CITY OF BANNING
PLANNING COMMISSION AGENDA

REGULAR MEETING - Tuesday, November 3, 2009 @ 6:30 PM
City Council Chambers, 99 E. Ramsey Street
Banning, CA 92220

I. CALL TO ORDER: Chairman Hawkins

➢ Pledge of Allegiance: Commissioner Siva

➢ Roll Call: Chairman Hawkins, Commissioner Arterberry; Commissioner Barsh; Commissioner Escandel; Commissioner Siva

II. PUBLIC COMMENTS:

At this time, the general public is invited to address the Planning Commission concerning any items that are not listed on the agenda, which are not public hearings or other items under the jurisdiction of the Planning Commission. Comments from the public of any non-agenda items will be limited to three (3) minutes in accordance with City policy.

III. CONSENT CALENDAR ITEMS:

Note: All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.

1. Approval of the October 6, 2009 Planning Commission Minutes
IV. PUBLIC HEARINGS

1. **CONDITIONAL USE PERMIT NO. 09-802:**
   A request by Royal Street Communications CA, LLC to co-locate a wireless telecommunications facility with an existing Sprint PCS facility on a 0.15 acre parcel in the Downtown Commercial (DC) zone located at 60 S. Alola Street (APN 541-192-004).

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V. PLANNING COMMISSIONER COMMENTS

VI. COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

1. City Council Actions from previous meetings on Planning-Related Items (Oral Report)

VII. TENTATIVE PROJECTS SCHEDULED FOR DECEMBER 1, 2009


VIII. ADJOURNMENT

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of December 1, 2009 starting at 6:30 p.m. in the City Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department (951) 922-3125. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA title II]
City of Banning

PLANNING COMMISSION MINUTES

October 6, 2009

A regular meeting of the City of Banning Planning Commission was held on Tuesday, October 6, 2009 at 6:30 p.m., in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, CA, 92220.

Commissioners Present:
Chairman Hawkins
Commissioner Arterberry
Commissioner Barsh
Commissioner Escandel
Commissioner Siva

Staff Present:
Community Development Director Abu Bakar
Assistant City Attorney Lopez
Recording Secretary Sorenson

I. CALL TO ORDER

II. PUBLIC COMMENT
No one came forward.

III. CONSENT CALENDAR

1. Review of Minutes (July 7, 2009)

ACTION (ARTERBERRY / BARSH): A motion was moved, seconded and carried that item 1 be approved as presented.

(Motion carried 5-0)
IV. PUBLIC HEARINGS

1. **Conditional Use Permit No. 09-804**: A request by Jakob Rudrich of 4345 Evergreen Lane to construct a 1,470 square foot second garage - APN 535-371-001 and Adopt a Class 3 Categorical Exemption in compliance with CEQA Guidelines Section 15303(e) (New Construction of Small Structures).

Community Development Director Abu Bakar presented the staff report and stated that this is an application for a conditional use permit to construct a second garage on property in the Very Low Density Residential Zone. The property currently has a single family residence, pool and spa in the back yard. The property is surrounded by a block wall on the sides and rear. The second garage is proposed to be used to store recreational vehicles. The project meets the development standards of the code. The one issue that came to light was the proposed access to the garage. The garage is proposed at the rear of the property and to be accessed through the easement. The easement, however, is for equestrian purposes. We have a condition that allows the applicant to either access the garage from Evergreen Lane or obtain an easement for ingress and egress, then he could access it from the back. The applicant is in agreement with that condition. The project is categorically exempt and staff recommends approval.

Commissioner Escandel inquired if all setbacks met the code. Director Abu Bakar replied that they do.

Jakob Rudrich, 4345 Evergreen Lane, Banning CA, 92220, applicant and owner of the property, came forward to discuss his project. Mr. Rudrich stated that he wanted to build the second garage because he has a boat stored in the front drive-way and a recreational vehicle stored at a storage facility and wanted to put both items under cover on his property.

Chairman Hawkins stated that he had visited the site. Commissioner Escandel stated that he has been to the neighborhood many times as he has relatives who live in the area.

Chairman Hawkins inquired about the existing three-car garage and asked if there were living quarters above it. Mr. Rudrich responded that there was a playroom above the garage. There was discussion about getting all the way to the back of the property from the side yards. Mr. Rudrich stated he could get all the way through to the back from the right side, however, there was a pool on the left side that would be in the way.

Commissioner Escandel stated that he has many concerns. He stated the equestrian easement bothered him. He had concerns about who would maintain the easement, especially in winter-time. He also was worried about the Fire Department needing to get back there and was unclear as to the actual dimensions of the easement and the garage.

Planning Commission Meeting
October 6, 2009
Mr. Escandel also felt there should be a buy-in from all the neighbors on the use of the easement.

Mr. Rudrich stated he was told that the easement is 20 feet wide. He also stated that his garage will be 42 feet by 35 feet deep.

Commissioner Escandel stated he would prefer to see Evergreen Lane used as the access for the garage. Commissioner Siva stated he agreed. Mr. Rudrich responded that would work for him.

There was a great deal of discussion regarding access and the positioning of the entrance of the garage. Commissioner Escandel felt the garage should be turned (East) to facilitate both access points. He stated he did not want to limit Mr. Rudrich to only one access, felt he should have the easement and Evergreen Lane both available. Mr. Rudrich said he may have to redesign the garage and make it smaller.

Commissioner Siva stated that he had questions about other neighbors having access to the easement. He wondered if we were eliminating the usefulness of the trail, because if it becomes open to one resident, then it follows that we may create that same situation with other residents.

Assistant City Attorney Lopez responded that she understands the questions. She stated that the existing easement is owned by the original property owner who owned the larger parcel of land. She retained the easement for the benefit of all the property owners. But that easement was limited to equestrian and drainage uses. It is for that reason that you have a condition that has been included that says, the applicant has to access the garage via Evergreen Lane unless he is able to obtain an easement or expand the existing easement to allow for vehicular traffic. The existing easement on the parcel map does show it is twenty feet wide which would provide enough room for Mr. Rudrich to have access from the rear of the property, if he had the legal authority to do it. It does seem from the pictures and from what I’ve been told that people are already using it for vehicular access.

Commissioner Siva inquired if that process of expanding the easement has been started. Mr. Rudrich replied this was the first he had heard about it. Commissioner Escandel inquired if the ownership of the equestrian easement is still titled to the original owner. Ms. Lopez responded that they have not done a title report, but what she has is a copy of the parcel map and it has the owners signature with a declaration dedicating certain land to the City for sidewalks, etc. which would be the front portion of the applicants property and also reserving the equestrian / drainage easement at the rear of the property. So it appears that who ever owned the larger parcel of land reserved the easement in their own name.

Commissioner Escandel stated then all the people using the easement for non-equestrian use are basically trespassing. Ms. Lopez responded that trespassing maybe wasn’t the correct word, but they were definitely using the easement outside of what it is permitted to be used for. Commissioner Escandel had questions about the actual ownership of the
easement and asked if the original owner still owned it. Ms. Lopez responded that the easement is a property entitlement that lies above ownership. So the easement benefits and burdens the property owners. There was discussion about ownership of the easement and how much of the easement the property owners were responsible for. Ms. Lopez felt the applicant should contact the original owner of the large parcel before it was subdivided and ask for it to be expanded for vehicular use. That process would in turn notify all the other property owners.

Ms. Lopez pointed out Condition # 8, that is the language that gives the applicant the flexibility to install the garage such that he accesses it from Evergreen Lane or in the event that he is able to expand the existing easement to permit vehicular access, he'll then have the flexibility to redesign it so that he can access from the rear of the property.

Director Abu Bakar responded to Commissioner Escandel's concerns about Fire Department access and stated that the Fire Department reviewed the plans and they conditioned that the applicant maintain access.

Commissioner Arterberry inquired what the process would be if someone objected to the applicant using the easement to pull his boat down it. Director Abu Bakar responded that the person would need to file a complaint with the Code Enforcement Division.

Ms. Lopez read the "Owner's Statement" that was drafted on the parcel map, "I hereby state that I am the owner of the land included within the subdivision shown hereon, that I am the only person whose consent is necessary to pass a clear title to said land. That I consent to the making and recording of this subdivision map as shown within the distinctive borderline. I hereby dedicate to public use for street and public utility purposes, lots A and B. I also hereby dedicate to the City of Banning the drainage easements as shown hereon for the construction and maintenance of the drainage facilities. I hereby retain the easements as indicated as equestrian easements for private use for the sole benefit of ourselves, our successors, assignees and lot owners within this tract map or any adjacent tract."

Commissioner Escandel stated he felt this garage needed two points of access and if needed, the garage should be redesigned in order to use both access points. If he can't get access from the easement, then he must face the doors to his garage east, rather than north. Even if he gets access to the easement, through the change of language and through the neighborhood buy-in, I still would like to see access from Evergreen Lane.

