

ORDINANCE NO. 26-1017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING CHAPTER 11.79 TO THE MONTCLAIR MUNICIPAL CODE RELATING TO ADDITIONAL DEVELOPMENT STANDARDS TO FACILITATE MINISTERIAL APPROVALS FOR DEVELOPMENT OF MULTI-FAMILY HOUSING CITY-WIDE

WHEREAS, the City of Montclair initiated the Montclair 2020 General Plan Update (“General Plan Update”) to update the 1991 City of Montclair General Plan and establish the community’s vision for orderly development and growth in Montclair by functioning as a policy document to guide land use decisions; and

WHEREAS, the General Plan Update included the preparation of the 6th Cycle Housing Element – 2021–2029 (“Housing Element”); and

WHEREAS, the Draft Housing Element was sent to the California Department of Housing & Community Development (HCD) on April 13, 2022 for review and a determination of compliance with state housing element law; and

WHEREAS, on June 10, 2022, HCD provided its determination letter summarizing its review of the Draft Housing Element and requesting certain revisions to the Draft Housing Element, including:

1. Modifying actions with geographic targeting to areas of higher opportunity and high segregation and poverty. Specifically, the element should modify Programs 2.1 (Incentives for Affordable Housing), 2.2 (Objective Design Standards) and 3.4 (Leverage Funding for Affordable Development); and
2. Reconciling estimates of accessory dwelling unit construction; and
3. Include programs to establish replacement housing policies, consistent with California Government Code section 65915, subdivision (c) (3) and analyzing the use of non-vacant sites to accommodate the City’s RHNA allocation for lower-income households; and
4. Amending Program 2.8 to permit transitional and supportive housing without discretionary actions pursuant to Government Code section 65651; and
5. Amending Policy Action (Program) 2.7 to permit group homes for seven or more persons (regardless of licensing); and
6. Describe the City’s public participation efforts; and

WHEREAS, the City of Montclair revised the Draft Housing Element and submitted its second Draft Housing Element to HCD for review in July of 2022; and

WHEREAS, in a letter dated July 27, 2022, HCD determined that the Draft Housing Element substantially complied with state housing element law; and

WHEREAS, simultaneously with the preparation of the Draft Housing Element, the City was also preparing and revising other elements of the General Plan Update and these revisions caused a delay in the adoption of the Housing Element; and

WHEREAS, on December 2, 2024, the City Council of the City of Montclair adopted the 2020 General Plan Update, including the Draft Housing Element (Adopted Housing Element) and adopted several other components identified in the Housing Element to implement its policies and programs, including:

1. Ordinance No. 24-1009 — An ordinance adopting revisions to the Arrow Highway Mixed Use District Specific Plan to revised include land use designations to implement required densities identified in the Housing Opportunity Sites shown in the Housing Element; and
2. Ordinance No. 24-1010 — An ordinance adopting revisions to the Montclair Corridors Plan to include revisions to land use designations to implement the required densities identified in the Housing Opportunity Sites Inventory shown in the Housing Element; and

3. Submittal of the required Sites Inventory Form (from the HCD webpage); and

WHEREAS, the Adopted Housing Element was sent to HCD for review to determine compliance with state housing element law; and

WHEREAS, in a letter dated March 20, 2025, HCD determined that while the Adopted Housing Element complied with state housing element law, several of the implementing components (Planning Actions) required revision to comply with statutory requirements pursuant to Government Code section 65583.2(h)&(i), including the following to help the City meet its RHNA obligations:

1. Permit multifamily residential use by-right for developments in which at least 20 percent of the units are affordable to lower-income households; and
2. Require at least a minimum density of 20 units per acre in certain land use designations; and
3. Require that residential uses occupy 50 percent of the total floor area of mixed-use projects; and
4. Provide an analysis to determine whether allowable heights in the City create an impediment to housing development; and

WHEREAS, in order to implement the required Planning Actions, the City conducted an analysis of each of the comments provided by HCD in its March 20, 2025 review letter and prepared an ordinance to further facilitate the development of housing, especially low and moderate income housing in the City of Montclair to assist the City in meeting its RHNA obligations (Housing Facilitation Ordinance); and

WHEREAS, on April 20, 2026, the City Council of the City of Montclair adopted the identical components contained in the Housing Facilitation Ordinance as Urgency Ordinance No. 26-1017-U pursuant to California Government Code, Section 36937 and as a means to provide immediate housing facilitation standards to increase the supply of housing in the community; and

WHEREAS, the Housing Facilitation Ordinance is intended to replace Urgency Ordinance 26-1017-U upon its effective date; and

WHEREAS, on April 27, 2026, the Planning Commission of the City of Montclair ("Planning Commission") conducted a duly noticed public hearing on the Housing Facilitation Ordinance at which time all persons wishing to testify in connection with the Housing Facilitation Ordinance were heard and the Housing Facilitation Ordinance was comprehensively reviewed; and

WHEREAS, on April 27, 2026, the Planning Commission, by a vote of 4-0-1, with one abstention, recommended that the City Council approve the Housing Facilitation Ordinance pursuant to Planning Commission Resolution No. 26-2020; and

WHEREAS, on May 15, 2026, the City gave public notice of the City Council's public hearing on June 1, 2026 by advertisement in a newspaper of general circulation, and posted the public notice at City Hall; and

WHEREAS, on June 1, 2026, commencing at 7:00 p.m. in the City Council Chambers at the City of Montclair Civic Center, the City Council conducted a duly noticed public hearing at which time all persons wishing to testify in connection with the Housing Facilitation Ordinance were heard, and said Housing Facilitation Ordinance was fully studied; and

WHEREAS, all other legal prerequisites to the adoption of this Housing Facilitation Ordinance have occurred.

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

SECTION 1. Recitals. The City Council hereby specifically finds that all of the facts set forth in the Recitals of this Housing Facilitation Ordinance are true and correct and are incorporated herein as if fully set forth.

SECTION 2. California Environmental Quality Act. Adoption of this Urgency Ordinance is for the immediate protection of the public peace, health, and safety of the residents of the City. The City prepared a Final Environmental Impact Report (Final EIR; SCH No. 2020110481) for the Montclair 2020 General Plan Update, which included analysis of the Housing Element and its implementing programs. The City Council certified the Final EIR on December 2, 2024 pursuant to Resolution No. 3436, which also included adoption of CEQA Findings, a Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations. The Housing Facilitation Ordinance is within the scope of the previously certified Final EIR, is a contemplated future action within the program, and would not have any new or more significant impacts than those already disclosed, analyzed, and mitigated in the certified Final EIR. Therefore, under Public Resources Code section 21166, no further environmental review is required before the City Council considers the Housing Facilitation Ordinance.

SECTION 3. Findings. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the Housing Facilitation Ordinance promotes the goals and objectives of the 2020 General Plan Update, including the following:

A. Housing Element Policy Action 2.1 providing, in part, that the City should:

“Encourage well-planned and designed mixed use development by allowing higher building intensities, reduced parking requirements, reduced set-back and yard requirements, increased building height, and greater floor area ratios...” (Emphasis added.)

B. Based on the entire record, including the staff report and public hearing comments and all written and oral evidence presented, the City finds the Housing Facilitation Ordinance is reasonably related to the public welfare of the citizens of the City of Montclair and the surrounding region. The Housing Facilitation Ordinance allows development felicity and increased housing opportunities in the City of Montclair using flexible development standards that are consistent with the Guiding Principles contained in the 2020 General Plan to assist the City in meeting its RHNA obligations.

C. The Housing Facilitation Ordinance is required to eliminate future policy and land use conflicts with the Adopted Housing Element and is intended to supersede existing conflicting zoning and development regulations contained in the City of Montclair Development Code and adopted specific plans. The Housing Facilitation Ordinance is necessary to implement the policies of the General Plan Update.

SECTION 4. Chapter 11.79 (Housing Facilitation & Ministerial Approval Standards) is hereby added to Division IV (Entitlements) of Title 11 (Zoning and Development) of the Montclair Municipal Code as follows:

Chapter 11.79 — HOUSING FACILITATION & MINISTERIAL APPROVAL STANDARDS.

11.79.010 — Purpose and intent. This chapter is intended to provide development standards, procedures and incentives to encourage the production of housing, especially housing that is affordable to low- and moderate-income households, on sites designated for higher density residential development in the City of Montclair and development on sites meeting threshold requirements contained in California Government Code, Section 65913.4. The development standards, procedures and incentives are intended to apply to all Housing Opportunity Sites identified in the adopted Housing Element and all multi-family zoned or designated properties in the City, whether designated in the Official Zoning Map of the City of Montclair or designated in an adopted specific plan, as well as qualifying projects developed in accordance with California Government Code, Section 65913.4.

11.79.020 — Definitions.

A. For the purpose of this chapter, the following definitions shall apply:

1. “Applicable Property” shall mean any property designated as a “Housing Opportunity Site” in the City of Montclair Housing Element and any property zoned for multi-family residential or mixed-use development on the Official Zoning Map of the City of Montclair or any property designated for multi-family residential or mixed-use development in any applicable, adopted specific plan allowing a

minimum of twenty (20) dwelling units per acre. An “Applicable Property” shall also include a property meeting the threshold standards for ministerial review contained in California Government Code, Section 65913.4.

2. “Applicable specific plan” shall mean:

- a. The Arrow Highway Mixed Used District Specific Plan; and
- b. The Corridors Code; and
- c. The Montclair Place District Specific Plan; and
- d. The North Montclair Downtown Specific Plan.

3. “Objective development standards” or “objective design standards” shall mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. For purposes of this chapter, the objective development standards shall be the adopted development standards for the applicable zone or specific plan designation where the Applicable Property will be developed or redeveloped and the objective design standards shall be the objective architectural and design styles described in Section 5.3.040 of the North Montclair Downtown Specific Plan.

4. “Ministerial processing or approval” means a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision.

5. “The Official Zoning Map of the City of Montclair” shall be the map referenced in Montclair Municipal Code, Section 11.12.040.

B. Applicable definitions relating to the architectural styles contained in Section 5.5.020 of the North Montclair Downtown Specific Plan shall supplement these definitions.

11.79.030 — Application of chapter. The provision of this chapter shall apply to development of residential or mixed-use uses on any Applicable Property in which at least twenty percent (20%) of the units are affordable to lower-income households. The provisions of this chapter shall also apply to development of any property that conforms to the threshold requirements of California Government Code, 65913.4. Such development shall be approved ministerially and in compliance with the objective development standards and the objective design standards referenced in this chapter.

11.79.040 — Minimum densities. The minimum density to be developed on any Applicable Property shall be the greater of 20 dwelling units per acre (20 du/ac) or the minimum density identified for that Applicable Property as shown on the Housing Opportunities Sites Inventory shown on the City of Montclair Housing Element. Mixed-use projects on any Applicable Property shall be developed with residential uses with a minimum density of twenty dwelling units per acre (20 du/ac) and residential uses shall occupy at least fifty percent (50%) of the total floor area of a project.

11.79.050 — Additional height authority. Development of residential or mixed use projects on any Applicable Property in which at least twenty percent (20%) of the units are affordable to low or very low-income households shall be allowed to increase the total height of the building(s) by two (2) additional stories, not to exceed a total height of twenty-five feet (25’) above the maximum height allowed for that Applicable Property.

11.79.060 — Applicable development standards. The development standards for development of an Applicable Property shall be the adopted development standards for the applicable zone or specific plan land use designation where the Applicable Property will be developed or redeveloped.

11.79.070 — Applicable design standards. The design standards for development of an Applicable Property developed or redeveloped shall be the objective architectural style standards described in Section 5.3.030 of the North Montclair Downtown Specific Plan. Specifically, Section 5.3.030 defines authorized architectural-style types as

- A. Main Street Commercial
- B. Mediterranean
- C. Craftsman
- D. Art Deco
- E. California Contemporary

Development or redevelopment of an Applicable Property shall be designed using one of the authorized architectural styles described herein.

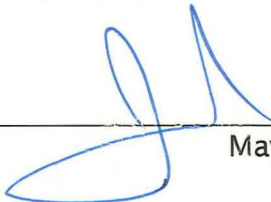
SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions 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 6. Effective Date & Repeal of Urgency Ordinance. This Ordinance shall become effective thirty (30) days following its adoption. Upon becoming effective, Urgency Ordinance No. 26-1017-U shall be repealed.

SECTION 7. Certification; Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 8. Custodian of Records. The custodian of records for this Ordinance is the City Clerk, and the records comprising the administrative record are maintained in the City Clerk’s Office, located at Montclair City Hall, 5111 Benito Street, Montclair, California 91763.

APPROVED AND ADOPTED this 6th day of July, 2026.



Mayor

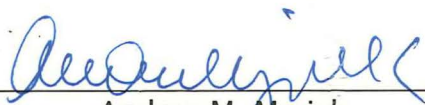
ATTEST:



City Clerk

I, Andrea M. Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Ordinance No. 26-1017 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the 6th day of July, 2026 and that it was adopted by the following vote, to-wit:

AYES: Mendez, Ruh, Dutrey
NOES: None
ABSTAIN: None
ABSENT: Lopez, Martinez



Andrea M. Myrick
City Clerk