

## AGENDA

### CITY OF GUADALUPE PLANNING COMMISSION

Tuesday, May 19, 2009

Regular Meeting 6:00 p.m.

City Hall, Council Chambers  
918 Obispo Street, Guadalupe, CA 93434

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's office, (805) 356-3891. Notification of at least 72 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.*

*If you wish to speak concerning any item on the agenda, please complete the Request to Speak form that is provided at the rear of the Council Chambers prior to the completion of the staff report and hand the form to the City Clerk. **Note:** Staff Reports for this agenda, as well as any materials related to items on this agenda submitted after distribution of the agenda packet, are available for inspection at the office of the City Administrator, City Hall, 918 Obispo Street, Guadalupe, California during regular business hours, 8:00 a.m. to 12:00 pm. and 1:00 p.m. to 5:00 p.m., Monday through Friday; telephone (805) 356-3891.*

**MEMBERS OF THE PLANNING COMMISSION:** Commissioners Monika Huntley, Alejandro Ahumada, Jesse Ramirez, Vice-Chair Carl Kraemer.

1. **CALL TO ORDER.**
2. **PLEDGE OF ALLEGIANCE.**
3. **ROLL CALL.** Commissioners Monika Huntley, Alejandro Ahumada, Jesse Ramirez, Vice-Chair Carl Kraemer.
4. **CONSENT CALENDAR.** The following routine items are presented for Planning Commission approval without discussion as a single agenda item in order to expedite the meeting. Should a Commissioner wish to discuss or disapprove an item, it must be dropped from the blanket motion of approval and considered as a separate item.
  - a. Minutes of the Planning Commission meeting of April 21, 2009 to be ordered filed.

5. **COMMUNITY PARTICIPATION FORUM.**

*Each person will be limited to a discussion of 3 minutes. Pursuant to provisions of the Brown Act, no action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. The Planning Commission may direct Staff to investigate and/or schedule certain matters for consideration at a future Planning Commission meeting.*

6. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR AT&T WIRELESS TO INSTALL CELLULAR FACILITIES ON THE CITY'S NEW WATER TANK AND ASSOCIATED ON-GROUND EQUIPMENT ADJACENT TO THE WATER TANK AT 4550 TENTH STREET (PLANNING APPLICATION #2008-016-CUP).**

That the Planning Commission 1). Receive a presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Take any comments from the public, 4) Adopt RC Resolution No. 2009-03 approving Conditional Use Permit (Case#2008-016-CUP) for the relocation of AT&T Wireless communication facilities at 4550 Tenth Street.

- a. Written Staff Report (Rob Mullane)
- b. Conduct Public Hearing;
- c. Public Comments.
- d. Planning Commission discussion and consideration.
- e. It is recommended that the Planning Commission 1). Receive a presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Take any comments from the public, 4) Adopt RC Resolution No. 2009-03 approving Conditional Use Permit (Case#2008-016-CUP) for the relocation of AT&T Wireless communication facilities at 4550 Tenth Street.

7. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR VERIZON WIRELESS TO INSTALL CELLULAR FACILITIES ON THE CITY'S NEW TANK AT 4550 TENTH STREET (PLANNING APPLICATION #2009-001-CUP).**

That the Planning Commission 1) Receive a presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Take any comments from the public, 4) Adopt PC Resolution No. 2009-04 approving Conditional Use Permit (Case # 2009-01-CUP) for the installation of Verizon Wireless communication facilities at 4550 Tenth Street.

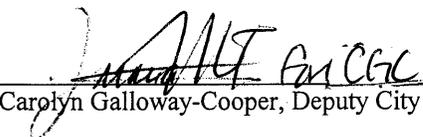
- a. Written Staff Report (Rob Mullane)
- b. Conduct Public Hearing;
- c. Public Comments.
- d. Planning Commission discussion and consideration.
- e. It is recommended that the Planning Commission 1) Receive a presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Take any comments from the public, 4) Adopt PC Resolution No. 2009-04 approving Conditional Use Permit (Case #2009-001-CUP) for the installation of Verizon Wireless communications facilities at 4550 Tenth Street.

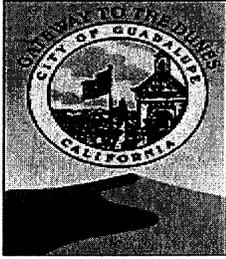
8. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR SPRINT TO INSTALL CELLULAR FACILITIES ON THE CITY'S NEW WATER TANK AT 4550 TENTH STREET (PLANNING APPLICATION #2009-002-CUP).** That the Planning Commission 1) Receive a presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Take any comments from the public, 4) Adopt PC Resolution No. 2009-05 approving Conditional Use Permit (Case #2009-002-CUP) for the installation of Sprint communications facilities at 4550 Tenth Street.
  - a. Written Staff Report (Rob Mullane)
  - b. Conduct Public Hearing;
  - c. Public Comments.
  - d. Planning Commission discussion and consideration.
  - e. It is recommended that the Planning Commission 1) Receive a presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Take any comments from the public, 4) Adopt PC Resolution No. 2009-05 approving Conditional Use Permit (Case #2009-002-CUP) for the installation of Sprint communications facilities at 4550 Tenth Street.
  
9. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR T-MOBILE TO INSTALL CELLULAR FACILITIES ON THE CITY'S NEW WATER TANK AT 4550 TENTH STREET (PLANNING APPLICATION #2009-003-CUP).** That the Planning Commission 1) Receive a presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Take any comments from the public, 4) Adopt PC Resolution No. 2009-06 approving Conditional Use Permit (Case #2009-003-CUP) for the installation of T-Mobile Wireless communication facilities at 4550 Tenth Street.
  - a. Written Staff Report (Rob Mullane)
  - b. Conduct Public Hearing;
  - c. Public Comments.
  - d. Planning Commission discussion and consideration.
  - e. It is recommended that the Planning Commission 1) Receive a presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Take any comments from the public, 4) Adopt PC Resolution No. 2009-06 approving Conditional Use Permit (Case #2009-003-CUP) for the installation of T-Mobile Wireless communication facilities at 4550 Tenth Street.

10. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR METROPCS TO INSTALL CELLULAR FACILITIES ON THE CITY'S NEW WATER TANK AT 4550 TENTH STREET (PLANNING APPLICATION #2008-015-CUP).** That the Planning Commission 1) Receive presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Take any comments from the public, 4) Adopt Resolution No. 2009-07 approving Conditional Use Permit (Case #2008-015-CUP) for the installation of MetroPCS Wireless communications facilities at 4550 Tenth Street.
  - a. Written Staff Report (Rob Mullane)
  - b. Conduct a Public Hearing;
  - c. Public Comments.
  - d. Planning Commission discussion and consideration.
  - e. It is recommended that the Planning Commission 1) Receive presentation from staff; 2) Provide an opportunity for the applicant to present the proposed project; 3) Take any comments from the public, 4) Adopt Resolution No. 2009-07 approving Conditional Use Permit (Case #2008-015-CUP) for the installation of MetroPCS Wireless communications facilities at 4550 Tenth Street.
11. **PLANNING DIRECTORS REPORT.**
12. **FUTURE AGENDA ITEMS.**
13. **ANNOUNCEMENTS.**
14. **ADJOURNMENT.**

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the City Hall display case, the Water Department, the City Clerk's office, and Rabobank not less than 72 hours prior to the meeting. Dated this 14<sup>th</sup> day of May 2009.

By:

  
Carolyn Galloway-Cooper, Deputy City Clerk



4a.

## Draft MINUTES

### CITY OF GUADALUPE PLANNING COMMISSION

Tuesday, April 21, 2009

Regular Meeting 6:00 p.m.

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**MEMBERS OF THE PLANNING COMMISSION:** Commissioners Monika Huntley, Alejandro Ahumada, Jesse Ramirez, and Vice-Chair Carl Kraemer.

Staff present: Rob Mullane, City Planner; Bob James, City Engineer's Office; and Jack Owen, Building and Fire Department. Mike Peña, Public Works Department also attended a portion of the meeting.

1. **CALL TO ORDER.** 6:05 by Vice-Chair Kraemer
2. **PLEDGE OF ALLEGIANCE.** Conducted.
3. **ROLL CALL.** Commissioners Monika Huntley, Jesse Ramirez, Alejandro Ahumada, and Vice-Chair Carl Kraemer present.
4. **CONSENT CALENDAR.** The following routine items are presented for Planning Commission approval without discussion as a single agenda item in order to expedite the meeting. Should a Commissioner wish to discuss or disapprove an item, it must be dropped from the blanket motion of approval and considered as a separate item.

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- a. Minutes of the Planning Commission meeting of March 17, 2009 to be ordered filed.

Motion: Ramirez/Huntley moved to approve the consent calendar.

**VOTE: Ayes: 4**

**Noes: 0**

**Motion passed**

**5. COMMUNITY PARTICIPATION FORUM.**

*Each person will be limited to a discussion of 3 minutes. Pursuant to provisions of the Brown Act, no action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. The Planning Commission may direct Staff to investigate and/or schedule certain matters for consideration at a future Planning Commission meeting.*

Speaker #1: George Alvarez. Mr. Alvarez noted that the audio system has some technical issues. He expressed gratitude to the Commission for their work and ethics and noted that he would be speaking on one of the items later in the meeting agenda.

**6. APIO COOLING EXPANSION DESIGN REVIEW AND LOT LINE ADJUSTMENT.** That the Planning Commission receive a presentation from staff, conduct a Public Hearing on the requests, and consider the request for a Design Review Permit (Application #2008-002-DRP) and Resolution # PC 2009-001, recommending that the City Council approve a Resolution approving the Apio Lot Line Adjustment (Application #2008-002-LLA).

- a. Written Staff Report (Rob Mullane)
- b. Conduct Public Hearing;
- c. Public Comments.
- d. Planning Commission discussion and consideration.
- e. It is recommended that the Planning Commission take action on the request for a Design Review Permit and consider resolution # PC 2009-001, recommending that the City Council approve a Resolution approving the Apio Lot Line Adjustment (Application #2008-002-LLA).

Mr. Mullane gave the staff report and a PowerPoint presentation with an overview of the requests, previous review by the Commission, and items for additional discussion resulting from staff review. Mr. Mullane noted that easement issues had been addressed to the satisfaction of staff. He noted that slats in the existing chain link fence along Obispo Street are now proposed and that the off-site planting on the City's water tank property that presented issues with maintenance of underground utilities had been removed from the landscape plans. Mr. Mullane stated that the number of the Planning Commission resolution needed to be revised from 2009-002 to 2009-001. Mr. Bob James added to the staff report a brief summary of the City Engineer's review of the adequacy of existing driveways and roadway intersections. Mr. James noted that the existing

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Right-of-Ways are 66-feet wide, which does not provide much opportunity for widening and that there are utilities that would need to be relocated for one or more of the intersections.

Vice Chair Kraemer opened the public hearing at 6:52 pm.

Speaker #1: David Swenk of Urban Planning Concepts, agent for the applicant, gave a PowerPoint presentation with an overview of the project and information on updates and additional information provided since the December 2008 Planning Commission review. He also presented the applicant's position on the environmental baseline, noting that there will not be an increase in the number of truck trips or production as a result of the project, as Apio is internalizing operations that are currently in leased space on a property adjacent and to the southeast of the site. Later during the public hearing Mr. Swenk asked for clarification on what meter boxes were the subject of DRP Condition #19. [Mr. Mullane responded that these were water meter boxes.]

Speaker #2: Kevin Small, landscape architect for the applicant. Mr. Small introduced himself and gave a brief overview of the proposed landscaping. Mr. Small also questioned whether one of the DRP conditions of approval required removal of existing Monterey cypress trees. [Mr. Mullane later clarified that this condition prevented the planting of additional Monterey cypress trees but does not require removal and replacement of existing cypress trees.]

Speaker #3: Laurie Tamura of Urban Planning Concepts, agent for the applicant, spoke to the new traffic study condition recently proposed by staff to address the concerns of the City Engineer regarding the provision of adequate turning radii for the long-haul trucks. Ms. Tamura stated that Apio does not concur with this condition and requests that this condition not be added. She noted that the intersection configurations are existing and traffic levels are not increasing with this project. She also noted that she was unaware of any accidents occurring as a result of the current operations. She reiterated what Mr. James stated regarding the difficulty of making improvements to the intersection of Fourth and Obispo and stated that few trucks that are southbound on Obispo make a right turn to go west on Highway 166 at that intersection. She also stated that timing of the condition to have the implementation of any improvements constructed prior to Zoning Clearance would substantially impact the project's schedule. [Mr. Mullane later clarified that the condition in question required the engineering study prior to zoning clearance, but deferred construction of any improvements to prior to occupancy.]

Speaker #4: Sparky Locke of Apio, applicant, thanking the Commission for consideration of the request. Mr. Locke stated that Mr. Ron Midyett was at a business association meeting and could not attend the meeting. Mr. Locke also noted that timing is of the essence for the applicant to stay on track with the project schedule.