Ms. Lopez responded that even if he is able to obtain the easement, you still want the garage designed such that he can enter the garage if they access the property from Evergreen.

Commissioner Escandel speaking, microphone not turned on, unable to hear.
Ms. Lopez responded: Condition # 8, that would stay as is, "In the event that the applicant desires to construct the proposed second garage such that access to said garage will be from the equestrian easement at the north of the property, no plans shall be submitted for plan check until such time that the applicant can provide a recorded easement (or other legal instrument to the satisfaction of the City Attorney's office) providing that vehicular traffic is permissible on the equestrian easement. If however, the applicant seeks to enter the property and access the proposed second garage from Evergreen Lane, then no such easement shall be required prior to plan check. If access to the proposed second garage shall be from Evergreen Lane, than the doors of said garage shall not face the existing easement."

There was more discussion and Ms. Lopez added new Condition # 9, If the applicant seeks to access the proposed second garage from the existing easement, said access shall be reviewed and approved by the Fire Department. In addition, if said easement is obtained, the design of the proposed garage shall be such that vehicles can enter when accessing the property from Evergreen Lane.

There was further discussion and Ms. Lopez modified Condition # 9 to state: If the applicant seeks to access the proposed second garage from the existing easement, said access shall be reviewed and approved by the Fire Department. In addition, if said easement is obtained, the design of the proposed garage shall be such that vehicles can enter the garage when accessing the property from Evergreen Lane and drive-way access from Evergreen Lane shall be continually maintained.

ACTION (BARSH / SIVA): A motion was moved, seconded and carried that the Planning Commission:

1. Adopt a Class 3 Categorical Exemption in compliance with CEQA Guidelines Section 15303(e) (New Construction of Small Structures); and,

2. Adopt PC Resolution No. 2009-08 (Attachment 1) approving Conditional Use Permit #09-804 subject to conditions of approval, as amended to include Condition # 9, If the applicant seeks to access the proposed second garage from the existing easement, said access shall be reviewed and approved by the Fire Department. In addition, if said easement is obtained, the design of the proposed garage shall be such that vehicles can enter the garage when accessing the property from Evergreen Lane and drive-way access from Evergreen Lane shall be continually maintained.

(Motion carried 5 – 0)

V. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. City Council Actions from previous meetings on Planning-Related Items
Nothing to report at this time regarding Council actions. However, Director Abu Bakar requested that the Commissioners pencil in December 8, 2009 at 6:00 p.m. as a tentative date for a joint City Council and Planning Commission meeting. We are trying to get the State to come and do a presentation on the new Superior Courthouse that will be built here. We will have more information as we firm that date.

VI. PLANNING COMMISSIONER COMMENTS

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:20 p.m. to the November 3, 2009 meeting.

Respectfully submitted,

[Signature]
Gini Sorenson
Recording Secretary
DATE: November 3, 2009

TO: Mr. Chairman and Members of the Planning Commission

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: CONDITIONAL USE PERMIT NO. 09-802: A REQUEST BY ROYAL STREET COMMUNICATIONS CA, LLC TO CO-LOCATE A WIRELESS TELECOMMUNICATIONS FACILITY WITH AN EXISTING SPRINT PCS FACILITY ON A 0.15 ACRE PARCEL IN THE DOWNTOWN COMMERCIAL (DC) ZONE LOCATED AT 60 S. ALOLA STREET (APN 541-192-004).

STAFF RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt a Class I Categorical Exemption in compliance with CEQA Guidelines Section 15301 (Existing Facilities); and,

2. Adopt PC Resolution No. 2009-10 (Attachment 1) approving Conditional Use Permit No. 09-802 subject to conditions.

PROJECT/APPLICANT INFORMATION

| Project Location:       | 60 S. Alola Street     |
| APN Information:       | 541-192-004            |
| Project Applicant:     | Royal Street Communications CA, LLC |
| Property Owner:        | Douglas C. Jones and Terrence B. Jones |
| Redevelopment Area:    | Yes                    |
| Specific Plan:         | No                     |
PROJECT BACKGROUND AND DESCRIPTION

Project Description:

The applicant is requesting approval to co-locate a wireless telecommunications facility with an existing Sprint PCS facility located at 60 S. Alola Street (see Exhibit 2 Vicinity Map). The application includes the request to place six antenna panels on the existing 80 foot tall mono-pine pole and the addition of outdoor equipment panels. The use of the site for the Sprint PCS telecommunications facility was approved by City Council on September 17, 2004, by approval of Unclassified Use Permit #04-47501 (see Exhibit 3 Unclassified Use Permit).

The subject parcel is described as the westerly 100 feet of Lot 9 of Boone and Johnson Subdivision filed in 1907. The parcel is 65 feet wide by 100 feet deep (6,500 square foot lot), with the land sloping gently to the southeast. Alola Street fronting the property is improved with curb, gutter and sidewalk. The interior area containing the telecommunications equipment is proposed to be expanded as a consequence of the proposed co-location project. The ground of the lot is covered with gravel and a drive approach on Alola Street allows vehicle access to the site. A few trees are planted along the southerly property boundary; otherwise, there is minimal landscaping on the site.

Surrounding Land Use Information

The project is located in the Downtown Commercial (DC) Zone. The project site is located approximately 130 feet south of Ramsey Street, north of Livingston Street, fronting Alola Street. North of the site are two unimproved lots with frontage on Ramsey Street. West of the site across Alola Street are a contractor’s office and yard at the south west corner, and the Seventh Day Adventist Community Service Center at the north west corner; in between are two vacant lots. Immediately east of the site is a vacant lot. Approximately 114 feet east of the site is a small, older, office complex with a property management company and bail bonds business. Immediately adjacent to the south of the site is a City of Banning Electrical Substation. South of the site and across Livingston Street is the I-10 freeway. The nature of the surrounding uses, Zoning and General Plan land use designations are delineated for Planning Commission consideration in the following table.
### Land Use Summary Table

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Land Use</th>
<th>Zoning Designation</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing Telecommunication Facility</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
</tr>
<tr>
<td>North</td>
<td>Vacant Lots</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
</tr>
<tr>
<td>South</td>
<td>Electrical Substation</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Vacant Lot</td>
<td>Downtown Commercial</td>
<td>Downtown Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Aolola Street</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

### PROJECT ANALYSIS

**Zoning Analysis:**

The site is located in the Downtown Commercial (DC) zone. This zone does not permit telecommunications antennas (Table 17.12.020); however, the existing use was permitted prior to the adoption of the new Zoning Code. The use is now considered non-conforming. On March 10, 2009 the City Council adopted Ordinance No. 1404 relating to the expansion of non-conforming uses in commercial zones. Section 4 of the Ordinance reads as follows:

"A non-conforming use located in a commercial or industrial zone may be expanded up to but not exceeding 50% of the existing floor area provided the expansion conforms to all other requirements of the zone and subject to the approval of a Conditional Use Permit by the Planning Commission."

The lease area for the existing telecommunications facility was permitted at 800 square feet (see Exhibit 3 Unclassified Use Permit). Therefore, the expansion of the lease area as allowed by Ordinance No. 1404 is 400 square feet. The applicant is proposing to utilize the existing lease area as a co-location with a minor expansion of the interior wall equipment enclosure. Although the existing telecommunications facility is non-conforming, a co-location as proposed is desirable as it utilizes the existing site leaving parcels available for other developments. Additionally, the Staff Report to City Council from the previously approved Unclassified Use Permit (see Attachment 3) discusses that the facility was designed to support a co-location.

Below is a chart showing the minimum development standards for the Downtown Commercial (DC) zone (Table 17.12.030) including those standards required at Section 17.24.060 Antennae, vertical design standards, and how the proposed project meets the standards.
<table>
<thead>
<tr>
<th>Development Standards</th>
<th>Required</th>
<th>Provided</th>
<th>Complies With Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>0 feet</td>
<td>55 feet to equipment enclosure (block wall)</td>
<td>Yes</td>
</tr>
<tr>
<td>Side Setback</td>
<td>0 feet</td>
<td>0 feet to edge of the mono-pine canopy</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>0 feet</td>
<td>0 feet to edge of the mono-pine canopy</td>
<td>Yes</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>75% (maximum)</td>
<td>.12%</td>
<td>Yes</td>
</tr>
<tr>
<td>Required Parking</td>
<td>One space for maintenance truck</td>
<td>One space for maintenance truck</td>
<td>Yes</td>
</tr>
<tr>
<td>Antenna Height</td>
<td>60 feet maximum. More height permitted subject to a CUP</td>
<td>80 feet</td>
<td>Yes, approved under previous permit</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>no minimum</td>
<td>6,500 square feet</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Site Plan Analysis:**

The site will be accessed by the existing driveway fronting Alola Street. The driveway and parking area shall be paved in accordance with Section 17.28.060 of the Municipal Code.

**Parking Analysis:**

The only parking required will be a space for the service truck that will service the site by parking at the end of the paved access easement.

