

**MINUTES OF THE REGULAR MEETING OF THE CITY OF
MONTCLAIR PLANNING COMMISSION HELD ON MONDAY,
JANUARY 22, 2024, AT 7:00 P.M. IN THE CITY COUNCIL
CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA**

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

Present: Chair Martinez, Vice Chair Sanchez, Commissioner Sahagun, Commissioner Mendez, City Attorney Robbins, Director of Community Development Diaz, Senior Planner Gutiérrez, and Director of Public Works Heredia

Absent: Commissioner Patel

**4. MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF
JANUARY 8, 2024**

Moved by Commissioner Sahagun, seconded by Commissioner Mendez, and carried unanimously 4-0-1 (Patel absent) to approve the minutes of the January 8, 2024, Planning Commission meeting.

5. ORAL AND WRITTEN COMMUNICATIONS

Mark Coulter, a new potential business owner, commented and inquired about starting their business in the City.

Director Diaz gave him his business card and advised Mr. Coulter to meet with staff during City Hall operating hours.

6. AGENDA ITEMS

PUBLIC HEARING

A. CASE NUMBER 2023-39

Project Address Single-family Residential Zones

Project Applicant City of Montclair

Project Planner Silvia Gutiérrez

Request:

A request for a Zoning Code Amendment allowing Urban Lot Splits and Two-Unit Projects in single-family zones in compliance with Senate Bill 9 (“SB 9”)

CEQA Determination:

The proposed Zoning Code Amendment Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Government Code sections 65852.21 subdivision (j), and 66411.7, subdivision (n), the adoption of an ordinance by a city or county implementing the provisions of Government Code section 66411.7 and 65852.21, which is California's SB 9 Law and which regulates Urban Lots Splits and Two-Unit Projects, is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA).

Senior Planner Gutiérrez presented the staff report and summarized the salient points of the ordinance along with a PowerPoint presentation.

Chair Martinez opened the hearing for public comments on the subject.

There being no remote or in-person speakers, Chair Martinez closed the public hearing.

Director Diaz clarified the proposed ordinance regarding SB 9 only allows the new lot to be used for resident housing.

Commissioner Mendez shared his concern about parking and utilities for the Urban Lot Splits and received clarification from Director Diaz and Director Heredia.

Commissioner Sahagun expressed appreciation for staff's thorough report. He also shared his concerns about parking issues but understood that SB 9 is meant to help alleviate the current statewide housing problem.

Vice Chair Sanchez received clarification from Director Diaz that with an Urban Lot Split, there could potentially be two units on each lot on what was originally a single lot, if the lot size allows. He also received clarification on the grant deeds, to which Director Diaz and Senior Planner Gutiérrez responded. He further inquired about future easements on lots, and Director Diaz clarified that may be necessary but depends on the layout of the lot.

Chair Martinez received clarification of the ordinance provision confirming that Urban Lot Split implementation will be prohibited for any future commercial uses and that it is strictly for residential uses. He also received clarification as to the property owner's three-year occupancy requirement, to which Director Diaz and Senior Planner Gutiérrez responded. He also inquired about having the parcel maps approved by the City Engineer prior to the Urban Lot Split subdivision, to which Director Heredia responded.

City Attorney Robbins advised on the limitations on the lot splits, and stressed the applicant must comply with the 40 percent minimum area of the overall lot size to request the subdivision.

Director Diaz stated the applicants have options such as the urban lot split and Accessory Dwelling Unit (ADU) ordinance when considering cost-effective housing development.

Chair Martinez received clarification that SB 9 is in effect for all cities to comply as it is state-mandated.

Commissioner Mendez inquired if there are any repercussions in place if the property owners do not fulfill the three-year occupancy, to which City Attorney Robbins responded that there might be future provisions in place from the State addressing to the issue.

Recommended Motion:

- A. Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282 (h) of the CEQA Guidelines, which states that the adoption of an ordinance regarding Urban Lot Splits and Two-Unit Project design standards in single-family zones to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code are exempt from the requirements of CEQA; and
- B. Adopt Planning Commission Resolution 24-1989 recommending the City Council approve Zoning Code Amendment ZCA 24-1007 to amend regulations pertaining to Chapter 11.87 of the Montclair Municipal Code.

Moved by: Chair Martinez

Seconded by: Commissioner Sahagun

Ayes: 4

Noes: 0

Absent: 1 (Patel)

The Zoning Code Amendment was approved with a 4-0-1 vote, noting Commissioner Patel was absent.


7. INFORMATION ITEMS

8. PUBLIC INSPECTION OF MATERIALS — None

9. ADJOURNMENT

Chair Martinez adjourned the Planning Commission meeting at 8:24 p.m.

Submitted for City of Montclair Planning
Commission approval,


Sharon Giang, Recording Secretary