



Community & Economic Development Department

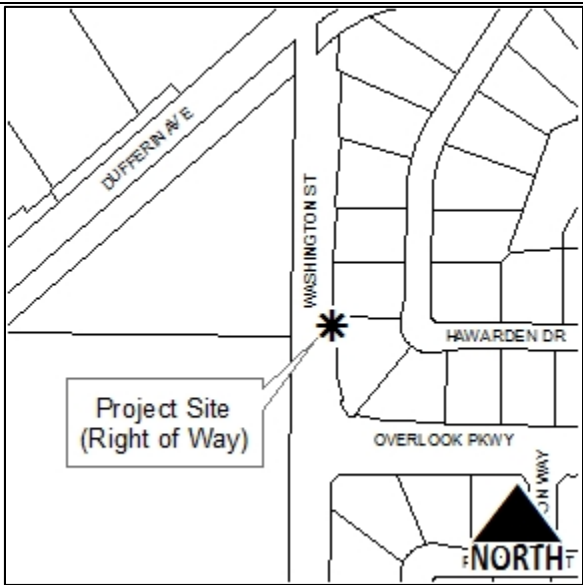
Planning Division

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

PLANNING COMMISSION HEARING DATE: MARCH 17, 2016

AGENDA ITEM NO.: 4

PROPOSED PROJECT

| | | |
|---------------------------------|---|---|
| <i>Case Numbers</i> | P15-0896 (Conditional Use Permit), P15-1040 (Variance) | |
| <i>Request</i> | To consider a Conditional Use Permit and a height Variance for a new 43-foot high wireless telecommunications facility, camouflaged as a streetlight pole, in the public right-of-way, where 35-feet is the maximum permitted height. | |
| <i>Applicant</i> | Dail Richard, of SAC Wireless, LLC, on behalf of Verizon Wireless | |
| <i>Project Location</i> | Public Right-of-Way (adjacent to 2013 Washington Street) |  |
| <i>APN</i> | Public Right-of-Way (adjacent to 241-422-003) | |
| <i>Project area</i> | Not Applicable | |
| <i>Ward</i> | 3 | |
| <i>Neighborhood</i> | Hawarden Hills | |
| <i>Specific Plan</i> | None | |
| <i>General Plan Designation</i> | Right-of-Way | |
| <i>Zoning Designation</i> | Not Applicable | |
| <i>Staff Planner</i> | Candice Assadzadeh, Assistant Planner 951-826-5667; cassadzadeh@riversideca.gov | |

RECOMMENDATIONS

Staff Recommends that the City Planning Commission:

1. **RECOMMEND** that the **City Council DETERMINE** that Planning Cases P15-0896 (Conditional Use) Permit and P15-1040 (Variance) 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 Sections 15302 (Replacement or Reconstruction) and 15311 (Accessory Structures) of the California Environmental Quality Act (CEQA); and

2. **RECOMMEND APPROVAL** of Planning Case Numbers P15-0896 (Conditional Use Permit) and P15-1040 (Variance) 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 and Variance application for a 43-foot high wireless telecommunications facility in the public right-of-way, camouflaged as a streetlight pole, where 35-feet is the maximum permitted height.

The project involves construction of a 43-foot high wireless telecommunications facility, camouflaged as a streetlight pole. The project site is generally located on the east side of Washington Street, north of Overlook Parkway, within a public multi-purpose trail.

The proposed wireless telecommunications facility will consist of three (3) antennas, approximately five (5) feet in height, located within an 8-foot tall enclosure on top of a streetlight pole. The proposal also includes the installation of an approximately 280 square foot equipment enclosure in a subterranean equipment vault, within the existing landscape area. Additionally a 48 square foot enclosure for a wireless fiber pull box, will be located at grade, south of the equipment vault. Three sides of the wireless fiber pull box will be enclosed with a split face CMU wall, approximately 2-feet 2-inches in height.

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 underlying R-1-13000 Single Family Residential Zone conditionally permits wireless telecommunications facilities subject to the standards set forth in Section 19.530 (Wireless Telecommunication Facilities) of the Zoning Code. | <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"/> |
| <i>Compliance with Applicable Development Standards</i> The underlying base zone (R-1-13000 Single Family Residential) allows for wireless telecommunications facilities pursuant to the approval of a Conditional Use Permit. The proposed telecommunications facility complies with all development standards of the zone, except for the maximum structural height (35-feet maximum height permitted; 43-feet maximum height proposed). | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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 conditionally complies with this standard. The proposed 43-foot high wireless telecommunications facility, camouflaged as a streetlight pole, and equipment enclosures are located in the public right-of-way. The proposed wireless telecommunications facility will be replacing an existing streetlight pole, with a new streetlight pole with 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 75-feet 9-inches away from the proposed facility, to the east. Moreover, the wireless telecommunications facility, camouflaged as a streetlight pole, will be constructed in accordance with all applicable building codes and will operate in compliance with Federal Communications Commission (FCC) regulations regarding the emission and transmission of electromagnetic radiation and radio frequency emissions that may result from the project. Conditions of approval are recommended to ensure that the proposed wireless telecommunications facility camouflaged as a streetlight pole will not be detrimental to the surrounding area.

