



PLANNING COMMISSION HEARING DATE: MAY 5, 2016

AGENDA ITEM NO.: 3

PROPOSED PROJECT

<i>Case Number</i>	P15-0947 (Conditional Use Permit)		
<i>Request</i>	To permit for a new 35-foot high wireless telecommunications facility disguised as a streetlight pole and related ground-mounted equipment, in the public right-of-way.		
<i>Applicant</i>	Andrea Urbas of Cortel, Inc. on behalf of Verizon Wireless		
<i>Project Location</i>	Public Right-of-Ways (south of Le Conte Drive on Chicago Avenue)		
<i>APN</i>	Public Right-of-Ways (adjacent to 254-020-001 on the west side of Chicago Avenue and adjacent to 254-020-042 on the east side of Chicago Avenue)		
<i>Project area</i>	Not Applicable		
<i>Ward</i>	3		
<i>Neighborhood</i>	Victoria		
<i>Specific Plan</i>	None		
<i>General Plan Designation</i>	Not Applicable		
<i>Zoning Designation</i>	Not Applicable		
<i>Staff Planner</i>	Vanessa Norwood, Contract Senior Planner 951-826-2393; vnorwood@riversideca.gov		

RECOMMENDATIONS

Staff Recommends that the City Planning Commission:

1. **RECOMMEND** that the City Council **DETERMINE** that Planning Case P15-0947 (Conditional Use Permit) will not have a significant effect on the environment based on the findings set forth in

the case record and recommend the City Council exempt this project subject to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA); and

2. **RECOMMEND APPROVAL** of Planning Case P15-0947 (Conditional Use Permit) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

PROPOSAL

The applicant has submitted a Conditional Use Permit application for a 35-foot high wireless telecommunications facility disguised as a streetlight pole and related equipment in the public right-of-way. The facility would be generally located on the east and west sides of Chicago Avenue near the corner of Le Conte Drive, within two separate segments of public right-of-way.

The proposed wireless telecommunications facility will consist of three (3) antennas enclosed in a 5-foot, 6-inch high, 30-inch wide cylindrical radome installed at the top of a streetlight pole, and two (2) underground pull-boxes at the base of the antenna, within a five (5) square foot lease area on the west side of Chicago Avenue. The proposal also includes the installation of three (3) equipment cabinets, located at grade, on an approximate 216 square foot lease area, situated adjacent to the existing sidewalk on the east side of Chicago Avenue. The equipment cabinets are proposed to be painted green, covered with faux vines and bordered on three-sides with a perimeter hedge.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	Consistent	Inconsistent	N/A
<i>General Plan 2025</i> The project site is located within the public right-of-way and not subject to the Land Use Element of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Specific Plan</i> The subject site is not within a Specific Plan area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Zoning Code Land Use Consistency (Title 19)</i> The project site is located within the public right-of-way; nonetheless, the Zoning Code requires wireless facilities proposed in public right of ways to comply with the height standards of the zone of property (not public right of way) nearest to the facility to ensure neighborhood compatibility. In this instance, the proposed location is near property zoned R1-8500 – Single Family Residential, which allows a maximum building height of 35 feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Compliance with Citywide Design & Sign Guidelines</i> The proposed project substantially meets the objectives of the City's design guidance document, subject to the recommended conditions of approval detailed below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p><i>Compliance with Applicable Development Standards</i> The Zoning Code allows for wireless telecommunications facilities pursuant to the approval of a Conditional Use Permit and development standards applicable to wireless facilities. The proposed telecommunications facility complies with all development standards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Compliance with Locational Criteria

- o *To minimize any negative aesthetic impact, wireless telecommunication facilities shall be sited so as to minimize views from the public right-of-way and adjacent properties.*

The proposed project complies with this standard. The proposed 35-foot high wireless telecommunications facility, disguised as a streetlight pole and related equipment cabinets are located in the public right-of-way. The proposed wireless telecommunications facility will be replacing an existing streetlight pole replicating a new streetlight pole with antennas enclosed in a radome on top.

- o *Wireless telecommunication facilities shall be located a minimum of 75-feet from any residential structure.*

The proposed project complies with this standard. The nearest residential structure is located approximately 88-feet to the east of the proposed facility. Therefore, it satisfies the minimum separation requirement from residential structures.

Compliance with Development Standards

- o *Wireless telecommunications facilities within the public right-of-way shall be subject to the same height standards of the zone of the property (not public right-of-way) nearest to and adjacent to the facility.*

The proposed project complies with all development standards of the underlying zone. The proposed wireless facility is proposed within the right of way, immediately adjacent to property zoned R-1-8500, which allows a maximum building height of 35 feet. The proposed wireless facility will be 35 feet in height; therefore, it complies with this standard.

Compliance with Design Guidelines

- o *All camouflaged wireless telecommunication facility components, including antenna panels, shall be painted or be designed to match the predominant color and/or design of the structure so as to be visually inconspicuous. The use of state-of-the-art technology and implementation of best practices shall be required to ensure high quality camouflage design. Careful consideration of design details including color, texture, and materials shall be made to ensure the camouflaged design of the wireless telecommunication facility.*

The proposed project complies with this standard. As currently designed, the proposed wireless telecommunications facility, disguised as a streetlight pole, will consist of three (3) antennas housed within the 5-foot, 6-inch high, 30-inch wide cylindrical radome, and as conditioned all wiring will run internally and not be exposed.

