



CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES  
REGULAR ADJOURNED MEETING  
Monday, August 24, 2009

COUNCIL CHAMBER  
5111 Benito Street, Montclair, California 91763

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**CALL TO ORDER**

Chairman Flores called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Chairman Flores led those present in the salute to the flag.

**ROLL CALL**

Present: Chairman Flores, Commissioners Johnson, Sahagun and Vodvarka, Community Development Director Lustro, City Planner Diaz, Associate Planner Lai, and Deputy City Attorney Holdaway.

Excused: Vice Chairman Lenhert and Associate Planner Frazier-Burton.

**MINUTES**

The minutes of the July 27, 2009 meeting were presented for approval. Commissioner Johnson made an amendment to the Information Items section regarding the timeframe on the replanting of a tree from "one day later" to "shortly thereafter." Commissioner Johnson moved, Commissioner Vodvarka seconded, there being no opposition to the motion, the minutes were approved 4-0, with corrections.

**ORAL AND WRITTEN COMMUNICATIONS**

None.

## AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2009-11  
Project Address: 5201 Benito Street  
Project Applicant: T-Mobile West / City of Montclair  
Project Planner: Michael Diaz, City Planner  
Request: Conditional Use Permit and variance to allow a 70-foot high wireless telecommunications tower

City Planner Diaz reviewed the staff report. No comments were received from the public.

Commissioner Johnson commented that she had a few questions but many of them had already been answered; the biggest question was why it was located behind the skate park and she knows now that is because of the 200-foot requirement. The only other question she had was related to the statement in the staff report with regard to the facility being unstaffed but visited on average once per month. She asked if there were any plans for the tree to be visited if something happens to it such as a limb falling off and it starts looking sparse, or graffiti, will they come more frequently. City Planner Diaz replied that the location was selected because it falls outside the required 200-foot radius from residences. It could have been moved anywhere within that focus space but it was more important that it had some distance from the trees because the foliage of the real plants can inhibit the signal from getting out so it has to be close for context but far enough to be operational. With regard to maintenance, there is a condition of approval that requires T-Mobile to fix anything that falls off or breaks or graffiti and they will do that as they come out monthly to check the equipment or upon request if we see something in the meantime.

City Planner Diaz added that there are companies that make the stealth type of camouflage for these particular kinds of antennas based on the natural setting; it can be a palm, a pine, even a cactus. The pine tree provides that type of camouflage and because it's an evergreen tree, if it is done right, it will always look appropriate.

Chairman Flores opened the public hearing.

Monica Moretta, of T-Mobile West Corporation, 1 Venture, Suite 200, Irvine, commented they concur with the comments and presentation of staff. She has discussed with her client and T-Mobile decided that not all the conditions of approval are in compliance, but they will accept and comply with all the conditions as presented. She stated that she would be available for any questions.

Commissioner Vodvarka asked if another carrier came along and wanted to put their system on the tree, could they? Ms. Moretta answered yes because it will be co-locatable as long as their antennas observe a minimum 10-foot vertical separation from

T-Mobile's antennas. The advantage of having a tree at 70 feet tall actually allows for a second or even a third carrier to attach their antennas, depending upon the needs of the network.

Commissioner Sahagun asked if a third carrier could be accommodated. Ms. Moretta replied that there will be space enough for up to three carriers, depending on the needs of the network for the future carriers. For instance, we are proposing T-Mobile's antennas at 65 feet and a second carrier would likely co-locate at approximately 50 feet. A third carrier could probably locate at 30-35 feet, but that height can be problematic because line-of-sight starts to become obstructed by topography, landscaping and buildings such as the future senior center, which will be approximately 25 feet tall, so there are variables that need to be considered by future carriers. Commissioner Sahagun commented that he knew we required two carriers per pole for that reason.

Chairman Flores closed the public hearing.

Commissioner Vodvarka moved that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 3 exemption under State CEQA Guidelines Section 15303, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 4-0.