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 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, except for the maximum height. The following variance is requested:

- To allow a 43-foot high wireless telecommunications facility where a maximum of 35-feet permitted adjacent to the R-1-13000 Zone.

Staff can support the requested height variance, as a 35-foot high streetlight pole exists and the addition of the 8-foot tall enclosure on top of the streetlight pole will not substantially impact the street scape or any sensitive view shed. Furthermore, there are existing palm trees along this section of Washington Street, approximately 50-feet in height, spaced at 50-foot intervals.

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, camouflaged as a streetlight pole, will consist of three (3) antennas, approximately five (5) feet in height, attached to three (3) separate sectors. The antennas will be housed in an 8-foot tall radome, and as conditioned all wiring will run internally.

- 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. Although landscaping is not being proposed, the wireless telecommunications facility will be camouflaged as a streetlight pole, replacing an existing streetlight pole. Furthermore, the related equipment enclosure will be placed in a subterranean equipment vault, therefore mitigating visual impacts from the public right-of-way.

- 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 this standard. The proposed 280 square foot equipment enclosure will be placed in a subterranean equipment vault. Additionally a 48 square foot enclosure for a wireless fiber pull box, will be located at grade, south of the equipment vault. Three sides of the wireless fiber pull box will be enclosed with a split face CMU wall, approximately 2-feet 2-inches in height.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15302 (Replacement or Reconstruction) and 15311 (Accessory Structures).

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. In addition, it is not anticipated that the proposal will interfere with local radio, television, or emergency reception, as the Federal Communications Commission (FCC) regulates transmission frequencies. Furthermore, the applicant will be required to operate the wireless telecommunications facility in compliance with the American National Standard Institute (ANSI) standards for professionally acceptable radio frequency (RF) emissions for all types of communication towers. Compliance with the above regulations will ensure that the facility has no impacts to surrounding land uses.

Pursuant to the Telecommunications Act of 1996, the City of Riverside is prohibited from using environmental effects of RF emissions as justification for approval or denial of a wireless telecommunication facility. However, all wireless telecommunication facilities are required to comply with FCC regulations regarding the emission and transmission of electromagnetic radiation and radio frequency emissions that may result from the project.

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. General Plan Map
5. Zoning Map
6. Project Plans
7. Photo Simulations
8. Coverage Maps
9. Applicant Prepared Variance Justifications

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

Candice Assadzadeh, Assistant Planner
Ted White, City Planner
Rafael Guzman,
Community & Economic Development
Director



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: P15-0896 (Conditional Use Permit)
 P15-1040 (Variance)

STAFF RECOMMENDED FINDINGS

Conditional Use Permit Findings pursuant to Chapter 19.760:

- a. The proposed project is consistent with the General Plan 2025 and the intent and purpose of the VLDR – Very Low Density Residential General Plan land use designation;
- b. The proposed wireless telecommunications facility use, as conditioned, will not have substantial adverse effects on the surrounding property or uses, and will be compatible with the existing and planned land use character of the surrounding area;
- c. 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;
- d. 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;
- e. The proposed wireless telecommunications facility use, as conditioned, will be consistent with the purposes of the Zoning Code; and
- f. The proposed development is compliance with the standards applicable to the proposed development.

Variance Findings pursuant to Chapter 19.720:

Requested Variance: To allow for a 43-foot high wireless telecommunications facility, camouflaged as a streetlight pole, where 35-feet is the maximum height permitted in the R-1-13000 Zone.

1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.

The project complies with this finding. By limiting the height of the wireless telecommunications facility to 35-feet, the facility will be far less effective and will not provide the required coverage. As a result, additional facilities would be required to be installed which may have a cumulative negative aesthetic impact. Staff can therefore find justification for the requested height variance.