**Architectural Analysis:**

The existing 80 foot mono-pine is located adjacent to the I-10 freeway in the southeast corner of the subject property. The artificial branches for the mono-pine are sparsely distributed; therefore, staff is proposing a condition of approval requiring the placement of additional artificial branches. Additionally, Section 17.24.060 of the Zoning Code requires antennae not be visible from a federal highway; therefore, staff is proposing a condition of approval requiring that the antennae elements be camouflaged.

The existing 23 foot by 20 foot equipment enclosure area is surrounded by a 6 foot tall block wall (grey precision block) interior to the perimeter wall. The applicant is proposing expanding the equipment enclosure to the west by approximately 17 feet to accommodate the additional telecommunications equipment required for the co-location. The 6 foot wall height is sufficient to screen the equipment from public view.

Perimeter fencing for the lot consists of an approximately 4 foot tall block wall (grey precision block) with a chain link extension on top the block wall bringing the fence height to 7 feet total.
The portion of the fence along the easterly boundary also has three strands of barbed wire on top the chain link extension. Chain link and barbed wire fencing are prohibited under the new Zoning Code (BMC 17.12.130); therefore, staff is proposing a condition of approval to replace the chain link and barbed wire fencing with wrought iron or other decorative fencing in accordance with the new Zoning Code.

**Landscaping/Grading Analysis:**

The site is graded with gravel parking areas. Gravel parking is no longer permitted. The applicant will need to provide parking on a paved surface. It appears that no grading permit will be required.

The landscaping required by the Unclassified Use Permit (see Attachment 3) approved by the City Council in October 2004 has been poorly maintained. It appears that a water meter was never placed at this location to care for the landscaping. Therefore, staff is recommending a condition of approval to re-establish the landscaping and install a water meter with a landscape controller to provide for the required landscaping. Additionally, staff is proposing a condition of approval to place four additional pines of similar type, canopy size and ultimate height, be planted on the site to help to blend the facility in with the surroundings.

**Conclusion**

Staff recommends approval of the subject conditional use permit as the proposed project is consistent with the requirements of the Zoning Code, while not significantly affecting the environment. There are many mono-pine installations along the I-10 corridor that are of varying quality. Staff is of the opinion that the existing telecommunications facility is compatible with the visual character of the I-10 corridor as conditioned. Additionally, a co-location as proposed is desirable as it utilizes the existing site leaving parcels available for other development.

**ENVIRONMENTAL DETERMINATION**

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Planning Division as provided in this Staff Report dated November 3, 2009 and documents incorporated herein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(c) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

   (a) The project is Categorically Exempt from CEQA in accordance with Section 15301 (Existing Facilities) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #09-802 consists of the permitting and or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the City of
Banning approval of Unclassified Use Permit #04-47501. Examples include the exterior alterations involving such things as electrical conveyances; existing facilities of both investor and publicly-owned utilities used to provide public utility services; and, additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

(b) None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from exempting the project for the following reasons:

(i) The project is not a Class 3, 4, 5, 6, or 11 project; and, therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

(ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The Downtown Commercial (DC) zoning standards regulates the land use around the site. North of the site are two unimproved lots with frontage on Ramsey Street. West of the site across Alola Street are a contractor's office and yard. Immediately east of the site is a vacant lot. Approximately 114 feet east of the site is a small, older, office complex with a property management company and bail bonds business. Immediately to the south of the site is a City of Banning Electrical Substation. South of the site and across Livingston Street is the I-10 freeway. This is a long-established, freeway-adjacent, commercial area along Ramsey Street, the City's major commercial corridor.

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the telecommunications facility is not in itself a hazardous use, the City's utilities and roads are adequate to serve the project and the surrounding properties are not environmentally sensitive properties.

(iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is developed as a telecommunications facility and a historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.
2. Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT NO. 09-802:

The Zoning Ordinance requires that each Conditional Use Permit application meet certain findings in Section 17.52.050 in order to be approved by the Planning Commission. The following findings are provided for Commission consideration:

Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with General Plan Economic Development Element Policy #2 which states: “The City shall take a proactive role in the retention of existing businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund revenues”. In a tough economic climate, the existing businesses that are successful enough to expand may do so subject to a Conditional Use Permit, rather than having to relocate in order to expand. While a telecommunication facility is non-conforming the co-location proposed in Conditional Use Permit #09-802 is consistent with General Plan Economic Development Policy #2 and is permitted in accordance with City Council Ordinance No. 1404.

Further, the project is consistent with General Plan Economic Development Element Policy #3 which states: “Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.” By co-locating the telecommunications facility, site development costs are decreased improving the efficiency of the telecommunications facility.

Finding No. 2: The proposed use as a telecommunications facility is conditionally permitted within the subject land use district.

Findings of Fact: The land-use designation of Downtown Commercial (DC) does not allow telecommunications facilities. On March 10, 2009 the City Council adopted Ordinance No. 1404 relating to the expansion of non-conforming uses in commercial zones. Section 4 of the Ordinance reads as follows:

“A non-conforming use located in a commercial or industrial zone may be expanded up to but not exceeding 50% of the existing floor area provided the expansion conforms to all other requirements of the zone and subject to the approval of a Conditional Use Permit by the Planning Commission”.

The lease area for the existing telecommunications facility was permitted at 800 square feet (see Exhibit 3 Unclassified Use Permit). Therefore, the expansion of the lease area as
allowed by Ordinance No. 1404 is 400 square feet. The applicant is proposing to utilize the existing lease area as a co-location with a minor expansion of the interior wall equipment enclosure. Additionally, the proposed project is conditioned to meet all local standards pertaining to development and use, including providing sufficient parking, setbacks, fencing and screening from adjacent uses through the use of a perimeter wall, landscaping with pine trees, and simulated pine tree structure for cell tower.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Facts of Fact: The proposed use will not impair the integrity and character of the Downtown Commercial (DC) land use district in which it is to be located because it is surrounded by vacant land, and office uses on three sides; and the City of Banning Electric Substation immediately adjacent to the south. The project is required to be landscaped with trees and a simulated pine tree (cell tower) and screened with a block wall to current standards. The architecture as proposed is compatible with the existing structure on the property and surrounding development.

Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.

Findings of Fact: The subject site is currently developed as a telecommunications facility. The 0.15 acre land area is of adequate size to accommodate the co-location of the telecommunications facility, which is on an 800 square foot lease area. The site has adequate areas for parking and landscaping. There is adequate access from Alola Street.

Finding No. 5: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Finding of Fact: The site will be served by the public and private utilities, including the City's water and electrical utilities. The site will be accessed and served from Alola Street, an existing developed roadway with existing utilities.

Finding No. 6: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics.

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site and surrounding neighborhood is currently developed. The parcel is flat (unable to support bodies of water).
Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Finding of Fact: The co-location of a wireless telecommunication facility will not be detrimental to the City's health, safety, and welfare in that it complies with the Zoning Code development standards. Furthermore, by co-locating the facility, it would eliminate the need for an additional free-standing structure in another location along the I-10 freeway. The project will not generate excessive noise or traffic. There is adequate parking and screening from adjacent uses.

PUBLIC COMMUNICATION:

The proposed project was advertised in the Record Gazette newspaper, and notices were mailed to all property owners within a 300-foot radius of the site on October 23, 2009. As of the date of this report, staff has not received any verbal or written comments for or against the proposed project.

Prepared By:

Brian Guillot
Assistant Planner

Approved By:

Zai Abu Bakar
Community Development Director

PC Attachments:

1. Resolution No. 2009-10 (With Conditions of Approval)
2. Vicinity Map
3. Unclassified Use Permit 04-47501
4. Aerial Photograph
5. Site Photographs
6. Project Plans
7. Photo Simulations—Will be available at meeting
Attachment 1

(Resolution No. 2009-10)
RESOLUTION NO. 2009-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 09-802 TO CO-LOCATE A WIRELESS TELECOMMUNICATIONS FACILITY WITH AN EXISTING SPRINT PCS FACILITY ON A 0.15 ACRE PARCEL IN THE DOWNTOWN COMMERCIAL (DC) ZONE LOCATED AT 60 S. ALOLA STREET (APN 541-192-004).

WHEREAS, an application for a telecommunications facility has been duly filed by:

Project Applicant: Royal Street Communications CA, LLC
Property Owner: Douglas C. Jones and Terrence B. Jones
Project Location: 60 S. Alola Street
APN Information: 541-192-004
Redevelopment Area: Yes
Specific Plan: No
Lot Size: 0.15 acres (800 square foot lease area)

WHEREAS, the Planning Commission has the authority per Chapter 17.52 of the Banning Municipal Code and City Council Ordinance No. 1404 to take action on Conditional Use Permit No. 09-802 to co-locate a telecommunications facility in the Downtown Commercial (DC) Zone; and

WHEREAS, on October 23, 2009 the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, and by mailing notices to property owners within 300 feet of the project of the holding of a public hearing at which the project would be considered; and

WHEREAS, on November 3, 2009 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Conditional Use Permit #09-802, and at which meeting the Planning Commission considered the Conditional Use Permit; and

WHEREAS, the Community Development Director has reviewed the project’s potential effects on the environment and has recommended that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15301 "Existing Facilities" and the exceptions to the categorical exemptions contained in CEQA Guidelines Section 15300.2 are not applicable to the project.

