



CITY OF MONTCLAIR
PLANNING COMMISSION AGENDA
THEATER ROOM

9955 Fremont Avenue, Montclair, California 91763

NOTICE OF TEMPORARY MEETING RELOCATION

**THIS MEETING WILL BE HELD IN THE MONTCLAIR THEATER
ROOM (formerly the South Conference Room)**

REGULAR ADJOURNED MEETING

Tuesday, November 12, 2019

7:00 p.m.

It is respectfully requested that you please silence your cell phones and other electronic devices while the meeting is in session. Thank you.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chair Barry Rowley, Commissioner Ginger Eaton, Commissioner Manny Martinez, Commissioner Jaso Sanchez, and Commissioner Sergio Sahagun

4. APPROVAL OF MINUTES

The minutes of the October 14, 2019 Planning Commission meeting are presented for consideration.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

The public is invited to address the Planning Commission regarding any items that are not on the agenda. Comments should be limited to matters under the jurisdiction of the Planning Commission. It is respectfully requested that speakers limit their comments to no more than three minutes in length.

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete a speaker's card and submit it to the City Planner.

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2019-27
- | | |
|--------------------|---|
| Project Address: | 5450 Deodar Street |
| Project Applicant: | City of Montclair/Crown Castle |
| Project Planner: | Silvia Gutierrez, Associate Planner |
| Request: | Request for a Conditional Use Permit, Precise Plan of Design and Variance to allow a 78-foot high telecommunication tower and associated support equipment at MacArthur Park. |

7. INFORMATION ITEMS

Although the Planning Commission is prohibited from taking action on or discussing items not on the posted agenda, a member of the Planning Commission may ask for information, request a report back or to place a matter of business on the agenda for a subsequent meeting, ask a question for clarification, make a brief announcement, or briefly report on his or her own activities, provided the foregoing are related to, or within the jurisdiction of, the Planning Commission.

8. PUBLIC INSPECTION OF MATERIALS

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of November 25, 2019 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

CERTIFICATION OF AGENDA POSTING

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda has been posted on the bulletin board adjacent to the south door of Montclair City Hall on November 7, 2019.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 11/12/19

AGENDA ITEM 6.a

Case No.: 2019-27

Application: Conditional Use Permit, Precise Plan of Design, and Variance to allow a 78-foot high wireless telecommunication tower (disguised as a “faux” pine tree) and associated support equipment at MacArthur Park. The new tree will replace the existing 75-foot high telecommunications tower slated to be removed and replaced as a result of the I-10 freeway widening project.

Applicant / Property Owner:

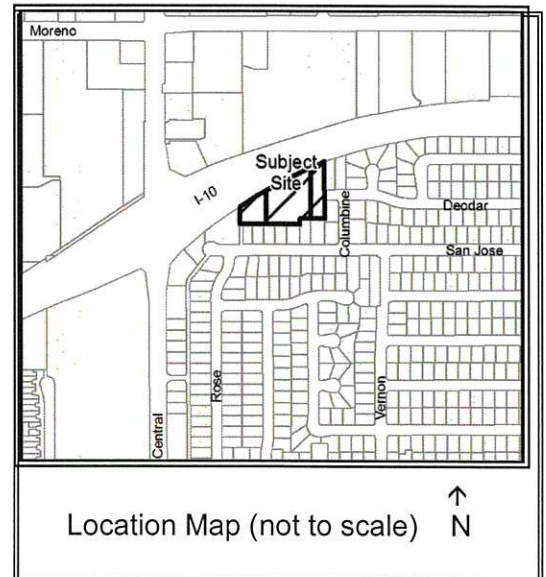
Crown Castle / City of Montclair

General Plan: Neighborhood Park

Zoning: R-1 (Single-Family Residential)

Project Address: 5450 Deodar Street (MacArthur Park)

APNs: 1008-311-06, 17, 18, and 19



EXISTING SITE FEATURES/CONDITIONS

Structures: Public park with a playground area and equipment

Parking: 22 on-site parking spaces

Trees/Significant Vegetation: Park setting featuring turf and numerous trees of various sizes including mature Canary Island Pines, Eucalyptus, and broadleaf trees.

ADJACENT LAND USE DESIGNATIONS AND LAND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Neighborhood Park	R-1 (Single-Family Residential)	MacArthur Park
North	I-10 Freeway		
East	Low Density Residential (3-7 du/ac)	R-1 (Single-Family Residential)	Single-Family Residential
South	Low Density Residential (3-7 du/ac)	R-1 (Single-Family Residential)	Single-Family Residential
West	Low Density Residential (3-7 du/ac)	R-1 (Single-Family Residential)	Church

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2019-27

APPLICATION TYPE(S)	Conditional Use Permit, Precise Plan of Design, and Variance (Height)
NAME OF APPLICANT	Crown Castle/City of Montclair
LOCATION OF PROPERTY	5450 Deodar Street
GENERAL PLAN DESIGNATION	Neighborhood Park
ZONING DESIGNATION	R-1 (Single-Family Residential)
EXISTING LAND USE	MacArthur Park
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Sections 15302 and 15303 (New, Small Facilities)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

Crown Castle is requesting approval of a Conditional Use Permit (CUP), a Precise Plan of Design and variance to allow the move and replace an existing “stealth” wireless telecommunications facility at MacArthur Park with a new facility at a new location in the park. The project is necessitated by an upcoming Caltrans project to widen the I-10 Freeway that affects the park. The existing wireless telecommunications facility is currently on the west side of the existing group of living trees and has been operating at MacArthur Park since 1998, which predated the City’s current Wireless Telecommunications Facilities Ordinance. The proposed CUP and Variance are intended to bring the new, relocated, wireless telecommunications facility up-to-date with the current code. Since the proposed facility is located within a public park, City Council approval of a lease for the new location will be required.

The new wireless telecommunications facility location at the park would be shifted south by approximately 30 feet, and eastward by approximately 40 feet, from its current location on the west of the existing group of trees to the east side of the trees. The new location will necessitate the removal of one eucalyptus tree. The design of the new telecommunications facility will resemble an evergreen pine tree (hereafter referred to as “Monopine”) and will be 78-feet tall, as measured to the peak of the faux tree. The proposed variance is for the height variation over the 35-foot limit of the underlying R-1 zoning designation of the site.

The current tree has been approved for two carriers – Sprint and Verizon. Sprint has a total of six (6) antenna panels and two microwave dishes, and Verizon will have twelve (12) antenna panels. The carriers’ antenna panels and dishes will be mounted on the new telecommunication facility at 63 feet and 53 feet high respectively. All antennas will be painted and be covered with “socks” to blend into the colors and textures of the tree.

At the base of the tree will be a secured area where the support equipment (e.g., radio equipment cabinets, emergency generator, utility connections, etc.) for each carrier will be located. The equipment area measures 12' x 52' (624 square-feet) and will be enclosed with an 8-foot high, shepherd hook, metal fence, and gate. In addition, an 8-foot high fence is proposed to secure the unusable area of the park between the northern limits of the wireless telecommunication facility and the I-10 Freeway sound wall. Facility owner shall coordinate with SBCTA and the City on the timing for the installation of said fence. The facility will be unstaffed, but is visited by each carrier and the owner of the tree an average of once per month for routine maintenance purposes.

Plans and photo simulations of the facility are included in the packet.

Background

- MacArthur Park is approximately 2.29 acres in size and consists of open space, mature-sized trees, and a play lot area recently upgraded with funding from the KaBOOM! Grant program.
- The existing stealth "Monopine" wireless communication facility was approved on June 8, 1998, under Case Number 98-11 with one carrier. This was the first wireless communications facility to be located on City property and it predated the Wireless Telecommunication Facilities Ordinance adopted in 2003. The existing tower would be decommissioned and removed upon the completion on the new tower.
- Crown Castle is the owner of the existing wireless telecommunication facility and holder of the underlying ground lease from the City. Crown Castle will continue to own and operate the new wireless telecommunication facility at its new location. Crown Castle is the country's largest provider of shared communications infrastructure including cell towers, and fiber supporting small cells and fiber solutions across the country.
- The Federal Telecommunications Act of 1996 precludes local governments from banning cellular transmission sites based on health concerns about the dangers of exposure to radiofrequency radiation (RFR) and electromagnetic frequency (EMF). This is due to inconclusive evidence about the health risk of exposure to RFR and EMF. Cities and counties retain discretion over design and location of the sites but cannot exclude them. Therefore, the Planning Commission is reminded that it cannot consider any environmental effects of emissions that otherwise comply with FCC regulations, including purported impacts upon health or alleged interference with television reception, in its decision to approve or deny the project.
- Chapter 11.73 - Wireless Telecommunications Facilities (Wireless Ordinance)- of the Montclair Municipal Code permits wireless telecommunications facilities subject to the approval of a Conditional Use Permit (CUP). The wireless ordinance provides policies and direction, clarifies existing codes, and sets forth reasonable criteria,

development standards and standardized conditions of approval upon which staff is using to evaluate this application.

- Phase 1 of the Interstate 10 Corridor Project to add express lanes involves the widening of the existing I-10 Freeway between the Los Angeles/San Bernardino County line and I-15 Freeway, a distance of approximately 10 miles. The project includes two tolled express lanes in each direction. In addition, lanes to assist drivers getting on and off the freeway (auxiliary lanes) will be constructed in selected locations. Construction is estimated to begin in the spring of 2020.
- In January of 2019, the City approved the addition of a second wireless carrier – Verizon - on the existing wireless telecommunications facility. However, due to the I-10 Freeway Widening project, installation of the new Verizon antennas has been delayed because of the need to relocate the existing tower and obtain approval for a new site within the park to install a new wireless telecommunications facility.
- On October 9, 2019, the proposed location and design of the new monopine wireless telecommunication facility was presented to the Development Review Committee for conceptual review. The committee had no objection to the proposal moving forward and expressed its preference for the monopine design.
- Since the location of the proposed monopine wireless telecommunications facility is within a public park, the project will require City Council approval of the lease for the new location and any associated easements.

Planning Division Comments

Staff has reviewed the project and worked with applicant to find a new location within MacArthur Park for a new wireless telecommunication facility. As mentioned above, the relocation of the existing facility was necessitated by the upcoming I-10 Freeway widening project that is scheduled to begin in the spring of 2020. The new location and facility would improve service (with two carriers) and provide an updated monopine tree design. The proposed wireless telecommunication facility will continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.

Conditional Use Permit and Precise Plan of Design

Pursuant to the City's Wireless Telecommunications Facility Ordinance, such facilities are allowed with an approved CUP in the R-1 zoning district when located at a public school, public park, conservation basin, or reservoir site. The current and proposed location of the facility within MacArthur Park meets this criteria and at 2.29 acres in size has sufficient size and shape to easily accommodate the facility with no significant impact to the use of the park. Except for the periodic need to add missing branches, the facility at the park has posed no known issues.

The specific location of the proposed new monopine and associated equipment meets all required setbacks, including the requirement to be at least 200 feet from nearby residential properties (Section 11.73.070 MMC). When measured from the center of the tower the nearest residences are located over 200 feet to the east and northwest, and over 220 feet to the south. In addition, the monopine structure will be set back approximately 208 feet from Deodar Street. As such, staff believes that the new wireless telecommunications facility is appropriately sited in the park and is sufficiently separated from all surrounding activities.

The new location for the new monopine and associated equipment will still be near the largest grouping of trees within the park where it will blend in to the overall look of the park nor will impact the use of the main open space/activity area of the site. Moreover, the proposal does not impact other existing park improvements, reduce the number of existing parking spaces, or remove significant landscaping. Although the facility will be largely maintenance free, it will be visited monthly by maintenance workers from each carrier and by personnel from Crown Castle, the tower owner. Ground equipment for the facility will be secured from public access, and only accessed by authorized maintenance personnel from the (east) side of the facility and does not require any City personnel to be present when maintenance is performed.

Staff finds the monopine design for the proposed cell tower facility to be appropriate for the park setting in which it will be located. Staff is pleased that the monopine tree will feature four branches per every four feet of height to more completely "camouflage" the antenna hardware and achieve a more natural treelike appearance the existing monopine facility. As such, the new monopine is expected to blend in with the group of mature-sized, and living, evergreens (notably pines) near it. The photo simulation included in the packets will be used during the plan check and in the field to ensure compliance with project approval.

Staff believes that the location and physical features of the monopole and appurtenances provide the best degree of both aesthetic and environmental protection pertaining to on-site and surrounding uses and public areas. For the above reasons, staff finds the proposed monopine antenna and associated equipment will be compatible at the subject park site and the visual character of the surrounding neighborhood.

Variance

Height is the key element needed by antennas to ensure efficiency and coverage and to allow for adequate space to add wireless providers, which the City encourages. Wireless technology is line-of-sight technology, so antennas need to be installed above surrounding foliage, structures or land masses for the antennas to maintain signal strength and integrity. In addition, the proposed height allows for the installation of two carriers so as to avoid the need for multiple, more visually obtrusive sites from being built in the area. Antennas require a 10-foot vertical separation so there is no interference between different providers' antenna signals. The proposed 78-foot height will allow for unrestricted signal propagation by at least as high or slightly above over existing natural trees and buildings in the immediate area.

The proposed height of the antenna is three feet higher than the existing monopine facility approved in 1998. The height of the existing and slightly taller new monopine are the appropriate height to ensure line of sight coverage, compensate for the height of existing trees and structures such as the freeway sound wall at the north boundary of the park, and allow colocation, which the 35-foot height limit could not achieve. Moreover, wireless telecommunication towers are not typical residential-type structures and because of their function cannot work with limited building height assigned for a house or accessory structure. Section 11.73.090.B MMC recognizes the unique requirements of wireless telecommunications antennas and allows the Planning Commission to consider greater heights for wireless support structures in the R-1 and AP zones if it finds that the increased height works to advance the overall goals of the ordinance and to ensure that wireless networks are implemented with fewest possible facilities and in the least visible manner. Staff believes the rationale exists for supporting the tower at the proposed height for the abovementioned reasons. Moreover, the presence of the existing monopine structure provides a good precedent for structures of this type being suitable for the park without major impact of any kind.

The proposed increase of three feet above the existing monopine height will be virtually imperceptible and will be comparable with average height of the of the existing group of live trees near where the new monopine structure is proposed. The monopine design will be visually compatible with general appearance of other natural trees in the park. The existing trees vary in height and in species but include pines, and eucalyptus trees most of which are in excess of 50 feet in height, and with some in the 75-foot range. This represents an enhancement to the existing conditions of the monopine.

Finally, as mentioned above, the proposed monopine will be more than 200 feet from residential uses and approximately 208 feet from Deodar Street where its height will not appear to be out of scale with other development and natural mature trees.

Conditional Use Permit Findings

- A. The proposed wireless telecommunications facility is essential or desirable to the public convenience and public welfare in that such facilities provide promote universal access to telecommunications services for all Montclair residents, businesses, visitors and commuters traveling through the City. In addition, the proposed wireless facility has the capability to continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.

- B. The proposed wireless telecommunications facility use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The antenna structure is located in a public park of sufficient shape and size to allow its full integration within the general context of the site without significant impact to the use of the park by the public. Moreover, staff finds that the location and physical features of the monopine, which is a stealth tower designed to look like an evergreen tree, and its associated equipment provide the

best degree of both aesthetic and environmental protection pertaining to on-site and surrounding uses and public areas. Lastly, all necessary building permits will be required to ensure that the facility is properly constructed and inspected. In sum, no threats to public health or safety have been identified for this proposal.

- C. The proposed wireless telecommunications facility use at the proposed location conforms to good zoning practice. The proposed location of the wireless telecommunications facility meets the locational criteria set forth in the Montclair Wireless Ordinance, and the minimum setback distances from adjacent residential uses. Except for the proposed height of the monopine, all other applicable development standards of the underlying zoning district and wireless ordinance have been met.
- D. That such use in such location is not contrary to the objectives of any part of the adopted General Plan which encourages compliance with Federal law, increased emergency preparedness, enhancement of public convenience and communication, and projects which meet community design objectives and attempt to reasonably minimize undesirable aesthetic effects on adjacent properties.

Wireless Telecommunications Facility Findings

Staff further finds the proposed wireless telecommunications facility to be consistent with Chapter 11.73 of the Montclair Municipal Code, and believes the necessary findings for allowing the establishment of such a facility can be made as follows:

- A. There is adequate space on the property for the wireless telecommunications facility without conflicting with existing buildings or other improvements on the property, reducing required parking or landscaping, or otherwise compromising applicable development standards. The park site is approximately 2.29 acres in size and developed in a manner that will easily accommodate the project without significant impact to any existing park facilities or amenities including open space. The proposed wireless telecommunications facility will not eliminate any parking spaces or significantly alter existing landscaping.
- B. The design and placement of the wireless telecommunications facility will not adversely impact the use of the property, buildings, and structures located on the property or the surrounding area or neighborhood. The proposed monopine will be placed in an area of the park where it does not block views, or restrict any existing park activities, while the support equipment will be behind a proposed wrought iron fence enclosure away from view by the public visiting the park, on the street, or from neighboring properties. Once installed and operating the facility is quiet.
- C. The wireless telecommunications facility, as proposed, is consistent with the provisions of Chapter 11.73 and complies with all other applicable requirements of Title 11 of the Montclair Municipal Code. The facility will not emit excessive

noise, vibration, traffic, or other disturbances that would have a substantial adverse effect on abutting property or uses located on these properties. Moreover, the proposed wireless telecommunications facility meets distance requirements from adjacent residential properties, required setbacks of the underlying district and is capable of accommodating the recently-approved second carrier for the facility. Lastly, the proposed height and monopine design of the antenna support structure will not adversely affect appearance of the surrounding area.

Variance Findings

- A. Because of special circumstances applicable to the subject property, including its size, shape, topography, location or surroundings, the strict application of the provisions of Title 11 of the Montclair Municipal Code are found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. Height is the key element needed by antennas to ensure efficiency and coverage and to allow for adequate space to add wireless providers, which the City encourages. Wireless technology is line-of-sight technology, so antennas need to be installed above surrounding foliage, structures or land masses for the antennas to maintain signal strength and integrity. While the City's Wireless Ordinance allows wireless antennas in a public park within the R-1 zone, the strict application of R-1 development standards, such as height, to antennas of this type do not apply in the same way. The site is a developed public park within an R-1 zoning districts where the application of standards designed for residential development make the construction and use of an antenna infeasible when considering the need to compensate for the existence of mature trees and tall structures such as I-10 Freeway sound wall. Under these unusual conditions, the increase height above the R-1 height limit is justifiable and in keeping with intent of the Wireless Ordinance and federal laws governing the deployment of wireless technology across the nation.
- B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zone classifications. The height variance would allow Crown Castle to install an antenna structure that is slightly taller (three feet) than the height of the existing antenna which was approved and has been operating at the site since 1998 without incident. While a 35-foot height is more than sufficient for typical residential development, its application to a wireless telecommunications facility (tower) is not appropriate. The proposed height is necessary to operate the antenna in an efficient manner at a site where existing mature trees (50'-60') and structures (i.e., freeway sound wall) make it impossible to operate at a lower height, particularly at the 35-foot height limit of the underlying R-1 zoning district. The strict adherence to the R-1 height limit of 35 feet would prohibit the operation of telecommunications facility of this type at the site and would not allow for any co-location opportunities as envisioned by the City's Wireless Ordinance.

- C. The granting of such variance will not be materially detrimental the public welfare or injurious to other property or improvements in the vicinity and zone in which the property is located. The MacArthur Park property is well suited to accommodate the proposed wireless telecommunications facility, and is a reasonable improvement to the subject site in that it meets the intent and applicable development standards of the Wireless Ordinance. The site for the monopine structure is located more than 200 feet from any residential uses and will be camouflaged as a tree, mitigating any potential major visual impact on the park, street, or nearby residences. The base of the facility will be secured by fencing and not significantly alter existing landscaping or impact other park amenities or uses. The facility itself will not emit noise, exhaust, or be illuminated. Radiofrequency emissions are regulated by the FCC and the facility must operate in conformance with these regulations. Finally, the structural integrity of the monopine structure and ground based equipment will be reviewed by the City's Building Division for compliance with all applicable building codes.
- D. The granting of such variance will not be contrary to the objectives of any part of the adopted General Plan. The General Plan also places a strong emphasis on maintaining the appearance, character, and vitality of the community, and on implementing the Municipal Code in an appropriate fashion. The proposed variance for the height of the monopine structure appropriately implements the intent and standards of the Wireless Ordinance and will not change the allowed uses or densities within the underlying zoning district. Because the proposal, as noted herein, meets these goals, the staff believes that this finding can be made.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 1, 2019. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the tower project site in accordance with State law for consideration of this discretionary zoning entitlement. As of the filing of this report, staff received a telephone inquiry from a property owner who requested a description of the project. She was pleased to receive mail notification from the City and was pleased to hear that the tower would improve cell phone coverage for the area.

Environmental Assessment

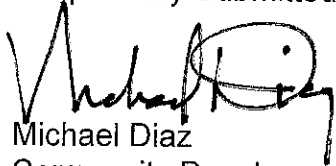
The proposed project involves installation of small, new structures on a developed site. As such, staff determined that this project is categorically exempt (Class 3 – New Construction or Conversion of Small Structures) and (Class 2 – Replacement or Reconstruction of existing utilities involving no expansion in capacity) from the provisions of the California Environmental Quality Act (CEQA), pursuant to Sections 15302 and 15303 of the CEQA Guidelines.

Planning Division Recommendation

Staff recommends that the Planning Commission take the following action(s):

1. Move 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 2 and 3 exemption under State CEQA Guidelines Sections 15302 and 15303.
2. Move to approve a Conditional Use Permit, Precise Plan of Design, and Variance under Case No. 2019-27 to allow a telecommunications facility disguised as a 78-foot high monopine tree at MacArthur Park at 5450 Deodar Street, per the submitted plans, as described in the staff report and required findings, subject to the conditions of approval in attached Resolution Number 19-1934.

Respectfully Submitted,



Michael Diaz
Community Development Director

MD/lb

Attachments: Draft Resolution of Approval for Case No. 2019-27

- c: Joel Taubman, Global Signal Acquisitions II LLC "Crown Castle" 2055 S. Stearman Drive, Chandler, AZ 85286
Jesse Castenada, Construction Manager, 200 Spectrum Center Drive, Suite 1700, Irvine, CA 92618
Chad Costello, SBCTA, 1170 W. Third Street, 2nd Floor, San Bernardino, CA 92410
Victoria Cook, OPC 2280 Market St., Suite 200, Riverside, CA 92501
Noel Castillo, Public Works Director
Xavier Mendez, Public Works Superintendent (via email)
James Diaz, Assistant Public Works Superintendent (via email)

RESOLUTION NO. 19-1934

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT, PRECISE PLAN OF DESIGN, VARIANCE UNDER CASE NO. 2019-27 TO ALLOW A 78-FOOT HIGH WIRELESS TELECOMMUNICATIONS FACILITY (MONOPINE) AT MACARTHUR PARK, IN THE R-1 ZONING DISTRICT, 5450 DEODAR STREET (APNs 1008-311-06, 17, 18 and 19)

A. Recitals.

WHEREAS, on October 10, 2019, Crown Castle initiated an application for a Conditional Use Permit (CUP), Precise Plan of Design, and Variance to allow the construction of a new wireless telecommunications facility at a new location within MacArthur Park; and

WHEREAS, the application applies to property located at 5450 Deodar Street, more commonly known as MacArthur Park, a 2.29-acre public park owned by the City of Montclair; and

WHEREAS, the existing stealth "Monopine" wireless communication facility was approved on June 8, 1998, under Case Number 98-11 with one carrier. The existing wireless communications facility was the first to be installed on City property and predated the adoption of the Wireless Telecommunication Facilities Ordinance of 2003; and

WHEREAS, the new location for the proposed wireless telecommunications facility project is necessitated by Interstate 10 Corridor Project that widens the freeway right-of-way to accommodate new express lanes; and

WHEREAS, the new wireless telecommunications facility consists of a single 78-foot high "monopine" structure (hereafter "Monopine") and associated ground lease space for support equipment; and

WHEREAS, a second carrier was approved for the existing monopine facility in January 2019; and

WHEREAS, the existing monopine facility will be decommissioned and removed after the construction of the new Monopine facility at its new location is completed; and

WHEREAS, Chapter 11.73 - Wireless Telecommunications Facilities (Wireless Ordinance)- of the Montclair Municipal Code, governs the development of wireless

telecommunications facilities within the City and provides policies and sets forth criteria, development standards and standardized conditions of approval upon which to evaluate this application; and

WHEREAS, Montclair Wireless Ordinance strongly encourages co-location of wireless telecommunications facilities to minimize their numbers and the visual impact additional locations would have on the community; and

WHEREAS, Section 11.73.090.B of the Wireless Ordinance recognizes the unique requirements of telecommunication antennas and allows the Planning Commission to consider greater heights for wireless support structures in the R-1 and AP zones if it finds that the increased height works to advance the overall goals of the ordinance and to ensure that wireless networks are implemented with fewest possible facilities and in the least visible manner; and

WHEREAS, staff has determined that the application meets the intent and requirements of the Municipal Code and the applicable development standards with the exception of height of the and Wireless Ordinance; and

WHEREAS, Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, pursuant to Sections 15302 (Class 2 – Replacement or Reconstruction of existing utilities involving no expansion in capacity) Section 15303 (Class 3 – New Construction or Conversion of Small Structures). In addition, there is no substantial evidence that the project will have a significant effect on the environment.

WHEREAS, the Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with staff's determination of exemption and directs staff to prepare a Notice of Exemption; and

WHEREAS, a notice of public hearing was duly given and posted in the manner and for the time frame prescribed by law; and

WHEREAS, on November 12, 2019, commencing at 7:00 p.m. in the Theater Room located at 9955 Fremont Avenue, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

A. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Montclair as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on November 12, 2019, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

- A. The proposed wireless telecommunications facility is essential or desirable to the public convenience and public welfare in that such facilities provide promote universal access to telecommunications services for all Montclair residents, businesses, visitors and commuters traveling through the City. In addition, the proposed wireless facility has the capability to continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.
- B. The proposed wireless telecommunications facility use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The antenna structure is located in a public park of sufficient shape and size to allow its full integration within the general context of the site without significant impact to the use of the park by the public. Moreover, staff finds that the location and physical features of the monopine, which is a stealth tower designed to look like an evergreen tree, and its associated equipment provide the best degree of both aesthetic and environmental protection pertaining to on-site and surrounding uses and public areas. Lastly, all necessary building permits will be required to ensure that the facility is properly constructed and inspected. In sum, no threats to public health or safety have been identified for this proposal.
- C. The proposed wireless telecommunications facility use at the proposed location conforms to good zoning practice. The proposed location of the wireless telecommunications facility meets the locational criteria set forth in the Montclair Wireless Ordinance, and the minimum setback distances from adjacent residential uses. Except for the proposed height of the monopine, all other applicable development standards of the underlying zoning district and wireless ordinance have been met.
- D. That such use in such location is not contrary to the objectives of any part of the adopted General Plan which encourages compliance with Federal law, increased emergency preparedness, enhancement of public convenience and communication, and projects which meet community

design objectives and attempt to reasonably minimize undesirable aesthetic effects on adjacent properties.

Wireless Telecommunications Facility Findings

Staff further finds the proposed wireless telecommunications facility to be consistent with Chapter 11.73 of the Montclair Municipal Code, and believes the necessary findings for allowing the establishment of such a facility can be made as follows:

- A. There is adequate space on the property for the wireless telecommunications facility without conflicting with existing buildings or other improvements on the property, reducing required parking or landscaping, or otherwise compromising applicable development standards. The park site is approximately 2.29 acres in size and developed in a manner that will easily accommodate the project without significant impact to any existing park facilities or amenities including open space. The proposed wireless telecommunications facility will not eliminate any parking spaces or significantly alter existing landscaping.
- B. The design and placement of the wireless telecommunications facility will not adversely impact the use of the property, buildings, and structures located on the property or the surrounding area or neighborhood. The proposed monopine will be placed in an area of the park where it does not block views, or restrict any existing park activities, while the support equipment will be behind a proposed wrought iron fence enclosure away from view by the public visiting the park, on the street, or from neighboring properties. Once installed and operating the facility is quiet.
- C. The wireless telecommunications facility, as proposed, is consistent with the provisions of Chapter 11.73 and complies with all other applicable requirements of Title 11 of the Montclair Municipal Code. The facility will not emit excessive noise, vibration, traffic, or other disturbances that would have a substantial adverse effect on abutting property or uses located on these properties. Moreover, the proposed wireless telecommunications facility meets distance requirements from adjacent residential properties, required setbacks of the underlying district and is capable of accommodating the recently-approved second carrier for the facility. Lastly, the proposed height and monopine design of the antenna support structure will not adversely affect appearance of the surrounding area.

Variance Findings

- A. Because of special circumstances applicable to the subject property, including its size, shape, topography, location or surroundings, the strict application of the provisions of Title 11 of the Montclair Municipal Code

are found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. Height is the key element needed by antennas to ensure efficiency and coverage and to allow for adequate space to add wireless providers, which the City encourages. Wireless technology is line-of-sight technology, so antennas need to be installed above surrounding foliage, structures or land masses for the antennas to maintain signal strength and integrity. While the City's Wireless Ordinance allows wireless antennas in a public park within the R-1 zone, the strict application of R-1 development standards, such as height, to antennas of this type do not apply in the same way. The site is a developed public park within an R-1 zoning districts where the application of standards designed for residential development make the construction and use of an antenna infeasible when considering the need to compensate for the existence of mature trees and tall structures such as I-10 Freeway sound wall. Under these unusual conditions, the increase height above the R-1 height limit is justifiable and in keeping with intent of the Wireless Ordinance and federal laws governing the deployment of wireless technology across the nation.

- B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zone classifications. The height variance would allow Crown Castle to install an antenna structure that is slightly taller (three feet) than the height of the existing antenna which was approved and has been operating at the site since 1998 without incident. While a 35-foot height is more than sufficient for typical residential development, its application to a wireless telecommunications facility (tower) is not appropriate. The proposed height is necessary to operate the antenna in an efficient manner at a site where existing mature trees (50'-60') and structures (i.e., freeway sound wall) make it impossible to operate at a lower height, particularly at the 35-foot height limit of the underlying R-1 zoning district. The strict adherence to the R-1 height limit of 35 feet would prohibit the operation of telecommunications facility of this type at the site and would not allow for any co-location opportunities as envisioned by the City's Wireless Ordinance.

- C. The granting of such variance will not be materially detrimental the public welfare or injurious to other property or improvements in the vicinity and zone in which the property is located. The MacArthur Park property is well suited to accommodate the proposed wireless telecommunications facility, and is a reasonable improvement to the subject site in that it meets the intent and applicable development standards of the Wireless Ordinance. The site for the monopine structure is located more than 200 feet from any residential uses and will be camouflaged as a tree, mitigating any potential major visual impact on the park, street, or nearby residences. The base of the facility will be secured by fencing and not significantly alter existing

landscaping or impact other park amenities or uses. The facility itself will not emit noise, exhaust, or be illuminated. Radiofrequency emissions are regulated by the FCC and the facility must operate in conformance with these regulations. Finally, the structural integrity of the monopine structure and ground based equipment will be reviewed by the City's Building Division for compliance with all applicable building codes.

- D. The granting of such variance will not be contrary to the objectives of any part of the adopted General Plan. The General Plan also places a strong emphasis on maintaining the appearance, character, and vitality of the community, and on implementing the Municipal Code in an appropriate fashion. The proposed variance for the height of the monopine structure appropriately implements the intent and standards of the Wireless Ordinance and will not change the allowed uses or densities within the underlying zoning district. Because the proposal, as noted herein, meets these goals, the staff believes that this finding can be made.
3. Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. The approval for the Case No. 2019-27 includes the following:
 - a. A Conditional Use Permit to construct a wireless telecommunication facility consisting of a 78-foot high faux "monopine" antenna structure and 624 square foot ground lease space for associated support equipment, on a portion of MacArthur Park located at 5450 Deodar Street as described in the staff report and depicted on the approved plans dated October 10, 2019. The current tree has been approved for two carriers – Sprint and Verizon. Sprint has a total of six (6) antenna panels and two microwave dishes, and Verizon will have twelve (12) antenna panels. The carriers' antenna panels and dishes will be mounted on the new telecommunication facility at 63 feet and 53 feet high respectively.
 - b. A Precise Plan of Design (PPD) approving the site plan, design of the new Monopine wireless telecommunication facility, and colors and materials as depicted on approved plans on file with the Planning Division, and
 - c. A Variance to allow a 78-foot high support structure designed a faux pine tree.
2. This approval shall become effective after all applicable appeal periods have been expired or appeal processes exhausted.

3. This approval shall supersede all previously approved entitlements related to the operation of a wireless telecommunications facility at the subject site.
4. Prior to the issuance of any building or grading permits to construct the relocation and expansion of a wireless communications facility at MacArthur Park, Crown Castle on behalf of STE One, LLC (Tower Co. One, LLC) shall provide the City with an executed copy of Agreement No. 19-07 (Second Amendment to Lease Agreement No. 98-50) and shall obtain approval from the City Council for a Third Amendment to Agreement No. 98-50 regarding relocation of the leased area. Failure to obtain an approval for the Third Amendment to Lease Agreement No. 98-50 shall render this CUP approval null and void.
5. In establishing and conducting the subject use, the Facility Owner shall at all times comply with any and all laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino and the State of California. Approval of this PPD and CUP shall not waive compliance with such requirements.
6. The Facility Owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
7. Conditional Use Permit (CUP) approval shall be valid for six months from the date of Planning Commission action. If no construction drawings have been submitted to the City for plan review within this time frame or a time extension for such CUP granted, then the approval shall automatically expire without further City action. The Facility Owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date.
8. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The Facility Owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
9. Variance approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The Facility Owner shall be responsible to apply for a time extension at least 30 days prior to the

approval's expiration date. No further notice from the City will be given regarding the applicable expiration date.

10. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - i. A check in the amount of **\$50.00**, payable to "Clerk of the Board of Supervisors," to cover the County administrative fee for filing a Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
 - ii. A check payable to the "City of Montclair" to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
11. In the event of transfer of ownership of the wireless telecommunications facility involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
12. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
13. The ground lease equipment area shall be enclosed with an 8-foot tall metal fence with shepherd hook design subject to the Director's approval. Fence shall be black colored powder coat finish. The use of chain link fencing shall be strictly prohibited.
14. Minor modifications to this approval which are determined by the Director of Community Development to be in substantial conformance with the approved plans and which do not intensify or change the use or increase the height or extent of ground lease space area, may be approved by the Director upon submittal of prepared plans submitted for review and approval.
15. The Facility Owner shall install an 8-foot high fence to secure the unusable area of the park between the northern limits of the wireless telecommunication facility and the I-10 Freeway sound wall. Facility owner shall coordinate with SBCTA and the City on the timing for the installation of said fence; per the following requirements:
 - a. An 8-foot tall metal fence with shepherd hook design subject to the Director's approval. Fence shall be a black colored powder coat finish. If necessary and approved by the Directors of Community Development and Public Works, the use of chain link fencing may

be considered for temporary use while construction of the adjacent I-10 Freeway sound wall is in process. However, when the wall segment affecting the park is completed, the Tower Owner shall install a permanent fence matching the height and design of the fence used for the wireless telecommunication facility lease area.

- b. Temporary or permanent fencing shall include a lockable gate to allow access by City personnel for maintenance purposes.
 - c. Ground surface within abovementioned space shall be determined by the Public Works Director.
16. The Facility Owner, and approved wireless carriers shall obtain and keep current a business license issued by the City.
 17. The Facility Owner and/or wireless carriers shall be responsible to fully comply with all requirements of the Federal Communications Commission (FCC) regarding electromagnetic frequency (EMF) and radiofrequency radiation (RFR) standards.
 18. Prior to issuance of a building permit for the co-location, the Facility Owner shall submit detailed shop drawings and/or plans for the proposed project for final design review and approval by the Community Development Director. Drawings/plans shall incorporate or address the elements following:
 - a. Artificial branches and foliage shall be of sufficient quality, quantity, length, spacing, and density to provide screening of the antennas and to achieve a natural appearance. The branches must completely conceal the telecommunications equipment. The "mono-pine" branch density must consist of four (4) branches per foot, and adequately conceal antennas in manner that closely matches the appearance of a natural tree. All branches at the antenna level must extend a minimum of 24 inches beyond the entire vertical length of the antennas for maximum concealment. The use of antenna socks do not count toward this requirement.
 - b. Each new antenna panel shall be covered with "antenna socks" that match the approved foliage color.
 - c. All "stand-off-mounts" and support pipe mounts shall be painted in a "flat" complementary color/finish to reduce reflection and visibility of the mounting hardware.
 - d. No advertising, signs or lighting shall be incorporated or attached to the antenna array or support facilities, except as required by the City's Building Division or federal regulations.

- e. All electrical and utility connections serving the facility shall be placed underground in accordance with the requirements of the Montclair Municipal Code.
19. The Facility Owner shall submit to the City certification of continued use of the approved facility on an annual basis at the time of business license renewal for as long as the facility remains in operation. The certification shall indicate that the facility is operating as approved and that the facility complies with the most current FCC safety standards. Facilities that are no longer in operation shall be completely removed within 90 days after the date cessation of operation.
 20. If no annual certification is provided, this approval may be revoked by the Director. Prior to revoking a permit, the Director shall provide the owners of record written notice of their failure to provide the annual certification and an opportunity for a hearing. Notice of change of ownership of the facility shall be provided in writing to the Director within 30 days of said change. The antennas shall not interfere with any radio communications and/or frequencies utilized or designated for use by City of Montclair Public Safety (Police/Fire), and those utilized by the San Bernardino County Information Services Department.
 21. Within 90 days of commencement of operations, the Facility Owner shall provide a preliminary report and field report prepared by a qualified engineer that shows the operation of the facility to be in conformance with the standards established by ANSI and IEEE for safe human exposure to EMF and RFR.
 22. All future changes and modifications to an approved facility, such as the addition of panel, whip, dish, omnidirectional, GPS or test antennas, shall require prior review and approval by the City.
 23. The Facility Owner shall be responsible for maintaining the monopine structure, antennas and artificial foliage and branches, building, ground equipment, fencing, lighting, landscaping, and all improvements in good condition, free of damage caused by vandalism, and/or in working order at all times.
 24. Any accumulation of trash, weeds, or debris within the lease space of the wireless telecommunication facility shall be removed by the lease holder in a timely manner so as not to present a visual distraction or public nuisance.
 25. The permit may be modified or revoked for failure to abide by the conditions contained herein, or in the event the use is determined to be a nuisance to surrounding properties, businesses, or community at-large.

26. Prior to issuance of a building permit for the approved wireless telecommunication facility, the Facility Owner shall:
 - a. Remit to the City a deposit or post a bond in an amount to be determined by the Director for the purpose of removing the subject facility and all associated support equipment in the event the facility becomes abandoned, the approval is revoked by the Director, or the applicant does not or is unable to remove the facility.
 - b. If, as a result of the operation of the subject facility, existing or future residential, commercial or industrial properties near the site experience interference difficulties with electronic equipment (such as radios, televisions, telephones, home computers, etc.), or if public safety personnel experience interference with communications systems, the applicant shall be solely and fully responsible to correct any and all problems upon proof of such interference.
27. At no time shall equipment noise from any source exceed an exterior noise level for nighttime hours as set forth in Table 6-2 of the Montclair General Plan. Any backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. The carrier shall take corrective action within 30 days of receipt of any reported noise complaint by the Planning Division.
28. All graffiti and other forms of vandalism and damage to the wireless telecommunication facility shall be removed and/or repaired by the Facility Owner within 72 hours of notice by the City.
29. A final inspection is required prior to the use of the subject facility. Final approval by the Building Official and Community Development Director shall be contingent upon compliance with all conditions of approval. The applicant shall contact the City to schedule an appointment for such final inspection.
30. The Facility Owner shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

31. Submit two complete sets of plans for the project, including engineered structural calculations and drawings for the monopine structure, associated facilities and utility plans, and three additional sets of architectural plans, including elevations, colors and materials, foliage addition to the monopine and lighting, if any, for review and approval by the Building and Planning Divisions.
32. Underground Service Alert shall be notified 48 hours prior to any excavation by calling 8-1-1.
33. All off-site and on-site excavation and trenching shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
34. The developer/contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
35. Architect's/Engineer's stamp and "wet" signature are required prior to permit issuance.
36. The Facility Owner shall comply with the latest adopted California Building Code, and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
37. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
38. Separate permits are required for fencing and/or walls.
39. All utility services to the project shall be installed underground.
40. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. The applicant shall comply with the latest adopted California Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.
41. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
42. Approval of final inspection is required prior to the use of the subject facility. Final approval by the Building Official shall be contingent upon compliance with all conditions of approval. The applicant shall contact the City to schedule an appointment for such final inspection.

43. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
44. Prior to the issuance of final approval of the project, the applicant shall submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building final. Electronic images shall comply with the City's Electronic Archiving Policy.

The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 12TH DAY OF NOVEMBER, 2019 PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Barry Rowley, Chair

ATTEST: _____
Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 12^h day of November, 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT: