

TO: PLANNING COMMISSION

FROM: BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
JANET REESE, PLANNER II

APPLICATION: DEVELOPMENT PERMIT NO. 12-16

LOCATION: 1541 HILLCREST DRIVE (060-581-041)

SUBJECT: Consideration of a request for a Use Permit to modify an existing 60 foot cellular monopole to accommodate additional cellular antennas. Related equipment is proposed to be located within an existing equipment shelter adjacent to the monopole.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the resolution denying the Use Permit.

BACKGROUND

Existing Site Conditions:

The site is developed with three municipal water tanks and three telecommunication poles with antenna and related equipment (reference Attachment 2). The proposed project involves the Crown Castle pole located on the west side of the lot which has antennas for AT&T and Verizon. AT&T's equipment is located immediately north of the Crown Castle pole while Verizon's equipment is located to the east. The other two telecommunications poles are owned by T-Mobile, located on the east side of the lot, and Metro PCS, located near the northeast corner of the lot. The Metro PCS pole also contains facilities for the Cities of Pismo Beach and Grover Beach.

In 2000, the Planning Commission adopted a Mitigated Negative Declaration and approved a Use Permit submitted by Crown Castle to increase the pole height from 45 feet to 60 feet in height to install additional antennas on the pole. The new antennas (i.e., above 45 feet) were very slim and encased by a radome to conceal the antennas, which reduces the visual clutter. The pole and antennas were also required to be painted with a non-reflective, sky-colored paint.

Data Summary:

Applicant: Crown Castle for AT&T
Representative Name: Tim Page
Property Owner: City of Grover Beach
General Plan Designation: Public/Quasi Public
Zoning: Public Facility (PF)

Please Review for the Possibility of a Potential Conflict of Interest:

- None Identified by Staff
- | | | |
|-------------------------------------|-------------------------------|---------------------------------|
| <input type="checkbox"/> Laferriere | <input type="checkbox"/> Alex | <input type="checkbox"/> Rodman |
| <input type="checkbox"/> Blum | <input type="checkbox"/> Long | |

Surrounding Zoning & Existing Uses:

North: City of Arroyo Grande: Residential Suburban; single family residences
South: Low Density Residential (R1); church
East: City of Arroyo Grande: Residential Suburban; single family residences
West: Low Density Residential (R1); single family residences

DISCUSSION

Project Description

The applicant is proposing to modify the existing facility, including: removal of an existing radome antenna (i.e., the slim antenna at the top of the pole) and antennas (three sectors, two per sector); construction of new pipe mast (i.e., extending the height of the pole to accommodate the new replacement antennas); relocation of two existing antennas to a new height on the tower and installation of 12 new antennas (total increase from six to 12 antennas); installation of 12 new remote radio units and two surge suppressor units; relocation of existing remote radio units from the tower to an existing equipment shelter; and, installation of new ground-mounted equipment. The total height of the tower would remain at 60 feet, and the applicant proposes to paint the entire facility with non-reflective dark green pine paint color. Minor modifications are proposed within an existing equipment shelter, including a new rack and GPS antenna,

Development Code

Development Code Section 4.40 regulates telecommunications facilities within the City (reference Attachment 3). All telecommunications facilities require a Use Permit be approved, unless the proposed work is determined, by the Community Development Director, to be of a minor nature that does not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment. Based on the proposed scope of work to increase the number of antennas from six to 12 and enlarge all 12 of the new antennas, the project requires approval of a Use Permit. Development Code Section 6.20.090.F. requires that all of the following findings be made in the affirmative to approve a Use Permit:

1. *The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.*
2. *The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography.*
3. *The type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare.*

The project site is zoned Public Facilities (PF). Development Code Section 2.50.010 defines the purpose of the PF Zone as follows:

The Public Facilities Zone as established by Section 2.10.020 (Official Zoning Map and Zones), applies to areas of the City appropriate for government owned facilities, schools and quasi-public uses. This Section establishes the types of land uses permitted and development standards in the zone.

The proposed project is considered a quasi-public use and all telecommunication facilities require approval of a Use Permit, subject to the requirements of Development Code Section 4.40 Telecommunication Facilities.

The purpose of the Telecommunication Facilities Section is found in Development Code Section 4.40.010 as follows:

This Section establishes development standards consistent with Federal law to regulate the placement and design of communication facilities to preserve the unique visual character of the City, promote the aesthetic appearance of the City, and to ensure public health, safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of communication facilities; and to acknowledge and provide the community benefit associated with the provision of advanced communication services within the City.

