



Community Development Department

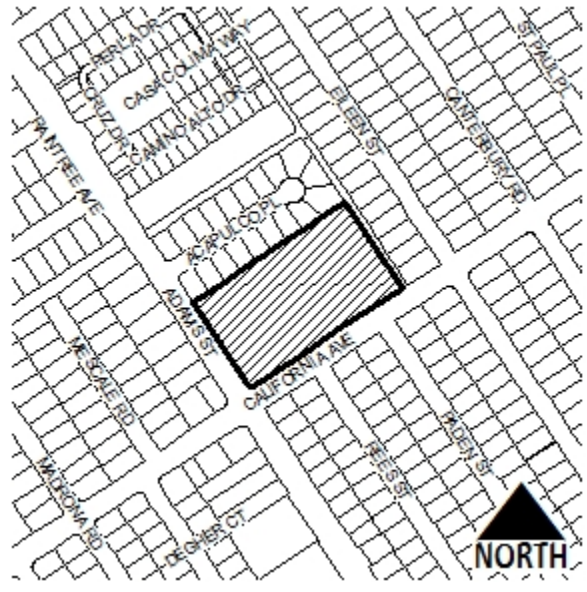
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Planning Division

PLANNING COMMISSION HEARING DATE: APRIL 7, 2016

AGENDA ITEM NO.: 5

PROPOSED PROJECT

<i>Case Numbers</i>	P15-0826 (Conditional Use Permit), P15-0827 (Variance)	
<i>Request</i>	To consider a Conditional Use Permit and a Variance to permit a 55-foot high, co-locatable, wireless telecommunications facility, camouflaged as a broadleaf tree, that is higher than permitted by Code.	
<i>Applicant</i>	Sunshine Schupp of SMSA Verizon Wireless	
<i>Project Location</i>	8223 California Avenue, at the northeast corner of California Avenue and Adams Street	
<i>APN</i>	227-071-033	
<i>Project area</i>	Approximately 5.21 acres	
<i>Ward</i>	5	
<i>Neighborhood</i>	Ramona	
<i>Specific Plan</i>	N/A	
<i>General Plan Designation</i>	MDR – Medium Density Residential	
<i>Zoning Designation</i>	R-1-7000 – Single Family Residential Zone	
<i>Staff Planner</i>	Brian Norton, Senior Planner; 951-826-2308; bnorton@riversideca.gov	

RECOMMENDATIONS

Staff Recommends that the City Planning Commission:

1. **RECOMMEND** that the City Council **DETERMINE** that this proposed project will not have a significant effect on the environment based on the findings set forth in the case record and recommend City Council adoption of a Negative Declaration; and
2. **RECOMMEND APPROVAL** of Planning Cases P15-0826 (Conditional Use Permit) and P15-0827 (Variance), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The 5.21 acre site is located on the northeast corner of California Avenue and Adams Street and is developed with the First Free Methodist Church of Riverside, constructed in 1961. Existing improvements include the church building, a surface parking lot, and a large turf area at the corner of California Avenue and Adams Street.

PROPOSAL

The applicant proposes to construct a 55-foot high wireless telecommunications facility, camouflaged as a broadleaf tree, where 35-feet is the maximum permitted height.

The wireless facility will be located northwest (rear) of the church building. It will consist of an antenna array installed at a centerline height of 44 feet. Antennas will be attached to three separate sectors, each sector will be able to hold up to four, 8-foot high antennas, for a total of 12 antennas. The applicant has indicated the two parabolic antennas will be installed at a centerline height of 36 feet. The pole of the telecommunications facility will consist of a faux bark finish to resemble the texture and color of a broadleaf tree trunk. Faux branches and leaves are proposed to extend beyond the antenna arrays to camouflage the antennas. All appurtenances will be painted to match the proposed broadleaf tree. The structure has been designed to be co-locatable and allow the future installation of a second antenna array at a centerline height of 33 feet.

A 267 square foot equipment enclosure with an 8-foot high block wall would contain the telecommunications facility and supporting equipment cabinets and cables. A new trash enclosure would be constructed attached to the equipment enclosure. Vines would be planted around the perimeter of the enclosures.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	Consistent	Inconsistent	N/A
<i>General Plan 2025</i> The proposed project is consistent with the underlying General Plan 2025 land use designation of MDR – Medium Density Residential, which will further the intent of the General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Specific Plan</i> The project site is not located 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-1-7000 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 Wireless Telecommunications Facilities Development Standards</i> The underlying base zone (R-1-7000 – 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-foot maximum height permitted; 55-foot 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 complies with this standard. The 55-foot high telecommunications facility, designed as a broadleaf tree and equipment enclosure is centrally located on the property, behind an existing church building and mature evergreen trees. The facility

is located approximately 187 feet from California Avenue, 343 feet from Adams Street, and 154 feet from residential property. Photosimulations, provided by the applicant, demonstrate the proposed wireless telecommunications facility will blend with the surrounding mature trees along California Avenue and Adams Street.

- 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 structures are located approximately 172 feet northerly of the proposed facility. 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 telecommunication facilities shall comply with the provisions (i.e., height, setbacks, etc.) of the underlying zone where the facility is located.*

The proposed project does not comply with this standard. With the exception of a variance for an increase in height, the proposal meets all of the development standards for the underlying zone. Thus, the applicant is requesting a variance to allow the proposed 55 foot high wireless facility, where the maximum height allowed in the R-1-7000 Zone is 35 feet. The increase in height would allow two sets of antenna arrays from two separate carriers to be collocated on the same facility and eliminate the proliferation of wireless telecommunication facilities in the immediate area.