Speaker #5: George Alvarez, spoke in opposition to the project. He does not agree with the applicant's approach to the CEQA process and noted that a full Environmental Impact Report should have been done. He disagrees with the applicant's resistance to the proposed condition related to truck turning radii. He stated that he felt a siren system

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should be implemented to alert the community in the event of an ammonia leak. He thought that the City was missing an opportunity to have the applicant make the site better and for the collection of development impact fees.

Mr. Jack Owen, Fire Chief, addressed the Commission to provide additional information on the pros and cons of a siren for catastrophic ammonia vapor releases. He stated that he has discussed this topic with Mr. Alvarez. The proper response to a vapor release is shelter in place until the vapor cloud dissipates. The City would use its reverse 911 system to notify residents of a release and the procedure for sheltering in place on a house by house basis. Chief Owen stated that a condition of approval has been included to have Apio assist with some emergency response educational outreach as a preventative measure. He noted the low likelihood of a vapor release, and that Apio's system does have safeguards for less than catastrophic leak and that the system that Apio has meets state and local safety requirements.

The Commission had some questions regarding ammonia leaks, safety or design measures for earthquakes, and required inspections of the Apio facility, which Chief Owen fielded.

Mr. Sparky Locke and Mr. David Swenk re-addressed the Commission to response to Mr. Alvarez's comments. Mr. Locke noted that Apio maintains an extensive safety education program and that Apio concurs with the fire chief's preference to not have a siren installed. Mr. Swenk reiterated that the intersection conditions are existing and that the project is not adding truck traffic.

Vice Chair Kraemer asked for any additional speakers. Noting none, he closed the Public Hearing at 7:39

The Commission then deliberated on the project requests and had questions for staff and the applicant team.

Commissioner Ahumada stated his concurrence with staff-recommended conditions of approval, including the truck turn related condition. Commissioner Huntley asked about the plans for the leased facility and if there would be an increase in traffic should that facility get a new tenant. Staff responded that they were not aware of any future plans for this facility but that additional vehicle trips would be expected should some other operation start up there. Commissioner Ramirez asked for clarification on what the permanent loading dock is replacing, and Mr. Locke providing this clarification. Vice Chair Kraemer had questions regarding the proposed fence slatted and whether there be planting between the fence and Obispo. Ms. Tamura responded that there would be such intervening plantings. Regarding the turning radius study condition, Vice Chair Kraemer noted that he was not in favor of including this condition, but would like to have trucking route intersections and roadways evaluated in a future update of the City's Circulation Element.

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Motion: Ramirez/Huntley moved to approve the resolution recommending that the City Council approve the Lot Line Adjustment request, with the correction to resolution number as noted by staff.

**VOTE:       Ayes: 4**  
**Noes: 0**  
**Motion passed**

Motion: Kraemer/Ahumada moved to approve the Design Review Permit #2008-002-DRP with all conditions recommended by staff and modified in the staff memo of April 21, 2009, except the new condition related to the traffic engineering study, and noting that the Commission makes the requisite Zoning Code findings in Section 18.73.100.

**VOTE:       Ayes: 4**  
**Noes: 0**  
**Motion passed**

7.     **CONSIDERATION OF THE DRAFT TEXTUAL AMENDMENT OF THE REDEVELOPMENT PLAN OF THE GUADALUPE REDEVELOPMENT PROJECT AREA.** That the Planning Commission receive presentation from staff and approve Draft Textual Amendment to the Redevelopment Plan.

- a.     Written Staff Report (Regan Candelario, Tierra West Advisors)
- b.     Planning Commission discussion and consideration.
- c.     It is recommended that the Planning Commission receive presentation from staff and approve Draft Textual Amendment to the Redevelopment Plan.

Mr. Mullane introduced Mr. Regan Candelario of Tierra West Advisors, who is assisting the City with the Redevelopment Plan Amendment. Mr. Candelario gave a summary of the staff report prepared for this item and noted that the adoption of the draft Textural Amendment of the Redevelopment Plan was the next step in this process. He noted that the textural amendment was transmitted to the Commissioners and that a Resolution for the Commission's consideration was prepared and included with the staff report. The Commission requested clarification on the eminent domain period and its status, which Mr. Candelario provided. Mr. Mullane clarified that the Resolution number should be changed to P.C. Resolution 2009-002.

Motion: Ahumada/Ramirez moved to approve P.C. Resolution 2009-002.

**VOTE:       Ayes: 4**  
**Noes: 0**  
**Motion passed**

8.     **WORKSHOP ON DRAFT MITIGATED NEGATIVE DECLARATION FOR CITY OF GUADALUPE REDEVELOPMENT PLAN AMENDMENT**

- a.     Written Staff Report (Rob Mullane)
- b.     Planning Commission discussion.

- c. It is Recommended that the Planning Commission conduct an informational workshop on the environmental review of the Guadalupe Redevelopment Plan Amendment.

Mr. Mullane gave a staff report and PowerPoint presentation updating the Commission on the status of the environmental review for the Redevelopment Plan Amendment. He noted that the review period closed on April 17<sup>th</sup> and that two comment letters were received: one from Caltrans (an email) and one from the County of Santa Barbara. Staff will be making some changes to the Mitigated Negative Declaration (MND) in response to these comments. The Plan Amendment and the Final MND are tentatively planned for consideration by the City Council on May 12<sup>th</sup>. The Planning Commission had questions and comments on the solid waste discussion in the MND and the City's compliance status with the State Integrated Waste Management Board. The Planning Commission also noted that residents should be encouraged to participate in recycling efforts.

Speaker #1: Mike Peña noted that the City has taken steps to inform residents on which materials are recyclable.

No action other than receipt of the workshop was taken.

**9. PLANNING DIRECTORS REPORT.**

Mr. Mullane informed the Commission that the authorization for additional work to complete the update of the Housing Element is on the City Council's agenda for April 28, 2009.

Mr. Mullane announced that the fifth Planning Commissioner position remains unfilled and that the City was continuing to advertise the vacancy. He suggested deferring on the election of Commission officers until a full Commission is seated. There were no objections from the Commission.

**10. FUTURE AGENDA ITEMS.**

None discussed.

**11. ANNOUNCEMENTS.**

Commissioner Huntley reminded the audience to please spay and neuter their pets.

**12. ADJOURNMENT.**

Meeting adjourned by motion (Huntley/Ramirez) and vote (4-0) at 8:40 pm.

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Submitted by:

Affirmed by:

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Robert A. Mullane, City Planner  
Planning Commission Secretary

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Carl Kraemer, Vice-Chair

6a.

REPORT TO THE PLANNING COMMISSION

May 19, 2009

151  
Prepared By:  
Rob Mullane, City Planner

  
Approved By:  
Carolyn Galloway-Cooper

**SUBJECT:** Public hearing to consider a Conditional Use Permit for AT&T Wireless to install cellular facilities on the City's new water tank and associated on-ground equipment adjacent to the water tank at 4550 Tenth Street (Planning Application #2008-016-CUP, -ZC)

**EXECUTIVE SUMMARY:**

The City received an application for a Conditional Use Permit (CUP) for the installation of new cellular antennas on the City's new water tank and on-ground appurtenant equipment (Planning Application # 2008-016-CUP, -ZC). The project consists of the removal and relocation of the existing AT&T temporary site including all existing antennas, masts and corresponding radio equipment cabinets and the installation of new nine (9) new antennas on two of the four legs of the new water tower and a permanent equipment shelter to house appurtenant equipment. The proposed cellular antennas would be mounted at a height of 117 feet (for a peak height of 120.75 feet) and would be colored to match the new tank. The new cellular equipment requires a CUP because the elements of the proposed cellular facilities would exceed a height of 50 feet. At tonight's meeting, the Planning Commission can approve, conditionally approve, or continue the item.

**RECOMMENDATION:**

- 1) Receive a presentation from staff
- 2) Provide an opportunity for the applicant to present the proposed project
- 3) Take any comments from the public
- 4) Approve PC Resolution 2009-003 approving Conditional Use Permit (Case #2008-016-CUP) for the relocation of AT&T wireless communication facilities at 4550 Tenth Street

**BACKGROUND:**

The City first received an application for a Conditional Use Permit (CUP) for the installation of new cellular facilities on the City's new water tank and on-ground appurtenant equipment on December 30, 2008 (Planning Application # 2008-016-CUP, -ZC). The applicant is Mr. Justin Robinson, an authorized agent of AT&T Wireless. AT&T has an existing wireless facility in Central Park, with antennas mounted on the older water tank that was damaged in the 2004 San Simeon earthquake. The City has determined that the existing water tank must be demolished due to structural integrity issues. There are three other existing cell carriers on the City's damaged water tank and

one new cell carrier, and all of these carriers are requesting to install new cellular equipment on the new water tank. Each request requires a separate CUP.

The Planning Commission held a conceptual review of all five CUP requests on January 6, 2009 to allow early input from the Commission on the design and other planning related issues. This meeting provided the cell carriers general direction to ensure that the site became more aesthetically pleasing and to strive to have a maximum amount of park land reclaimed for public use. This meeting also facilitated coordination between all five cell carriers to coordinate efforts, minimize conflicts between carriers, and provide for efficient use of staff and applicant resources.

Since the January 6, 2009 conceptual review meeting, the application underwent three rounds of review on January 25, 2009, April 7, 2009 and April 30, 2009. In addition, multiple meetings have occurred that included Planning Staff, the City Engineer, and representatives from multiple carriers. These meetings were held to coordinate and resolve issues relating to engineering needs and aesthetics and other potential environmental concerns. The planning application was deemed complete on May 12, 2009.

## **DISCUSSION:**

### **Project Description**

The request is for a Conditional Use Permit to install cellular antennas on the City's new water tank and a new equipment shelter, which would house on-ground appurtenant equipment. The project consists of the removal and relocation of the existing AT&T temporary site including all existing antennas, masts and corresponding radio equipment cabinets and the installation of new antennas and permanent on-ground equipment.

Nine (9) new panel antennas in three-antenna arrays oriented to three sectors (at 0°, 120°, and 240°) would be mounted on the new water tank. The antennas would be mounted at a height of 117 feet, for a maximum height of approximately 121 feet; refer to sheet Z03 of Attachment 2. Each antenna would be approximately 7.5 feet in length and 12.5 inches in width and would be colored to match the new water tank. The antenna arrays would be mounted on two of the four legs of the new water tank: the east and south legs. In addition, the relocated 12 foot by 20 foot equipment shelter would be located along the east side of the property, in line with the equipment shelters or areas of other carriers; refer to sheet Z04 of Attachment 2.

A recently constructed eight (8) foot high and 120 foot long masonry wall along the east side of the site would screen the project from the east as well as provide routing support for the applicant's coax cabling from the proposed equipment shelter; refer to sheet Z04 Attachment 2. The main portion of required underground utilities (for electrical and telephone company lines) would utilize recently installed shared conduit lines that the City installed in a trench for the new water tank project; refer to sheet Z02 of Attachment 2. The applicant would then place its own conduit routing from this shared trench to the ground equipment. This would involve a minor amount of trenching approximately 12 feet in length, one (1) foot in width and three (3) inches in depth.

The project would also include a new diesel-powered generator against the east wall, immediately adjacent to the proposed equipment shelter. The generator would be used for backup power during routine maintenance and in the event of a power outage. A new 11-foot by 27.3-foot pad will be installed approximately 1 foot north of the new equipment shelter and will support the new 96-hp diesel generator for back-up power.

The proposed antennas would be fed by two runs of coax per antenna for a total of 18 lines, and the new coax cables would run from the proposed equipment shelter along an elevated cable tray approximately five (5) feet to the proposed City wall. The coax would be mounted to the proposed City wall at a height of approximately 7 feet and would run southward along the wall to the proposed elevated cable tray where it would transition onto the water tower leg. The proposed elevated cable from the proposed wall to the new water tank would be approximately nine (9) feet in height and would run from the wall to the tower structure where it would provide access to the two water tank legs; refer to sheet Z02 and Z04 of Attachment 2 and Attachment 3 for an example of an elevated cable tray. The coax would then run up the legs of the water tank to the proposed antennas. All coax attachments, both on the wall and the tank would be in accordance with the City Engineer's design.

Construction of the new AT&T equipment is expected to take three months. Once operational, the site would be visited 1-2 times per month for routine maintenance. Access to the lease area would be provided via the existing gate entrance along 10<sup>th</sup> Street currently utilized by the City for access to the new water tank. The leased access would be aligned along the west side of the proposed equipment shelter.

### **Project Issues**

Potential environmental issues related to this project included Radio-Frequency (RF) emissions, on-site soil contamination, and aesthetics. An RF Study for the project was performed which evaluated the power of all antenna arrays operating simultaneously and concluded that the proposed antennas would comply with the federal standards for limiting public exposure to radio frequency and therefore would not pose any risk to City residents or park users. In addition, on-site soil contamination was a concern due to previous maintenance activities on the old water tank that involved the removal of lead-based paint. However, the City as part of the water tank project removed areas of contaminated soil for proper disposal, and verification sampling was conducted that noted no actionable levels of contaminants. The City Engineer's office also performed a Phase I Environmental Site Assessment which concluded that no recognized environmental conditions were present on the project site.

