



Legislation Text

File #: 19-0389, Version: 1

**PLANNING AND HOUSING COMMISSION
STAFF REPORT**

DATE: 4/22/2019

TO: Honorable Chair and Commissioners

FROM: Community Development Department

APPLICATION REQUEST:

CUP2018-0003: Conditional use permit application to establish a 76-foot high wireless telecommunications facility designed as a mono-eucalyptus tree on a 0.69-acre property located south of Chase Drive and west of Skyline Drive in the R-1A (Single Family Residential) zone (Applicant: Peter Blied of Plancom, Inc. for Renegade Towers).

RECOMMENDED ACTION:

That the Planning and Housing Commission adopt Resolution No. 2533 **DENYING CUP2018-0003**, based on the findings contained in the staff report.

PROJECT SITE SUMMARY

Area of Property: 0.69 acres

Existing Zoning: R-1A (Single Family Residential, 40,000 s.f. minimum lot size)

Existing General Plan: LDR (Low Density Residential, 3-6 du/ac)

Existing Land Use: Vacant

Proposed Land Use: Wireless telecommunications facility

Surrounding Zoning/Land Uses:

N: R-1A/Single family residential

E: R-1-8.4 (Single Family Residential)/Single family residential

S: R-1A/Single family residential

W: R-1A/Single family residential

BACKGROUND

Conditional Use Permit 2018-0003 (CUP2018-0003) is an application by Renegade Towers to establish a wireless telecommunications facility designed as a 76-foot high mono-eucalyptus tree on a 0.69-acre parcel located on the west side of Skyline Drive, north of Foothill Parkway and south of Chase Drive. The subject property is vacant and zoned R-1A, which is a single-family residential zone. The property owners are Donald and Ann Long. The subject site is in a primarily low-density residential neighborhood and contains existing single-family residential dwellings to the north, east,

west and south. Skyline Drive and a flood control channel that are parallel to the project site are on the east side.

Project History

The applicant initially reached out to staff in April of 2017 with a proposal to establish a multi-carrier wireless telecommunications facility on the project site. The site was chosen in order to provide coverage for several wireless carriers who currently have coverage gaps in the area of Foothill Parkway and Skyline Drive. The applicant's propagation maps depicting the current and proposed coverage in the target area are attached as Exhibit H. The applicant was informed by staff that the subject site was not the ideal location for a 76-foot high mono-eucalyptus tree because of the aesthetic impact it would have on the nearby residents. Before proceeding forward with an application for a conditional use permit, the applicant was encouraged to do community outreach on the project with the nearby residents.

The applicant conducted initial community meetings on September 28, 2017 and September 30, 2017. The meetings were held on the project site. Attached as Exhibit J are the sign-in sheets and information related to the meetings. The residents who attended the meetings raised several concerns but the main concern related primarily to perceived health effects from long-term exposure to the cell tower antennas. In general, the residents objected to the proposal. Shortly thereafter, emails of protest were sent to city representatives from the residents (Exhibit O). Staff also received a petition from the residents (Exhibit P).

The proposal was brought before the Infrastructure Committee on November 1, 2017 for discussion (Exhibit M). The meeting was attended by a number of residents who live nearby the proposed location for the tower. The objections raised by the residents included impacts to the views from the residential properties, proximity of the tower to the residences, visibility of the tower from the living areas, perceived health effects, and impacts to property values. The Committee overall did not favor the location and urged the applicant to explore alternative sites including small cell installation as an alternative design to the tower.

On February 20, 2018, the applicant officially submitted the conditional use permit application to the city. The application was reviewed by staff at the Project and Environmental Review Committee meeting on March 15, 2018. Staff issued an incomplete application submittal letter to the applicant on March 22, 2018, noting the items missing from the application requirements. Over the course of approximately a year, the applicant submitted the required items to staff. Due to the amount of time that had passed since the application was initially submitted, staff directed the applicant to conduct a third community meeting to update the residents on the status of the project.

The applicant conducted the third community meeting at the Corona Library on November 29, 2018. The sign-in sheet and information related to the meeting are attached as Exhibit L. The majority of the attendees objected to the proposal raising the same concerns that were raised at previous meetings. Following the meeting, staff received another petition from the residents (Exhibit Q).