NOW THEREFORE, the Planning Commission of the City of Banning does Resolve, Determine, Find, and Order as follows:

City of Banning Planning Division
Planning Commission Meeting of November 3, 2009
SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Community Development Director as provided in the Staff Report dated November 3, 2009 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. CEQA:

(a) The project is Categorically Exempt from CEQA in accordance with Section 15301 (Existing Facilities) in that the staff report submitted by the Planning Division and other findings made in this Resolution demonstrate that Conditional Use Permit #09-802 consists of the permitting and or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the City of Banning approval of Unclassified Use Permit #04-47501. Examples include the exterior alterations involving such things as electrical conveyances; existing facilities of both investor and publicly-owned utilities used to provide public utility services; and, additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

(b) None of the exceptions to the Categorical Exemptions contained in CEQA Guidelines Section 15300.2 prevent CEQA Guidelines Section 15301 from exempting the project for the following reasons:

(i) The project is not a Class 3, 4, 5, 6, or 11 project; and, therefore is not subject to the exception pertaining to projects located in particularly sensitive environments.

(ii) The nature of the project is such that significant cumulative impacts will not occur from successive projects of this type occurring in the same location over time. The Downtown Commercial (DC) zoning standards regulates the land use around the site. North of the site are two unimproved lots with frontage on Ramsey Street. West of the site across Alola Street are a contractor’s office and yard. Immediately east of the site is a vacant lot. Approximately 114 feet east of the site is a small, older, office complex with a property management company and bail bonds business. Immediately to the south of the site is a City of Banning Electrical Substation. South of the site and across Livingston Street is the I-10 freeway. This is a long-established, freeway-adjacent, commercial area along Ramsey Street, the City’s major commercial corridor.

(iii) There is no reasonable possibility that unusual circumstances will cause the project to have a significant effect on the environment because the telecommunications facility is not in itself a hazardous use, the City’s utilities and
roads are adequate to serve the project and the surrounding properties are not environmentally sensitive properties.

(iv) The project will not result in damage to scenic resources within a designated state scenic highway because there is no designated state scenic highway in the project area.

(v) The project site has not been listed as a hazardous waste and substance facility or site by the Department of Toxic Substances Control pursuant to California Government Code Section 659625.

(vi) The project will not cause a substantial adverse change to the significance of a historical resource. The site is developed as a telecommunications facility and a historical resource or its immediate surroundings will not be demolished, destroyed, relocated, or altered such that the significance of the historical resource would be materially impaired.

2. Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. REQUIRED FINDINGS.

Pursuant to Banning Municipal Code Chapter 17.52 and in light of the record before it including the staff report dated November 3, 2009, all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with General Plan Economic Development Element Policy #2 which states: “The City shall take a proactive role in the retention of existing businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund revenues”. In a tough economic climate, the existing businesses that are successful enough to expand may do so subject to a Conditional Use Permit, rather than having to relocate in order to expand. While a telecommunication facility is non-conforming the co-location proposed in Conditional Use Permit #09-802 is consistent with General Plan Economic Development Policy #2 and is permitted in accordance with City Council Ordinance No. 1404.

Further, the project is consistent with General Plan Economic Development Element Policy #3 which states: “Encourage and promote infill development in orderly and logical development patterns that decrease the costs, and increase the efficiency of new utilities, infrastructure, and public services.” By co-locating the telecommunications facility, site development costs are decreased improving the efficiency of the telecommunications facility.
Finding No. 2: The proposed use as a telecommunications facility is conditionally permitted within the subject land use district.

Findings of Fact: The land-use designation of Downtown Commercial (DC) does not allow telecommunications facilities. On March 10, 2009 the City Council adopted Ordinance No. 1404 relating to the expansion of non-conforming uses in commercial zones. Section 4 of the Ordinance reads as follows:

"A non-conforming use located in a commercial or industrial zone may be expanded up to but not exceeding 50% of the existing floor area provided the expansion conforms to all other requirements of the zone and subject to the approval of a Conditional Use Permit by the Planning Commission".

The lease area for the existing telecommunications facility was permitted at 800 square feet (see Exhibit 3 Unclassified Use Permit). Therefore, the expansion of the lease area as allowed by Ordinance No. 1404 is 400 square feet. The applicant is proposing to utilize the existing lease area as a co-location with a minor expansion of the interior wall equipment enclosure. Additionally, the proposed project is conditioned to meet all local standards pertaining to development and use, including providing sufficient parking, setbacks, fencing and screening from adjacent uses through the use of a perimeter wall, landscaping with pine trees, and simulated pine tree structure for cell tower.

Finding No. 3: The proposed use would not impair the integrity and character of the land use district in which it is to be located.

Facts of Fact: The proposed use will not impair the integrity and character of the Downtown Commercial (DC) land use district in which it is to be located because it is surrounded by vacant land, and office uses on three sides; and the City of Banning Electric Substation immediately adjacent to the south. The project is required to be landscaped with trees and a simulated pine tree (cell tower) and screened with a block wall to current standards. The architecture as proposed is compatible with the existing structure on the property and surrounding development.

Finding No. 4: The subject site is physically suitable for the type and intensity of land use being proposed.

Findings of Fact: The subject site is currently developed as a telecommunications facility. The 0.15 acre land area is of adequate size to accommodate the co-location of the telecommunications facility, which is on an 800 square foot lease area. The site has adequate areas for parking and landscaping. There is adequate access from Aloha Street.

Finding No. 5: There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
Finding of Fact: The site will be served by the public and private utilities, including the City's water and electrical utilities. The site will be accessed and served from Alola Street, an existing developed roadway with existing utilities.

Finding No. 6: There will not be significant harmful effects upon environmental quality, natural resources or neighborhood characteristics.

Finding of Fact: There is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. The site was found to contain no suitable habitat for threatened or endangered species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site and surrounding neighborhood is currently developed. The parcel is flat (unable to support bodies of water).

Finding No. 7: The proposed location, size, design and operating characteristics of the proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Finding of Fact: The co-location of a wireless telecommunication facility will not be detrimental to the City's health, safety, and welfare in that it complies with the Zoning Code development standards. Furthermore, by co-locating the facility, it would eliminate the need for an additional free-standing structure in another location along the I-10 freeway. The project will not generate excessive noise or traffic. There is adequate parking and screening from adjacent uses.

SECTION 3: PLANNING COMMISSION ACTIONS

The Planning Commission hereby takes the following actions:

1. Notice of Exemption. In accordance with Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062 the Planning Commission hereby approves a categorical exemption under CEQA Guidelines Section 15301 and directs the Planning Director to prepare and file with the Clerk for the County of Riverside a notice of exemption as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

2. Conditional Use Permit. (CUP) #09-802 is hereby approved subject to the Conditions of Approval attached hereto and incorporated herein by reference as Attachment "A".
PASSED, APPROVED AND ADOPTED this 3rd day of November, 2009.

Buddy Hawkins, Chairman
Banning Planning Commission

APPROVED AS TO FORM AND LEGAL CONTENT:

Christy Marie Lopez
Aleshire & Wynder, LLP
City of Banning, California

CERTIFICATION:

I, Virginia Sorenson, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2009-10 was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 3rd day of November, 2009 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Sorenson, Recording Secretary
City of Banning, California

City of Banning Planning Division
Planning Commission Meeting of November 3, 2009
Planning Division
Attachment “A” to PC Resolution #09-10

PROJECT #: Conditional Use Permit #09-802
SUBJECT: Co-location of a Telecommunications Facility
APPLICANT: Royal Street Communications CA, LLC
LOCATION: 60 S. Alola Street

CONDITIONS OF APPROVAL

Planning
THE APPLICANT MAY CONTACT THE PLANNING DIVISION, (951) 922-3125,
FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

A. General Requirements

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of
   its officials, officers, employees, agents, departments, agencies, and instrumentalities
   thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other
   actions and proceedings (whether legal, equitable, declaratory, administrative or
   adjudicatory in nature), and alternative dispute resolutions procedures (including, but not
   limited to arbitrations, mediations, and other such procedures), (collectively “Actions”),
   brought against the City, and/or any of its officials, officers, employees, agents,
   departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to
   modify, set aside, void, or annul, the action of, or any permit or approval issued by, the
   City and/or any of its officials, officers, employees, agents, departments, agencies, and
   instrumentalities thereof (including actions approved by the voters of the City), for or
   concerning the project, whether such Actions are brought under the California
   Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act,
   Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local
   statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is
   expressly agreed that the City shall have the right to approve, which approval will not be
   unreasonably withheld, the legal counsel providing the City’s defense, and that applicant
   shall reimburse City for any costs and expenses directly and necessarily incurred by the
   City in the course of the defense. City shall promptly notify the applicant of any Action
   brought and City shall cooperate with applicant in the defense of the Action.
2. A Conditional Use Permit shall be exercised by the commencement of construction within two (2) years from the date of approval or the Conditional Use Permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the Conditional Use Permit shall become null and void. Extension: The Community Development Director may, upon an application being filed 30 days prior to expiration and for good cause, grant one time extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Conditional Use Permit complies with all current Ordinance provisions.

