



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, May 12, 2014

COUNCIL CHAMBER
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Vice Chair Flores led those present in the salute to the flag.

ROLL CALL

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

Excused: Chair Johnson and Associate Planner Gutiérrez.

MINUTES

The minutes of the April 28, 2014 regular meeting were presented for approval. Commissioner Sahagun moved, Commissioner Martinez seconded, and the minutes were approved 4-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- a. PUBLIC HEARING – CASE NUMBER 2013-19 'A'
Project Address: 5205 San Bernardino Street
Project Applicant: Montclair Senior Apartments LLC
Project Planner: Michael Diaz, City Planner
Request: Variance to allow a fence in excess of 48 inches in height within front yard setback
CEQA Assessment: Categorically Exempt (Section 15305)

City Planner Diaz reviewed the staff report.

Vice Chair Flores opened the public hearing.

Hearing no comments and no one else being present, Vice Chair Flores closed the public hearing.

Commissioner Martinez moved that, based upon evidence submitted, the Planning Commission finds the current application for the proposed variance qualifies as a Class 5 exemption under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects that involve minor alterations in land use limitations that do not create a new parcel, change a land use, nor increases the allowable density of the project. The setback variance requested is limited in scope and does not create new parcels, affect land use, or increase density, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to approve a Variance request under Case No. 2013-19 'A' to reauthorize the installation of a 127-foot long portion of a proposed six-foot high perimeter fence at the front property line and a second portion of the fence to be set back 22'-6" rather than at the required 25-foot front yard setback line, for the senior apartment complex located at 5205 San Bernardino Street, as described in the staff report and depicted in approved plans subject to the findings and conditions in Planning Commission Resolution No. 14-1800, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 4-0.

- b. PUBLIC HEARING - CASE NUMBER 2014-5
Project Address: 5280 Arrow Highway
Project Applicant: Prime Pacific Investments
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit to allow a wireless telecommunications facility
CEQA Assessment: Categorically Exempt (Section 15303)

City Planner Diaz reviewed the staff report.

Vice Chair Flores opened the public hearing.

Vice Chair Flores asked if Condition No. 13 could be amended to require staff to inspect the site when they request their annual business license to verify whether the tower needs maintenance, paint, or repair. He felt it should not take the Commissioners personally visiting the site to make sure they keep the facility in good repair. City Planner Diaz suggested in lieu of that, perhaps Condition Nos. 18 and 19 would cover that concern regarding the conditions of the trees. Commissioner Sahagun commented that the Commission brought it up in the past and wanted to ask the applicant what the schedule is for maintenance of the antennas. City Planner Diaz replied as stated in the staff report, it is every four to six weeks. Commissioner Sahagun commented he was asking about the tree itself, not the foliage, but he was concerned about the tree itself, branches getting old and falling off.

Kim Nguyen, 2749 Saturn Street, Brea, representing Verizon Wireless, answered that Verizon goes to the site about every four to six weeks to check the tree, equipment and generator. Also, there are often modifications to upgrade the equipment so when that happens, they will also check to make sure everything is in order. City Planner Diaz stated that staff can add the words "paint and color" to the criteria listed in Condition No. 18. Very often they come in and we handle equipment upgrades and minor changes administratively; when they do come in, staff typically performs a site visit to inspect the tree to ensure there is enough foliage, branches or that the socks are correctly put on the tree. Every time there is a wind storm, we have to address missing foliage and the carriers have been pretty responsive. He felt the trees that have the most problems are the older ones. Staff is better at requiring conditions of approval now and with the newer design of the trees, they are a little more true to what they are supposed to be representing in terms of what they look like and how they are maintained. As the years go by, we get better and better and so does the quality of the equipment that is being placed. Staff will change Condition No. 18 to include "paint and color" to the criteria list.

Commissioner Martinez commented that he is also watching to make sure these cell towers are good neighbors and look nice. He asked if the enforcement was done as the applicants came into the Planning Division to do upgrades - is that how the different facilities are maintained? City Planner Diaz stated it was one of the tools. The actual carriers are responsible for maintaining their sites so the expectation is that they will look at their sites and make sure that things like graffiti and other things are taken care

of on a regular basis, but sometimes things happen in between visits. In those cases, Code Enforcement or Planning will make a call to the carrier asking them to address the issues as quickly as they can. When they want to upgrade their equipment, which we handle administratively, it provides staff with another opportunity to look at the facilities and make sure they are being maintained to the spirit of the original conditions of approval. If there is anything new that comes up in the realm of maintenance or appearance, then we make sure they take care of those as well.

Vice Chair Flores commented that he feels Montclair is inundated with the cell towers; we already have 12 and are going to have 13, and wonders how we compare to larger cities such as Ontario or Upland and wondered if it is a concentration here. Do we service both counties? City Planner Diaz replied that it is part of a nationwide network and these towers are literally everywhere. He was not sure how many were in one city versus another city, but some cities have the benefit of really tall buildings so they can put antennas on buildings and do not have to deal with trees. We are a fairly flat area with low buildings so we have to rely on things like trees to get better coverage. The general purpose of new sites is to fill in gaps where there is a weakness in coverage.

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

Commissioner Martinez 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 Sahagun moved to approve a Conditional Use Permit and Precise Plan of Design under Case No. 2014-5 to allow a telecommunications facility disguised as a 60-foot high monopine at 5280 Arrow Highway, per the submitted plans, as described in the staff report, and required findings subject to the conditions in attached Resolution Number 14-1804, amending Condition No. 18, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 4-0.

- c. PUBLIC HEARING - CASE NUMBER 2014-9
 - Project Address: 5201 Benito Street
 - Project Applicant: City of Montclair
 - Project Planner: Steve Lustro, Community Development Director
 - Request: Conditional Use Permit to allow a certified farmers' market facility
 - CEQA Assessment: Categorically Exempt (Section 15311)

Director Lustro reviewed the staff report.

Commissioner Vodvarka asked if the Health Department was involved in some way. Director Lustro replied that the vendors participating in the market have to comply with all the requirements of the County of San Bernardino Health Department and also the State of California Food and Agricultural Code. In addition, they are required to comply with the City's Building Division and Fire Department requirements. As an example, during the set-up of last week's market, there was one vendor making prepared food who did not have a fire extinguisher. Staff required them to round one up, which they did, to have handy in their booth. There were also some modifications needed in the electrical conveyances in one of the booths where the electrical was connected to an inverter and staff directed the vendor to make a couple adjustments in the set-up, which they were willing to do. This will be an ongoing issue to make sure everyone complies, as public safety is of utmost importance and the safety of the vendors as well.

Vice Chair Flores opened the public hearing.

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

Commissioner Sahagun moved that, based upon evidence submitted, the Planning Commission finds the application for the proposed variance qualifies as a Class 5 exemption under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving the placement of seasonal or temporary uses in generally the same location from time to time in publicly-owned parks or other facilities designed for public use; seconded by Commissioner Martinez, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to grant a Conditional Use Permit for the proposed certified farmers' market to operate on Wednesdays from 4:00 p.m. to 8:00 p.m. at Alma Hofman Park, 5201 Benito Street, as described in the staff report and depicted in approved plans subject to the findings and conditions in Planning Commission Resolution No. 14-1803, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 4-0.

- d. CASE NUMBER 2013-12
 - Project Address: 4628 Holt Boulevard
 - Project Applicant: Lucky Holt Investment LLC
 - Project Planner: Silvia Gutiérrez, Associate Planner
 - Request: Time Extension request for a previously approved Precise Plan of Design
 - CEQA Assessment: Categorically Exempt (Section 15301)

City Planner Diaz reviewed the staff report.

Commissioner Sahagun moved to recommend the Planning Commission find the proposed time extension request for the Precise Plan of Design related to Case No. 2013-12 to be appropriate and to approve the request for a 12-month PPD time extension to June 10, 2015, subject to the conditions of approval contained in Planning

Commission Resolution No. 13-1780, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

INFORMATION ITEMS

Director Lustro reminded the Commission there will not be a second meeting in May because of staff's attendance at the International Council of Shopping Centers conference next week. The next scheduled meeting will be June 9, 2014.

Director Lustro invited the Commission to come out and peruse the farmers' market on Wednesdays from 4:00 p.m. to 8:00 p.m.

Commissioner Sahagun asked if the City thought about acquiring the former EZ Lube property next to the Fire Station for future expansion. Director Lustro commented that while staff agrees with the comment, the City no longer has a Redevelopment Agency, which could have potentially provided the resources to do that. However, the City's budget does not allow for it anymore. It certainly makes perfect sense, but it is not the City's fault that the property owner was unwilling to sell to the developers of The Paseos when he had the opportunity. Because of recent Code Enforcement action, the owner's representative has cleaned up the property and it looks much better than it did a few weeks ago. The owner has employed the services of a real estate agent to try and sell the property.

Vice Chair Flores adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Laura Embree
Recording Secretary