Staff brought the proposal back before the Infrastructure Committee on January 9, 2019 to update the Committee on the status of the proposal (Exhibit N). The applicant discussed several alternative sites that were analyzed prior to selecting the Long's property for the tower. The applicant also discussed small cell technology versus macro-cell sites such as the tower being proposed by the applicant and a 2012 study that was conducted on telecommunications facilities' impacts to property

values. Many of the same residents attended the meeting and continued to voice their objections to the project. The Committee urged the applicant to explore additional alternative sites including the Oak Debris Basin located north of the project site and the Quality Nursery located south of Foothill Parkway. Below is a synopsis of the alternative sites explored by the applicant.

Following the Infrastructure Committee meeting, the applicant reached out to the Riverside County Flood Control and Water Conservation District which owns the Oak Debris Basin, Quality Growers Nursery, and the owner of a vacant property located north of the nursery. The applicant ultimately decided not to move forward with any of the sites for various reasons. This is discussed in further detail below. The applicant's conditional use permit application was finally deemed complete on February 20, 2019 and scheduled for public hearing on April 22, 2019.

Alternative Site Analysis

The applicant analyzed 10 alternative sites in the vicinity of the target area. The applicant's alternative site analysis is attached as Exhibit G. Seven of the alternative sites are located north of Foothill Parkway while three are located south of Foothill Parkway. The following summarizes each site's location and the reasons each site was dismissed by the applicant as a viable site for the cell tower.

1. **Private vacant residential property** on Chase Dr and Mangular Ave (APN 112-320-004). Per the applicant, the applicant was unable to obtain a lease agreement with the property owner.
2. **Private vacant residential property** on Chase Dr and Foothill Pkwy (APN 112-320-026). Per the applicant, the applicant was unable to obtain a lease agreement with the property owner.
3. **Quality Growers Nursery** located south of Foothill Pkwy (APN 275-080-021). Per the applicant, the site contains steep slopes that do not meet city and county Fire Department access requirements. Additionally, the site is landlocked and relies on access via an easement through other private properties. The easement is solely for access and could not be used for utility purposes.
4. **Ridge north of Quality Growers Nursery** (APN 275-080-041). Per the applicant, the property owner is currently exploring the potential to develop the site for commercial use. Due to the uncertainty of the proposed use of the site at this stage of the site's development, the applicant chose not to move forward with this site.
5. **Private vacant property** located south of Foothill Pkwy within the jurisdiction of Riverside County. Per the applicant, the property owner was not interested.
6. **Private vacant residential properties** located east of the Oak Debris Basin on Oak Ave and Chase Dr. Per the applicant, the property owner was not interested.
7. **Vacant property** located on Chase Dr. and Foothill Pkwy (APN 112-320-025). Per the applicant, the site would have substantial blockage from the Orchard Glen Community located south of Foothill Pkwy.
8. **Oak Debris Basin** located north of Skyline Dr and Chase Ave. The basin is owned by the Riverside County Flood Control and Water Conservation District (RCFC & WCD). Per the applicant, the RCFC & WCD would require an Encroachment Permit for a telecommunications facility within the basin and the city would need to take the lead as applicant on the permit. Additionally, RCFC & WCD has not agreed to the standard business terms unique to wireless sites and required by wireless carriers.
9. **Private developed residential property** located at 3295 Mangular Ave. Per the applicant, the property owners has expressed interest; however, the property is developed with a single-

family dwelling which automatically eliminates the site from being used as a telecommunication facility site per city code.

10. **Vacant open space** located on the corner of Foothill Pkwy and Border Ave. Per the applicant, this site would have substantial blockage and would not provide coverage to the targeted area.

Corona Municipal Code Regulations

Chapter 17.65 of the Corona Municipal Code (CMC) and the city's adopted Location, Development, And Design Guidelines And Standards For Telecommunications Facilities govern wireless telecommunications facilities in the City of Corona in terms of location and design. Telecommunications facilities are currently allowed in any zone in the city, including residential zones; however, the preferred order of location of telecommunications facilities is as follows: 1) industrial zones, and then 2) commercial zones. Telecommunications facilities may be established in a residential zone only if the residential property is not developed with a residential dwelling, and a tower's potential impacts on adjacent residential properties should be considered and evaluated. The guidelines also state that telecommunications facilities should be indistinguishable from the surrounding environment and placed in locations where existing topography, vegetation, buildings, or other structures provide the greatest amount of screening. The guidelines dictate that the support structures for telecommunications facilities must be screened from view by placing them next to tall buildings or structures or near existing tall trees or other dense landscaping.

Telecommunications facilities are also regulated at the federal level by the Federal Communications Commission (FCC) and the Telecommunications Act (TCA). When considering an application for the establishment of a telecommunications facility, as long as the tower complies with the FCC's standards, the city is prohibited by federal law from considering health effects in making its decision.

PROJECT DESCRIPTION

Site Plan

As shown by the applicant's plans in Exhibit A, the subject property is bordered by Skyline Drive to the east and residential properties to the north, south, and west. The property is currently undeveloped and occupied by several dead walnut trees. The applicant is proposing to remove approximately 25 walnut trees located on the southerly portion of the property to accommodate a new 36-foot by 56-foot compound for the applicant's telecommunications facility. The perimeter of the compound is proposed as a 6'-8" high block wall enclosure that will be painted in an earth tone color. Proposed within the compound is the 76-foot high mono-eucalyptus tree, equipment cabinets, generator, and other various equipment associated with the facility (Exhibit C). The compound is set back 25 feet from the property line adjacent to Skyline Drive which is considered the property's front property line. The compound is also set back 15 feet from the south property line, 64 feet from the west property line, and 107 feet from the north property line. As proposed, the compound's location and tower meet the minimum setback requirements under the R-1A zone.

Antennas Layout and Elevations

Exhibit D illustrates the antenna layout plan and Exhibit E shows the antenna elevations within the mono-eucalyptus tree. The mono-eucalyptus design will allow for the co-location of up to three telecommunications carriers. At this time, Verizon Wireless is the first carrier proposed on the mono-eucalyptus. Verizon's antennas are located at the top of the mono-eucalyptus with the top of the antennas at a height of 74 feet. Two additional antenna arrays can be accommodated below Verizon's antennas at heights of 59 feet and 49 feet from the centerline of the array.

Verizon's antennas will be mounted onto the tower in four sectors. Each sector will have four antennas mounted onto the exterior side of the sector. Behind the antennas are surge protectors and remote radio head units (RRH). In total, Verizon would have 16 antennas, two surge protectors, and 14 RRH units. As a standard city requirement, the applicant is required to paint the sectors, antennas, and RRH units green to match the color of the eucalyptus foliage and cover the antennas and RRH units with "leaf socks" as an effort to camouflage the antennas.

Access and Parking

Access to the project site will be obtained from Skyline Drive via a new 16-foot wide driveway which the applicant is proposing to construct on the east perimeter of the site. It is anticipated that a service technician for each potential wireless carrier will need to visit the site periodically throughout the year for routine maintenance and will park on site.

Public Improvements

Skyline Drive adjacent to the project site is currently improved with only roadway pavement. There is currently no curb and gutter or sidewalk constructed adjacent to the project site. As part of the proposed development, the Public Works Department would require the applicant to construct the missing public improvements adjacent to the site which consist of 28 feet of paved roadway starting at the top of the channel followed by a 12-foot wide parkway containing a 7-foot wide landscaped parkway adjacent to a 5-foot wide sidewalk. In addition, a concrete berm would be required adjacent to the top of the channel. These improvements would fall within the already dedicated 60-foot right-of-way width for Skyline Drive. Other improvements would include the construction of a landscape water service which would trigger the need to extend the reclaimed water main down Skyline Drive, any missing street lights, and undergrounding of the overhead utilities along the project frontage. The applicant's plans do not accurately reflect the required public improvements; however, they are being required per the project conditions in Exhibit B.

ENVIRONMENTAL ANALYSIS

In accordance with Section 21080(b)(5) of the California Public Resources Code projects that a public agency rejects or disapproves are exempt from the California Environmental Quality Act (CEQA) and thus, are not required to prepare an initial study or adopt a negative declaration or EIR. If the Planning and Housing Commission disagrees with staff's recommendation to deny the conditional use permit and would like to further consider approval of the project, an initial study would need to be prepared to determine potential environmental impacts and mitigation measures associated with the proposed project prior to it being considered for possible approval. Therefore, no environmental analysis is being considered with CUP2018-0003 as the recommendation by staff is to deny the proposed project.

FISCAL IMPACT

The applicant paid \$12,817.75 in application processing fees.

PUBLIC NOTICE AND COMMENTS

A 10-day public notice was mailed to all property owners within a 500-foot radius of the project site, as well as advertised in the Sentinel Weekly News and posted at the project site. As of the preparation of this report, staff has received numerous correspondence and petitions from the public opposing the project. These are attached as Exhibits O, P and Q.

Staff has also received correspondence from the public expressing support for the project including a text message campaign conducted by Smartlink/Verizon. These are attached as Exhibit R.

STAFF ANALYSIS

The applicant submitted photosimulations depicting five different views of the mono-eucalyptus tree (Exhibit I). View 1 is from Chase Drive looking south towards the project site. Views 2 and 5 are from the residences to the east looking west towards the project site. Views 3 and 4 are from Foothill Parkway looking north towards the project site. The mono-eucalyptus tree would be minimally visible from Chase Drive (View 1) and Foothill Parkway (Views 3 and 4) due to the site's location and distance from these streets. However, the mono-eucalyptus tree would be highly visible to the residents located east of the project site (Views 2 and 5) and would have an aesthetic impact on the low-density residential neighborhood. There are 13 residential properties located east that are separated from the project site by Skyline Drive and the flood control channel with the separation distance being approximately 130 feet from property line to property line. The residential properties in this location are oriented with the backs of the houses and outdoor rear yards facing the project site. Furthermore, the grade elevation of the properties is approximately 20 feet higher than the grade elevation of the project site and the perimeter fencing along the rear yards is tubular steel, which gives the residents views of the properties located to the west from their rear yards and interior living areas located at the back of the houses.

Exhibit F provides an east to west cross section showing the separation of the project site from the residential properties and Exhibit J shows a photograph of the project site in relation to the existing residential properties to the east.

The mono-eucalyptus tree would be the only faux tree of its kind in the immediate area and would not have the same appearance as a natural tree. The mono-eucalyptus tree will also be grounded on a concrete pad enclosed by a 6'-8" high block wall enclosure, with the utility cabinets associated with the facility extending well above the block wall. Because the residential properties to the east are approximately 20 feet higher than the project site, the residents will have a direct downward view of the tower, the enclosure and the on-site equipment. The existing dead walnut trees on the site will be removed to make room for the mono-eucalyptus tree and block wall enclosure. Additionally, a large section of the existing bougainvillea shrubs in front of the property is proposed to be removed to accommodate a 16-foot wide driveway for on-site access. Removal of the minimal existing vegetation from the site will allow the mono-eucalyptus tree, block wall enclosure, and supporting utility cabinets to be even more visible from the residential properties to the east. The photosimulations in Exhibit I show the before and after picture of the project site in View 5. The proposed layout diminishes any attempt to provide a natural appearance of a eucalyptus tree as there are no tall trees or other dense landscaping adjacent to the mono-eucalyptus tree to help screen the stark appearance of a lone mono-eucalyptus tree that is simply not a convincing substitute for a real tree. Considering that the project site is surrounded by low density, single-family residential uses and there are no means of screening the facility or otherwise making it blend into the natural vegetation that is prevalent in the surrounding residential neighborhoods, the mono-eucalyptus tree will have a negative aesthetic visual impact on the surrounding residential neighborhood as the proposed location does not provide the greatest amount of screening and the telecommunications facility will be clearly distinguishable from the surrounding environment.

Therefore, the Community Development Department is recommending CUP2018-0003 be denied by the Planning and Housing Commission based on the following findings.

FINDINGS OF APPROVAL FOR CUP2018-0003

1. In accordance with Section 21080(b)(5) of the California Public Resources Code, projects that a public agency rejects or disapproves are exempt from the California Environmental Quality Act (CEQA) and thus, are not required to prepare an initial study or adopt a negative declaration or EIR. If the Planning and Housing Commission disagrees with staff's recommendation to deny the conditional use permit and would like to further consider approval of the project, an initial study would need to be prepared to determine potential environmental impacts and mitigation measures associated with the proposed project prior to it being considered for possible approval. Therefore, no environmental analysis is being considered with CUP2018-0003 as the recommendation by staff is to deny the proposed project.
2. The findings necessary for the granting a Conditional Use Permit as set forth in Section 17.92.110 of the Corona Municipal Code cannot be made in reference to CUP2018-0003 for the following reasons:
 - a. *The proposal would be detrimental to public health, safety, convenience and general welfare because the use associated with CUP2018-0003 is not aesthetically compatible with the low-density, single-family residential land uses surrounding the project site. The mono-eucalyptus tree, block wall enclosure and utility cabinets are within the viewshed of the nearby existing single-family residential dwellings that are situated 20 feet above the project. The residences to the east of the project site would have a direct view of the project site and the single mono-eucalyptus tree proposed to be installed a mere 130 feet from the backyards of such dwellings. Contrary to the City's design guidelines for telecommunications facilities, the proposed telecommunications facility would be readily distinguishable from the surrounding residential environment and there are no structures, trees, or landscaping that will provide even minimal screening of the telecommunications facility in a manner that is compatible with the surrounding residential environment.*
 - b. *The proposed land use associated with CUP2018-0003 would be detrimental to the existing single-family residential properties in the immediate area because the project site is void of any building, structure, or vegetation that can adequately screen the mono-eucalyptus tree and associated equipment from the views of the nearby residential properties in order to minimize the aesthetic impact to the low-density residential neighborhood. Without any similar trees or landscaping in the vicinity of the mono-eucalyptus tree, the telecommunications facility will be easily perceived to be a fake tree, which further exacerbates the negative impact that the proposed project would have on the adjacent residential neighborhoods.*
3. CUP2018-0003 is not consistent with the City's General Plan for the following reasons:
 - a. *The General Plan land use designation of the project site is Low Density Residential which is primarily intended for single family residential development that does not exceed six dwelling units to the acre. Although, telecommunications facilities are allowed in residential zones with an approved conditional use permit, the proposed use*