- o *Landscaping shall be provided to screen wireless telecommunication facilities and related above-ground support equipment from the public right-of-way. The Approving Authority may require additional live mature plantings to assist in mitigating visual impacts of wireless telecommunication facilities.*

The proposed project complies with this standard. Landscaping is not proposed for the wireless telecommunications facility, disguised as a streetlight pole, because it will be replacing an existing streetlight pole. Therefore, no additional landscaping is necessary. Additionally, the three (3) related equipment cabinets are proposed to be screened with faux vines wrapped on each side of the cabinet and staff is recommended that a condition of approval be included to require a three-sided, landscape perimeter hedge.

- o *All support equipment shall be completely screened. Required screening shall be decorative, of a design, color, and texture that is architecturally integrated with existing structures on the same site.*

The proposed project complies with the intent of this standard. Screening of the proposed equipment will be accomplished by adding a three-sided perimeter hedge and faux vines on each cabinet to help them blend with the existing landscaped areas within the public right of way. As there are no existing structures within the right of way that can be integrated into the design of an enclosure for the equipment cabinets, the proposed screening would be appropriate.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15303 New Construction or Conversion of Small Structures (Class 3).

NEIGHBORHOOD COMPATIBILITY

As described in detail in this analysis, the proposed use will be compatible with the specific site location, development, and operation standards related to wireless telecommunications facilities. The proposal will not be detrimental to the surrounding neighborhood or the general public with fulfillment of the recommended conditions of approval.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300-feet of the site. As of the writing of this report no responses have been received.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. Zoning Map
5. Project Plans
6. Photo Simulations
7. Existing Site Photos
8. Coverage Maps

Report and Recommendations Prepared by:
Report and Recommendations Reviewed by:
Report and Recommendations Approved by:

Vanessa Norwood, Contract Senior Planner
Ted White, City Planner
Rafael Guzman,
Community & Economic Development
Director



EXHIBIT 1 –REQUIRED FINDINGS

PLANNING CASE: P15-0947 (Conditional Use Permit)

REQUIRED FINDINGS

Conditional Use Permit Findings pursuant to Chapter 19.760:

- a. The proposed wireless telecommunications facility use is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- b. The proposed wireless telecommunications facility use will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
- c. The proposed wireless telecommunications facility use, as conditioned, will be consistent with the purposes of the Zoning Code; and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

Case Number: P15-0947 (Conditional Use Permit)

Meeting Date: May 5, 2016

CONDITIONS

Case Specific

The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the approval of the Community and Economic Development Department, Planning Division.

Planning

1. No additions or modifications to the 35-foot facility shall be permitted which constitutes a substantial change or defeat the concealment elements of the streetlight pole, per section 6409 of the Spectrum Act.
2. This project shall comply with the City's adopted Noise Code. All construction activity will be restricted to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
3. The antenna shall be designed in accordance with the FCC standards for professionally acceptable radio frequency emissions for all types of communications towers.
4. The new wireless telecommunication facility shall be designed within the applicable American National Standards Institute (ANSI) standards.
5. The streetlight pole structure and associated equipment shall be maintained in a like-new condition at all times.
6. All conditions of Riverside County Airport Land Use Commission case ZAP1188MA16 shall apply.

Prior to Building Permit Issuance:

7. Plans shall be submitted through the Building and Safety Division and shall include the following:
 - a. The wireless telecommunications facility shall not exceed 35-feet in height;
 - b. All wiring shall be enclosed within the wireless facility and extend to the top of the structure without being visible; and
 - c. The radome enclosure shall be painted to match and be compatible with the streetlight pole facility.

- d. All proposed above-ground cabinets on the east side of Chicago Avenue shall be covered with faux vines and painted green.
- e. A three-sided perimeter hedge, of live landscape material, shall be planted around the equipment area on the east side of Chicago Avenue.

Prior to Release of Utilities:

8. The applicant shall obtain approval of all State and local agencies having jurisdiction over this use including the FAA and the FCC as necessary.

Operational Conditions:

9. The wireless telecommunications facility and related support equipment shall be designed to prevent unauthorized persons from accessing and/or climbing them.
10. Any temporary power generator shall be located within a completely enclosed structure designed to comply with Title 7 (Noise Control) of the Riverside Municipal Code.
11. Any graffiti on the facility shall be removed within 24 hours of notification.
12. The subject property shall be developed substantially as shown on the plot plan on file with this case except for any specific modification that may be required by these conditions of approval.
13. The wireless telecommunication facility shall be installed and maintained in compliance with the requirements of the Uniform Building Code, National Electrical Code, noise standards, and other applicable codes, as well as other restrictions specified in this section. The facility operator and the property owner shall be responsible for maintaining the facility in good condition, which shall include but not be limited to regular cleaning, painting, and general upkeep and maintenance of the site.
14. The wireless telecommunication facilities shall not bear any signs or advertising devices other than certification, warning, or other legally required seals or legally required signage.
15. All wireless telecommunication facilities and related support equipment shall be removed within 90 days of the discontinuation of use.

Standard Conditions

• **Planning**

16. There shall be a two-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
17. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim; action or proceeding and the City will cooperate in the defense of the proceeding.

18. This Project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.
 19. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
 20. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
 21. This permit is issued based upon the business operations plan and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community and Economic Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
 22. The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
 23. Failure to abide by all conditions of this permit shall be cause for revocation.
 24. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
 25. The applicant shall verify the height of the telecommunications facility once it has been constructed to insure compliance with the approved plans.
 26. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.
 27. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.
- **Public Works**
28. Prior to any construction within the Public Right-of-Way, a licensed contractor shall obtain a Street Opening Permit from the Public Works Department.

- **Fire Department**

CONTACT MARGARET ALBANESE AT 951-826-5455 FOR QUESTIONS REGARDING FIRE CONDITIONS OR CORRECTIONS.

The Following to Be Met Prior To Construction Permit Issuance:

29. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

30. Construction plans shall be submitted and permitted prior to construction.