3. The issuance of these Conditions of Approval do not negate the requirements of Unclassified Use Permit #04-47501 approved by City Council on September 14, 2004.

4. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.

5. A copy of the signed Resolution of Approval or Community Development Director's letter of approval, and all Standard Conditions, shall be included in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for plan check.

6. Prior to the issuance of building permits a copy of the lease and easement agreement with the property owner shall be filed with the City.

B. Site Development

7. The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping, sign program, grading plans on file in the Planning Division, the conditions contained herein, and zoning code regulations.

8. Prior to any use of the project site or business activity being commenced thereon, including any operation of the wireless telecommunications facility, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

9. Permanent electric connections for telecommunications co-location purposes shall not commence until such time as all Uniform Building Code and State Fire Marshal regulations have been complied with. Prior to operation of the facility, plans shall be submitted to the City of Banning Fire Marshal and the Building and Safety Division to show compliance. All facilities shall be inspected for compliance prior to the commencement of operations of the telecommunications facility.
10. Revised site plans, landscape plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director for review and approval prior to the issuance of building permits.

11. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.).

12. Prior to electrification of the project, the parking lot shall be landscaped, with a minimum of three fast-growing trees similar to the mono-pine in terms of ultimate height. These trees shall be a minimum of twenty-five (25) feet in height at planting time and shall be placed so as to blend in with and partially screen the mono-pine from Ramsey Street and adjacent properties. The trees chosen for planting shall be of a species that is likely to grow 45’-50’ and maintained at their tallest height as technologically feasible. Plans for this renovation shall be submitted for approval to the Community Development Director prior to building permit issuance for the new structures.

13. Approval of this request shall not waive compliance with all sections of the Zoning Code and other applicable City Ordinances in effect at the time of building permit issuance.

14. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department (922-3125) prior to the issuance of building permits. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. All new lighting and lighting to be relocated shall be located and shielded so as to read 0 lumens at the property line.

15. All ground-mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, herming, and/or landscaping to the satisfaction of the Community Development Director.

16. The developer shall submit a construction access plan and schedule for the development of the wireless telecommunications facility for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.

17. The existing chain link and barbed wire fencing shall be replaced by wrought iron or other decorative fencing as approved by the Community Development Director.

18. Trash collection shall occur between the hours of 8:00 and 6:00 only.

19. Graffiti shall be removed within 72 hours or within 24 hours of notice from the City.
20. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.

21. Detailed plans shall be included in the landscape and irrigation plans to be submitted for Planning Division approval prior to the issuance of building permits.

22. The lighting fixture design shall compliment or be consistent with the existing site architectural program.

C. Building /Mono-Pine Design

23. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the enclosure design and constructed to the satisfaction of the Community Development Director. Details shall be included in building plans.

24. The mono-pine structure shall completely conceal antennas and antenna structures utilizing socks and other approved camouflaging material such that the antenna and related structures are not visible from the federal highway. Quality and appearance of the mono-pine shall be of the same quality and appearance as reflected in the applicant’s statements, representations and/or exhibits presented to the City’s staff or Planning Commission or the Conditional Use Permit shall be revoked. Additional artificial branches shall be added to the existing mono-pine structure to increase branch density.

25. The applicant shall ensure that the mono-pine structure has full green foliage, realistic bark and branches approximately every 2.5 feet with the first branch at 15 feet.

26. Provide for the following design features on the equipment shelter, to the satisfaction of the Community Development Director:
   a. Architecturally integrate features of the design of the existing facility/equipment enclosure, utilizing block walls painted to match existing.
   b. Provide one on-site parking space for service vehicle. The parking space shall be paved and a minimum of 9 feet wide by 19 feet long. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.
   c. All parking spaces shall be striped per City standards.
   d. Plans for any security gates shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval prior to issuance of building permits.

D. Landscaping
27. A detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted for Community Development Director review and approval prior to the issuance of building permits.

28. At minimum, trees shall be 36-inch box or larger and shall be a minimum of 25 feet tall at time of planting. Trees shall be planted in areas of public view. All private slopes of 5 feet or more in vertical height and of 5:1 or greater slope, but less than 2:1 slope, shall be, at minimum, irrigated and landscaped with appropriate ground cover for erosion control. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to operation of the facility.

29. For the project the applicant is responsible for the continual maintenance of all landscaped areas on-site (as provided for in approved landscaping and irrigation plans), as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris and maintained in healthy and thriving condition, and shall receive regular pruning, fertilizing, mowing, and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days from the date of damage or within 10 days within date of notice from City.

30. Tree maintenance criteria shall be developed and submitted to the Community Development Director for review and approval prior to issuance of building permits. These criteria shall encourage the natural growth characteristics of the required or selected tree species. A water meter and irrigation controller shall be installed to maintain the landscape features.

31. Landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape.

Building and Safety
THE APPLICANT MAY CONTACT THE BUILDING AND SAFETY DIVISION, (951) 922-3120, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

E. General Requirements

32. Submit four complete sets of plans including the following:

- Site/Plot Plan;
- Foundation Plan;
- Floor Plan;
- Electrical Plans (2 sets, detached) including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
- Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer or septic system location, fixture units, gas piping, and heating and air conditioning.
33. Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature as required prior to plan check submittal.

34. Separate permits are required for fencing and/or walls.

35. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

36. The wireless telecommunications company shall not be in operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

a) Approval of the Community Development Director shall be required prior to release of all utilities and/or finalization of the building permit and issuance of the Certificate of Occupancy to ensure that project was designed and constructed consistent with all photos or other depictions or representations submitted or made by applicant to the City or Planning Commission.

b) The plans shall not include any sites or plans for future carriers or new antennas. Applicant acknowledges that city approvals are required for any new antenna consistent with city codes and governing law.

c) Applicant shall not use, create, store or allow any hazardous substances on the site in violation of any law or regulation. In no case shall applicant cause or allow the deposit or disposal of any hazardous substances on the site in violation of any law or regulation. City, or its agents or contractors, shall upon at least 48 hours written notice to Applicant, have the right to go upon and inspect the site to assure compliance with the requirements herein stated. Applicant shall be responsible for and bear the entire cost of removal and disposal of hazardous substances introduced to the site from the proposed project or any expansion thereof. Applicant shall also be responsible for any clean-up and decontamination on the site or the property necessitated by the introduction of such hazardous substances on the site. Applicant shall not be responsible for or bear the cost of removal or disposal of hazardous substances introduced to the site during any period prior to construction of the proposed project. Applicant shall indemnify, defend and hold City harmless from and against all liabilities, damages, claims, losses, costs or expenses (including, without limitation, reasonable attorneys' fees) incurred by or brought against City in connection with and to the extent arising out of the use, storage, disposal, release or other presence of hazardous substances on, in, under or about the Site, except to the extent caused by any actions or inactions of City, its agents, contractors or employees. The phrase "hazardous substance", as used herein, has the same meaning as that phrase has under Section 25359.7 of the California Health and Safety Code. Notwithstanding anything to the contrary in this paragraph, City and applicant acknowledge that applicant shall be utilizing and maintaining on the site sealed batteries, propane/diesel/gasoline, HVAC system, and a halon/FM200 fire suppression system and that the use and
maintenance of such items shall not constitute a violation or breach of this paragraph; provided, that if that use, retention or maintenance causes or allows the deposit or disposal of any hazardous substances on the site in violation of any law or regulation, then applicant’s obligations to indemnify, defend and hold harmless as set out in this paragraph shall be fully applicable.

F. Site Development

37. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number (i.e., CUP 09-802). The applicant shall comply with the latest adopted California Building Code, California Mechanical Code, California Plumbing Code, National Electric Code, Title 24 Accessibility requirements, and all other applicable codes, ordinances, and regulations in effect at the time of permit application. Please contact the Building and Safety Division for availability of the Code Adoption Ordinance and applicable handouts.

38. Prior to issuance of building permits for a new commercial or industrial development or addition to an existing development, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Permit and Plan Checking Fees.

39. Street addresses shall be provided by the Building Official, prior to issuance of building permits.

40. For projects using septic tank facilities, written certification of acceptability, including all supportive information, shall be obtained from the Riverside County Department of Environmental Health and submitted to the Building Official prior to the issuance of Septic Tank Permits, and prior to issuance of building permits.

41. Construction activity shall not occur between the hours of 8:00 p.m. and 6:30 a.m. Monday through Saturday, with no construction on Sunday or holidays.