associated with a conditional use permit needs to demonstrate compatibility with surrounding land uses to protect public health, safety, convenience and general welfare in order not to diminish the quality of life for the residents. The lone mono-eucalyptus tree and associated equipment, without any other nearby tall trees or other dense landscaping to serve as a means of screening the telecommunications facility, is not aesthetically compatible with the surrounding single-family residential land uses and is therefore inconsistent with the intent of the Low Density Residential land use designation.

- b. General Plan Goal 1.8 is to assure the integrity, quality and livability of Corona's existing residential neighborhoods preserving those elements that give them character, cohesion and quality of life. The mono-eucalyptus tree and associated equipment proposed with CUP2018-0003 would be placed within an existing single-family residential neighborhood in which nearby residences would have a direct line of sight from their outdoor and interior living spaces to the proposed facility creating a negative aesthetic visual impact to the neighborhood. The single mono-eucalyptus tree, without any other nearby trees or dense landscaping to mask the fact that it is clearly a telecommunications facility, would contradict the residential character and quality of the surrounding neighborhoods.*
- c. General Plan Policy 1.8.12 provides that nonresidential uses should be located and designed to maintain the quality and character of the neighborhood and prevent traffic, noise, odor, lighting, and other adverse impacts on adjoining housing units. The project site is located within an existing residential neighborhood and is surrounded by existing single-family dwellings. Because there are no other tall trees or structure or any form of dense landscaping to screen the telecommunications facility, the existing residences located 20 feet above the project site are burdened with a direct view of the telecommunications facility, which is a nonresidential use. Rather than being indistinguishable from the surrounding environment to ensure that the quality and character of the residential neighborhood is preserved, the proposed land use associated with CUP2018-0003 would result in a noticeably fake tree being situated in the middle of an existing neighborhood without any visual buffers to mask the nonresidential character of the use. As such, CUP2018-0003 would not be in character with the residential neighborhood and would create an aesthetic visual impact on existing residents that have a direct view of the project site.*

PREPARED BY: SANDRA YANG, SENIOR PLANNER

SUBMITTED BY: JOANNE COLETTA, COMMUNITY DEVELOPMENT DIRECTOR

EXHIBITS

- 1. Resolution No. 2533
- 2. Locational and Zoning map
- 3. Exhibit A - Site Plans
- 4. Exhibit B - Project Conditions

5. Exhibit C - Equipment Layout Plan
6. Exhibit D - Antenna Layout Plan
7. Exhibit E - Elevation Plans
8. Exhibit F - Cross-Section of Project Site
9. Exhibit G - Applicant's letter describing alternative sites
10. Exhibit H - Propagation Maps
11. Exhibit I - Photosimulations
12. Exhibit J - Photograph of the project site taken April 12, 2019
13. Exhibit K - Community Meeting information for September 28 and 30, 2017
14. Exhibit L - Community Meeting information for November 29, 2018
15. Exhibit M - Infrastructure Committee Minutes, November 1, 2017
16. Exhibit N - Infrastructure Committee Minutes, January 9, 2019
17. Exhibit O - Public correspondence opposing the project
18. Exhibit P - Petition against the project, 2017
19. Exhibit Q - Petition against the project, 2018
20. Exhibit R - Public correspondence supporting the project

Case Planner: Sandra Yang (951) 736-2262