CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, April 26, 2010

COUNCIL CHAMBER
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner Vodvarka led those present in the salute to the flag.

ROLL CALL

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

Excused: Associate Planner Frazier-Burton

MINUTES

The minutes of the April 12, 2010 regular meeting were presented for approval. Commissioner Johnson moved, Chairman Flores seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

6.a PUBLIC HEARING - CASE NUMBER 2010-1

Project Address:	5450 Deodar Street
Project Applicant:	Sprint Wireless/City of Montclair
Project Planner:	Jim S. Lai, Associate Planner
Request:	Conditional Use Permit amendment

Associate Planner Lai reviewed the staff report.

Chairman Flores opened the public hearing

Shane Hennessy-York, 1755 Sherington Place, Suite W206, Newport Beach, representing the applicant, Sprint/Clearwire, stated this was a co-location for Sprint. Clearwire is a subsidiary of Sprint, 51% owned by Sprint. By proposing this installation, they are co-habitating with other technology to provide a more diverse, broadband wireless service to incorporate more data and speed. There's 3G technology out there that AT&T and Verizon tout; this will be 4G technology, which is the next level of technology that is coming and that Sprint is starting to advertise. He stated he and his clients reviewed all the conditions and his clients are satisfied with all of the conditions except for two – Condition Nos. 5 and 20. Sprint and Clearwire do not own the facility. The facility is owned by a company named Crown Castle. Sprint and Clearwire do not have a license agreement directly with the City of Montclair. Sprint and Clearwire have a business relationship with Crown Castle. In the past, when the pole needed refurbishing or brought up to current standards, the City has worked with Crown Castle. He wanted to omit Condition Nos. 5 and 20, seeing that Sprint does not have the relationship with Montclair and aside from the 10 feet on the pole that they lease from Crown Castle, they are not responsible or have the relationship with Montclair for the underlying property.

Vice Chairman Sahagun asked for clarification whether they should amend Condition Nos. 5 and 20 or strike them. City Planner Diaz commented they would recommend changing the conditions so that it applies to them. City Planner Diaz asked for the City Attorney's assistance and suggested the site lessee as the entity to have the agreement with to make sure the property is properly maintained and the requisite deposit is placed for this particular use. It appears that a different ground lease entity subleases to Sprint, and now Clearwire, to utilize that particular structure. Director Lustro suggested, with respect to Condition No. 5, it would seem logical for the City to pursue an amended license agreement with Crown Castle as the owner of the wireless telecommunications facility. In Condition No. 20, if the City is to pursue a cash deposit for removal if the facility becomes abandoned, that is a discussion that we might want to have with the tower owner and, if the tower owner wanted to, in turn, contact Sprint and have a separate agreement with them, that would be up to the tower owner. While he did not agree the conditions should be stricken, he agreed with the applicant that the two conditions needed to be amended to be able to achieve what the City is trying to accomplish. City Attorney Robbins asked if there was a time issue or could the item be continued because she was uncertain what we have in place with Crown Castle and

what the terms are. Mr. Hennessy-York stated that Crown Castle has been quite responsive in the past in modifying and bringing the site up to standard and he knew they would be open to discussion, but, again, at this point in time he was unsure if his organization is the right one to go into an agreement for the underlying parcel. He stated that he was amenable to continuing the item for two weeks rather than having something done incorrectly. Director Lustro commented that based on the two conditions that were being discussed it would be appropriate for the Commission, if it so desired, to continue the item to the Planning Commission meeting on May 10, 2010. Staff will try to get the details of those two conditions resolved by then so staff can come back to the Commission with revisions as necessary.

Hearing no other comments and no one else being present, Chairman Flores closed the public hearing.

Vice Chairman Sahagun asked if staff received any response from the public. Associate Planner Lai replied that staff had not received any comments from either the neighboring property owners or general public. Director Lustro commented that he believed there are some residential properties within the 300-foot radius, probably to the south and east, who would have been notified of this particular application. Associate Planner Lai stated that staff has a mailing list of approximately 29 property owners who fall within the 300-foot radius.

Mr. York commented the vendor that ran the labels did it based on the property line of the park, not from the tower.

Commissioner Vodvarka moved to continue Case No. 2010-1 to the meeting of May 10, 2010; seconded by Vice Chairman Sahagun, there being no opposition to the motion, the motion passed 5-0.