G. Grading

42. If required, grading of the subject property shall be in accordance with the California Building Code, City Grading Standards, and accepted grading practices. The final grading plan shall be in substantial conformance with the approved grading plan.

43. A soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.

44. A geological report shall be prepared by a qualified engineer or geologist and submitted at the time of application for grading plan check.

45. The final grading plans shall be completed and approved prior to issuance of building permits.
46. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The Grading Plan shall be prepared, stamped, and signed by a California Registered Civil Engineer.

**Engineering**

THE APPLICANT MAY CONTACT THE ENGINEERING DIVISION, (951) 922-3130, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

The following conditions of approval shall be completed prior to issuance of a building permit:

47. The Department of Public Works recommends the Conditions of Approval listed herein for CUP# 09-802. Unless stated otherwise, all conditions shall be completed by the applicant at no cost to any government agency.

48. Submit a site plan to the City Engineer for review and approval showing drainage patterns (existing and proposed contours, flow lines, etc.), elevations and any required cut or fill. The plan shall provide for positive drainage away from, and around existing and proposed structures in accordance with City of Banning standard plans and specifications dated January 1, 1983. All drainage from the property shall drain to the public right-of-way, or applicant shall obtain drainage easement acceptance letter from downstream property owners.

49. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

50. The applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's) as outlined in Supplement “A” to the Riverside County Drainage Area Management Plans and any attachments (see Riverside County Flood Control and Water Conservation District stormwater quality website at http://floodcontrol.co.riverside.ca.us/districtsite for more information).

51. Obtain a grading permit, or provide a statement to the City declaring exemption from grading permit requirements in accordance with the Uniform Building Code Excavation and Grading regulations for private property.

52. Submit a copy of the Title Report to the City Engineer prior to site plan review and approval.

53. Submit detailed drawings showing the existing and proposed utility connections (water, sewer, electric, etc.) to the City Engineer for review and approval. Construct all necessary infrastructures to provide utilities to the proposed project. Contact the Public Works Department prior to any utility construction as a Public Works Permit may be required.
54. Pay all applicable water and sewer connection, frontage, and water meter fees, as outlined in the City of Banning, Ordinance Numbers 1320 and 1321. Pay all other applicable plan check fees.

The following conditions of approval shall be completed prior to issuance of a certificate of occupancy:

55. Obtain a Public Works Permit prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class “A” State Contractor’s License, City of Banning Business License, and Liability Insurance. Any existing public improvements that are damaged during construction, or public improvements not accepted by the City’s representative in the field, shall be removed and replaced as determined by the City Engineer.

56. Place the property address numbering in a conspicuous place in accordance with Section 21-21 of the Banning Municipal Code.

57. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.

58. Ensure that the disposal of construction debris is conducted at a certified recycling site. It is recommended that the developer contact the City’s franchised solid waste hauler (Waste Management) for disposal of construction debris.

59. Applicant shall ensure that any and all access easements are paved. In addition, the access easement from the driveway shall be a minimum of 15 feet in width.

60. All required Plans and applicable Fees must be submitted to the Public Works Department prior to the Engineering Division’s approval of the Building Permit.

Fire

THE APPLICANT MAY CONTACT FIRE SERVICES, (951) 922-3210, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

61. The following are the minimum Fire Department requirements. There may be additional requirements when the project specifics are defined and the final proposal is submitted for approval.

62. FIRE DEPARTMENT DEVELOPER FEES:

Fees are increased annually and may be different at the time of construction. The fee schedule at the time of plan submittal shall apply.
Plan Check and Inspection: $134.00 per hour

63. CODE COMPLIANCE:
All Plans, Specifications and Construction shall comply with and conform to the current edition of the California Fire Code (CFC), California Building Code (CBC), and other state and local laws as applicable. Special Requirements for this project:

Fire Department access shall be provided to within 150 feet of all portions of the facility. The road shall be considered "all weather" accessible for a fire truck.

Emergency power supply systems such as generators and batteries may require a Hazardous Materials Management Permit. Secondary containment for the batteries and generator may be required and ventilation may be required for the batteries.

64. Work begun without a permit or without an approved set of plans at the job site will result in a triple fee and/or the work stopped.

65. NOTE: More specific requirements may be presented when detailed plans are submitted, especially building plans.

Water/Wastewater
THE APPLICANT MAY CONTACT THE WATER & WASTEWATER UTILITY FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

H. Fees

66. Water Connection Fees shall be paid per EDU (EDU is based upon meter size and number of fixture units) and Water Meter Installation charges shall all be paid at the time of issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

67. Sewer Connection Fees, if applicable, shall be paid per EDU and shall be paid at the time of issuance of building permits in accordance with the fee schedule in effect at the time the fees are paid.

68. Per application submitted, applicant is responsible to ensure that no conflict will arise from existing City-owned radio and future microwave SCADA System. Please contact Perry Gerdes at (951) 849-3273.

Electric Utility
THE APPLICANT MAY CONTACT ELECTRICAL DEPARTMENT FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

69. The customer shall be responsible for:

Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2006. Plans should consist of a plot plan, site plan, one line
diagram of proposed electrical main service panel and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request.

Submitting electrical information included service voltage and panel size, load schedule showing the largest motor load, and electrical one line diagram.

Paying required fees - electrical permit, plan check fee, inspection fees, meter fee and cost of electrical apparatus for completing the underground line extension.

Granting easement for electric facilities installation/maintenance, etc.

All trenching, backfill, and compaction.

All conduits, vaults, and other materials associated with their installation (except primary cables and their terminations).

70. The City Electric Department shall be responsible for:

Reviewing plans submitted by customer.

Design an electrical utility plan for the installation of structures and conduit by developer.
Attachment 2

(Location Map)
Attachment 3

(Unclassified Use Permit)
CITY COUNCIL AGENDA
PUBLIC HEARING

Date: September 14, 2004

TO: City Council

FROM: Nicole Sauviat Criste, Interim Community Development Director

SUBJECT: Unclassified Use Permit #04-47501 – A request to establish an 80 foot high monopine telecommunications facility on property located at 60 South Alola Street. AP# 541-192-004.

RECOMMENDATION: That the City Council approve Unclassified Use Permit #04-47501, based on the findings and conditions of approval attached to this staff report.

MOTION:

1. "I move the City Council approve Unclassified Use Permit #04-47501; the establishment of an 80-foot high monopine telecommunications facility on property located at 60 South Alola Street, based on the findings and conditions of approval."

Options:

Continuance:

"I move the City Council continue the public hearing relating to Unclassified Use Permit #04-47501 to its ___________ 2004 meeting."

Denial:

"I move the City Council deny Unclassified Use Permit #04-47501 on the following basis: (the City Council will need to make its findings)."

FINDINGS FOR APPROVAL:

(a) The proposed use is permitted subject to an Unclassified Use Permit within the land use district and complies with all of the applicable provisions of the Banning Ordinance Code;
(b) The proposed use would not impair the integrity and character of the land use district in which it is to be located;

c) The subject site is physically suitable for the type and intensity of land use being proposed;

d) The proposed use is consistent with the General Plan;

e) The proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses and/or land uses presently on the subject property;

(f) There are, or will be, adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;

(g) There will be adequate provisions for public access to serve the subject proposal;

(h) There will not be a harmful effect upon desirable neighborhood characteristics;

(i) There will not be significant harmful effects upon environmental quality and natural resources;

(j) The negative impacts of the proposed use are mitigated; and

(k) The proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

(l) The Unclassified Use Permit is a permit which can be subject to revocation.

**JUSTIFICATION:** The proposed land division is consistent with the General Plan, the Development Code, and established policy relating to the construction of antennae within the City. All development related issues associated with the proposal are addressed in the recommended conditions of approval.

**BACKGROUND:**
Delta Groups Engineering, Inc. is requesting approval to establish an unmanned 80 foot high monopine wireless telecommunications facility on property located at 60 South Alola Street. The parcel under consideration is located approximately 135 feet south of the southeast corner of Ramsey Street and Alola. The subject parcel is located north of and adjacent to one of the City's electrical substations; an approximate 0.28 acre parcel that adjoins Interstate 10.

The specific parcel on which the wireless communications facility is proposed is 65 feet wide and 100 feet in depth (6,500 square foot lot). The parcel has been partially developed, including a wall
with chain link fencing on top, and some limited landscaping. Sprint is proposing a lease arrangement with the owner of the subject parcel whereby they would utilize the southeast corner of the subject parcel to establish their facility (an area comprising 800 square feet - 20’ wide and 40’ deep).

The City’s Planning Commission adopted policy guidelines for establishing wireless antenna facilities within the City in 1996 (please refer to attached Exhibit “4”). Adoption of the policies was necessary in order to identify suitable sites within the City to accommodate what was then new technology, and the need and demand by the wireless communications industry to locate their facilities within the San Gorgonio Pass area. At the time the Planning Commission adopted its policy guidelines, it created a “Standards” section that identified the “Allowable Zone Districts” in which such facilities could be located:

“C. ALLOWABLE ZONE DISTRICTS
The placement of wireless transmitter/antenna facilities shall be restricted to the City’s commercial and manufacturing zone districts and shall be prohibited from being established in any of the City’s residential zone districts.”