2. There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.

The proposal complies with this finding. The proposal consists of replacing an existing 35-foot high streetlight pole in the public right-of-way, with a new 43-foot high camouflaged wireless telecommunications facility. The proposal involves concealing the proposed antenna array with an 8-foot faux granite finish cylinder-shaped cover, which will resemble a typical concrete street light pole. The proposal will not change the location of the existing street light pole, and the antennas will be screened from view by a cylinder shaped cover that will resemble the light standard in color and texture. Thus, the installation of the proposed antenna array on a streetlight pole will minimize aesthetic impacts.

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

The proposal complies with this finding. The proposal involves concealing the proposed antenna array with an 8-foot faux granite finish cylinder-shaped cover, which will resemble a typical concrete street light pole. Therefore, the wireless telecommunication facility portion of the subject light pole will substantially resemble a typical concrete streetlight. Therefore, aesthetically, the wireless telecommunication facility will substantially resemble a typical concrete streetlight, and no antenna arrays will be exposed. With regard to health, television and radio reception concerns, the facility will be constructed to comply with the Federal Communications Commission (FCC) regulations and ANSI guidelines. Wireless communications facilities constructed per the FCC standards are not known to interfere with such transmissions. Additionally, there are no proven past health hazards associated with this type of wireless communications facilities.

4. The granting of the variance will not be contrary to the objectives of any part of the General Plan.

The General Plan does not pertain in this instance.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

Case Numbers: **P15-0896** (Conditional Use Permit)
P15-1040 (Variance)

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. The Planning Commission makes the necessary findings in the applicant's favor to grant the following variance. As justification, the applicant's written justifications and staff's supplemental variance justifications are referenced:
 - a. To allow for a 43-foot high wireless telecommunications facility, camouflaged as a streetlight pole, where 35-feet is the maximum height permitted in the R-1-13000 Zone.
2. No additions or modifications to the 43-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.
3. 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.
4. The antenna shall be designed in accordance with the FCC standards for professionally acceptable radio frequency emissions for all types of communications towers.
5. The new wireless telecommunication facility shall be designed within the applicable American National Standards Institute (ANSI) standards.
6. The streetlight pole structure and associated equipment enclosure shall be maintained in a like-new condition at all times.
7. All conditions of Riverside County Airport Land Use Commission case ZAP1170MA15 shall apply.

Prior to Building Permit Issuance:

8. Design Review plans shall be submitted with plan check and shall include the following:
 - a. The wireless telecommunications facility shall not exceed 43-feet in height;

- b. All wiring shall run internally and shall extend up through the top of the structure and shall not be visible;
- c. The radome enclosure shall be painted to match and be compatible with the streetlight pole facility.

Prior to Release of Utilities:

- 9. 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:

- 10. All equipment shall be located within the equipment enclosure.
- 11. The wireless telecommunications facility and related support equipment shall be designed to prevent unauthorized persons from accessing and/or climbing them.
- 12. 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.
- 13. Any graffiti on the facility shall be removed within 24 hours of notification.
- 14. 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.
- 15. 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.
- 16. 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.
- 17. All wireless telecommunication facilities and related support equipment shall be removed within 90 days of the discontinuation of use.

- **Public Works**

- 18. 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:

- 19. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
- 20. Construction plans shall be submitted and permitted prior to construction.

- **Public Works – Street Trees**

21. Existing plant material and irrigation system is protected in place. Please contact Landscape Maintenance Inspector, Jesse Fierro at jfierro@riversideca.gov with any questions.

Prior to Construction:

22. A pre-construction meeting is required, on site. Please contact Landscape Maintenance Inspector, Jesse Fierro at jfierro@riversideca.gov to schedule the meeting.

- **Parks and Recreation**

Prior to Final Inspection:

23. Any trenching through the multi-purpose trail shall be backfilled to achieve a minimum 90% relative compaction using stabilized decomposed granite as produced by Gail Materials in Corona, (951) 667-6106, or an equal material approved by the City.

Standard Conditions

- **Planning**

24. The Project must be completed per the Site Plan Review and Design Review approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by Design Review Staff. Upon completion of the Project, a Design Review Staff inspection must be requested, and **UTILITIES** will not be released until it is confirmed that the approved plans and all conditions have been implemented.
25. 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.
26. This approval is for design concept only, and does not confirm the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.
27. There is a two (2) year time limit on this approval. Should the applicant or designee not obtain necessary Building permits or initiate operation within two (2) years following the CUP approval date, the CUP shall become null and void.
28. 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.

29. 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.
30. 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.
31. 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.
32. 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.
33. Failure to abide by all conditions of this permit shall be cause for revocation.
34. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
35. 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.
36. 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.
37. 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.