The aesthetics of the site and the objective to consolidate and organize equipment associated with the cellular facilities was discussed at the Planning Commission's conceptual review of the project in January 2009. The equipment shelters and areas have been shifted to the eastern portion of the site to minimize aesthetic impacts. The design of the antenna arrays has been improved over what is on the older tank. A wall along the eastern project boundary was included for screening purposes, and the rest of the enclosure area will be through a vinyl-coated chain-link fence, pursuant to what was discussed at the Planning Commission's conceptual review. The removal of the old water tank, and wireless facility equipment that will no longer be needed once the new facilities are operational would de-clutter the northern portion of the site, and portions of

this area may be reclaimed for park uses. Photo-simulations depicting the pre- and post-project area are included as Attachment 4. These show AT&T's facilities, as well as the proposed changes associated with the other four carriers.

Additional detail on the project components has been provided, and should be reviewed by the Planning Commission. In particular, the visibility of the conduit runs that are proposed to be elevated may be discussed, and any alternatives to elevated runs considered. The proposed color of antennas, conduit trays, and equipment shelters should be confirmed by the Commission. Furthermore, no tree removal is proposed as part of this application. However, if any trees are damaged or removed in construction, a condition of approval has been included that would require replacement trees to be planted. The application did not include any proposed lighting systems. However, the applicant should describe any lighting including the location, type of light system and the direction the light(s) will face if such lighting is proposed.

**Site Information**

LOCATION	4550 Tenth Street
APN	115-081-012
ZONING	O Open Space
SITE SIZE	Approximately 0.5 Acres
PRESENT USE	Park, Water Tank, and Cellular Facilities
SURROUNDING USES AND ZONING	R-3 Multiple Dwelling Residential to the north, south, and west R-2 Multiple Dwelling Residential to the east

The property is developed with a new City water tank the City's old water tank (to be demolished), and existing cellular facilities of AT&T, Verizon, Sprint and T-Mobile. The surrounding uses are noted in the above table, and a vicinity map is below.

**Zoning Conformity**

Staff has reviewed the request's conformity to zoning requirements and standards and notes no inconsistencies with zoning requirements.

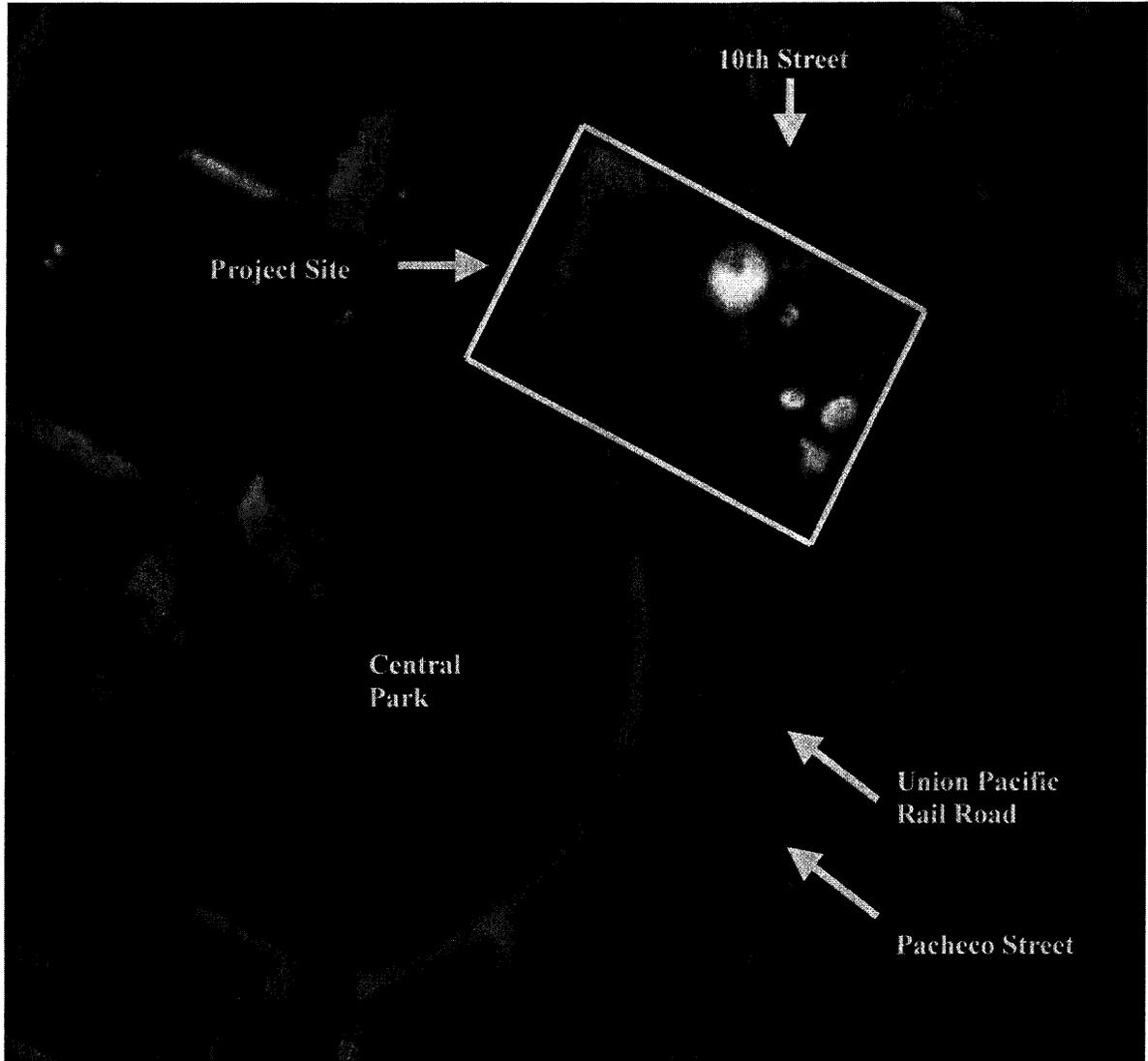
**CEQA Review**

The project is exempt from CEQA pursuant to Section 15302. This section of the CEQA Guidelines states that the following is exempt:

*...replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to...replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.*

The request is for the installation of new antennas and on-ground appurtenant equipment that would replace similar existing wireless facilities. The existing water tower upon which the existing antenna arrays are installed is being demolished, and a new water

tower has been constructed. An RF emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. The proposed work would not result in any significant biological impacts, impacts on known cultural resources, or impacts on water quality. The consolidation of on-ground equipment and inclusion of a screening wall would improve the aesthetics of the site and the functionality of the park. In addition, the request is in conformity to zoning requirements.



### **Planning Commission Consideration**

A CUP is required by section 18.52.020 of the City's zoning code, which states that:

*...a building or structure shall not exceed fifty (50) in height...[however] additional height may be permitted by granting of a conditional use permit".*

The CUP process is set forth in Chapter 18.72 of the City's Zoning Code.

In considering a CUP, the Planning Commission may approve as submitted, approve with conditions of approval, or provide direction to the applicant on recommended changes and continue the item to a future meeting of the Commission.

Notices of the pending CUP and Planning Commission public hearing were published in the Santa Maria Times and mailed to all property owners within a 300 foot radius as required by Section 18.73.070.

### **Planning Commission Action and Next Steps**

A resolution to approve the CUP has been prepared (Attachment 1), and staff recommends approval of this resolution. Should the Commission approve or conditionally approve the CUP, staff would issue the associated Zoning Clearance once any prior to issuance conditions have been met and once the 10-day appeal period has run.

### **ATTACHMENTS:**

1. Resolution 2009-003
2. Project Site Plans
3. Example Cable Tray Photograph
4. Photo-Simulations: Pre- and Post-Project

**AGENDA ITEM:**

**ATTACHMENT 1**

Resolution 2009-003

## **PLANNING COMMISSION RESOLUTION NO. 2009-003**

**A Resolution of the Planning Commission of the City of Guadalupe Recommending Approval of a Conditional Use Permit (Case #2008-016-CUP) for the AT&T Wireless Facility Relocation Project at 4550 Tenth Street**

**WHEREAS**, on December 30, 2009, Mr. Justin Robinson, representing AT&T (the "Applicant"), submitted a Conditional Use Permit application (Case # 2008-016-CUP), for relocation and replacement of wireless facilities associated with the replacement of the City's water tower at Central Park, 4550 Tenth Street (APN 115-081-012); and,

**WHEREAS**, the application was found complete for processing on May 13, 2009; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on May 19, 2009, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, a Conditional Use Permit is required pursuant to Sections 18.52.020 of the Guadalupe Municipal Code; and

**WHEREAS**, the Planning Commission has considered the application for a Conditional Use Permit in accordance with Section 18.72 of the City's Zoning Code (Title 18 of the Guadalupe Municipal Code) and determines that it conforms as conditioned to these requirements; and

**WHEREAS**, City staff have reviewed the CUP request and determine that it conforms as conditioned to the requirements of the City's Zoning Code (Title 18 of the Guadalupe Municipal Code); and

**WHEREAS**, the Planning Commission has considered the entire administrative record, including application materials, staff report, the CEQA determination, and oral and written testimony from interested persons; and

**WHEREAS**, the Planning Commission finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15302 as a replacement or relocation of an existing facility;

**WHEREAS**, the Planning Commission finds that approval of Case No. 2009-016-CUP would be consistent with the City's General Plan, the provisions of Title 18 (Zoning Code) of the Guadalupe Municipal Code; and the ability to make the required findings, including findings pursuant to the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Guadalupe, California as follows:

The Planning Commission does hereby find and determine as follows:

- Section 1. The Findings set forth in Exhibit 1 to this Resolution are hereby adopted and incorporated herein by this reference.
- Section 2. The CEQA Exemption for Case No. 2009-016-CUP is accepted.
- Section 3. Case No. 2009-016-CUP is approved, subject to the Conditions of Approval set forth in Exhibit 2 to this Resolution.

Section 4. The Planning Commission Secretary shall certify as to the adoption of this Resolution.

UPON MOTION of Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_ the foregoing Resolution is hereby approved and adopted the 19<sup>th</sup> day of May 2009, by the following roll call vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

I, **Robert A. Mullane**, Planning Commission Secretary of the City of Guadalupe, **DO HEREBY CERTIFY** that the foregoing Resolution, being **P.C. Resolution No. 2009-003**, has been duly signed by the Planning Commission Vice Chair at a meeting of the Planning Commission, held May 19, 2009, and that same was approved and adopted.

**ATTEST:**

\_\_\_\_\_  
Robert A. Mullane, Planning  
Commission Secretary

\_\_\_\_\_  
Carl Kraemer, Vice Chair

**EXHIBIT 1  
FINDINGS  
AT&T WIRELESS FACILITY RELOCATION  
4550 TENTH STREET  
CASE NO. 2008-016-CUP**

**1.0 CEQA Findings**

The proposed project may be found categorically exempt under Section 15302 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Section 15302 allows the replacement or reconstruction of existing structures and facilities, where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

The request is for the installation of new antennas and on-ground appurtenant equipment that would replace similar existing wireless facilities. The existing water tower upon which the existing antenna arrays are installed is being demolished, and a new water tower has been constructed. A Radio-Frequency emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. The proposed work would not result in any significant biological impacts, impacts on known cultural resources, or impacts on water quality. Noise from the proposed back-up power generator would not be at levels that conflict with any nearby residences or other sensitive receivers. The consolidation of on-ground equipment and inclusion of a screening wall would improve the aesthetics of the site and the functionality of the park. In addition, the request is in conformity to zoning requirements.

The proposed project would constitute a replacement of existing structures and uses. The new facilities will be located on the same site as the structure that the new facilities are replacing and will have a similar purpose and capacity. Therefore, the project complies with the findings listed above and may be considered exempt from the California Environmental Quality Act under Section 15302 of the CEQA Implementation Guidelines.

**2.0 Administrative Findings**

Pursuant to City of Guadalupe Municipal Code, Section 18.72.050, a Conditional Use Permit shall be approved only if all of the following findings can be made:

*A.1.) That the use will be consistent with the General Plan.*

The proposed use involves the relocation and reconstruction of an existing wireless facility with antennas mounted to the City's water tank. Since the use is on a City-owned property, the applicant has a lease with the City for use of the property for a wireless facility. The project requires a Conditional Use Permit because of its height. It meets setback and other zoning standards and requirements, and the aesthetics of the project have been considered. The proposed project is expected to be an aesthetic improvement over existing conditions, and the relocation of the equipment shelter provides for an area of the park to be reclaimed for recreational uses. For these reasons the use is determined to be consistent with the General Plan.

*A.2.) That the use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be*

*injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.*

The relocation of the AT&T's equipment shelter will help de-clutter the existing lease area and will help improve the aesthetics of the site. A screening wall will be constructed along the lease area's eastern boundary and help screen the new equipment. A chain-link fence will provide site security. Back-up power would be provided by a diesel generator, which will only be used in the event of a power loss, and noise resulting from the generator will be short in duration, limited in frequency, and will be buffered by the lease area wall and other on-ground equipment shelters and areas. A Radio-Frequency emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. Maintenance activities will not be substantially altered.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL**  
**AT&T WIRELESS FACILITY RELOCATION**  
**4550 TENTH STREET**  
**CASE NO. 2008-016-CUP**

GENERAL CONDITIONS

1. Subject to the conditions set forth below, this permit authorizes the improvements and uses requested by Case No. 2008-016-CUP and shown in the project plans on file with the City of Guadalupe. Any deviations from the project description in the staff report, exhibits or conditions must be reviewed and approved by the City of Guadalupe for conformity with this approval. Deviations may require changes to the permit to be approved and/or further environmental review. Deviations without the above-described approval will constitute a violation of the permit approval.

The request includes the installation of nine cellular antennas in three 3-sector arrays at a mounting height of 117 feet above grade on the City of Guadalupe's water tank. Each antenna will be approximately 4.5 feet by 1 feet in size and colored to match the water tank. A new 12-foot by 20-foot equipment shelter is proposed closer to the site's eastern boundary to be in line with the majority of the other existing and proposed wireless equipment shelters and areas. A new 11-foot by 27.3-foot pad will be installed approximately 1 foot north of the new equipment shelter and will support a new 96-hp diesel generator for back-up power. New telephone and electrical lines will run from Tenth Street to the equipment shelter utilizing conduit sleeves that were installed in the City's trench for the new water line and a new trench from the waterline trench to the equipment shelter. New conduit will run from the equipment shelter to the water tank via an elevated cable tray and cable bridge and then up three of the four water tower legs. The antennas on the old water tank, the temporary monopole, the existing equipment shed, and the associated above ground conduit will be removed.

2. Approval of this Conditional Use Permit is not valid until the property owner or authorized agent signs this list of conditions agreeing to the terms and Conditions of Approval.
3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicants expense, City and City's agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of this permit or to determine the reasonableness, legality or validity of any condition attach hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and city will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligation of this condition. Applicant's acceptance of this permit approval or commencement of construction or operations under the approval shall be deemed to be acceptance of all conditions of approval.
4. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threaten to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to

such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.

5. In accordance with Section 18.72.130 of the City Municipal Code, this Conditional Use Permit approval shall expire one (1) year from the date of approval, unless a building permit for the proposed improvements has been obtained, or an extension has been granted as provided for in Section 18.72.130.
6. Prior to Zoning Clearance, the applicant shall secure a revised lease agreement with the City to reflect the new location of the equipment and any necessary changes to the lease area boundaries.

#### PLANNING DEPARTMENT CONDITIONS

7. The applicant shall notify City Planning Department and City Building Department staff of the start date for construction at least 5 working days in advance of the start of work. This notification shall also include an estimated construction schedule and a truck haul route for demolished and recycled materials. The applicant shall also notify such City staff of the completion of construction and demolition work no more than one working day upon completion.
8. All equipment to be removed shall be removed within 21 days of completion of installation new equipment.
9. Excess construction materials and demolition materials shall be recycled to the extent feasible and proof of recycling in the form of a receipt from the recycling facility noting recycled materials and amounts shall be provided to City staff.
10. All existing trees and shrubs shall be maintained and damage to such landscaping avoided. Any such damage or removal may require replanting on a 1:1 basis. Should any trees or shrubs be determined to need to be removed, City Planning staff shall be notified prior to the commencement of any removal to determine replanting requirements. Should any trees or shrubs be damaged in the course of construction or operations, City Planning staff shall be notified within one working day, and the applicant shall comply with any City-directed replanting requirements. For areas where demolition is conducted, any resultant bare soil areas shall be reseeded with a City-approved seed mix and restored to match surrounding undisturbed areas.
11. Prior to issuance of a building permit, the applicant shall inform the Santa Barbara Air Pollution Control District permitting staff to determine if a permit to operate is needed for the diesel generator. Should an APCD permit be required, the applicant shall obtain this and provide a copy to City Planning staff. Should a permit not be required, the applicant shall obtain written documentation of this and provide the documentation to City Planning staff.
12. The applicant shall ensure that noise levels resulting from operation of the facility equipment including air conditioners and the back-up power generator do not exceed the noise compatibility limits established in the City's General Plan for the nearby residential uses. Should the City note non-compliance with this requirement, or should the City receive complaints about excessive noise from the wireless facility equipment, within two weeks of notification by the City, the applicant shall prepare a noise study that measures sound levels and recommends any necessary mitigation measures. Should such noise mitigation be necessary, within 30 days of confirmation of the need to mitigate by the City, the applicant shall implement the mitigation measures and confirm the effectiveness of the mitigation measures with a post mitigation noise study and report.

- 13. The applicant shall ensure that the site is secure and that all appropriate access restriction measures are maintained. In the event of repeated trespass and/or vandalism, the City may require additional security measures at the applicant's cost.
- 14. Prior to issuance of the building permit, all conditions of approval shall be printed in their entirety on applicable pages of final construction plans submitted to the City.
- 15. The facility shall, at all times, be operated in strict conformance with the rules, regulations and standards published by the Federal Communications Commission ("FCC") regulating power densities and establishing Maximum Permissible Exposure ("MPE") Limit.
- 16. In the event of abandonment of the site, all wireless facility components shall be removed from the site, and the lease area shall be restored to its pre-facility state. If use of the facility is discontinued for a period of more than one year, the facility shall be considered abandoned, and a notice to abate shall be issued by the City. All required removal of components and facility restoration shall be completed within 180 days of the date of date of notification of abandonment or receipt of the City's notice to abate. City staff shall conduct a site inspection 180 days after notification of abandonment or issuance of a notice to abate to ensure compliance with this condition. If removal is not completed by the applicant within the specified 180 day time period, removal may be completed by the City with any costs incurred by the City for such removal actions assessed to the applicant.
- 17. Prior to Zoning Clearance, the applicant shall pay all applicable permit processing fees in full.

FIRE DEPARTMENT CONDITIONS

- 18. Any hazardous materials or spills encountered during the process of demolition shall be handled in accordance with all applicable state and federal regulations and disposed of at an appropriately designed hazardous materials site in accordance with existing regulations. Staff from the Santa Barbara County Fire Department's Hazardous Materials Unit (HMU) and City Fire Department staff shall be notified in the event of any such encounter of hazardous materials.
- 19. Prior to issuance of a building permit, the applicant shall contact staff from the Santa Barbara County Fire Department's Hazardous Materials Unit (HMU) to determine is a Hazardous Materials Business Plan is required for any equipment or components for the facility. If such a plan is required, the applicant shall prepare and submit the plan to County HMU staff for review and approval. The applicant shall submit documentation of compliance with this requirement to City Fire Department staff.

CITY ENGINEER CONDITIONS

None.

**Applicant's Consent to Abide by the above Conditions of Approval**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name, Title

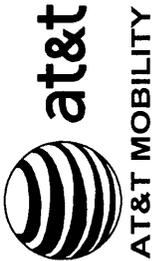
## **ATTACHMENT 2**

Site Plans

**CODES COMPLIANCE**

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

1. CALIFORNIA BUILDING CODE CBC-2007
2. CALIFORNIA MECHANICAL CODE CM-2007
3. CALIFORNIA ELECTRICAL CODE CEC-2007
4. CALIFORNIA FIRE ALARMS AND SIGNALING CODE CFC-2007
5. CALIFORNIA PLUMBING CODE CPC-2007
6. CALIFORNIA ELECTRICAL CODE CEC-2007
7. CALIFORNIA FIRE ALARMS AND SIGNALING CODE CFC-2007
8. CALIFORNIA PLUMBING CODE CPC-2007
9. CITY AND/COUNTY ORDINANCES
10. CALIFORNIA ELECTRICAL CODE CEC-2007



# SITE NUMBER: SBSB23-51

# SITE NAME: GUADALUPE

**A&E DESIGN PACKAGE REVIEW STATUS**

- 1  ACCEPTED - NO COMMENTS, PROCEED
- 2  COMMENTS
- 3  SAC INFORMATION MISSING/INCOMPLETE
- 4  A&E DID NOT FOLLOW DIRECTIONS PROVIDED
- 5  A&E GENERATED CHANGE IN DESIGN
- 6  A&E REQUESTED CHANGES
- 7  DESIGN INPUT CHANGES I.E., REF. ZONING REQ'D
- 8  A&E CHANGED SITE DESIGN
- 9  REDESIGN SITE DESIGN
- 10  OTHER

REVISIONS: ALL CHANGES MUST BE ACCOMPANIED BY A REVISION SHEET. CALCULATIONS, ANALYSES, TEST METHODS OR MATERIALS PROPOSED OR SELECTED BY THE SUPPLIER AND DOES NOT RELIEVE SUPPLIER FROM FULL COMPLIANCE WITH CONTRACTUAL OBLIGATIONS.

REVIEWED BY:	REV. TYPE	DATE
RF ENGINEER	RF COMPLIANCE	SAC
DM (BECHTEL)	TELECO	POWER
		PLANNING
		MARKET LEAD
		DM (A/E/T)

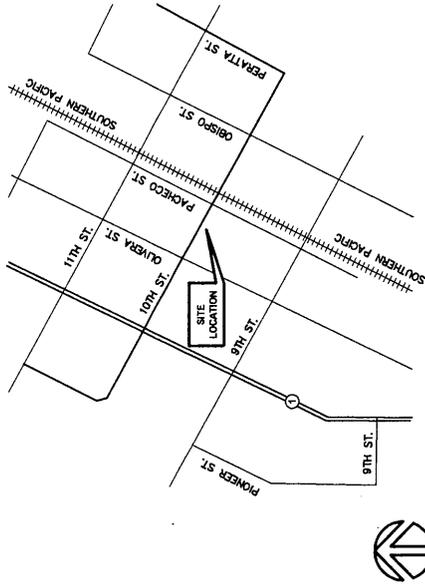
**DRAWING INDEX**

- A-SBSB23-51-T01 TITLE SHEET
- A-SBSB23-51-Z01 SITE PLAN, ANTENNA LAYOUT PLAN AND ANTENNA MOUNTING DETAIL
- A-SBSB23-51-Z02 ENLARGED SITE PLAN
- A-SBSB23-51-Z03 ELEVATIONS
- A-SBSB23-51-Z04 FENCING PLAN DETAIL PROVIDED BY RM ASSOCIATES
- A-SBSB23-51-Z05 COAX CABLE DETAILS
- A-SBSB23-51-Z06 GENERATOR & SUB BASE TANK SPECIFICATIONS
- A-SBSB23-51-Z07 ANTENNA SPECIFICATIONS

**DIRECTIONS**

- FROM A/T&T CERRITOS OFFICE:
- 1) TAKE I-580 N. THEN TAKE I-680 N.
  - 2) TAKE I-105 W. THEN TAKE I-680 N.
  - 3) TAKE US-101 N. TOWARD VENTURA. THEN TAKE CLARK AVE. EXIT
  - 4) TURN LEFT ONTO E. CLARK AVE.
  - 5) TURN RIGHT ONTO CA-1/CASIMIRA RD/CABRILLO HWY. CONTINUE TO FOLLOW CA-1/CABRILLO HWY
  - 6) TURN RIGHT INTO 10TH ST.
  - 7) ARRIVE AT 4550 10TH ST. GUADALUPE, CA 95034

**VICINITY MAP**



**PROJECT INFORMATION**

SCOPE OF WORK: AN UNMANNED TELECOMMUNICATIONS FACILITY INCLUDING THE INSTALLATION OF:

1. ONE (1) 'A/T&T' 11'-5" X 20'-0" EQUIPMENT SHELTER
2. SIX (6) 'A/T&T' PANEL ANTENNAS MOUNTED ON (E) WATER TANK STRUCTURE
3. ONE (1) 'A/T&T' 10' X 10' X 10' CONCRETE FOUNDATION
4. POWER, TELECO, AND COAXIAL CABLE RUNS
5. OTHER TELECOM STRUCTURES ARE SHOWN BUT NOT PART OF THIS PROJECT

SITE ADDRESS: 4550 10TH STREET  
GUADALUPE, CA 95034

PROPERTY OWNER: CITY OF GUADALUPE  
918 OBISPO STREET  
GUADALUPE, CA 95034

CONTACT PERSON: MIKE PENA - PUBLIC WORK DIRECTOR  
(950) 343-1340 EXT. 109

APPLICANT: A/T&T MOBILITY SERVICES  
CITY OF GUADALUPE  
CERRITOS, CA 90705

JURISDICTION: CITY OF GUADALUPE  
APN: 115-081-12  
CURRENT ZONING: U-2  
PROPOSED USE: B (UNMANNED TELECOMMUNICATIONS FACILITY)

LONGITUDE: 34°58'13.48"  
LATITUDE: 120°34'13.93"  
ELEVATION: 68 FEET (AMSL)

LEASE AREA: 504 SQ. FT.