The property on which the applicant is seeking approval is Zoned “CM (Commercial Manufacturing)” and conforms with the provision.

The application package submitted to the Planning Department indicates that the project will entail the “proposed installation and operation of antennas and associated equipment cabinets for Sprint wireless telecommunications network and a 80’ high monopine tower, 12 antennas, 2 utility cabinets, and a GPS antenna on 800 sf lease area.” (please refer to attached Exhibit “2”. Site Plan). The equipment will be located on a concrete slab.

The antenna tower itself would comprise a “monopine with artificial branches, simulated bark cladding and pine needles”. With respect to the antennas, more specifically, the project includes the installation of three sectors of flat panel PCS antennas. Each sector comprises four (4) antennas (for a total of 12 antennas); sector is approximately 9 feet long, with 3 feet between antennas. A visual simulation was provided to staff, and will be available to the Commission at the hearing for this item.

The site is located in an area of the City which is generally industrial in nature. The site is adjacent to a City electrical substation with limited visual appeal. The project proponent proposes to occupy only a portion of the site, and to create a “wall within a wall” on the site. All equipment will be located within this interior wall. With the exception of the monopine, the facilities proposed will not significantly protrude over the wall. The site plan and proposed facilities, therefore, will not significantly impact the area. The outside appearance of the site, including the wall with chain link fence, will remain on the site, and be the primary visual feature. The applicant is not proposing to improve the frontage on Alola as part of this application.

The applicant has provided supporting data showing that the facilities will accommodate co-location, so that other facilities could locate on the monopine.
The application is consistent with the Planning Commission's adopted policies regarding antennae, the City's Development Code standards for the C-M District, and will provide aesthetic relief through the construction of a monopine structure. The findings for approval can be made.

The project was reviewed under the provisions of the California Environmental Quality Act (CEQA). The review concluded that the project is exempt from CEQA under Section 15332, Infill Development.

At its meeting of August 3, 2004, the Planning Commission considered the application, and after hearing and considering all public testimony on the matter, recommended approval of the UUP to the City Council.

STRATEGIC PLAN INTEGRATION: The proposed UUP is consistent with the City Council strategic plan relating to "Economic Development" (Strategy 1), in that development of the antenna will contribute to achieving a stable and diversified economy within the community.

FISCAL DATA: The construction of the proposed antenna will increase property tax revenue to the City and will have extremely limited impact on the provision of services.

RECOMMENDED BY:

Nicole Sauviat Criste
Interim Community Development Director

REVIEWED BY:

Randy Anstine
City Manager

Attachments: Exhibit "1" – Conditions of Approval
Exhibit "2" – Site Plan
Exhibit "3" – Project Elevations
Exhibit "4" – Planning Commission Policies for Antennae
CONDITIONS OF APPROVAL
Unclassified Use Permit 04-47501

PLANNING DEPARTMENT

1. The development of the site shall be in substantial conformance to the materials submitted for this approval.

2. The design of all facilities shall meet the minimum property development requirements contained in the City's Zoning Ordinance for the C-M, Commercial Manufacturing District.

3. The applicant shall meet all requirements of the Fire Department for this project.

4. Applicant shall pay all development fees adopted by the City in effect at the time of issuance of any building permits, which shall include but not be limited to: TUMP, MSHCP, police and fire safety developer fees, water and sewer fees, park land dedication fees, and electric meter installation fees etc. Project proponent shall provide written evidence to the City that school mitigation fees have been paid or other arrangements acceptable to the Banning Unified School District have been met.

5. Grading and building permits shall be submitted for review and approval.

6. If water service is required, all fees in place at the time of building permit issuance shall be paid by the project proponent. A water lateral shall be installed by the project proponent, if water service is required, from Alola water main to project site. Backflow prevention devices shall be required.

7. The applicant shall offer to dedicate 5 feet of right of way on Alola to the City, prior to the issuance of building permits.

8. Developer shall meet all requirements of responsible agencies, including but not limited to: Southern California Gas Company, and Southern California Edison Company.
POLICY GUIDELINES FOR ESTABLISHMENT OF WIRELESS ANTENNAS

PURPOSE

The Planning Commission finds that wireless antennas and antenna structures, related to wireless telephone communications, may be aesthetically unsightly and/or visually obtrusive. The Planning Commission finds that the policies/guidelines set forth allows wireless antennas, to be established in appropriate areas of the City, and are necessary to protect the public health, safety, welfare, and aesthetic interests. Further, the Planning Commission finds that these policies/guidelines promote, and are not in conflict with, the State interest in having a reliable and widespread telecommunications service.

I. DEVELOPMENT STANDARDS

A. OBJECTIVES

1. To require demonstrable proof that new sites and/or facilities are necessary.

2. To encourage maximum utilization and efficient use of the limited communication sites.

3. To employ disguising techniques of design so as to diminish the negative impacts of such uses.

4. To support developments that maximize energy conservation measures.

5. To preserve to the greatest extent the existing natural, scientific and cultural resources.

B. STANDARDS:

SPACING

1. The maximum number of towers and the spacing between them shall be determined after review by the Planning Department.

2. Facilities shall be grouped (clustered) and located at each site to minimize visual impact.

C. ALLOWABLE ZONE DISTRICTS

Adopted by the P.C. 12/2/96
Amended by the P.C. 11/7/00
The placement of wireless transmitter/antenna facilities shall be restricted to the City’s commercial and manufacturing zone districts and shall be prohibited from being established in any of the City’s residential zone districts excepting in instances where such facilities are to be located on City owned properties having water storage tanks that are located in the R-1 (Single-Family Residential Zone District); in such instances it is possible to establish such facilities subject to the processing of an Unclassified Use Permit (amended by the PC on November 7, 2000).

D. AREA

The site shall be of a size and shape sufficient to provide an adequate setback from the base of the antenna support structure to any property line abutting a residential use.

E. SETBACKS

1. Commercial/Industrial Setback

Antennas or towers located in commercial or industrial districts shall not be located in any front street yard.

2. Residential Separation

Wireless telephone antennas shall be located a minimum of one hundred fifty feet (150') from any property zoned or used for residential purposes.

F. CO-LOCATION

The applicant shall cooperate with other communications companies in co-locating additional antenna on pole structures and/or on the tops of buildings an/or clustering of facilities provided said co-applicants have received an unclassified use permit or modified unclassified use permit for such use at said site from the City. Permittee should exercise good faith in co-locating and/or clustering with other communications companies and sharing the permitted site, provided such shared use does not give rise to a substantial technical level- or quality of service impairment of the permitted use (as opposed to a competitive conflict or financial burden). In the event a dispute arises as to whether permittee has exercised good faith in accommodating other users, the City may require a third party technical study at the expense of either or both the applicant and complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.

Adopted by the P.C. 12/2/96
Amended by the P.C. 11/7/00
To the extent possible, the City will provide incentives to the owners of existing structures or towers to encourage the co-location of transmission devices on their structures. Existing and new towers shall allow the placement of governmental transmitters for emergency services or other uses as a public service.

G. HEIGHT

1. The heights and mass of communication facilities shall be the least necessary for the applicant's activity, commensurate with technical, safety, and visual considerations.

2. The heights of towers shall not exceed a height on which Federal Aviation Administration (FAA) regulations on lighting and painting must come into use, unless there is overriding need and necessity.

3. Facilities shall, wherever possible, be located below the skyline.

4. Maximum height shall be limited to the structural height codified in the City's Code for the zone district in which the facility is to be located, excepting that additional height may be authorized with the processing and approval of a Unclassified Use Permit. Additional height may be granted providing the Planning Commission makes the following findings:
   a. No feasible alternative location or design would not require such a waiver, or,
   b. The increase in height is for public safety or community benefit, or
   c. There are exceptional circumstances (which would be listed for the record) that do not allow the Antenna to meet the height standards for the zone within where it is located.

II. AESTHETICS

A. AESTHETICS

Consideration shall be given to the preservation of significant visual features, visual amenities, view corridors and other aesthetic values. The transmitter station or shelter shall, to the extent possible, be designed to be unobtrusive. This may include locating the transmitter station within an existing building or mounted on the rooftop. In all cases, the wireless transmitter station needs to be in context with the immediate surrounding area and be architecturally compatible with the existing structures on the site with respect to design, color and materials.

Adopted by the P.C. 12/2/96
Amended by the P.C. 11/7/00
B. SURFACE TREATMENT

1. Surface Materials
   a. Antenna Structure

      The antenna structure shall be comprised of wood, metal or concrete as most appropriate to the antenna size and site requirements. Decorative surface materials shall be applied as necessary to blend in with the immediate surroundings.

