



CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING  
Monday, September 9, 2013

COUNCIL CHAMBER  
5111 Benito Street, Montclair, California 91763

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**CALL TO ORDER**

Chair Johnson called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

Present: Chair Johnson, Vice Chair Flores, Commissioners Martinez, Sahagun and Vodvarka, Community Development Director Lustro, City Planner Diaz, Associate Planner Gutiérrez and Deputy City Attorney Holdaway

**MINUTES**

The minutes of the August 12, 2013 regular meeting were presented for approval. Vice Chair Flores moved, Commissioner Sahagun seconded, and the minutes were approved 5-0.

## ORAL AND WRITTEN COMMUNICATIONS

None.

## AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2008-3 'A'  
Project Address: 8821 Central Avenue  
Project Applicant: Lee Pan Montclair LLC  
Project Planner: Silvia Gutiérrez, Associate Planner  
Request: Conditional Use Permit Amendment for floor plan revisions and intensification of uses at an existing restaurant with on-sale beer and wine  
CEQA Assessment: Categorically Exempt (Section 15301)

Associate Planner Gutiérrez reviewed the staff report.

Chair Johnson opened the public hearing.

Hearing no other comments and no one else being present, Chair Johnson closed the public hearing.

Commissioner Sahagun asked if the disabled-accessible parking was located close to the entrance. Associate Planner Gutiérrez replied there are two disabled-accessible stalls, not directly in front of the entrance, but about two stalls over so it meets Building code requirements.

Commissioner Vodvarka commented he was glad the owners of the business were doing something to upgrade the business and wished them luck. He loves to see businesses doing better and hoped this would help them do better.

Vice Chair Flores 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 5-0.

Commissioner Sahagun moved to approve a Conditional Use Permit Amendment to allow the addition of a beer and wine bar to an existing, bona fide eating establishment with on-premises sale of beer and wine (Type 41 ABC license), the addition of an outdoor dining area (without alcohol consumption), and approval of live entertainment in the form of a live band without public dancing, per the submitted plans, as described in the staff report, and required findings subject to the conditions in the attached Resolution, seconded by Chair Johnson, there being no opposition to the motion, the motion passed 5-0.

- b. PUBLIC HEARING – CASE NUMBER 2009-11 'B'
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|--------------------|---|
| Project Address:   | 5201 Benito Street  |
| Project Applicant: | City of Montclair   |
| Project Planner:   | Silvia Gutiérrez, Associate Planner   |
| Request:           | Conditional Use Permit Amendment to modify an existing wireless telecommunications facility |
| CEQA Assessment:   | Categorically Exempt (Section 15303)  |

Associate Planner Gutiérrez reviewed the staff report.

Commissioner Sahagun heard the site was exclusively for Verizon and knew, in the past, the Commission approved cell towers with more than one carrier and asked if this would serve only one carrier. Associate Planner Gutiérrez stated the existing carrier is T-Mobile and that she misspoke earlier because the applicant is actually a separate carrier, which is Verizon, so this would add to the site and would serve T-Mobile and Verizon customers.

Commissioner Vodvarka asked if there were any other Verizon carriers in the immediate area. Associate Planner Gutiérrez replied not in the immediate area and that is why they have chosen this location; they have looked at other areas, the cost associated with installing an entire additional facility, the need for variances and setbacks and it's more cost-effective as well as better planning to co-locate at an existing facility rather than creating an entirely new one.

Commissioner Vodvarka asked if staff had received any calls from the public regarding the application. Associate Planner Gutiérrez stated staff has not received anything.

Vice Chair Flores remembered when these antennas first came on scene it was much different. When the first one came before the Commission, the Council Chamber was packed because people were worried about someone getting hurt. He asked how many antennas were located within the City. Associate Planner Gutiérrez replied between 15 to 20.

Vice Chair Flores asked who performs the upgrade to the antennas; does the company maintain their site? Associate Planner Gutiérrez stated the company is responsible for maintaining the site. If we have a contingency condition that they have to provide annual evidence of ownership of the site then, whenever possible, staff tries to annually inspect and evaluate whether it is in disrepair. An example would be the wireless facility near the Unitarian Church. When the monopine lost its crown or top, staff notified Nextel and they repaired it and got it resolved. Staff tries to be vigilant in notifying the facility owner if it becomes deteriorated or damaged.

Vice Chair Flores felt it would be helpful to have a map of the City with all the existing wireless sites plotted. From memory, he thought there were only eight to ten antennas. He asked if all the sites came through the Planning Commission or did some get accepted without coming to the Commission. Associate Planner Gutiérrez stated that some of the antennas are shared spaces. She said she would prepare a map showing all existing cell sites and provide that to the Commission. There is federal law that

prohibits cities from providing obstacles to these types of antennas; it is staff's job to comply with federal law while protecting the City's interests with respect to aesthetics, neighborhood compatibility and ensuring that adjacent properties are not adversely impacted.

Chair Johnson liked Condition No. 19, related to how well the property has to be maintained, but questioned Condition No. 23, relating to graffiti; she was interested in why they had 72 hours to clean it up. Is that our standard or could it be minimized? Associate Planner Gutiérrez stated that 72 hours is the general rule of thumb that staff uses. If the Commission so chose, staff could modify it, but if a call or complaint comes in, staff would have to contact them and give them at least 48 hours. It's up to the Commission if it so desires to reduce the response time. Director Lustro added that the 72 hours has been used historically to make allowances for the weekend. For example, if we were to become aware of something on a Friday and notify the owner the same day, even though City Hall is closed on Fridays, they may not have crews working on the weekend and then the expectation would be that they would be out on Monday. Our experience with most private property owners is that if we notify them that there is graffiti on the property, most do their best to get it taken care of the next day because they don't want it on their property either. In extreme circumstances, sometimes it might take a day and a half but his recollection is that 72 hours has been used fairly consistently.

James Rogers, 18301 Von Karman Avenue, Suite 910, Irvine, representing Smart Link, the agent for Verizon Wireless, stated that he worked with staff, got things off to a good start, they have read the conditions of approval and the resolution and Verizon accepts those conditions and he was available for questions.

Chair Johnson asked Mr. Rogers if the graffiti usually got cleaned up before the 72 hours, assuming it's not the weekend. Mr. Rogers replied he felt the 72 hours is probably a good length of time because the City is notified first, then someone has to notify Verizon and Verizon has to reach the operations people to send a crew out to remove it. When dealing with that type of bureaucracy, things do not move as fast as you like, but he felt the 72 hours was a doable timeframe. Of all the jurisdictions he has worked with, mostly in Southern California, 72 hours is the quickest turnaround that is required as a condition.

Director Lustro asked the Commission to keep in mind that at this particular location, the monopine itself is not enclosed by any type of masonry wall or structure; it is located in a planter area that is just outside the wall, immediately south of the skate park. From a practical standpoint, if there is graffiti, for example, on the adjacent masonry wall between Alma Hofman Park and the Youth Center parking lot, it is more than likely it will be taken care of by the City relatively quickly. Even if the enclosure area inside the Youth Center parking lot is constructed and the perimeter wall modified to allow for a pedestrian gate to allow the Verizon service folks access, the block wall will, generally, be the responsibility of the City. We are not going to call Verizon just because they have an equipment area there. We have the proper paint colors so it will be more efficient for us to do it anyway. In a case where the base of the monopine gets tagged, we may not necessarily have the color to match so it may be a situation where we

repaint it with a color that is close but we may still contact Verizon or T-Mobile to come out and repaint it with the proper color so that it correctly matches. City Planner Diaz stated that in the six years that it's been there, he didn't know of a problem with the tree itself other than a branch falling off when it got windy. In terms of graffiti, he does not recall any issues with the tree. If graffiti is going to be a problem, it's going to be on the wall.

Commissioner Martinez commented that he lives about 75 yards from a monopine in MacArthur Park, just south of the 10 Freeway, and it's been a good neighbor. In fact, you can't tell it's there; he thinks it's been there for seven to ten years and they have had no graffiti or maintenance problems.

Vice Chair Flores 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 Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to approve a Conditional Use Permit Amendment under Case No. 2009-11 'B' to allow co-location of antennas and expansion of the lease area at an existing wireless telecommunications facility at Alma Hofman Park, 5201 Benito Street, per the submitted plans, as described in the staff report, and required findings subject to the conditions in the attached Resolution, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 5-0.

## **INFORMATION ITEMS**

Director Lustro advised the Commission that the September 23, 2013 meeting will be cancelled because he and City Planner Diaz will be attending the International Council of Shopping Centers conference Wednesday, Thursday and Friday of the previous week, which would be agenda preparation week. The next scheduled meeting will be October 14, 2013.

Commissioner Sahagun mentioned he was at a function three weeks ago at the Unitarian Church on Monte Vista and felt the entire monopine looked shabby. He took pictures of it with his cell phone, but they didn't come out very good. Associate Planner Gutiérrez asked if he meant discolored. Commissioner Sahagun replied it looked weathered and would be a good idea to annually do a visual check of all the cell sites to verify the maintenance of the trees. City Planner Diaz stated staff can check the trees as far as maintenance goes, but asked the Commission to bear in mind that the one at the Unitarian Church was an earlier version of a monopine and it probably looks less like a tree than today's version. Commissioner Sahagun stated its weathered, its been out in the rain and sun and basically needs maintenance. City Planner Diaz stated that there are carriers and then there are guys who actually own the tree and sometimes they are not the same people, but you have to chase one down and figure out what they do. They have a lot of faux trees and are constantly working on them. Staff will take a look at that tree and will attempt to get the company to address the maintenance issues,

but staff cannot make them turn the tree into a newer version tree because it would require engineering for branches, etc. Commissioner Sahagun thought when it was approved that a condition was put in place requiring that they maintain their tree. Associate Planner Gutiérrez stated she agreed and does have contacts with AT&T and Nextel and will mention it to them, but also agreed with City Planner Diaz that adding additional pine branches would add additional weight. With respect to color, perhaps staff can ask them to see what options they have available to get a greener appearance.

Commissioner Sahagun mentioned that some of the storm drain catch basins on Palo Verde Street need maintenance because he saw weeds growing out of one by Costco.

Vice Chair Flores commented he did not know the monopine was going to be an item on the agenda, but also noticed the monopine at the Unitarian Church and was going to bring it up because it looks bad and stands out.

Vice Chair Flores commented the vacant lot on Central across from Costco has been cleared and looks very nice.

Vice Chair Flores commented how fast the buildings are going up at the Paseos. He saw the construction crews out there on Saturdays and Sundays. On the west half, they are already putting tile on the roof and the other side is going just as fast.

Chair Johnson adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Laura Berke  
Recording Secretary