



Staff Report

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**File #:** 23-0008

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**REQUEST FOR CITY COUNCIL ACTION**

**DATE:** 01/04/2023

**TO:** Honorable Mayor and City Council Members

**FROM:** Planning and Development Department

**SUBJECT:**

Conditional Use Permit 2021-0002 to establish a wireless telecommunications facility designed as a 60-foot high faux eucalyptus tree within the Riverside County Oak Street Basin located at the northeast corner of Chase Drive and Mangular Avenue in the Primary Flood Plain Combining (FP-1) Zone.

**EXECUTIVE SUMMARY:**

This staff report asks the City Council to consider Conditional Use Permit 2021-0002 (CUP2021-0002). CUP2021-0002 proposes to establish a 60-foot high mono-eucalyptus tree for wireless telecommunications purposes within the exterior perimeter of the Oak Street Basin. The mono-eucalyptus tree will support wireless services for AT&T, which is currently experiencing service gaps within the surrounding area.

**RECOMMENDED ACTION:**

**That the City Council:**

- a. Take no action, thereby affirming the Planning and Housing Commission's action granting CUP2021-0002 and find the Mitigated Negative Declaration and Mitigation Monitoring Plan adopted for the project was prepared pursuant to Sections 15070 through 15074 of the California Environmental Quality Act (CEQA).

OR

- b. Set the item for review at a subsequent meeting.

**BACKGROUND & HISTORY:**

The project site is within the Riverside County Oak Street Basin, which is a 36-acre earthen flood control retention facility owned and maintained by the Riverside County Flood Control and Water

Conservation District (RCFC & WCD). The basin contains trees along the perimeters, and the site is currently secured by a chain link fence. The surrounding area consists of single-family residences.

The Riverside County Oak Street Basin has a Primary Flood Plain Combining (FP-1) zone. Telecommunications facilities are permitted in any zone in the City, subject to the approval of a conditional use permit (CUP).

**ANALYSIS:**

Site Plan

The 60-foot high mono-eucalyptus tree is proposed at the southeast corner of the flood control basin, near the intersection of Mangular Avenue and Chase Drive. The southeast corner of the site was selected for the tower because it contains several existing mature trees, including several Eucalyptus trees. The lease location of the antenna and equipment is located above the flood control gates on the property, which outside of the actual area that accepts waterflow. Additionally, this area of the site is not within the areas identified by the United States Geological Survey (USGS) as 100 or 500 year flood zones.

The tower is located approximately 849 feet from the north property line, 119 feet from the west property line at Mangular Avenue, 708 feet from the east property line, and approximately 55 feet from the south property line at Chase Drive. In addition to the tower, AT&T will be leasing a 384-square-foot area from the RCFC & WCD for equipment associated with the telecommunications facility. The equipment will include a generator, equipment cabinets, a raycap, and one GPS antenna to be mounted on an equipment shelter. The lease area will be enclosed by an 8-foot-high decorative block wall. The applicant will be installing shrubs and vines along the exterior perimeters of the enclosure to soften the walls from street views.

Antennas Layouts and Elevations

AT&T's antennas are proposed on the upper portion of the tower, approximately at a height of 55 feet. The antennas will be mounted on three different sectors, with each sector being placed at different heights, and each section containing 4 antennas, for a total of 12 antenna. Behind the antennas will be 36 remote radio units (RRUs) and four surge protectors. All equipment mounted onto the tree is required to be painted to match the color of the tree foliage. In addition, the antennas will be camouflaged with "leaf sock" coverings.

AT&T is currently the only carrier that will have antennas on the tower. However, the tower can accommodate a second set of antennas, should another wireless carrier wish to collocate at the facility below AT&T's antenna array.

Access and Parking

Access to the telecommunications site will be obtained from Mangular Avenue via an existing dirt road, which currently provides the RCFC & WCD access to the flood control basin. The dirt road will be layered with crushed gravel up to the AT&T site. The gravel roadway will accommodate service technician vehicles that will park on-site when periodic maintenance is conducted.

Public Improvements

The applicant will pay a fair-share cost toward the missing public improvements within the right-of-way. The applicant's fair share cost will be applied to the right-of-way improvements later when the missing improvements along Chase Drive and Mangular Avenue adjacent to the basin can be constructed at one time.

Planning and Housing Commission Meeting

The Planning and Housing Commission at its public hearing on December 12, 2022, heard public testimony from several residents living in the nearby neighborhoods. Concerns were raised on the health effects associated with telecommunication towers, the negative impact to property values and the appearance of the tower.

The Commission reiterated at the public hearing that the City is prohibited by federal law from considering the health effects from telecommunication facilities in its decision-making process. The foundation of this federal law is that health effects of telecommunication facilities is the purview of the Federal Communication Commission (FCC), not local jurisdictions. The Commission further went on to say that the scale and height of the mono-eucalyptus tree was consistent with the size and height of the trees on the project site and blended into the environment. Therefore, the overall appearance of the mono-eucalyptus tree was not expected to negatively stand-out and impact the aesthetics of the immediate area.

**FINANCIAL IMPACT:**

The applicant paid the application processing fees of \$15,936.25 to cover the cost of the Conditional Use Permit.

**ENVIRONMENTAL ANALYSIS:**

Per Section 15070 of the State Guidelines for Implementation the California Environmental Quality Act (CEQA) and Section 6.02 of the City's Local Guidelines, a Mitigated Negative Declaration was prepared for the project based on the results of an Initial Study. The Initial Study identified that the project's potential significant effects to the environment are capable of being mitigated to less than significant. Therefore, with implementation of the measures identified in the Mitigated Negative Declaration, there is no substantial evidence in light of the whole record before the City that the project may have a significant effect on the environment.

**PLANNING AND HOUSING COMMISSION ACTION:**

At its meeting of December 12, 2022, the Planning and Housing Commission considered the subject matter and took the following action:

Motion was made, seconded (Alexander/Meza) and carried unanimously, with Commissioner Woody absent, that the Planning and Housing Commission adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan and Resolution No. 2599 granting CUP2021-0002, based on the findings contained in the staff report and conditions of approval. The minutes of the Planning and Housing Commission meeting are included as Exhibit 4.

**PREPARED BY:** JOANNE COLETTA, PLANNING AND DEVELOPMENT DIRECTOR

**Attachments:**

1. Exhibit 1 - Locational and zoning map
2. Exhibit 2 - Site plan for CUP2021-0002
3. Exhibit 3 - Planning and Housing Commission staff report
4. Exhibit 4 - Draft minutes of the Planning and Housing Commission meeting of December 12, 2022