6.b PUBLIC HEARING - CASE NUMBER 2010-2

Project Address:	5180-5220 Mission Boulevard
Project Applicant:	Storage Place Montclair LLC
Project Planner:	Jim S. Lai, Associate Planner
Request:	Conditional Use Permit

Associate Planner Lai reviewed the staff report.

Chairman Flores opened the public hearing.

Robert Barrick, 2274 Gird Road, Fallbrook, and his son, Scott, and Robert Scott, the partners in the venture, a family group, thanked the Planning Commission for working with them on the project. As Mr. Lai stated, this is their third self-storage facility in this general area. They have one off the 71 Freeway, one on Chino Avenue, which is 20 years old, and this is their latest one. In each one they discovered that a portion of the people who rent from them would also like to store their RVs, which fits well into their plan. After working with the City, they feel it is adequately shielded to make it look

attractive from Mission Boulevard which has a large traffic count. They were available for any questions and then turned it over to his architect, Jim Goodman, who offered to answer any specific questions.

Jim Goodman, James Goodman Architecture, stated that he and his clients have read through the report and worked with staff to come up with a solution for screening and enhancing the street frontage while allowing them to have some use of the property until the commercial market picks up again, should it do that at some point in the future. The only condition that he wanted to discuss was the trash enclosure and questioned rather than building a separate structure that is required to be covered, which is expensive, what they would like to do is propose one of the storage units on the end be allocated for a trash enclosure. It has a roll-up door, is enclosed and does not add any other buildings to the site and is a similar solution they used for the main storage project.

Vice Chairman Sahagun asked what condition number dealt with the trash enclosure. Mr. Barrick pointed out that the particular unit in the building would be lighted and also fire sprinklered. Since that building is already done, they would basically pull that unit off the market. Director Lustro stated the proposal, as Mr. Goodman described, would be satisfactory to staff and, as Mr. Barrick pointed out, the building already has lighting and is fire sprinklered to code and certainly saves an expense. What he suggested is to craft some language, maybe deleting the second sentence in Condition No. 8.a. and modifying the first sentence to provide one trash enclosure for the RV storage site within a 10' x 10' area at the southeast corner of Building D, which is the freestanding storage building that Mr. Goodman pointed out and that would be acceptable to staff.

Chairman Flores asked for clarification that they leave Condition No. 8.a in by amending it.

Vice Chairman Sahagun asked if there would be a dump site at the facility and whether they have a dump site for their other customers. Mr. Goodman replied no.

Hearing no other comments and no one else being present, 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 32 exemption under State CEQA Guidelines Section 15332, which covers infill projects meeting specific criteria. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared, seconded by Vice Chairman Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to approve a Conditional Use Permit under Case No. 2010-2, subject to making the required findings and subject to the 55 conditions, with revisions to Condition No. 8.a, as described in Resolution Number 10-1722, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

6.c PUBLIC HEARING

Review of proposed Ordinance No. 10-913 replacing Chapter 11.60 of the Montclair Municipal Code related to landscape water conservation

City Planner Diaz reviewed the staff report.

Commissioner Vodvarka commented he had his front and back yards checked out by the Chino Basin Conservation Water District. The only problem he saw right now was the possibility that he would have to move three sprinkler heads, two feet up from the sidewalk. City Planner Diaz stated that Commissioner Vodvarka would not be required to comply with this ordinance simply because his is an existing condition. Commissioner Vodvarka asked what if he wanted to do it anyhow. City Planner Diaz replied that staff would encourage that. Commissioner Vodvarka replied that he was going to do it because there is runoff and if the sprinklers were moved back two feet, the runoff will stay in the grass instead of on the sidewalk. City Planner Diaz stated that voluntary compliance is highly recommended. The proposed ordinance is more complicated and will require everyone to rethink how they to doing things.

Chairman Flores opened the public hearing.

Commissioner Johnson stated she was not quite sure what a water budget means. What if they use more water than what is in their budget?

Justin Scott-Coe, Public Affairs Specialist for Monte Vista Water District, 10575 Central Avenue, Montclair, commented that he had the privilege of working with staff on the landscape ordinance and complimented City Planner Diaz on the adaptation of the ordinance. He felt Mr. Diaz improved it and he really liked the ordinance much better than the regional model. One portion of the ordinance he wanted to draw attention to in response to Commissioner Vodvarka's comments is the general landscape requirements for all properties. He felt it was an excellent section because it not only gives you the standard for water efficient landscapes if you so choose to meet those standards, it's an excellent listing of standards that says you have a water efficient landscape in this community and he felt it was rather unique from other ordinances. If you are interested in doing it, this is a great list to follow. In response to water budgets, a water budget is basically when you determine the watering needs of a particular landscape to keep it alive and healthy without over-watering it. What the landscape designer does is develop a watering needs assessment for all the plants that they plan to install in a given landscape. They determine the individual watering needs of each plant, they categorize it based on the WUCOLS (Water Use Classifications for Landscape Species), which is a general listing of plants and their watering needs. Plants are specified by high water needs, medium water needs and low water needs. They group those plants by irrigation needs into hydrozones and it is determined how much water that particular hydrozone will need on an annual basis. You add that all together and that is your water budget for the year. So, they have a basic determination of the maximum allowed water allocation, or MAWA, and that is your budget and then they kind of follow and see how they do as far as water use and try to help you

approach and keep within your actual water budget. Commissioner Johnson asked if it is a drought year and it needs more water, could they still get it or what if we have a lot of rain. Mr. Scott-Coe replied there is no limitation on the water they can receive, this is allocating a certain amount of water that they should be using on any given year. If they need to use a little bit more in one year, they are not going to act as the "water police" and say you are over your budget; however, they are going to monitor use and assist those with budgets as they do currently.

Debbie Figoni, Chino Basin Water Conservation District, 4594 San Bernardino Street, Montclair, stated that she is a conservation specialist and education coordinator, and wanted to advise the Commission about some of the classes they provide for residents. They have a basic class for those who already have their landscaping but want to modify it and make a "water wonderland." They have everything from the basics, backyard composting, a maintenance class, soils and irrigation, plants and planting, and preparation and design all offered free to Montclair residents. She brought flyers to advertise the classes. In addition, they provide water audits so if a resident is using a lot of water or even if they are not and are conscientious, they will come out and complete a free water audit for residents and businesses. They do have classes that provide information for both government workers or private professional landscapers and they have the class in English or Spanish, teaching people how to be more efficient in installing or modifying irrigation; a four-part series, three classes, one in English, two in Spanish, another set starting in May. Next month is Water Awareness Month and in honor of that, they are having an event called "Dog Day in the Park" at their facility. The goal is to get people out to the park for fun and health and while they are there, bring them into the demonstration garden that a lot of people don't even know exists. It is a free event, the City is participating and she hoped everyone could attend. City Planner Diaz stated the Chino Basin Water Conservation District plays an important role for the City because they will be a reference resource we can point to when people need to see an example of what a plant looks like. His understanding is that CBWCD will be revamping their garden in the near future to include more plant materials and some different settings that replicate what one might find at an actual house installation. Last year they replaced nearly all the trees in the park and reduced turf. The new trees at the park are climate-friendly to this area that, and when they get a little bigger, people can see what a particular tree looks like. Ms. Figoni stated the organization just planted 40 different trees in the park and they are in the process of making individual flyers on what the trees look like and how big they will get. A lot of people put in a tree not actually thinking about the future so it's important for them to know how big the tree will get, where it should be, how much water it needs, is it evergreen or deciduous, and is it going to shade the house and reduce energy bills.

Vice Chairman Sahagun asked if the trees were all decorative or are fruit trees included. Ms. Figoni replied that all the trees in the park are functional or decorative. They do have fruit trees inside the garden and a fruit tree could end up being pretty water-wise once it's established because most large trees find their own water source. That is something they will explain to people, the difference between a new or existing garden and how to modify the water over time, but everything in the garden is more decorative. She also added if anyone is interested in loquats or nectarines, come over to the garden

in about one month. Vice Chairman Sahagun stated that he has about 14 fruit trees and no decorative trees and knows they require different types of watering. A lot of residents have decorative trees in the front yards, but fruit trees and vegetable gardens in the back yard in the summer. Ms. Figoni suggested that maybe they could do a separate flyer regarding efficient watering and fruit trees because if it is watered right, they do not need a lot of water. If you set up a bubbler and irrigate it on a timer, as opposed to turning it on and walking away, there is definitely efficient watering of fruit trees. Vice Chairman Sahagun asked for clarification regarding the ordinance and whether it was going to be for all landscaping, residential and commercial, anything in the City. He also asked if everything existing is grandfathered in, but if you upgrade, you will need to bring it up to the ordinance's standards. City Planner Diaz replied that if your project requires a building permit and it reaches the threshold of 2,500 square feet or 5,000 square feet, depending on whether it's commercial or residential project, then it would require compliance. If you are just doing minor improvements , working on small areas, then you would not require a permit because we don't issue permits for landscaping in front yards, and there is no plan of doing that in the near future. If, for example, the Paseos project at Monte Vista and Moreno was submitted after January 1, then the entire project would have been subject to the new ordinance. That is an example of a project where this ordinance will apply to. All new projects that come in now will have the responsibility of complying with this particular ordinance and working towards saving water. Again, if people want to volunteer and upgrade their properties in terms of landscaping and reducing water, staff encourages them to work with the Chino Basin Water Conservation District or the water district and staff in trying to help them develop a plan that will work.

