



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
April 25, 2022

Held in the Council Chambers and via the Zoom platform

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Chair Martinez, Vice Chair Sanchez, Commissioners Eaton, Patel, and Sahagun, Director of Community Development Diaz, Economic Development Consultant Caldwell, Senior Planner Gutiérrez, City Attorney Robbins, and City Engineer/Director of Public Works Heredia

MINUTES

The minutes from the April 11, 2022, meeting were presented for approval. Commissioner Eaton moved, Vice-Chair Sanchez seconded, there being no opposition to the motion, the motion passed 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None

AGENDA ITEMS

- a. PUBLIC HEARING – CASE NUMBER 2022-07
Project Address: 5006-5010 Mission Boulevard
Project Applicant: New Crossings Development, LLC
Project Planner: Silvia Gutiérrez
Request: General Plan Amendment to modify land use designation from Commercial to Business Park, a Tentative Parcel Map to consolidate three existing parcels into one parcel, and a Precise Plan of Design for an industrial/warehouse building and associated site improvements

Director of Community Development Diaz began the meeting by informing the Planning Commission that staff was recommending Case No. 2022-07 be continued to the May 9, 2022, meeting because of last minute receipt of a comment letter from the law firm Roseau & Drury regarding CEQA concerns related to the proposed project. Staff received the comment letter via email late in the process—less than two hours prior to the meeting. Given the nature and extent of CEQA concerns raised in the correspondence (200 pages), staff recommended the Planning Commission consider continuing the item to allow staff time to adequately respond to the concerns posed in the letter.

Director Diaz stated before the Commission takes action to continue the item, he recommends the Commission open the public hearing to allow those in attendance, in person or virtually, the opportunity to comment on the proposed project.

Chair Martinez opened the public hearing.

Bruce Culp, Montclair resident, expressed his dissatisfaction with the proposed warehouse project. Concerns with the project mentioned by Mr. Culp included air quality, traffic, and safety impacts he believed would disproportionately affect vulnerable economically and socially disadvantaged residents. He stated he felt the warehouse was an inappropriate use and cited a number of articles he believed substantiated his objection to the proposed project.

Chair Martinez called on Juan Oleo who was attending the meeting virtually. Mr. Oleo introduced himself as a special representative with the Southwest Regional Council of Carpenters representing 5,800 members that live in the local vicinity. The Southwest Regional Council of Carpenters' position is that local residents will be negatively impacted by the proposed project. He added the City should require the project be constructed utilizing a local and skill-trained workforce. Mr. Oleo asserted that imposing a local and skill-trained workforce requirement to the project would both boost economic development and mitigate transportation and greenhouse impacts by minimizing vehicle mileage travels.

Hearing no other requests to comment, Chair Martinez closed the public hearing.

Vice-Chair Sanchez moved, Commissioner Sahagun seconded, to continue the item to the May 9, 2022, Planning Commission meeting, there being no opposition to the motion, the motion passed 5-0.

The motion carried the following vote:

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioner Eaton, Commissioner Patel and Commissioner Sahagun
Noes: None

- b. PUBLIC HEARING – CASE NUMBER 2022-08
 - Project Address: 9950 Monte Vista Avenue
 - Project Applicant: Bethany Baptist/Vertical Bridge
 - Project Planner: Michael Diaz
 - Request: Conditional Use Permit and Precise Plan of Design to allow a 65-foot high wireless telecommunication tower on the Bethany Baptist Church campus

Director of Community Development Diaz reviewed the staff report that included a PowerPoint presentation.

Chair Martinez opened the public hearing.

Susan Rhodes, a Montclair resident residing on Denver Street, discussed her concerns with exposure to potential radio frequencies (electromagnetic frequencies) associated with the proposed cell tower. She requested the applicant find another location for the cell tower and then asked the Planning Commission not approve the project.

Lisa Giada, Montclair resident, similar to Ms. Rhodes, expressed concerns about possible (electromagnetic) radio frequencies exposure but concluded that 5G wireless upgrades were vital to emergency operations (citing the Paradise, California fire in November 2018) and, in the end, supported the project.

Bruce Culp, Montclair resident, asked the height of the tower? Director Diaz replied 65 feet. Mr. Culp asked the distance between the proposed tower and Monte Vista Avenue to determine if an earthquake or a strong wind knocked the cell tower down, would it land onto the street? Director Diaz replied that from the property line east, it is 50 feet and there is probably another 10 feet in the right-of-way.

Scott Dunaway, D4 Communications, LLC, representing the applicant, thanked Director Diaz for the staff report, and advised the Commission he was available to answer questions or concerns regarding the proposed project. Mr. Dunaway stated one of the main reasons they are proposing the church location for a new cell tower is because the site is between existing

T-Mobile facilities. He added that existing cell tower facilities are currently at full capacity and, if approved, the new cell tower would offer relief to the network for additional capacities.

Pastor Josh Matlock of Bethany Baptist Church stated the church has served the community for over 60 years and is pleased with the City for working with them closely on this project. On behalf of the church, he reiterated his happiness to have the cell tower on their campus; as it will help the church with funding so they appreciate the Commission's consideration.

Hearing no other requests to comment, Chair Martinez closed the public hearing.

Commissioner Sahagun commented on the possible ill effects of cell phones and his concern regarding dangers cell phones are posing to the kids. He asked if there are new studies on what is going on with microwave and radio waves emanating from cell towers and would there be any ill effects to the children since this would be near a daycare center? Director Diaz referred the question to Mr. Dunaway.

Mr. Dunaway replied they are constantly conducting analysis and studies on cell phones and cell towers. The Federal Communications Commission (FCC) has created thresholds the carriers need to comply with and T-Mobile will abide by all thresholds and comply with the FCC requirements and thresholds with respect to this facility. Again, the cell towers and antennas are propagated and pointed toward the horizon; therefore the area directly below the cell tower has the least amount of EME (Electromagnetic Energy) exposure.

Director Diaz reminded everyone that in the staff report there is a section regarding radio frequency radiation and the Planning Commission is precluded from making a determination on the project based on that effect or situation related to Radio Frequency Radiation (RFR). The FCC has prohibited cities from considering that so long as the carriers and the wireless facilities are operating within the FCC's mandates.

Ms. Rhodes asked the Commission to refer to a website to read about cell tower radiation effects on children near the cell towers.

City Attorney Robbins reminded the Commission it is precluded from basing any decision regarding cell tower applications on radio frequencies, possible radiation, or similar concerns.

In looking at this particular tree, Commissioner Patel asked about the diameter of the top of the antenna. What is the radius of the tree? Mr. Dunaway replied the cell towers are about 10 feet in diameter if looking from plan view down. What he was looking for is to make the cell tower Monel (tree) as dense as possible to make it look like a real tree instead of an afterthought. He wants to see a tree, and not really see an antenna, from faraway. Can it be achieved?

Mr. Dunaway replied yes, he was reading through the conditions of approval and in the conditions of approval, Planning is requiring socks placed over the antennas and these socks have leaves integrated into the sock so when they are pulled over the antennas, they disguise the antennas with the leaf foliage. Commissioner Patel hoped that by the end of the day, with the colors of the leaves and the socks, we would not see a dark green tree and a light green

antenna (with light green leaves). Director Diaz stated that Condition No. 13 requires the applicants team work with staff to achieve a tree that looks more natural.

Chair Martinez commented he appreciated the applicant has addressed the aesthetics of the project and appreciated the comments about the future development to integrate more greenery.

Commissioner Sanchez asked if, how, and who will service the tower. Director Diaz replied that each carrier is responsible for maintaining their own antennas and they are periodically out there to make sure these things are in good operating order and the socks are maintained. The applicant is the ultimate party to ensure the facility looks in good present order at all times.

Commissioner Patel asked why the existing tree is being removed next to the tower. Pastor Matlock replied that it is a small a crepe myrtle tree that needs to be cleared so that underground work around can be accomplished.

Commissioner Sahagun commented that he found the “before” and “after” visuals very helpful and wanted to add to Commissioner Sanchez’s question of servicing and maintaining the tower. The City and the carriers have done a good job on maintaining and replacing the antennas and the antennas and technology is morphing and improving with time.

Commissioner Patel moved, Commissioner Eaton seconded, that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15303, there being no opposition to the motion, the motion passed 5-0.

The motion carried the following vote:

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioner Eaton, Commissioner Patel and Commissioner Sahagun
Noes: None
Absent: None

Commissioner Sanchez moved, Commissioner Sahagun seconded, to approve a Conditional Use Permit and Precise Plan of Design under Case No. 2022-08 to allow a wireless telecommunications facility disguised as a 65-foot high faux elm tree (Monel) on the Bethany Baptist Church campus at 9950 Monte Vista Avenue, per submitted plans and as described in the staff report with required findings, and subject to the conditions of approval in attached Resolution Number 22-1963, there being no opposition to the motion, the motion passed 5-0.

The motion carried the following vote:

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioner Eaton, Commissioner Patel and Commissioner Sahagun
Noes: None
Absent: None

- c. PUBLIC HEARING – CASE NUMBER 2022-17
 - Project Address: 8801 Central Avenue, Unit A
 - Project Applicant: Lee Pan Montclair, LLC
 - Project Planner: Christine S. Caldwell
 - Request: Conditional Use Permit request for an ABC Type 41 on-site beer and wine sales at an existing sit down restaurant

Consultant Caldwell reviewed the staff report.

Chair Martinez opened the public hearing.

Bruce Culp, Montclair resident, thanked staff for the hard work and information put into each report because it provides him a lot of information. He commented he is fully in support of this item and believes on-sale beer and wine sales is one of the best ways for a business to boost sales and asked the Commission to support this family business.

Myra Lozada, an associate with Liquor License Agents and representing the applicant via Zoom, commented that Polas Mariscos restaurant has been operating at this location since 2018. The restaurant is owned and operated by Augustine and Alma Barrios and specializes in authentic seafood Mexican cuisine. The owners are very involved in the preparation of every meal, adding their special touch to every dish and detail of the restaurant. On-site sale of beer and wine is not something the owners take lightly and they know it is imperative to provide their patrons with a safe and enjoyable environment without disruption to the surrounding neighbors. She was available to answer any questions the Commission may have.

Hearing no other requests to comment, Chair Martinez closed the public hearing.

Vice Chair Sanchez moved, Commissioner Sahagun seconded, that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, because it is on a fully developed site, **there being no opposition to the motion, the motion passed 5-0.**

The motion carried the following vote:

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioner Eaton, Commissioner Patel and Commissioner Sahagun

Noes: None

Absent: None

Commissioner Eaton moved, Commissioner Patel seconded, to approve a Conditional Use Permit under Case No. 2022-17 for the on-premises sale of beer and wine (Type 41 ABC license) in conjunction with an existing bona fide eating establishment at 8801 Central Avenue, Unit A, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 22-1962, **there being no opposition to the motion, the motion passed 5-0.**

The motion carried the following vote:

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioner Eaton, Commissioner Patel and Commissioner Sahagun

Noes: None

Absent: None

INFORMATION ITEMS

Director Diaz commented he would be sending information about online training opportunities for Planning Commissioners.

Commissioner Sahagun thanked City Attorney Robbins for reminding everyone of the ruling by the FCC regarding cell towers

Chair Martinez thanked staff for their hard work, resident Bruce Culp for joining the meeting, and Mayor Dutrey for attending.

Chair Martinez adjourned the meeting at 8:25 p.m.

Respectfully submitted,



Laura Embree
Recording Secretary