

**ORDINANCE NO. 23-1003**

**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 27.74 ACRES OF LAND AT THE NORTHWEST CORNER OF MISSION BOULEVARD AND RAMONA AVENUE FROM "C3 - GENERAL COMMERCIAL," "MIP - MANUFACTURING INDUSTRIAL," AND "M1- LIMITED MANUFACTURING" TO "M1-LIMITED MANUFACTURING" (NORTH SIDE OF THIRD STREET EXTENSION) AND "MIP - MANUFACTURING INDUSTRIAL" (SOUTH SIDE OF THIRD STREET EXTENSION) [PLANNING CASE NO. 2021-7] CONTINGENT UPON THE CITY COUNCIL CERTIFYING THE EIR FOR THE MISSION AND RAMONA BUSINESS PARK PROJECT**

**WHEREAS**, on February 8, 2021, Mission Blvd Industrial Owner LP, the property owner, filed an application requesting approval for a General Plan Amendment, Zone Change, Tentative Tract Map, and a Precise Plan of Design (PPD), under Case No. 2021-07 to construct an eight-building industrial park development on the subject site; and

**WHEREAS**, the proposed project is identified as the *Mission and Ramona Business Park* ("Project"); and

**WHEREAS**, the Project proposes the demolition of all existing on-site structures and the construction of an eight-building business park on a 27.74-acre site located at the northwest corner of Mission Boulevard and Ramona Avenue in the City of Montclair; and

**WHEREAS**, the Project would require a General Plan Amendment, Zone Change, Tract Map, Precise Plan of Design, and other ministerial permits, such as an encroachment permit, grading permit, general construction permit, and street/lane closure permit; and

**WHEREAS**, the proposed zone change applies to nine parcels of varying sizes totaling approximately 27.74 acres in size ("project site") located at the northwest corner of Mission Boulevard and Ramona Avenue and as identified by Assessor Parcel Numbers Assessor Parcel Nos: 1012-151-20; 1012-151-27; 1012-151-28; 1012-151-29; 1012-161-01; 1012-161-02; 1012-161-03; 1012-161-04; 1012-161-05; and

**WHEREAS**, the proposed Tentative Tract Map No. 20381 consolidates the nine existing parcels and reorganizes the Project site into two major land areas (identified as "north" and "south") created by the eastward extension of Third Street to Ramona Avenue; and

**WHEREAS**, the "north" and "south" land areas of the total site created by the extension of Third Street will be areas upon which the proposed zone change will apply, as further illustrated in attached Exhibit "A," a site diagram incorporated herein by reference; and

**WHEREAS**, the Project site is currently developed as a four-screen drive-in movie theater, a paved parking surface, a projection building/snack bar, an office, a warehouse, and ticket booths; and

**WHEREAS**, the Project site is currently designated by the General Plan as "General Commercial;" and

**WHEREAS**, currently the subject site is assigned by Montclair Zoning Map with three zoning districts - "C3 General Commercial," "MIP Manufacturing Industrial," and "M1 Limited Manufacturing"(Current); and

**WHEREAS**, the proposed zone change from "C3 General Commercial," "MIP Manufacturing Industrial," and "M1 Limited Manufacturing"(Current) to "M1 Limited Manufacturing" (north side of Third Street) and "MIP Manufacturing Industrial" (south side of Third Street) is required to be consistent with the General Plan Amendment associated with the Project; and

**WHEREAS**, the City of Montclair, as the lead agency for the proposed Project, prepared an Environmental Impact Report ("EIR") that analyzed the Project's

environmental impacts in compliance with the provisions of the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.: "CEQA"), including the proposed zoning changes; and

**WHEREAS**, the Planning Commission conducted a duly-noticed public hearing on November 28, 2022, to consider the Project, the EIR prepared to analyze the Project's environmental impacts, and amendments to the Official Zoning Map, where members of the public were allowed to comment on the recommendation to the City Council regarding the proposed General Plan Amendment, Zone Change, Tentative Tract Map, Precise Plan of Design, and the EIR.