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 pole of the broadleaf will consist of a faux bark finish to resemble the texture and color of a broadleaf tree trunk. Faux branches and leaves are proposed to extend at a minimum 18 inches beyond the antenna arrays to camouflage the antennas. To further camouflage the antennas, they will be required to be covered in 'socks' and all other appurtenances attached to the poles must be painted to match the color of the branches.

- 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. The facility is located towards the center of the site, where the facility is well screened with existing mature evergreen trees. Additionally, vines are proposed to be planted around the perimeter of the enclosure.

- 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 support equipment will be screened by a block enclosure, consisting of 8 foot high decorative block wall. Furthermore, the enclosure and support equipment will be located approximately 187 feet from California Avenue and the visibility is minimized by the existing mature trees along California Avenue.

ENVIRONMENTAL REVIEW

A Negative Declaration has been prepared as part of the environmental review of this project under the California Environmental Quality Act (CEQA), based on the findings set forth in the case record, the project will not have a significant effect on the environment.

NEIGHBORHOOD COMPATIBILITY

The proposed use will be compatible with the specific site location, development, and operation standards related to wireless telecommunications facilities. The proposal will not prove 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, one response in support of the project has been received by Planning Division staff.

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. Staff Recommended 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. Existing Site Photos
9. Coverage Maps
10. Application Prepared Variance Justifications
11. Negative Declaration
12. Public Comment Letter

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

Brian Norton, Senior Planner
Ted White, City Planner
Rafael Guzman,
Community and Economic Development
Director



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 1 – FINDINGS

PLANNING CASES: P15-0826 (Conditional Use Permit), P15-0827 (Variance)

STAFF 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 MDR – Medium Density Residential land use designation;
- b. The proposed wireless telecommunications facility, 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 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 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. Except for the requested height variance, the proposed development is in compliance with the standards applicable to the proposed development.

Variance Findings pursuant to Chapter 19.720:

Requested Variance: To allow for a 55-foot high wireless telecommunications facility, camouflaged as a broadleaf tree, where 35-feet is the maximum height permitted in the R-1-7000 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 would be less effective and would not provide the required coverage. To achieve optimal coverage, additional facilities would be

required to be installed which could potentially result in cumulative negative aesthetic impacts. 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 wireless telecommunications facility will serve multiple purposes for Verizon, including; enhanced coverage area and capacity offload from existing facilities in the area. A minimum height of 55 feet is required to provide optimum coverage and communication with surrounding wireless facilities above existing structures and tree line. The project site allows for the installation of a wireless telecommunications facility that is compatible with its surroundings and allows antennas to adequately provide capacity offload to existing facilities.

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 antennas and support equipment with faux branches and leaves constructed to aesthetically resemble a broadleaf tree. 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.



City of Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT Planning Division

EXHIBIT 2 - STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: **P15-0826** (Conditional Use Permit),
P15-0827 (Variance)

Meeting Date: April 7, 2016

CONDITIONS

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 Development Department, Planning Division.

Case Specific

- **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 55-foot high wireless telecommunications facility, camouflaged as a broadleaf tree, where 35-feet is the maximum height permitted in the R-1-7000 Zone.
2. No additions or modifications to the 55-foot facility shall be permitted which constitutes a substantial change or defeat the concealment elements of the wireless telecommunications facility, per section 6409 of the Spectrum Act.
3. All conditions of Airport Land Use Commission (AUC), processed under case ZAP1074RI16, shall be satisfied.
4. 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.
5. The wireless telecommunications facility and associated support equipment shall be maintained in a like-new condition at all times.
6. The new wireless telecommunication facility shall be designed within the applicable American National Standards Institute (ANSI) standards.

7. The antennas shall be designed in accordance with the FCC standards for professionally acceptable radio frequency emissions for all types of communications towers.

Prior to building permit issuance:

8. Plans shall be submitted through the Building and Safety Division and shall include the following:
 - a. The broadleaf facility shall not exceed 55-feet in height;
 - b. The 'bark' shall extend through the top of the antenna structure;
 - c. Branches shall exceed, at minimum, eighteen (18) inches beyond the antenna arrays;
 - d. Antennas shall be covered in 'socks';
 - e. All related equipment attached to the poles shall be painted to match the trunk or the leaves of the monobroadleaf and shall be substantially screened with branches and leaves;
 - f. All wires shall be enclosed within the trunk of the facility and antenna arms; and
 - g. Plans shall reflect all landscaping and irrigation.

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.
10. Landscape and irrigation shall be installed per approved plans.

Operational Conditions

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

17. 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.
18. All wireless telecommunications facilities and related support equipment shall be removed within 90 days of the discontinuation of use.

Standard Conditions

- **Planning**

19. 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.
20. 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.
21. 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.
22. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses 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.
23. 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.

24. 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 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.
 25. 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.
 26. Failure to abide by all conditions of this permit shall be cause for revocation.
 27. 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.
 28. The applicant shall verify the height of the telecommunications facility once it has been constructed to insure compliance with the approved plans.
 29. 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.
 30. 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**
 31. No Requirements
 - **Public Utilities Electric**
 32. No Requirement
 - **Public Utilities Water**
 33. No Requirement
 - **Fire Department**

The following to be met prior to construction permit issuance:

34. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
35. Construction plans shall be submitted and permitted prior to construction.
36. Fire Department access is required to be maintained during all phases of construction.