

SUBJECT: PUBLIC IMPROVEMENTS

PURPOSE: To provide direction as to public improvements required with various development proposals.

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**General Policy:**

It is the policy of the City of Montclair that all new development (residential, commercial, institutional, and industrial); all new parking lots and/or expansions of existing parking lots; significant renovations/additions to existing structures (defined as increasing the value of the building by 25% or more); and subdivisions of land, lot line adjustments, and parcel mergers provide the needed public improvements to public rights-of-way that the property abuts or directly impacts. This policy does not eliminate an applicant's responsibility to pay or provide additional dedications, exactions, and/or fees for public facilities improvements or services as adopted by separate ordinances (e.g., transportation impact, parkland, sanitary sewer expansion fees, etc.). These improvements are necessary to:

1. Ensure orderly, integrated and cohesive design, and development of the community's infrastructure;
2. Enhance the public's health and safety through the construction of needed infrastructure and right-of-way improvements and/or dedications; and
3. Implement:
  - the policies and will of the elected governing body,
  - provisions of the Land Use and Development Code, and
  - the Community Design and Circulation Elements of the City's General Plan.

The provisions of these Public Improvements required by this policy are intended to benefit the immediate property owner and the public welfare and safety of the community. It is the goal of the City that all of the necessary public improvements are uniform and part of an integrated system. This policy does not change or modify any of the public improvement requirements as presently outlined in the Montclair Municipal Code, or as may be modified in the future.

**Provisions:**

The following provisions are applicable to the implementation of this policy:

1. **Responsible Authority:** As development projects and subdivisions are proposed, the Economic-Community Development Director and Public Works Director (or designees) shall jointly determine the type and scope of public improvements that shall be required as conditions of project approval and shall recommend such public improvements to the Development Review Committee (DRC) for consideration and approval. The Planning Commission and City Council, as appropriate, shall have final authority to

modify these requirements when it is demonstrated by applicant(s) that the project modification would provide the same or greater level of public improvement(s) as intended by purpose and objectives of this policy.

2. **Type of Improvements:** Exhibit A, attached hereto and by its reference incorporated herein this policy, outlines the typical type of improvements that are required for a given application. Improvements include new infrastructure and may require the repair of existing infrastructure (e.g., sidewalks, curbs, gutter, pavement, etc.). Depending on the extent of trench work for utility connections, street improvements and other roadway/public right-of-way impacts, requirements could include curb, gutter, and sidewalk reconstruction and resurfacing of the existing pavement within and beyond the limits of the development.
3. **Boundaries of Improvements:** At a minimum, improvements shall be required for the area adjoining a public right-of-way (out to the centerline) where the development, major renovation/addition, or subdivision is proposed. When the Public Works Director determines the necessity of tying improvements (e.g., sidewalks, signalization, medians, streetlights, or storm drains) into existing infrastructure, he/she shall require the extension of the development improvements beyond the frontage of the area of work on the same or adjacent parcels owned/controlled by the applicant/developer. In rare circumstances, the Public Works Director may require the extension of improvements within the public right-of-way on property adjacent to the development site which is not controlled by the developer when it is obvious that the necessary improvements would not be provided on the adjacent property given the built-out nature of the adjacent parcel. This latter requirement would be for the purpose of tying improvements into the existing infrastructure network and to eliminate gaps in the improvements.

If sewer or drainage improvements extend beyond an area that the developer owns, a reimbursement agreement may be established when the nexus exists. A reimbursement agreement may be established when there is undeveloped land under different ownership that will benefit from the off-site improvements, as provided by state law (Government Code Section 66485-66487, and as amended) at the developer's request.

4. **Timing of Improvement Construction:** To ensure that the improvements are completed, bonds or other securities, in a form and amount approved by the Public Works Director, shall be posted prior to the issuance of building, grading, or public works permits and/or map recordation to guarantee construction of the required public improvements. All improvements shall be installed prior to the certificate of occupancy being granted or the Public Works Director's acceptance of the permitted work.
5. **General Plan:** The need for street widening and/or new street construction may or may not be consistent with the circulation element of the General Plan. The need for such improvements will be determined on a case by case basis based on factors including the proposed improvements, requested variances, street vacations, and/or any requested amendments to the General Plan or a Specific Plan.

Exhibit A

XX= Required

\* = Potentially Required Based on Specific Project Impacts

Type of Project	Street Trees	Side-walks	Curb and gutter	Street Widening / Resurfacing	Dedication of Rights-of-Way	Sewer Improvements	Street Lights	Drainage Improvements	Fire Hydrants	Trash Enclosures	Others as Mitigation Measures	Median Improvements	Signal Construction / Modifications
New Single Family Home	XX	XX	XX	XX	XX	XX	XX	XX					
Additions to a Single Family Home	*	*	*	*	*	*	*	*	*		*		
New Multi-Family Home Project	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	*	*
New Commercial Buildings	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	*	*
Additions of 25% or more to all buildings / uses, except Single Family	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	*	*
New Industrial Buildings	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	*	*
New Educational Buildings	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	*	*
Parcel Maps	XX	XX	XX	XX	XX	XX	XX	XX	XX	*	*	*	*
Tract Maps	XX	XX	XX	XX	XX	XX	XX	XX	XX	*	XX	*	*
Lot Line Adjustments/ Parcel Mergers	As may be required and/or allowed by the Subdivision Map Act [Government code Section 66412(d) and 66499.35 (a) and (b)]												
Permits	*	*	*	*	*	*	*	*	*	*	*	*	*
Variances	*	*	*	*	*	*	*	*	*	*	*	*	*