**WHEREAS**, on November 28, 2022, the Planning Commission, by a vote of 5-0, recommended the City Council certify the 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 Planning Commission Resolution No. 22-1971; and

**WHEREAS**, on December 19, 2022, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the City Council conducted a public hearing at which time all persons wishing to testify in connection with the Zone Change and EIR were heard, and the proposed amendments to the Official Zoning Map and EIR were fully studied; and

**WHEREAS**, the City Council has certified the EIR for the Project pursuant to CEQA and adopted Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Project. The City Council hereby incorporates by reference, as if fully set forth herein, Resolution No. 22-3388 certifying the EIR and adopting the Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the Project; and

**WHEREAS**, all other legal prerequisites to the adoption of this 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 Ordinance are true and correct.

**SECTION 2. 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. 2021-07, modifying the zoning designation of approximately 27.74 acres at the northwest corner of Mission Boulevard and Ramona Avenue from "C3 General Commercial," "MIP Manufacturing Industrial," and "M1 Limited Manufacturing"(Current) to "M1 Limited Manufacturing" (north side of Third Street) and "MIP Manufacturing Industrial" (south side of Third Street) thereby allowing the said area to be rezoned for purposes of developing the *Mission and Ramona Business Park* project.

**SECTION 3. Zone Change Findings.** Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the Zone Change promotes the goals and objectives of the General Plan for the following reasons:

- A. The Zone Change of the Project site area to "M1 Limited Manufacturing" (north side of Third Street) and "MIP Manufacturing Industrial" (south side of Third Street) would officially change the current Montclair Zoning Map and related documents from the current "C3 General Commercial," "MIP Manufacturing Industrial," and "M1 Limited Manufacturing" designations assigned to the project site by the Montclair Zoning Map. The new zoning designations would then accommodate the proposed development of the project site. Further, the zone change to "M1 Limited Manufacturing" (north side of Third Street) and "MIP Manufacturing Industrial" (south side of Third Street) would be consistent with the proposed General Plan Amendment to re-designate the project site from "General Commercial" (Entire Site) to "M1 Limited Manufacturing" (north side of Third Street) and "Industrial Park" (south side of Third Street).
- B. Uses of the project site authorized by the Zone Change promote and achieve the intended goals of the proposed *Mission and Ramona Business Park* project. Further, new industrial development under the new land use zones of the site would be consistent with the General Plan Land Use and Community Design Elements

policies that encourage projects that effectively balance land use, circulation, transportation, and community design.

- C. The Zone Change is reasonably related to the public welfare of the citizens of the City of Montclair and the surrounding region because the change would enable the City to employ good zoning practices that seek to integrate the uses of this very prominent piece of property with surrounding uses and the City's overall goals for a balanced economic base and orderly development. Without the proposed zone change, the above goals could not be achieved.

**SECTION 4. 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 Environmental Impact Report prepared for the *Mission and Ramona Business Park* project (SCH#2021010005), which was certified by the City Council in Resolution No. 22-3388. All of the environmental impacts associated with the Amendment have been fully disclosed and mitigated, to the extent possible, in the Environmental Impact Report. No further environmental review is necessary.

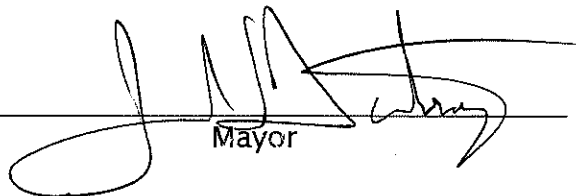
**SECTION 5. Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions 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. 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 7. 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 8. Effective Date.** This Ordinance shall become effective thirty (30) days following its adoption.

**APPROVED AND ADOPTED** this 17th day of January, 2023.

  
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Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

I, Andrea M. Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 23-1003 of said City, which was introduced at a regular meeting of the City Council held on the 19th day of December, 2022, and finally passed not less than five (5) days thereafter on the 17th day of January, 2023, by the following vote, to-wit:

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

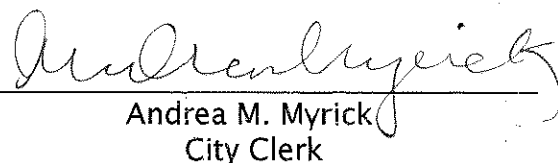
  
\_\_\_\_\_  
Andrea M. Myrick  
City Clerk

EXHIBIT A  
Ordinance No. 23-1003