Commissioner Sahagun moved to approve a Conditional Use Permit and Precise Plan of Design under Case No. 2009-11 to allow a telecommunications facility disguised as a 70-foot high monopine tree at Alma Hofman Park at 5201 Benito Street, per the submitted plans, as described in the staff report, and required findings subject to the 42 conditions in attached Resolution Number 09-1700, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

Commissioner Johnson moved to approve the proposed Variance request under Case No. 2009-11 for the height of 70-foot high monopine tree based on the required findings and subject to the 42 conditions in contained in Resolution Number 09-1701 for the CUP and PPD, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

6.b PUBLIC HEARING - CASE NUMBER 2009-12

Project Address: 10543 Mills Avenue  
Project Applicant: Southern Pacific Latin American District /  
Mision El Redentor  
Project Planner: Jim S. Lai, Associate Planner  
Request: Conditional Use Permit and Precise Plan of  
Design to allow a church assembly and site  
and building renovation

Associate Planner Lai reviewed the staff report. He received one comment from the adjoining property owner to the south who has been working with the church on driveway issues.

Chairman Flores opened the public hearing

Urias Mendoza, pastor of Mision El Redentor, 10543 Mills Avenue, Montclair, commented that he has come to love this city and the people and this will be a project that will benefit the community greatly because they are a church that considers spiritual, physical and social needs of the community so this is something that will bless this community.

Chairman Flores closed the public hearing.

Commissioner Johnson asked if there was a contingency plan for when the church grows regarding the parking because 50 parking spaces seemed like a small number. Will they be able to use some space on the property across the street or can they only get 100 people in there. Associate Planner Lai responded that the parking spaces are based on occupancy. An analysis is done and for every six occupants, we require one parking space. In this case, 50 parking spaces will allow them to have a maximum of 300 people. They currently have 100 members and the assumption is that family members will carpool together. There is also parking available on the street and if they make arrangements with adjoining property owners, they could utilize some of their space during the hours when adjoining owners are not using their parking.

Commissioner Vodvarka asked for clarification regarding the parking; the front part that draws access from Mills Avenue is the normal parking. The overflow is what comes in from Oak Glen Avenue. There seems to be some kind of wall or chain link fence between the two properties. City Planner Diaz replied that the properties will be developed all at one time and is intended to provide all 50 parking spaces. The primary access will be from Mills but there will be secondary access from Oak Glen. It will be available for the congregation to use for services to support the congregation size they have approval for per service. If they grew a little, they could have a second service because the staff report acknowledges that their main services are held on Sundays when there is the least amount of conflict with other businesses and uses in the area.

Commissioner Vodvarka commented that only one part of the parking lot is marked for parking and that is in front of the building. He questioned if the rest of the parking will be marked for designated parking or is it going to be a free-for-all. City Planner Diaz replied that the parking in the front is getting reorganized to reflect what is shown in the exhibit and it's primarily designed for the church to occupy that which is in front of their building and to the north and rear of the building. They have been working cooperatively with the other tenants in the strip center to make sure their parking is adequately available for their respective constituents and it is staff's understanding that they have a good working relationship and will work that out to the best of their ability. Commissioner Vodvarka expressed concern over confusion in the parking lot possibly creating an accident. City Planner Diaz responded that it is 90-degree parking and they will have sufficient drive aisle width when the project is improved. Staff thinks it is the best parking scheme they have seen. The church has been cooperatively working with staff and their neighbors to try to come up with a workable plan.

Director Lustro commented that the current site conditions are that the parking lot in front of the building on the Mills side is paved and striped, although it is not in very good condition; the portion at the back of the property is in even worse condition because it was rarely used by the previous tenant. Lastly, the portion of the northwest corner, along Mills but immediately south of the auto repair facility, is primarily dirt and gravel. So, as part of the church's plan, staff has looked at several parking lot layouts for this site because it is oddly shaped and staff's goal in working with the applicant and architect was to come up with an optimal parking and circulation plan. Staff feels the one that is being proposed is optimal and will go far to minimize any parking and circulation conflicts.

Chairman Flores asked that next time the Commission be provided a parking ratio and analysis.

Commissioner Johnson moved that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which covers infill projects in significantly developed areas, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to approve a Conditional Use Permit and Precise Plan of Design under Case No. 2009-12 subject to making the required findings, and subject to the 65 conditions as described in attached Resolution Number 09-1702, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

6.c CASE NUMBER 2009-13

Project Address: 4594 San Bernardino Street  
Project Applicant: Chino Basin Water Conservation District  
Project Planner: Michael Diaz, City Planner  
Request: Precise Plan of Design for Phase 2 improvements associated with an approved Master Plan

City Planner Diaz reviewed the staff report.

Eunice Ulloa, General Manager, Chino Basin Water Conservation District, 4594 San Bernardino Street, Montclair, and Jeff Veenema, Claremont Environmental Design, 480 N. Indian Hill Boulevard, Claremont, architect for the project. Ms. Ulloa stated that they were very pleased to be there. Any of those who have come by the re-designed park will be just as pleased as they are. The park is now very heavily used by the public; mornings, afternoons and evenings they have families coming using the walking park, a lot of families with their dogs and kids. They are ready to go to Phase 2, which is the maintenance building. Unfortunately, she just received the staff report and in going through the report, had some discrepancies and she had an opportunity to talk to Director Lustro and City Planner Diaz for a few minutes before the meeting and they have assured her that they are items that can be worked out with staff. Some language changes in some agreements that they had with staff have come out a little bit different in the staff report and they respectfully ask for the Commission's approval and understand that they will be working out some of the issues with staff.

Commissioner Johnson moved that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 3 exemption under State CEQA Guidelines Section 15303, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to approve Precise Plan of Design Case No. 2009-13 for Phase 2 Improvements of the CBWCD Master Plan allowing the construction of a new maintenance building, fire access drive, and security fencing at 4594 San Bernardino Street per the submitted plans, as described in the staff report, subject to the 59 conditions of approval in Resolution 09-1703, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

## **INFORMATION ITEMS**

Director Lustro briefly mentioned the multi-family tour that took place in the morning and deferred to the Commission for their thoughts and comments. Commissioner Sahagun was unable to attend but the group brought him back some reading material. The developer is very serious about the project. Staff has met with the team several times over the last few months and it is their desire that they bring this project forward for a formal consideration by the Commission in the next 60 to 90 days.

Director Lustro stated the tour consisted of viewing several different projects in Orange County and the idea was from the developer's perspective to show them various elements of these projects that they intend to incorporate into the project here. They looked at one project and looked at a couple things there and went on to another project and they pointed out one or two things there. The other helpful thing was that they showed them elements of other projects that they had no intention of putting into this project so everyone got a good sense for both sides on what they plan on doing. They got to see examples of various different projects – "for rent" projects and "for sale" projects. It was a good variety and a very educational field trip. The development team used the bus ride between sites to talk, provided their development team's background and experience and what their goals were for the project. Commissioner Sahagun commented that he was glad the other commissioners attended and was sorry he missed it.

Chairman Flores commented that the developer and representatives were very professional and if you got a chance to talk to them individually, you found out that they know their stuff and they not only showed things that they wanted to incorporate, but explained how they were going to improve on it. Overall, it was a very good tour.

Commissioner Vodvarka commented that he was very skeptical when the tour started out because Montclair has some apartment complexes that have been here for years and some have fallen apart, the property has been taken away from the owner and that has turned him against any type of rental, but the tour showed them if they can do here what they did there, it would be great. It was very impressive. We have an area where they want to do this that can be wide open, close to the Metrolink and he hopes it works because these guys seem very sincere.