2. Finishes
   a. The proposed antenna shall be finished in a neutral color to blend in with the immediate surroundings.
   b. Highly reflective surfaces conducive to glare shall not be permitted.
   c. No form of advertising or identification shall be permitted on the antenna structure other than a manufacturer's identification tag.

3. Signage

   The display of any sign or any other graphics on an antenna is prohibited except for public safety warnings, which warnings must be placed no higher than eight feet (8') above the base of the antenna.

C. SCREENING

1. General Guidelines

   In determining the acceptability of screening, the following elements shall be taken into account:

   a. All existing or proposed improvements on and adjacent to the site, including fences, walls, parapets, hedges, berms, or other architectural or landscape elements.

   b. The grade of the site on which the antenna is proposed as related to grades of abutting properties and public street rights-of-way.

Adopted by the P.C. 12/2/96
Amended by the P.C. 11/7/00
c. The height of the building(s) on and adjacent to the site above or on which an antenna is proposed to be mounted.

d. The configuration of roofline(s) of the building(s) on, and adjacent to, the site.

e. The existing aesthetics and character of the surrounding neighborhood.

f. Any additional facts or circumstances which the City deems relevant.

2. Freestanding Antenna Structure

Such devices shall be located and designed to reduce visual impact from surrounding properties and from public streets and shall be screened in a manner compatible with existing architecture and/or landscaping. However, no screening shall be required which blocks the ability of any such device to receive signals. Based on a determination by the Community Development Director or his/her designee; screening of a type and construction compatible with the architecture of the building in question may be required.

3. Roof-mounted Antenna Structure

Antenna and transmitter equipment on rooftops and projecting from walls shall be screened from view unless made an integral part of the design of the building. All antenna and architectural screening shall, to the extent possible, be compatible and integrated with the existing structure.

4. Fencing

a. Fencing associated with a wireless facility shall be wrought iron or similar decorative material when the location of the wireless facility is visible from a street. The use of chain link is not permitted unless approved by the Planning Director. Such approval shall be possible only in instances where the location of wireless facility is not visible from a street.

D. LANDSCAPING

1. Urban Areas

A landscape planter shall be provided for screening around the base of the transmitter station and ground mounted antenna to minimize the visual and aesthetic

Adopted by the P.C. 12/2/96
Amended by the P.C. 11/7/00
impacts on surrounding uses. Plant material shall include vines, groundcover, and trees with a minimum twenty-four inch (24") box size at the time of planting.

2. Non-Urban Areas
   a. Local native vegetation shall be used which is drought-tolerant and fire resistant or fire retardant.
   b. A landscape and rehabilitation plan shall be submitted for review and approval by the Planning Director prior to the issuance of a building permit.
   c. The landscape plan shall include only suitable plants indigenous to the immediate area, and a qualified botanist should be consulted.
   d. The area around all structures, poles, and guy supports shall be free of combustible materials. Clearing of the site shall only be allowed to the degree necessary to prevent fire hazard.

E. CONCEALMENT

Building mounted antennas shall be concealed to the greatest extent possible if the antennas are visible to adjacent properties and adjacent to public rights-of-way. Omni directional antennas may not be required to be concealed if this would create a greater visual impact than the unscreened antennas. The concealment may include parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the building. As an alternative method, landscaping positioned on the premises to screen antennas from adjacent properties may be proposed in lieu of architectural concealment.

Concealment shall include consideration of the following:

1. Incorporation with other structures such as lighting poles, signage artificial trees, clock towers, steeples, flagpoles, silos, water towers, etc.

2. Facade disguises such as parapets, decorative walls, etc.

F. LIGHTING

1. Outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public right-of-ways.

2. Lights should be terminated on tower structures that no longer are the highest in the immediate vicinity due to the construction of newer, taller adjacent facilities.

Adopted by the P.C. 12/2/96
Amended by the P.C. 11/7/00
3. Antenna structures shall conform to Federal Aviation Administration (FAA) regulation AC70/7460 latest edition (Obstruction Marking and Lighting). This may include beacons, sidelights, and or strobes.

III. HEALTH & SAFETY

A. NON-IONIZING ELECTROMAGNETIC RADIATION (NIER)

Any new transmitters and/or antennas, when combined with existing sources of NIER emissions on or adjacent to the site and when operating as designed and licensed, should not expose the general public to ambient radiation emissions which exceed American National Standards Institute (ANSI) C95.1-1992 standard. If the Federal Communications Commission (FCC) rulemaking committee adopts a revised standard, said standard shall apply.

Comply with ANSI standards for electromagnetic field (EMF) emissions. Within six (6) months after the issuance of its occupancy permit, Applicant should submit a project implementation report which provides cumulative field measurements of radio frequency (EMF) power densities of all antennas installed at subject site. The report should quantify the EMF emissions and compare the results with currently accepted ANSI standards. If on review, the City finds that the Project does not meet ANSI standards, the City may revoke or modify the unclassified use permit.

Note: Most of the concern about the public health impacts of electromagnetic fields (EMF) has been regarding electric power transmission lines and devices operating at 60 Hz, a frequency which is orders of magnitude below the radio frequencies. From 1992-97, the US Department of Energy has embarked on a $65 million study to examine the health effects of EMF. With regards to the public health effects specifically of radio frequency emissions, little epidemiological study has been completed to date. Based on data available at this time, a public policy of prudent avoidance of chronic exposure to such transmissions is in order.

B. INTERFERENCE

The operation of the vertical antenna shall not cause interference with any electrical equipment in the surrounding neighborhoods (e.g., television, radio, telephone, computer, etc.). The antenna shall not also create harmful interference between any other telecommunications facilities.

C. AIRCRAFT SAFETY

Adopted by the P.C. 12/2/96
Amended by the P.C. 11/7/00
The communications facility shall comply with Federal Aviation Administration (FAA) Regulation AC70/7460, latest edition "Obstruction Marking and Lighting". The FAA requires flashing warning lights to be mounted on towers over 200 feet tall. Unless within FAA jurisdiction, i.e. airport flight paths, monopoles are uncharted and could pose hazards to low-altitude aircraft. The provision of a continuous red light on the top of the structure may be a solution to towers in areas where medevac helicopter services, cropdusting, and other low-altitude aerial activities occur.

IV. GUIDELINES

A. GENERAL GUIDELINES

The proposed transmitter and antenna shall not create any additional nonconformances to the site such as a reduction of required parking, landscaping, trash enclosure, loading zones, etc.

Any requirement imposed upon the installation of an antenna area transmitter station shall not impose unreasonable limitations on or prevent reception or operate to impose costs on the user of such antennas that are excessive in light of the purchase and installation of such antennas.

B. CRITERIA

1. Comply with any property-specific restrictions.

2. Meet any applicable specific plan or development guidelines.

3. Meet UBC, electrical code, fire code, etc.


5. Comply with any applicable ALUC regulations and/or FAA requirements.

6. Meet all regulations of any applicable district or plan.

7. Each permit shall specify the maximum allowable gross crosssectional area, or silhouette, of the permitted facility.

C. SPECIFICATIONS

Adopted by the P.C. 12/2/96
Amended by the P.C. 11/7/00
Such devices shall meet all manufacturer's specifications, and all antennas and screens shall be fire-resistant and of corrosive resistant material, and shall be erected in a secure, wind resistant manner. They shall also be maintained in good condition.

D. POTENTIAL DEVELOPMENT

The installation shall be located in such a way as to prevent obstruction of the antenna's 360 degree reception area from potential permitted development on adjoining parcels.

E. ACCESSORY EQUIPMENT SHELTERS

Accessory equipment shelters shall be generally limited to the housing of radio, electronic and related power plant equipment. Such housings should be placed off skyline unless there are overriding reasons not to do so.

F. WIND

The antenna shall be designed to withstand a wind force of seventy-five miles per hour (75 mph) [120 km/h] if ground-mounted and eighty-five miles per hour (85 mph) [135 km/h] if roof-mounted.

G. LIGHTNING

Any metallic support structure for an antenna must be bonded to a grounding rod. Every such device shall be adequately grounded for protection against a direct strike of lightning.

H. UNDERGROUNDING

All wires or cables necessary for the operation of the antenna or reception of the signal shall be placed underground, except those wires or cables attached flush with the surface of a building or structure of the antenna. Lines shall follow the corridor of least damage.

I. BANKRUPTCY/FINANCIAL SECURITY

All wireless communication operators shall post with the City a bond in an amount deemed acceptable by the City's Attorney to remove all equipment from the approved site(s) in the event the Cellular provider fails in being able to sustain the approved activity.

Adopted by the P.C. 12/2/96
Amended by the P.C. 11/7/00
Attachment 4

(Aerial Photo)
Attachment 5

(Site Photographs)
Looking easterly from Alola Street

10/06/2009
Looking westerly from Livingston Street

10/06/2009
Attachment 6

(Project Plans)
Attachment 7

(Photo Simulations)

Will be available at meeting