Staff has reviewed the proposed project and does not believe that the project is consistent with Development Code Section 4.40.010. The existing facility is visible from many public streets and does not promote the aesthetic appearance of the City (reference Attachment 1, Exhibit C). The proposed expansion of the facility will exacerbate the aesthetic appearance of the City from several public streets by increasing the visual clutter, and therefore, does not preserve the unique visual character of the City and does not promote the aesthetic appearance of the City. As a result, staff does not believe that Use Permit Finding No. 1 can be made in the affirmative because the project is not consistent with the Development Code.

Development Code Section 4.40.030.F. requires two specific findings be made for telecommunication facilities in addition to the three standard findings required for a Use Permit as follows:

- 1. The communication facility complies with all applicable requirements of this Section.*
- 2. The communication facility will not adversely impact the character and aesthetics of any public right-of-way.*

The applicant is proposing to replace the radome antenna attached to the top of the existing pole, with an approximate three-foot diameter, with twelve, eight-feet by one-foot panel antennas each measuring with a diameter of approximately 16-feet. The proposed project would increase the number of antennas, increase the size of the antennas, and the location of the new antennas on the top eight feet of the pole are placed in the most visually prominent location. Therefore, the proposed project would significantly add to the visual clutter of the existing monopole causing an adverse impact to the character and aesthetics when viewed from several public streets including, but not limited to Highway 101, Oak Park Boulevard, Atlantic City Avenue, Saratoga Avenue, Norma Court and Alma Court.

As a result of the potentially significant adverse impact created by the proposed project, staff does not believe Development Code Section 4.40.030.F.2. can be made in the affirmative. Therefore, staff is recommending the existing pole be replaced with a monopine. A monopine is a faux pine tree structure used to conceal large antennas while giving the appearance of a natural tree to blend with the surrounding environment, which consists of several large mature pine trees. The recommendation to mitigate the potentially significant adverse impacts of the proposed project by installing a monopine is the same conclusion that was determined in the Draft Initial Study and Mitigated Negative Declaration prepared for the project as part of the environmental review (reference discussion below).

The applicant was informed that staff's recommendation would be that a monopine be required in order to make the required findings in the affirmative. However, the applicant has elected not

to revise the project description to incorporate the monopine as part of the proposed expansion of the existing antennas.

Environmental Review

A Draft Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the project by SWCA (reference Attachment 1, Exhibit B). The purpose of the IS/MND is to identify and discuss possible environmental effects of the proposed project. The IS/MND identified potentially significant impacts to the following environmental resources: aesthetics, air quality, biological resources, geology/soils, hydrology/water quality, and noise. The IS/MND concluded that with the adoption of the recommended mitigation measures, the proposed project would not have a significant effect on the environment. The most critical environmental factor identified is the project's effect on aesthetic resources.

The project site is located atop a prominent ridgeline, which is visible from the southbound travel lanes on Highway 101 for approximately one mile, including the 4th Street and Oak Park Boulevard off-ramps. The site is also visible from numerous locations along El Camino Real, Oak Park Boulevard, Atlantic City Avenue, Newport Avenue, West Grand Avenue, and surrounding neighborhood streets. Based on field surveys and review of photo-simulations provided by the applicant, the Initial Study determined that the proposed project to increase the size, number and placement of antennas would have a significant impact on the scenic vistas as seen from Highway 101 and several adjacent public streets. As seen from identified public streets and Highway 101, the proposed antennas would extend above and beyond the mature pine trees located adjacent to the facility, and would not be screened by existing development and vegetation. As a result, the project would increase the visual clutter of both the pole to be modified and the site as a whole, would contribute to increase industrialization of the project site, and would not visually blend into the environment (reference Attachment 1, Exhibit B pages 14-15 of the Initial Study).

The IS/MND concluded that mitigation in the form of a monopine is required to reduce the potentially significant long-term visual impacts including: adverse effects on a scenic vista (as seen from Highway 101); damage scenic resources as seen from a state scenic highway (as seen from Highway 101, an "eligible" state scenic highway); degradation of visual character and quality (as seen from Highway 101 and public streets; and, would create a new source of glare. In addition to measures proposed by the applicant (use of muted green paint), mitigation is identified that would require the applicant to construct a monopine (reference Attachment 1, Exhibit B pages 16-17 mitigation measure AES/mm-1). A monopine is a structure used to conceal large antennas while giving the appearance of a natural tree to blend with the surrounding environment. The monopine shall be designed and constructed to appear as an organic, asymmetrical form, with varying branch lengths and shapes and "needle" clusters installed in random, seemingly natural-occurring patterns. The proposed antennas shall be covered by antenna "socks" of the highest available faux foliage density and would not extend past the tips of the faux branches. This method of visual mitigation is a common practice, and is particularly applicable to the project site due to the proximate presence of large mature trees both onsite and in the surrounding neighborhood.