Chairman Flores asked whether the Commission would, for future projects, be receiving additional sets of plans from a licensed landscape contractor because his problem was that they will be getting many sets of plans, the City Engineer will be inundated with plans, and do we need to have a special person check these plans? City Planner Diaz stated that was the concern of all public agencies because, especially small agencies do not have the funds to hire a landscape architect to review projects. Other agencies, like us, will work with the water district and conservation district to help in reviewing plans. In addition, staff will be learning how to do a water budgets and evaluate plans to check for compliance . There will be a learning process for staff because much of this is new and complicated. Vice Chairman Sahagun commented that soon there will probably be a program that already has figured out the numbers. City Planner Diaz commented that staff hoped that once the initial "newness" of the ordinance wears off, that larger cities like Riverside with larger staffs and budgets will create their own programs and may share them with us so we could adapt it for our own use.

Hearing no other comments and no one else being present, Chairman Flores closed the public hearing.

Commissioner Johnson moved that, based upon evidence submitted, the Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with the staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of

no effect on fish and wildlife, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Commissioner Lenhert recommended the City Council adopt the proposed Water Efficient and Conservation Landscape Ordinance (No. 10-913) as set forth in the Planning Commission Resolution No. 10-1723, seconded by Vice Chairman Sahagun, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

Director Lustro reminded Vice Chairman Sahagun and Commissioner Lenhert the workshop and tour for The Paseos project at Monte Vista and Moreno Street will be Saturday, May 1, starting in the Council Chamber at 8:30 a.m. The applicant will do a 30 to 45 minute presentation and then we will board the bus for a tour to look at projects that have features, amenities and characteristics of what they are proposing to build at Monte Vista and Moreno. He added that the remainder of the Commission had the privilege of attending the tour in August and staff's understanding is that Saturday's tour is the same as what everyone else went on last year. If you are free Saturday morning and interested in attending the presentation, which will include an updated video of the proposed project, you are welcome to attend the presentation.

Vice Chairman Sahagun commented that even though the water ordinance was state-mandated, he was happy that we are thinking about being green, and, as Commissioner Johnson usually says, "kudos to us." He hoped we do not stop there and continue with ideas on solar, wind and anything that would save money but also the environment and ourselves, ultimately, because if we don't start at this level, it will not happen. Small steps, but together, huge gains.

Commissioner Johnson thanked staff and GLJ Partners for creating an opportunity for another tour; she knows that was no small feat. She was very hopeful that Commissioners Lenhert and Sahagun and the City Council would be able to attend because there is nothing like it in Montclair and until you see it with your own eyes, you do not get it.

Chairman Flores commented that he keeps worrying about the graffiti on the construction signs associated with the Ramona Avenue grade separation project. He passes through those areas everyday and the detour signs are in really bad shape. The one on Monte Vista Avenue is about 5' x 5' in size and it has so much graffiti that you cannot see it was once an orange sign. He knows construction takes a long time, but he felt we should look at the graffiti ordinance or make the contractor remove the sign. Director Lustro commented the issue was previously reported to Public Works with concerns about the signs being tagged. What Community Development staff was able to ascertain was that it is, in fact, the contractor's responsibility as written into their contract, that any detour, traffic control or other sign related to the construction are to be maintained by the contractor and not by the City. Clearly, the contractor is not doing it. He can only say that it was reported to Public Works. The only upside is that we're hoping by this time next month, Ramona Avenue will be completed and open to traffic

and all the signs will be gone. Chairman Flores stated that he brought it up because he felt we will have the same issue when we do the Monte Vista grade separation.

Chairman Flores commented that the previously reported truck with graffiti in his neighborhood was ticketed and temporarily gone and when it came back a few days later, it was not in the same location and all the graffiti was removed. It looks much better cleaned up.

Chairman Flores adjourned the meeting at 8:06 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary