Staff Report City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF JANUARY 4, 2012

TO: PLANNING COMMISSION

FROM: KONRAD BOLOWICH
ASSISTANT CITY MANAGER

SUBJECT: CONDITIONAL USE PERMIT (CUP) NO. 11-84

SUMMARY

The representatives for Verizon Wireless request approval to construct a 65-foot high, wireless cell tower and to install related ground equipment on a 900 square foot lease area on the south side of an existing storage facility, which is located at 26419 Barton Road (see Attachment A, Site Vicinity Map). A copy of the project plans are available in Attachment B.

RECOMMENDATION

The recommendation is for the Planning Commission to approve CUP No. 11-84 based on the Findings, and subject to the Conditions of Approval (Attachment C).

PERTINENT DATA

Property Owner/Applicant:	A Storage Place/Verizon Wireless
General Plan/Zoning:	Special Planning Area F/Commercial Manufacturing (CM)
Site:	3.24 acre storage facility site
Topography:	Mainly flat
Vegetation:	None

BACKGROUND AND EXISTING SETTING

Background

On June 7, 2011, representatives from Verizon Wireless submitted a CUP application with the required forms, plans, and mailing labels for the above referenced project. On June 23, 2011, the Administrative Review Committee (ARC) reviewed the project and deemed the project complete for processing pursuant to the California Permit Streamlining Act.

The application has been continued each month since the August 3, 2011 Planning Commission meeting in order to allow the City Attorney's office to resolve issues with

the conditions of approval related to the project. After reviewing the conditions of approval, the City Attorney's office recommends no changes to conditions 5-8, and that conditions 12 and 13 be approved, subject to final review and approval of the City Attorney.

Existing Setting

The project area is part of an existing 3.24 acre storage facility site. The site is developed with storage buildings, a residence and office structure, parking and other improvements related to storage facilities. The site is bounded by Barton Road to the north, the San Timoteo Creek Channel to the south and vacant parcels to the east and west. The proposed wireless facility and ground mounted equipment will be located just west of an existing storage pod, adjacent to the southern storage facility parking lot.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STATUS

The proposed project is exempt from the California Environmental Quality Act ("CEQA") Public Resources Code §21000 et seq.) pursuant to Section 15303(d), (Class 3,New Construction or Conversion of Small Structures) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations), which allows for the construction of small new equipment and facilities including electrical, gas, and other utility extensions.

PUBLIC COMMENTS

On July 21, 2011, public hearing notices for this project were posted and mailed to property owners and occupants located within 300 feet of the project site. The City did not receive written or oral comments on the project.

ANALYSIS

Project Description

Verizon Wireless is proposing to construct a new 65-foot cellular tower and the associated ground mounted equipment on a small portion of the existing A Storage Place site. The proposed 900 square-foot lease area will house an 11.5' x 16' equipment shelter, a 5' x 8' generator and the cell tower. The lease area/cell site will be constructed along the southern property line and approximately 400 feet from the east property, 450 feet from the west property line and 150 feet from the north property line.

The tower will be designed to look like a pine tree with faux bark cladding, branches and pine needles. All wiring equipment will be encased inside the trunk of the tree to preserve the mono pine design. Additionally, the proposed panel and parabolic antennas will be painted to match the branches to further disguise the tower. The proposed ground equipment will be constructed and enclosed in an area adjacent to an existing storage pod. The enclosure will incorporate the materials and color scheme of the adjacent structure.

The wireless site has been designed as a co-locatable facility for other carriers and has the room to accommodate additional antennas. The design for co-location will limit the potential for proliferation of cell towers in the immediate vicinity.

Conditional Use Permit Findings

The following findings must be addressed when considering a conditional use permit. As per LLMC Section 17.30.210, "The Planning Commission, in approving a conditional use permit, shall find as follows:"

1. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this title.*

The project will occupy a small portion of an existing 3.24 acre storage facility site. There are no proposed land use changes to the existing site. And pursuant to LLMC Section 17.95.060, construction of wireless communication facilities are permitted with an approved Conditional Use Permit (CUP).

2. *That the said use is necessary or desirable for the development of the community, is in harmony with the various elements and objectives of the general plan, and is not detrimental to existing uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed project is consistent with both the Zoning Code (LLMC Title 17) requirements and the goals and policies of the adopted General Plan (May 26, 2009). Specifically, the project is consistent with General Plan Guiding Policy 8.10.7 (g), which encourages development of appropriate siting regulations for the installation of utilities and telecommunication facilities to minimize potential impacts to the community. LLMC Section 17.95.060 permits the construction of ground mounted wireless communication facilities with an approved Conditional Use Permit (CUP). The project complies with both provisions cited herein and the cell tower use is compatible as an ancillary use to the storage facility.

The cell tower site and use will not be detrimental to the surrounding neighborhood due to its location, which is nearly 200 feet from the closest residential structure (to the south). As previously stated, the cell tower site will also be approximately 150 feet from the nearest property line (north). This separation softens the impact to areas around the cell site.

3. *That the site for the intended use is adequate in size and shape to accommodate said use and all of the yards, setbacks, walls, or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses on land in the neighborhood.*

The project site is adequate in size and shape to accommodate the proposed cell tower and equipment. As indicated, the proposed wireless communication facility will occupy approximately 900 square feet of the existing 3.24 acre property. The project layout and design are consistent with the required height, setback, and screening requirements that are outlined in LLMC Chapter 17.95, *Wireless Communication Facilities.*

4. *That the site or the proposed use related to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

The cellular tower will not change the use of the site as a storage facility or restrict access to the structures and it will not further impact the existing facility. No other changes are being proposed. Additional traffic will not be generated as the result of this project.

5. *That the conditions set forth in the permit and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare.*

The public health, safety and general welfare will be protected with the implementation of the Conditions of Approval for this application to insure compatibility with the neighborhood and to prevent any negative impacts to the surrounding area.

Wireless Communication Facilities Findings

All wireless communication facilities shall be subject to the following findings. These findings are in addition to any applicable criteria outlined in LLMC Chapter 17.30 Conditional Use Permits or the criteria for a small project application.

1. *There is adequate space on the property for the wireless communication facility and accessory wireless communication equipment. Adequate space shall mean that the wireless communication facility will not be in conflict with existing buildings or other structures on the property, or reduce required parking, landscaping or other property improvements based on city development standards.*

As previously stated, the project will occupy only a fraction of the overall storage facility. The project meets the setback requirements for structures and will not impact parking, landscaping or other property improvements, or generate additional vehicle trips to the site.

2. *The design and placement of the wireless communication facility and accessory wireless communication equipment will not adversely impact the use of the property, other buildings and structures located on the property, or the surrounding area or neighborhood (i.e., encroach on walkways or openings, block or impair valuable views of or from the subject property or nearby properties).*

The project site will be nearly 200 feet from the nearest residential structure. The mono pine structure will be over 200 feet away from any major intersections and public streets. Masking and other screening methods will be implemented to reduce any impacts to the surrounding views.

3. *The wireless communication facility and accessory wireless communication equipment as proposed are consistent with the intent of this part and comply with the general standards for all wireless communication facilities and special standards for ground mounted structures below.*

The project is consistent with LLMC Chapter 17.95 which outlines specific design standards and requirements related to wireless communication facilities. The project meets the goals and policies of the adopted General Plan (May 26, 2009) for developments related to wireless facilities.

4. *The operation of the facility will not cause Radio Frequency Interference (RFI) to any of the city's communication operations including Public Works Department, Public Safety Department and San Bernardino County Sheriff's Department radio systems, other radio and communications systems, computer and/or electronic equipment, and SCADA facilities. In addition, the operation of the facility will not cause RFI to Loma Linda University, Loma Linda University Medical Center, Jerry L. Pettis Veterans Medical Center, Loma Linda University Community Medical Center, or other medical or educational related facilities' communications operations, computer equipment, and/or sensitive medical research and/or testing equipment, or to other consumer electronic products (i.e., televisions, radios, amateur radios, cordless telephones or other communications devices, hearing aids, or stereos), or to railroad communications, control or telemetry systems.*

Condition No. 13 of the project's Conditions of Approval ensures compatibility with the communication operations of the Civic Center, City Corp Yard (and other City facilities), San Bernardino County Sheriff's Department, and the Loma Linda-based hospitals.

CONCLUSION

All elements of project are consistent with the adopted General Plan (May 26, 2009). The project is also in compliance with the Wireless Communication Facilities regulations found in Zoning Code Chapter 17.95. The site design and layout will meet the stealth design criteria while providing wireless coverage to a part of town where there now exists a coverage gap. The project has been designed in a manner that is compatible with the existing storage site, and surrounding neighborhood and community.

Staff has determined that the project is eligible for a Class 3 Categorical Exemption from the California Environmental Quality Act (CEQA) and a Notice of Exemption will be filed with the County Clerk of the Board of Supervisors pending approval of the Planning Commission.

Respectfully submitted by:

Guillermo Arreola
Associate Planner

ATTACHMENTS

A. Vicinity Map
B. Project Plans
C. Conditions of Approval

CONDITIONS OF APPROVAL FOR CUP NO. 11-84

1. Within one (1) year of this approval, substantial construction of the project shall have commenced or the permit/approval shall become null and void. In addition, if construction of the project is discontinued for a period of six (6) months, then the permit/approval shall become null and void.

   PROJECT: **CONDITIONAL USE PERMIT NO. 11-84**

   EXPIRATION DATE: **JANUARY 4, 2013**

2. Within forty-eight (48) hours of approval of the subject project, the applicant shall deliver to the Community Development Department, check or money order made payable to the **COUNTY OF SAN BERNARDINO** in the amount of $50.00 (fifty dollars) to enable the City to file the appropriate environmental documentation (Notice of Exemption) for the project. If within the forty-eight (48) hour period, the applicant has not delivered to the Community Development Department the above-noted check, the statute of limitations for any interested party to challenge the environmental determination under the provisions of the California Environmental Quality Act shall be 180 days. The timely filing of the environmental documentation with the County within five (5) days of project approval reduces the statue of limitations to thirty five days or less.

3. Construction shall be in substantial conformance with the plan(s) approved by the Director, Planning Commission or City Council. Minor modification to the plan(s) shall be subject to approval by the Director through a minor administrative variation process. Any modification which exceeds 10% of the following allowable measurable design/site considerations shall require the refiling of the original application and a subsequent hearing by the appropriate hearing review authority.

4. In the event that this approval is legally challenged, the City will promptly notify the applicant of any claim or action and will cooperate fully in the defense of the matter. Once notified, the applicant agrees to defend, indemnify, and hold harmless the City, its officers, agents and employees from any claim, action or proceeding against the City of Loma Linda. The applicant further agrees to reimburse the City of any costs and attorneys' fees that the City may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition.

5. All utilities to the site shall be underground. [Per City Standards]

6. A copy of the applicant's approved lease with the property owner shall be submitted to the Community Development Department prior to issuance of a building permit for the wireless communication facility. If the lease is extended or terminated, notice and evidence thereof shall be provided to the Community Development Director. Upon termination or expiration of the lease, the wireless communication facility shall be removed within 90 days.

7. Certification of continued use of each approved facility shall be submitted on a yearly 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 wireless communication facility complies with the most current Federal Communications Commission (FCC) safety standards. Facilities that are no longer in operation shall be removed within 90 days after the date of discontinuation.

8. If no annual certification is provided, the Planning Commission may commence proceedings to revoke the conditional use permit for the wireless communication facility. Prior to revocation of a permit, the Commission shall provide the owners of record written notice of their failure to provide the annual certification and inform them of the revocation hearing before the City Council

9. Prior to the issuance of a Building Permit for the wireless communication facility, the applicant may be required to provide a deposit with the City for removal of the facility and any accessory wireless equipment if such facility is found to be abandoned or the Conditional Use Permit is revoked by the City Council.

10. Notice of change of ownership of the wireless communication facility shall be provided to the City within thirty (30) days of title transfer.

11. Submittal to the Building and Safety Division for Structural Plan Check, shall include two sets of specifications on the proposed facility. Staff shall keep one and forward the other to San Bernardino County ISD Network Services for the database of wireless facilities in the area.

12. The wireless telecommunications service provider shall submit to the Director, ten (10) days after installation of the facilities and every two (2) years thereafter, a certification attested to by a licensed engineer expert in the field of EMR/RF emissions that the facilities are and have been operated within the then current applicable FCC standards for RF/EMF emissions, and current applicable standards established by the American National Standards Institute (ANSI) and Institute of Electrical and Electronics Engineers (IEEE) for safe human exposure to EMF and RFR. The report shall be written in plain English.

13. Within ten (10) days of commencement of the operation and as otherwise requested by the Public Works Department and Public Safety Department, the operation of the facility shall be tested and evaluated to the satisfaction of the Public Works and Public Safety Departments that the facility will not cause RFI to any of the City's communication operations including Public Works, Public Safety Departments and San Bernardino County Sheriff's Department radio systems, other radio and communications systems, computer and/or electronic equipment, and SCADA facilities. In addition, the operation of the facility will not cause RFI to Loma Linda University or Loma Linda University Medical Center communications operations, computer equipment, and/or sensitive medical research and/or testing equipment, or to other consumer electronic products (i.e., televisions, radios, amateur radios, cordless telephones or other communications devices, hearing aids, or stereos), or to railroad communications, control or telemetry systems.

14. All graffiti and other forms of vandalism shall be promptly removed and/or repaired within 48 hours of notification.

15. Signage shall be maintained at the facility identifying all wireless telecommunications facility equipment and safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards, including the RF radiation hazard warning symbol identified in ANSI C95.2-1982, to notify persons that the facility could cause exposure to RF emissions.

16. Fencing, barriers or other appropriate structures or devices to restrict access to the facilities shall be maintained.

17. The use of lighting shall not be allowed on wireless communication facilities unless required as a public safety measure. Where lighting is used, it shall be shielded to prevent glare on adjacent uses.

18. The service provider shall provide signage as required, including phone numbers of the utility provider, for use in case of an emergency. The signs shall be visibly posted at the communications equipment/structure.

19. The applicant shall provide specifications that are similar to or exhibit the same quality as the monopoles designed by Cell Trees Inc.

20. The review authority may, upon an application being filed 30 days prior to the expiration date and for good cause, grant a one-time extension not to exceed 12 months. The review authority shall ensure that the project complies with all current Development Code provisions.

_____ _____

Applicant signature Date

_____ _____

Owner signature Date

End of Conditions