia Gutiérrez**

**Request:**

**A proposal to recommend the City of Montclair City Council adopt an Ordinance and Zoning Code Amendment to repeal and replace Chapter 11.23 Municipal Code relating to Accessory Dwelling Units and Junior Dwelling Units in Residential Zones.**

**CEQA Determination:**

The proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), which states that “the adoption of an ordinance regarding second units in a single-family or multifamily zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code” are exempt from the requirements of CEQA. Similarly, the ministerial approval of ADUs would not be a project for CEQA purposes, and environmental review would not be required prior to approving individual applications.

Director Diaz presented the staff report along with a PowerPoint presentation.

Commissioner Patel received clarification from Director Diaz regarding rent control and reporting for the new units to the state.

The City Attorney also clarified that rent control uses state standards.

Commissioner Mendez shared his concern about the parking impacts on the street and the surrounding neighborhood caused by additional units.

Vice Chair Sanchez inquired about the height of the new units and whether they could accommodate second-story units. Director Diaz stated that the new limits could accommodate second-story units. He also inquired whether units can go beyond the maximum size limits, to which Director Diaz clarified that they can only be within the maximum size of the ADU approved with the code amendment.

The City Attorney clarified the maximum size for the number of bedrooms.

Chair Martinez opened the hearing for public comments on this project.

There were no speakers, so Chair Martinez closed the public comments.

**Recommended Motion:**

- A. Find this project statutorily exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080.17 from the requirements of CEQA; and

**Moved by: Vice Chair Sanchez**

**Seconded by: Commissioner Sahagun**

**Ayes: 4**

**Noes: 1 (Commissioner Mendez)**

**Absent: 0**

- B. Adopt Planning Commission Resolution No. 24-1995 recommending the City Council approve Zoning Code Amendment ZCA 2024-21 under Ordinance 24-1006 to real and replace Chapter 11.23 of the Montclair Municipal Code relating to the construction of Accessory Dwelling Units and Junior Accessory Dwelling Units in the City of Montclair.

**Moved by: Commissioner Sahagun**

**Seconded by: Vice Chair Sanchez**

**Ayes: 4**

**Noes: 1 (Commissioner Mendez)**

**Absent: 0**

- B. CASE NUMBER**            2022-07
- Project Address**            5006-5010 Mission Boulevard
- Project Applicant**        New Crossings Development, LLC
- Project Planner**            Silvia Gutiérrez

**Request:**

**A request for a time extension for a Precise Plan of Design associated with a project to develop the subject site was approved on May 9, 2022.**

**CEQA Determination:**

**A Mitigated Negative Declaration for the project was approved on May 9, 2022.**

Director Diaz reviewed the staff report.

Chair Martinez opened the public hearing.

There were no speakers, so Chair Martinez closed the public hearing.

- A.**    Approved a time extension to December 31, 2027, for the Precise Plan of Design portion of the project approved under Case No 2022-07, subject to the original conditions of approval identified in Resolution 22-1966 (PPD).

**Moved by: Chair Martinez**

**Seconded by: Commissioner Patel**

**Ayes: 5**

**Noes: 0**

**Absent: 0**

- 7. INFORMATION ITEMS** — None

- 8. ADJOURNMENT**

Chair Martinez adjourned the Planning Commission at 7:52 p.m.

Submitted for City of Montclair Planning Commission approval,

  
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Sharon Giang, Recording Secretary