The applicant has submitted a letter in response to the Draft Initial Study and Mitigated Negative Declaration indicating that they do not believe the mitigation is necessary or required (reference Attachment 4). SWCA, the environmental consultant, has responded to the CEQA related issues raised in the letter (reference Attachment 5). In addition, there were other issues raised by the applicant that are not related to the California Environmental Quality Act (CEQA) process that are addressed below.

First, the applicant provided the findings made for the approval of the existing project in 2000. There is no relevance between the previously approved project and the proposed project. The City adopted new telecommunication facility standards in 2012 which now apply to the property. In addition, the proposed project is an expansion of the previously approved project, which requires a new review of the proposed project.

Second, the applicant compares Section X Land Use and Planning of the current Initial Study (reference Attachment 1, Exhibit B page 31) to the previously adopted Initial Study. The applicant is correct that both Initial Studies conclude that there are no potentially significant impacts associated with the project related to land use and planning related issues. However, this is unrelated to Section 1 Aesthetic of the current Initial Study (reference Attachment 1, Exhibit B page 15) which does find that the proposed project would have a significant impact on the scenic vista.

Finally, the applicant contends that the proposed project should be approved as an eligible project based on the federal Middle Class Tax Relief and Job Creation Act of 2012 (reference Attachment 6). The City Attorney has reviewed the federal regulation and determined that it does not mandate compliance by local agencies, but rather constitutes a guideline. The City's Development Code establishes the requirements for the type of review process and the proposed project is subject to approval of a Use Permit, which is a discretionary permit. In addition, the Development Code requires certain findings be made in order to approve the project. Finally, the federal law does not preempt compliance with the California Environmental Quality Act.

Conclusion

The proposed project is a significant expansion of the existing antennas, which requires a new Use Permit and must meet the requirements of Development Code Section 4.40. Based on staff's analysis, the required finding in Development Code Section 4.40.030.F.2. that the project would not adversely impact the character and aesthetics of any public right of way cannot be made in the affirmative. Also, the required finding in Development Code Section 6.20.090.F.1. that the project be consistent with the Development Code cannot be made in the affirmative. Therefore, staff is recommending a monopine replace the existing pole, which would allow the above findings be made in the affirmative.

In addition, the Draft Initial Study and Mitigated Negative Declaration (IS/MND) prepared for the project by SWCA, as required by the California Environmental Quality Act (CEQA) determined that the proposed project would have a potentially significant impact on the environment. The IS/MND recommended that a monopine be installed to mitigate the aesthetic impacts that would be created by constructing the project as proposed by the applicant. Pursuant to CEQA, in order for the City to adopt a MND, the applicant must either revise the project plans to avoid or minimize potentially significant impacts, or agree to mitigation measures identified by the City. The applicant has not agreed to the identified mitigation measures and has not identified equivalent or more effective measures; therefore, the identified visual impact would not be mitigated to less than significant, and the IS/MND cannot be adopted (CEQA Guidelines Section 15070). The City cannot make CEQA findings and approve the project unless the applicant agrees to implement mitigation measures that would reduce potential aesthetic impacts to less than significant.

As a result of the applicant's unwillingness to modify the proposed project to incorporate the monopine, or identified equivalent or more effective mitigation measures, staff recommends the

Planning Commission deny the application. The denial is based on substantial information in the record that documents that the required Development Code findings cannot be made in the affirmative and that the project's visual impacts have not been mitigated to less than significant pursuant to CEQA.

PUBLIC NOTIFICATION

The Notice for the Initial Study was published in The Tribune on November 16, 2013 and mailed to property owners within 300 feet of the property and posted as required by City code on November 15, 2013. It should be noted that the original project included a collocation of a third carrier, whom has since withdrawn their application. The Initial Study was revised, but was not re-noticed since the identified impacts were not significantly reduced by removing the third carrier.

On February 28, 2014, the public hearing notice was published in the Times Press Recorder and mailed to all property owners within 300 feet of the property, and posted as required by City code. In addition, the agenda was posted in accordance with the Brown Act.

ALTERNATIVES

The Planning Commission has the following alternatives to consider:

1. Adopt the resolution denying the Use Permit; or
2. Provide alternative direction to staff.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the resolution denying the Use Permit.

ATTACHMENTS

1. Draft Use Permit Resolution
 - Exhibit A: Plans
 - Exhibit B: Initial Study/Mitigated Negative Declaration
 - Exhibit C: Pictures from Adjacent Public Streets
2. Vicinity Map
3. Development Code Section 4.40 Telecommunications Facilities
4. Comment Letter on the Initial Study dated January 22, 2014 from Shustak & Partners
5. Response Memorandum dated March 4, 2014 from SWCA
6. Middle Class Tax Relief Act of 2012

Vicinity Map
1541 Hillcrest Drive