Commissioner Johnson gave kudos to staff for working with the developer. She stated that she was very pleased when she heard that windows and balconies would be designed so that they would not face each other and it was integrated into the project. She had several questions that did not necessarily have to be answered at the meeting, but when the item comes before the Commission, she would like it included in the staff report. There was some mention about management and future upkeep and she remembered a similar thing with National CORE and she would like to hear more about that. She was tickled about how they pointed out certain aspects like the foliage, the water elements, the walk spaces, but would like to hear some more in the staff report about green elements like solar elements or how they are going to recycle the water for

a fountain. She would also like to know about the mailboxes. The one thing that struck her was that once you park in the underground garage, you have to walk pretty far to get your mail. She had a discussion after the tour with her husband (a retired postmaster) and the postal guidelines are that you can place a gang box at every single building so that you don't have to walk far. She would also like to know about the percentage of low-mod units that will be there. She was really impressed with how the people who live in the apartments are not the people we stereotypically think of as apartment dwellers. She would really be interested to know because if we have already met our housing requirement for low-mod and does this project have to include a percentage of low-mod units. If those things could be in the staff report, that would be great.

Director Lustro stated that staff will make sure to address those issues when the time comes for the report. With respect to mailboxes, he knew that at the first project they visited there were gang mailboxes. What he would suspect is that the developer has to coordinate with the U.S. Postal Service and have the community mailboxes within a reasonable distance of each building. He believed that the community mailbox he saw was immediately adjacent to one of the private drive aisles that came into the complex and presumably it was located there for convenience, so that before you park in the underground parking, you could pull up there, get out, get your mail, get back in your car and go to your parking space. You certainly have the option to park your car first and then go for a walk and get your mail. There are options that meet the requirements of the Postal Service.

The issue of rentals versus "for sale" units is an ongoing discussion with the Council as well as the Commission. Something to remember is that there is a stigma attached to multi-family rental units in Montclair and rightfully so. The vast majority of rental units in this community consist of duplexes, triplexes, four-plexes and the problem is generally lack of professional management. They are managed by an individual or a couple that owns it and yes, it's their property, and yes, it's their investment, but they do not have the experience managing a multi-family rental project compared to that of professional management companies. These folks have a lot of experience and know what to do. The representatives we spoke with earlier today were able to answer your questions because they live and breathe this daily. The challenge for staff is to focus on the fact that what this applicant would be looking to do versus anything else we have in the community is like comparing apples and oranges. It is a tough stereotype to overcome, but staff feels very fortunate to be dealing with this development team. It is rare in Montclair for a development team and an architectural team of this caliber to come forward with a project. He was not saying that was reason enough to support it because they have to put something before us that we know is going to be an asset to the community, but one of the challenges for us among things that have been discussed is to touch on those differences between a rental project and a "for sale" project, particularly in this economy. He and City Planner Diaz attended a recent meeting where our regional economist, Dr. John Husing, was in attendance. One of the questions City Planner Diaz asked was how long would it be before we get back to normal. Dr. Husing responded that he thinks it will be at least four to five years before

things settle down to some state of normalcy. What that means to staff is that we are going to see an upheaval in the housing market for a few more years. Home builders have stopped constructing purpose-built residential condominiums because there are no buyers and financing is difficult, if not impossible, to obtain. Further, when you add in the issues of the high cost of insurance for condos and the legal action that owners have taken against condo developers because of construction flaws, etc., it's an area that builders are staying away from for a reason. They are expert on that and will touch on that when they make their presentation. Staff looks forward to continuing its discussions with the development team and bringing a project forward for the Commission's and Council's consideration.

Commissioner Sahagun asked if the development team had connections with the Irvine Company. Director Lustro replied that a couple people on the development team have close connections with folks who work for the Irvine Company and that is how we got to see as much as we got to see on the tour.

Commissioner Sahagun commented that Chairman Flores had called him to let him know that Vice Chairman Lenhart is in the hospital and he wanted to give him everyone's prayers.

Chairman Flores adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Laura Berke  
Recording Secretary