**SITE QUALIFICATION PARTICIPANTS**

NAME/CONTACT	COMPANY	NUMBER
D.K. DO/BOK YU	DCI PACIFIC	(949) 475-1000
JUSTIN ROBINSON	STC	(714) 863-4366
JUSTIN ROBINSON	STC	(714) 863-4366
JIMMY DULZ	A/T&T	(805) 340-0002
RON VANDERWAL	BECHTEL COMMUNICATIONS	(714) 343-0931
MIKE PENA	CITY OF GUADALUPE	(950) 343-1340 EXT. 109



GUADALUPE  
SBSB23-51  
4550 10TH STREET  
GUADALUPE, CA 95034

**DCI PACIFIC**  
ARCHITECTURE-ENGINEERING-CONSULTING  
2665 DUPONT DRIVE IRVINE, CA 92612  
PHONE: (949) 475-1000 FAX: (949) 475-1001

8	06/20/09	0775	COMMENTS
7	04/23/09	0775	COMMENTS
6	03/17/09	0775	ADD GENERATOR & SUB BASE TANK SPECIFICATIONS
5	02/27/09	0775	ADD POWER, TELECO, AND COAXIAL CABLE RUNS
4	02/10/09	0775	ADD POWER, TELECO, AND COAXIAL CABLE RUNS
3	01/27/09	0775	ADD POWER, TELECO, AND COAXIAL CABLE RUNS
2	01/27/09	0775	ADD POWER, TELECO, AND COAXIAL CABLE RUNS
1	01/27/09	0775	ADD POWER, TELECO, AND COAXIAL CABLE RUNS

A/T&T MOBILITY  
CERRITOS, CA

TITLE SHEET

24782-830 A-SBSB23-51-T01

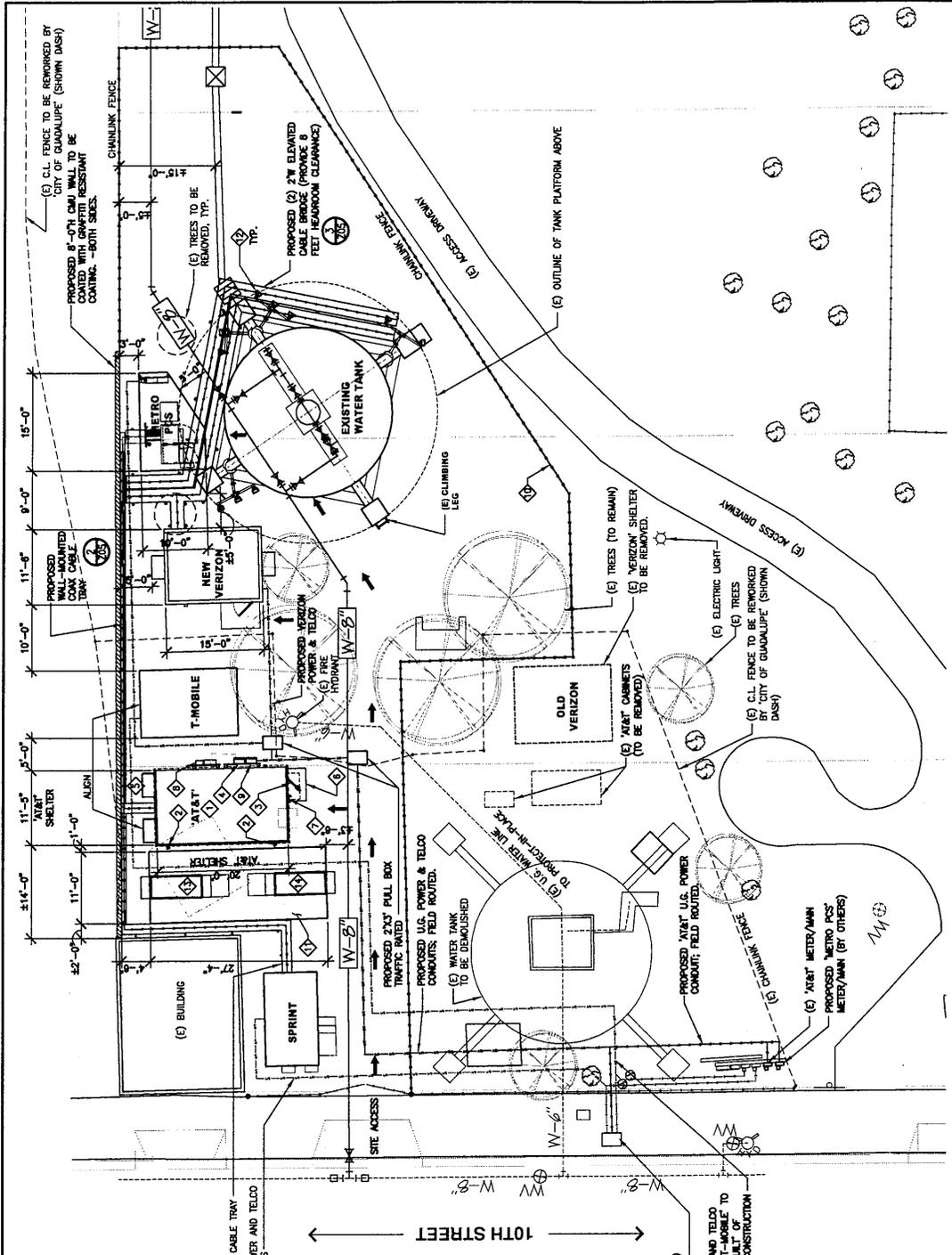


**EQUIPMENT KEYNOTES**

- 1 PROPOSED 'AT&T' EQUIPMENT SHELTER (11'-5" X 20'-0") (CELLUXION MODEL S00M35).
- 2 PROPOSED GPS ANTENNA, MOUNTED TO CLEAR TOP OF EQUIPMENT SHELTER, 2 TOTAL.
- 3 PROPOSED ACCESS DOOR.
- 4 PROPOSED METER/MAN, POWER AND TELCO PANEL/PULL BOX MOUNTED ON UTILITY BACK SHELTER ASSEMBLY.
- 5 PROPOSED 5-TON HVAC UNITS (2 TOTAL), PART OF SHELTER ASSEMBLY.
- 6 PROPOSED CONCRETE STOOP AS REQUIRED.
- 7 PROPOSED MOTION DETECTOR LIGHTS.
- 8 PROPOSED TELCO BACK PER TELCO PROVIDER'S STANDARDS.
- 9 PROPOSED EMERGENCY GENERATOR LUG BOX.
- 10 PROPOSED VENT, COATED CHAINLINK FENCE EXTENDING FROM ACCESS TO THE EXTENT OF THE PROPOSED 'VERIZON' BLDG.
- 11 PROPOSED COMMON CONCRETE PAD FOR 2 GENERATORS.
- 12 PROPOSED ANTENNAS AND ATTACHMENTS TO BE PAINTED TO MATCH (E) WATER TANK.
- 13 PROPOSED 'VERIZON' GENERATOR ON CONCRETE PAD, SEE Z04 SHEET.
- 14 PROPOSED 'AT&T' GENERATOR ON CONCRETE PAD, SEE Z04 SHEET.

NOTE:  
EXISTING 'AT&T' POLE AND CABINETS WILL BE REMOVED.

NOTE:  
EXISTING 'SPRINT' AND 'T-MOBILE' POWER & TELCO ARE EXISTING.  
- 'AT&T', 'VERIZON' AND 'METROPCS' POWER & TELCO ARE NEW.



**ENLARGED SITE PLAN**

AT&T MOBILITY  
CERRITOS, CA

24782-630 A-SBSB23-51-Z02

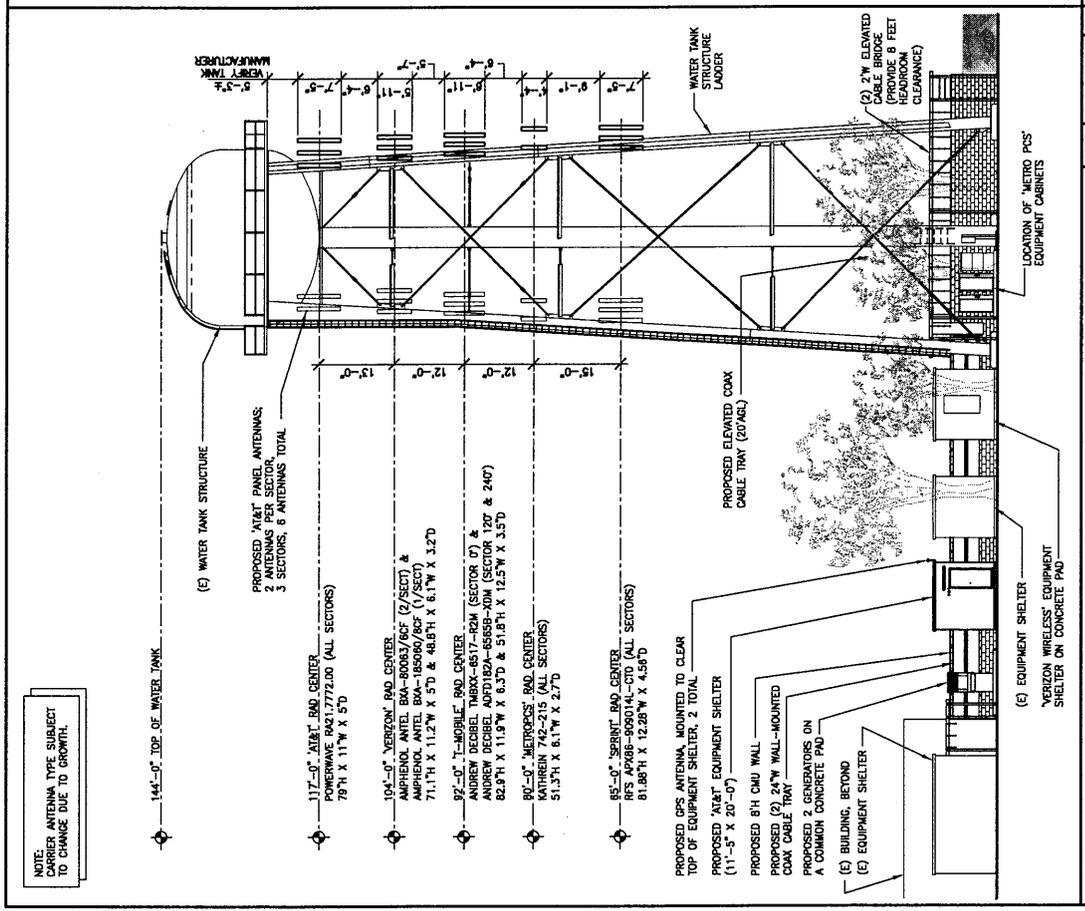
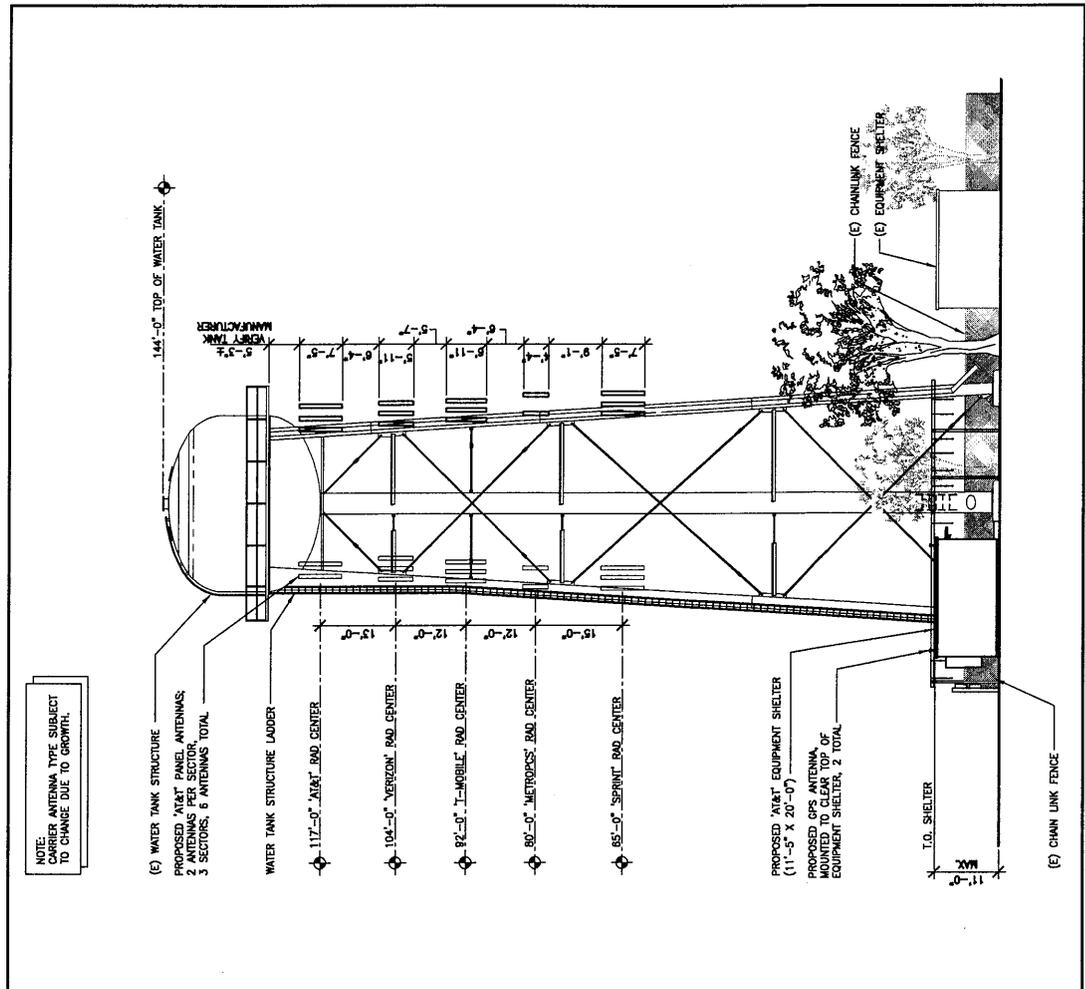
DATE: 10/20/04  
SCALE: AS SHOWN

1	10/20/04	001	COMMENTS	1H1	BOOK	000
2	10/20/04	002	COMMENTS	1H1	BOOK	000
3	10/16/04	003	ADD EXISTING & NEW SINK TANK SPECIFICATIONS	1H1	BOOK	000
4	10/20/04	004	PROVIDE FINAL COMMENTS	1H1	BOOK	000
5	10/20/04	005	PROVIDE PER LA	1H1	BOOK	000
6	10/20/04	006	PROVIDE PER LA	1H1	BOOK	000
7	10/20/04	007	PROVIDE PER LA	1H1	BOOK	000
8	10/20/04	008	PROVIDE PER LA	1H1	BOOK	000
9	10/20/04	009	PROVIDE PER LA	1H1	BOOK	000
10	10/20/04	010	PROVIDE PER LA	1H1	BOOK	000
11	10/20/04	011	PROVIDE PER LA	1H1	BOOK	000
12	10/20/04	012	PROVIDE PER LA	1H1	BOOK	000
13	10/20/04	013	PROVIDE PER LA	1H1	BOOK	000
14	10/20/04	014	PROVIDE PER LA	1H1	BOOK	000
15	10/20/04	015	PROVIDE PER LA	1H1	BOOK	000
16	10/20/04	016	PROVIDE PER LA	1H1	BOOK	000
17	10/20/04	017	PROVIDE PER LA	1H1	BOOK	000
18	10/20/04	018	PROVIDE PER LA	1H1	BOOK	000
19	10/20/04	019	PROVIDE PER LA	1H1	BOOK	000
20	10/20/04	020	PROVIDE PER LA	1H1	BOOK	000
21	10/20/04	021	PROVIDE PER LA	1H1	BOOK	000
22	10/20/04	022	PROVIDE PER LA	1H1	BOOK	000
23	10/20/04	023	PROVIDE PER LA	1H1	BOOK	000
24	10/20/04	024	PROVIDE PER LA	1H1	BOOK	000
25	10/20/04	025	PROVIDE PER LA	1H1	BOOK	000
26	10/20/04	026	PROVIDE PER LA	1H1	BOOK	000
27	10/20/04	027	PROVIDE PER LA	1H1	BOOK	000
28	10/20/04	028	PROVIDE PER LA	1H1	BOOK	000
29	10/20/04	029	PROVIDE PER LA	1H1	BOOK	000
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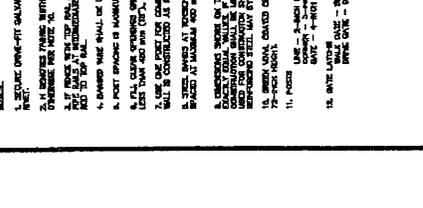
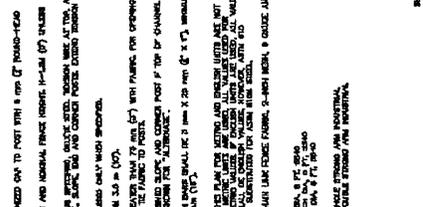
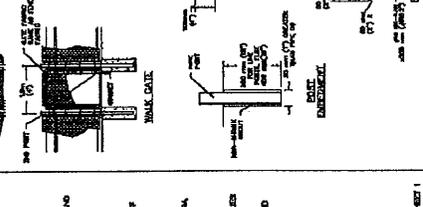
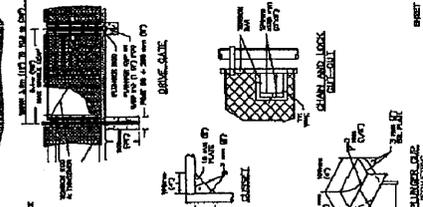
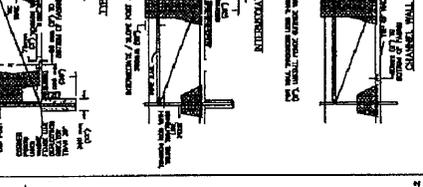
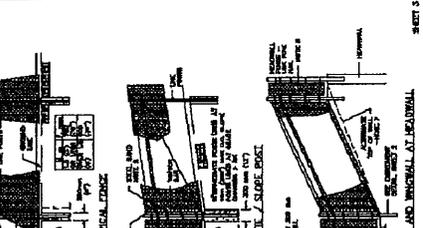
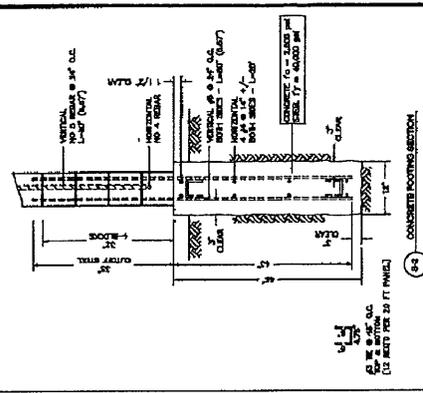
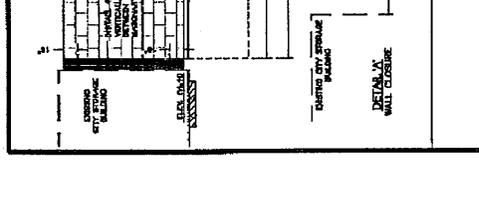
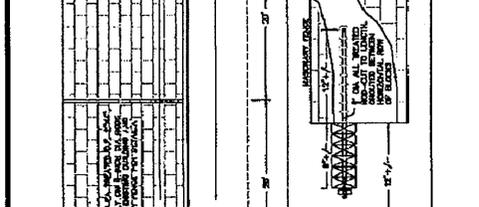
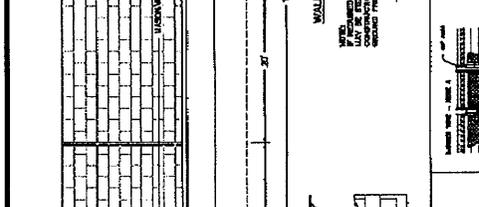
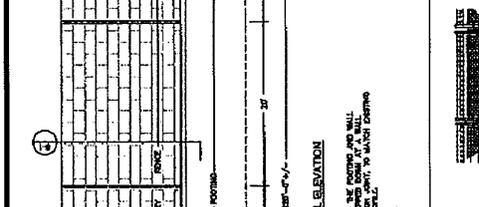
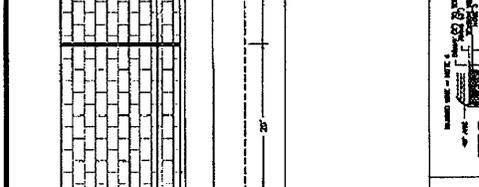
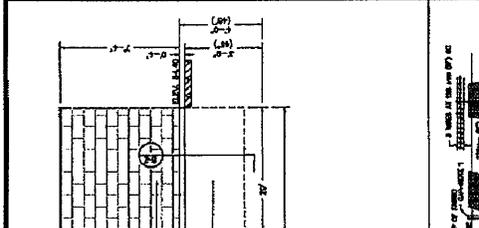
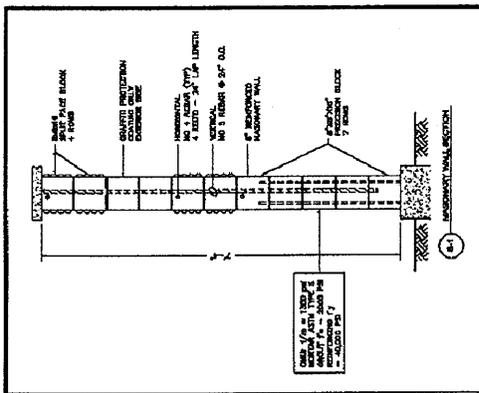
GUADALUPE  
SBSB23-51  
4650 10TH STREET  
GUADALUPE, CA 93454

at&t  
10000 BIRNEY PLAZA DRIVE  
CERRITOS, CA 94710  
TEL: (925) 484-8702 FAX: (925) 486-0966

III Pacific  
ARCHITECTURE-ENGINEERING-CONSULTING  
2480 DUPONT DRIVE IRVINE, CA 92612  
PHONE: (949) 415-1000 FAX: (949) 415-1001



WEST ELEVATION		NORTH ELEVATION	
 ARCHITECTURE-ENGINEERING-CONSULTING PHONE: (949) 415-1000 FAX: (949) 415-1001		 1000 PARK PLAZA DRIVE CERRITOS, CA 94534 TEL: (925) 494-0100 FAX: (925) 498-6688	
GUADALUPE SBSB23-51 4550 10TH STREET GUADALUPE, CA 93434		AT&T MOBILITY CERRITOS, CA	
SCALE: AS SHOWN		SCALE: AS SHOWN	
DATE:		DATE:	
DRAWN BY:		DRAWN BY:	
CHECKED BY:		CHECKED BY:	
PROJECT NO:		PROJECT NO:	
SHEET NO:		SHEET NO:	
TOTAL SHEETS:		TOTAL SHEETS:	
24782-430		24782-430	
A-SBSB23-51-Z03		A-SBSB23-51-Z03	
B		B	



**RM ASSOCIATES**  
 ARCHITECTURAL ENGINEERING CONSULTING  
 1450 DUBOISE DRIVE, SUITE 100  
 BOSTON, MASSACHUSETTS 02118  
 PHONE: (617) 552-1100 FAX: (617) 552-1101

**CITY OF GUADALUPE**  
 916 CERRILLO STREET  
 GUADALUPE, CA 94040  
 PHONE: (415) 345-1100  
 FAX: (415) 345-1100

**AT&T**  
 1000 PARK PLAZA DRIVE  
 SAN JOSE, CALIFORNIA 95128  
 TEL: (408) 486-9200 FAX: (408) 486-6888

**GUADALUPE**  
 SSB23-51  
 4550 10TH STREET  
 GUADALUPE, CA 94544

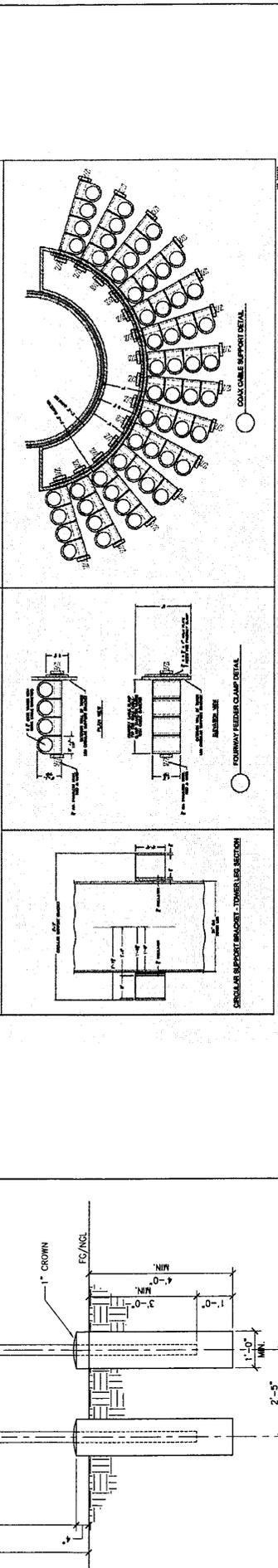
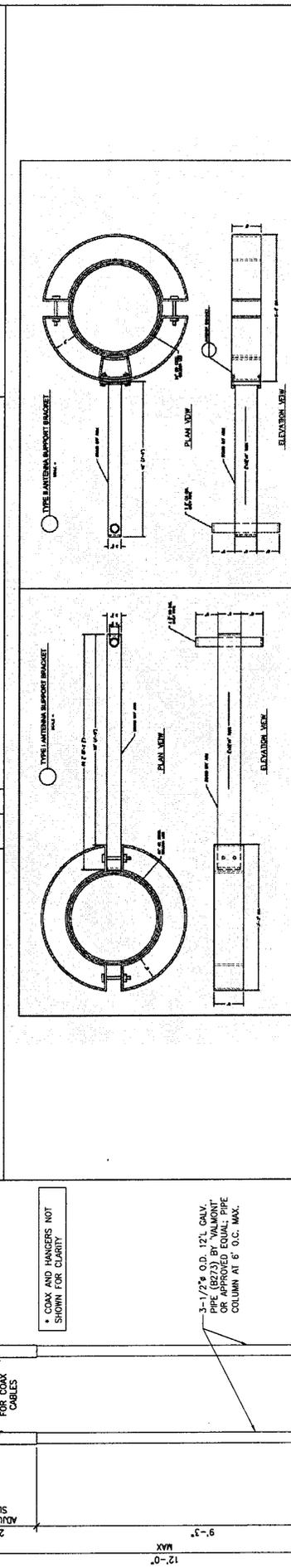
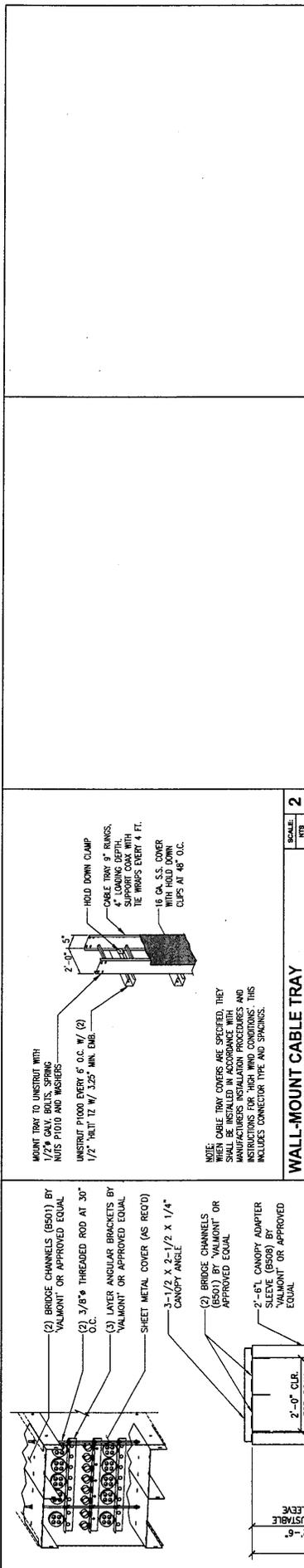
**FENCING PLAN DETAIL**

**RM ASSOCIATES**  
 ARCHITECTURAL ENGINEERING CONSULTING  
 1450 DUBOISE DRIVE, SUITE 100  
 BOSTON, MASSACHUSETTS 02118  
 PHONE: (617) 552-1100 FAX: (617) 552-1101

**AT&T MOBILITY**  
 CERRITOS, CA  
 24192-6300 A-SS8923-51-204

**FENCING PLAN DETAIL PROVIDED BY RM ASSOCIATES**

NO.	DATE	BY	CHKD.	DESCRIPTION
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2	02/10/98	RM	RM	REVISED PER COMMENTS
3	02/12/98	RM	RM	REVISED PER COMMENTS
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50	03/02/98	RM	RM	REVISED PER COMMENTS



<b>COAX CABLE BRIDGE</b>		SCALE: 1/4" = 1'-0"	3	<b>COAX CABLE DETAIL PROVIDED BY RM ASSOCIATES</b>		SCALE: 1/4" = 1'-0"	2	<b>WALL-MOUNT CABLE TRAY</b>		SCALE: 1/4" = 1'-0"	2
<b>001 PACIFIC</b> ARCHITECTURE-ENGINEERING-CONSULTING 2500 DUPONT DRIVE, IRVINE, CA 92612 PHONE: (949) 415-1000 FAX: (949) 415-1001		GUADALUPE SBSB23-51 4550 10TH STREET GUADALUPE, CA 93434		10000 BARRIE PLAZA DRIVE CERRITOS, CA 94703 TEL: (925) 446-6702 FAX: (925) 666-6995		8 05/03/08 20'S COMMENTS 7 04/23/09 20'S COMMENTS 6 03/16/09 ADD GENERATOR & SUB BASE DANK SPECIFICATIONS 5 02/25/09 INCORP. FINAL COMMENTS 4 02/07/09 INCORP. PER. TA NO. DATE BY CHK. APP'D. SCALE AS SHOWN DESIGNED DRAWN		1 AT&T MOBILITY CERRITOS, CA COAX CABLE DETAILS 2-1782-630 DRAWING NUMBER A-SBSB23-51-Z05 REV. 8			

**SD060** Liquid Cooled Diesel Engine Generator Sets  
 500KW (680HP) 60 Hz  
 600V (575V) 3PH/3W/4W

**FEATURES**

- **RELIABILITY:** 100% duty cycle, 24 hours a day, 365 days a year.
- **EFFICIENCY:** 90% efficiency, 100% load, 100% power factor.
- **LOW MAINTENANCE:** Low oil consumption, low fuel consumption, low water consumption.
- **LOW NOISE:** 65 dBA (at 1m), 75 dBA (at 3m).
- **LOW VIBRATION:** 0.15 mm/s (at 1000 Hz), 0.15 mm/s (at 100 Hz).
- **LOW EMISSIONS:** 100% load, 100% power factor, 100% duty cycle.
- **LOW FUEL CONSUMPTION:** 100% load, 100% power factor, 100% duty cycle.
- **LOW WATER CONSUMPTION:** 100% load, 100% power factor, 100% duty cycle.
- **LOW OIL CONSUMPTION:** 100% load, 100% power factor, 100% duty cycle.
- **LOW VIBRATION:** 0.15 mm/s (at 1000 Hz), 0.15 mm/s (at 100 Hz).
- **LOW NOISE:** 65 dBA (at 1m), 75 dBA (at 3m).
- **LOW EMISSIONS:** 100% load, 100% power factor, 100% duty cycle.

**GENERAC POWER SYSTEMS, INC.**

**APPLICATION & ENGINEERING DATA**

**GENERATOR SPECIFICATIONS**

**ENGINE SPECIFICATIONS**

**VOLTAJE REGULADOR**

**CONTROL PANEL FEATURES**

**GENERATOR FEATURES**

**OPTIONAL ACCESSORIES**

**STANDARD ENGINE & SAFETY FEATURES**

**OPTIONAL ACCESSORIES**

**GENERATOR & SUB BASE TANK SPECIFICATIONS**

**GENERAC POWER SYSTEMS, INC.**

Code	DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
1	Generator Set (SD060)	1	100,000.00	100,000.00
2	Sub Base Tank	1	50,000.00	50,000.00
3	Generator & Sub Base Tank	1	150,000.00	150,000.00
4	Generator & Sub Base Tank (with options)	1	175,000.00	175,000.00
5	Generator & Sub Base Tank (with options and accessories)	1	200,000.00	200,000.00
6	Generator & Sub Base Tank (with options, accessories, and shipping)	1	225,000.00	225,000.00
7	Generator & Sub Base Tank (with options, accessories, and shipping, plus 10% handling)	1	247,500.00	247,500.00
8	Generator & Sub Base Tank (with options, accessories, and shipping, plus 10% handling and 5% tax)	1	261,750.00	261,750.00

**GENERATOR & SUB BASE TANK SPECIFICATIONS**

**GENERATOR**

**SUB BASE TANK**

**GENERATOR & SUB BASE TANK**

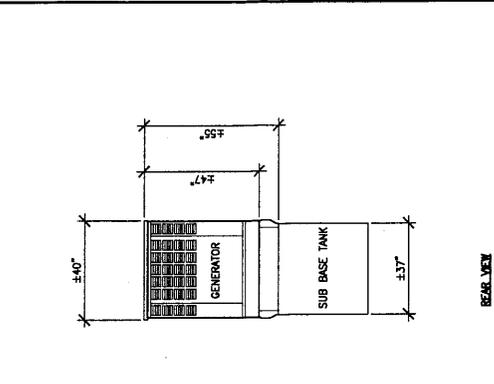
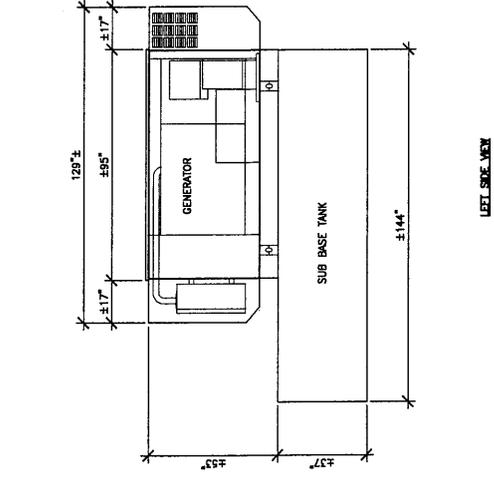
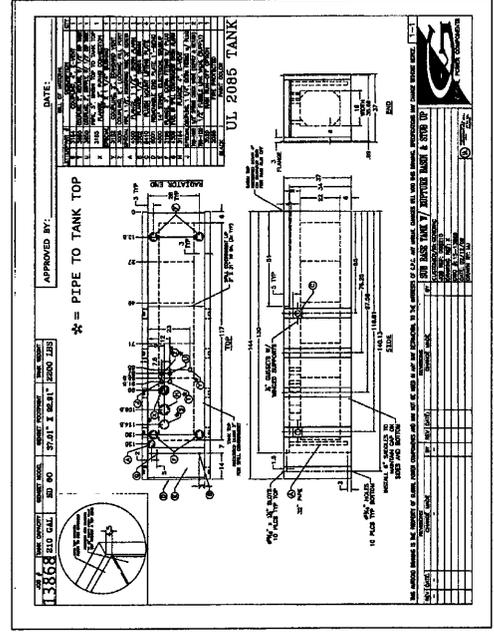
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**GENERATOR & SUB BASE TANK (with options and accessories)**

**GENERATOR & SUB BASE TANK (with options, accessories, and shipping)**

**GENERATOR & SUB BASE TANK (with options, accessories, and shipping, plus 10% handling)**

**GENERATOR & SUB BASE TANK (with options, accessories, and shipping, plus 10% handling and 5% tax)**



**GENERATOR & SUB BASE TANK SPECIFICATIONS**

**at&t**

10000 LINCOLN PLAZA DRIVE  
 CERRITOS, CA 94534  
 TEL: (925) 498-8700 FAX: (925) 498-8800

**GUADALUPE**  
 SBSB23-51  
 4650 10TH STREET  
 GUADALUPE, CA 95434

**ARCHITECTURE-ENGINEERING-CONSULTING**  
 2450 DUPONT DRIVE, IRVINE, CA 92612  
 PHONE: (949) 415-1000 FAX: (949) 415-1001

**III PACIFIC**

**AT&T MOBILITY**  
 CERRITOS, CA

**GENERATOR & SUB BASE TANK SPECIFICATIONS**

24782-630 A-SBSB23-51-Z06

DATE: 10/10/00  
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 CHECKED: [Name]  
 DESIGNED: [Name]

SCALE: AS SHOWN

REVISIONS

BY: [Name]  
 DATE: [Date]

NO. COMMENTS

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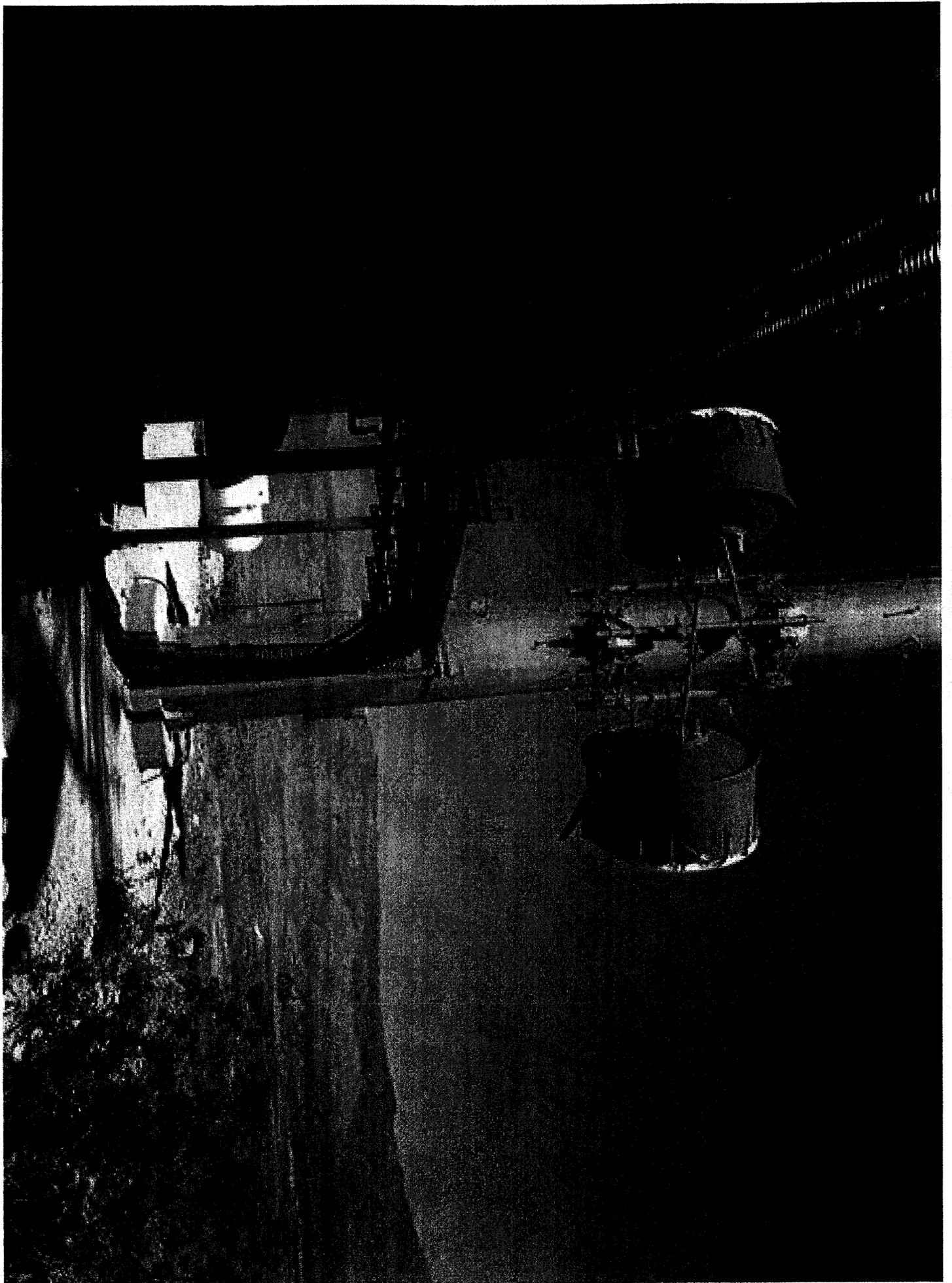
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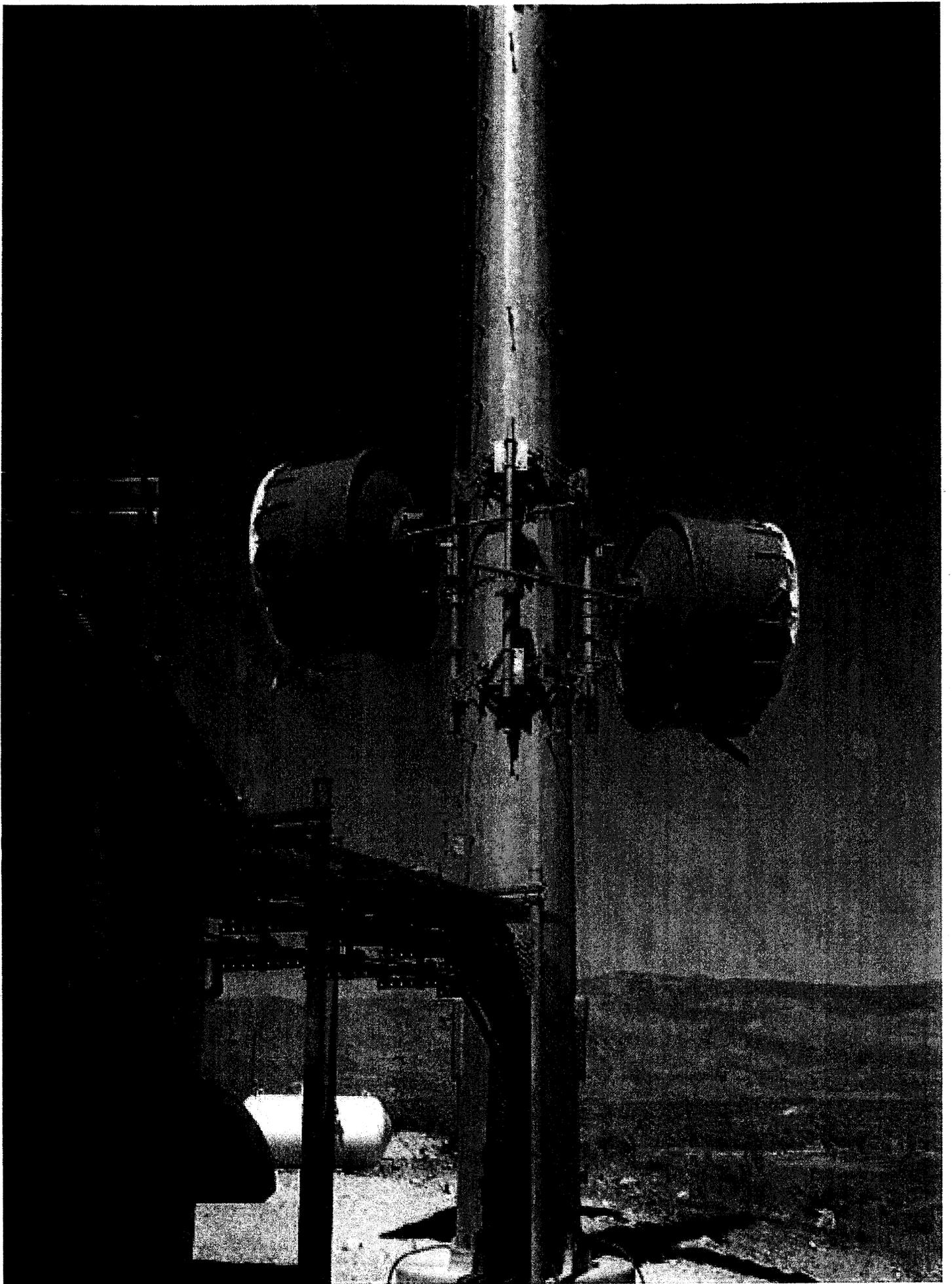
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## **ATTACHMENT 3**

Example Cable Tray Photograph

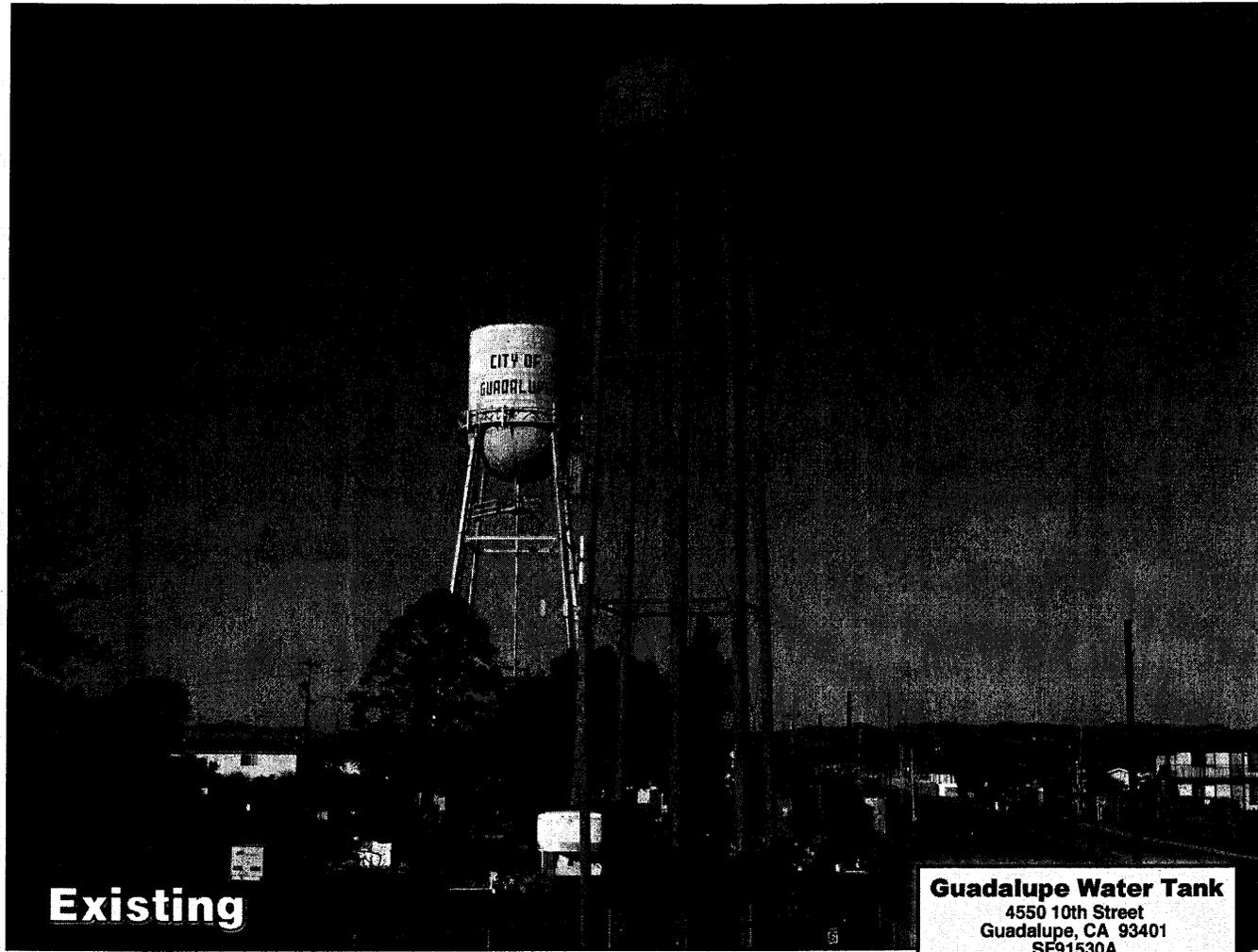




## **ATTACHMENT 4**

Photo-Simulations: Pre- and Post-Project

**Photosimulation of view looking north from the pedestrian railroad overcrossing.**



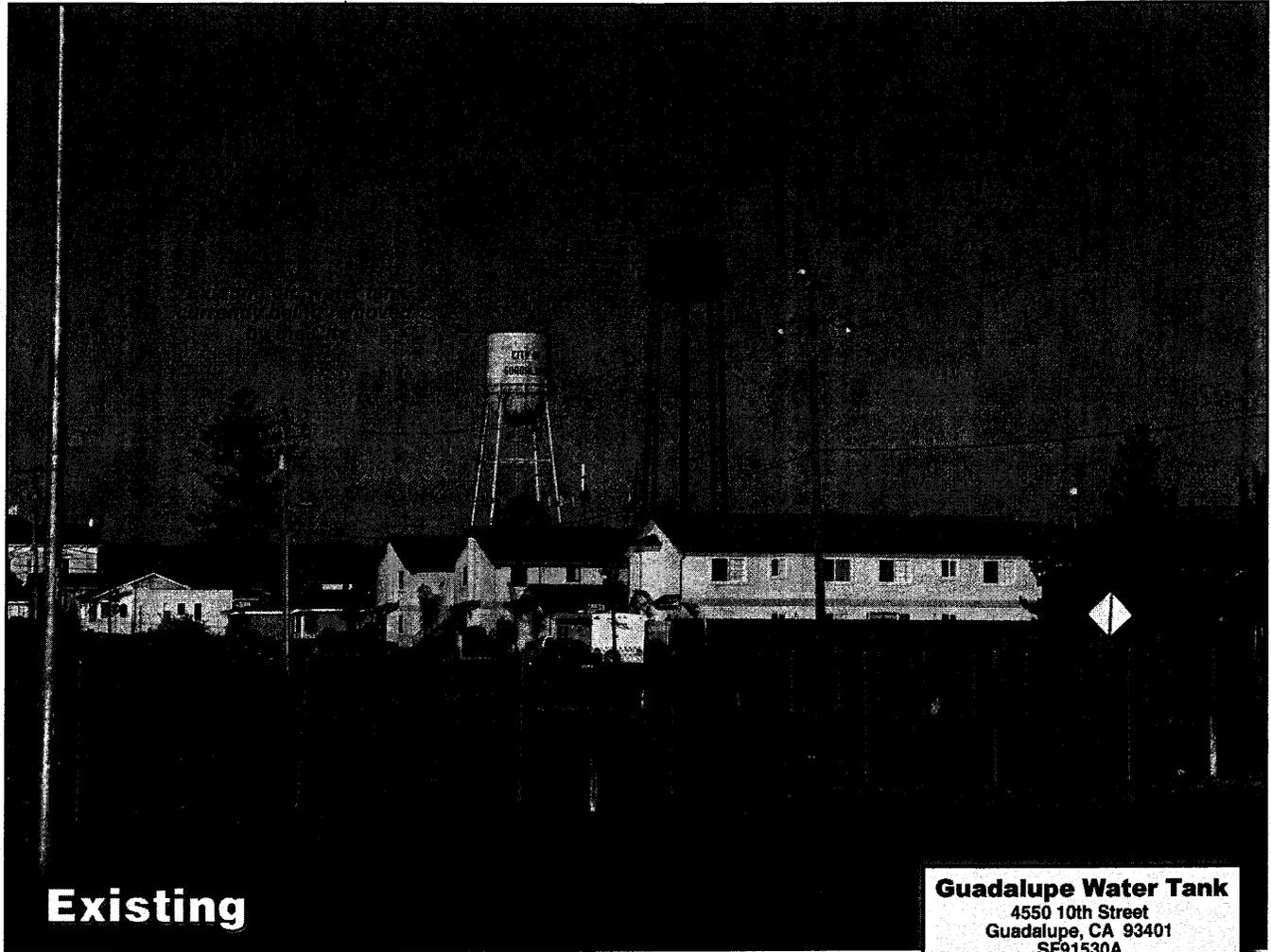
**Existing**

**Guadalupe Water Tank**  
4550 10th Street  
Guadalupe, CA 93401  
SF91530A  
**metroPCS.**  
Permission to speak freely.™



**Proposed**

**Photosimulation of view looking northeast from Hwy 1 through downtown.**



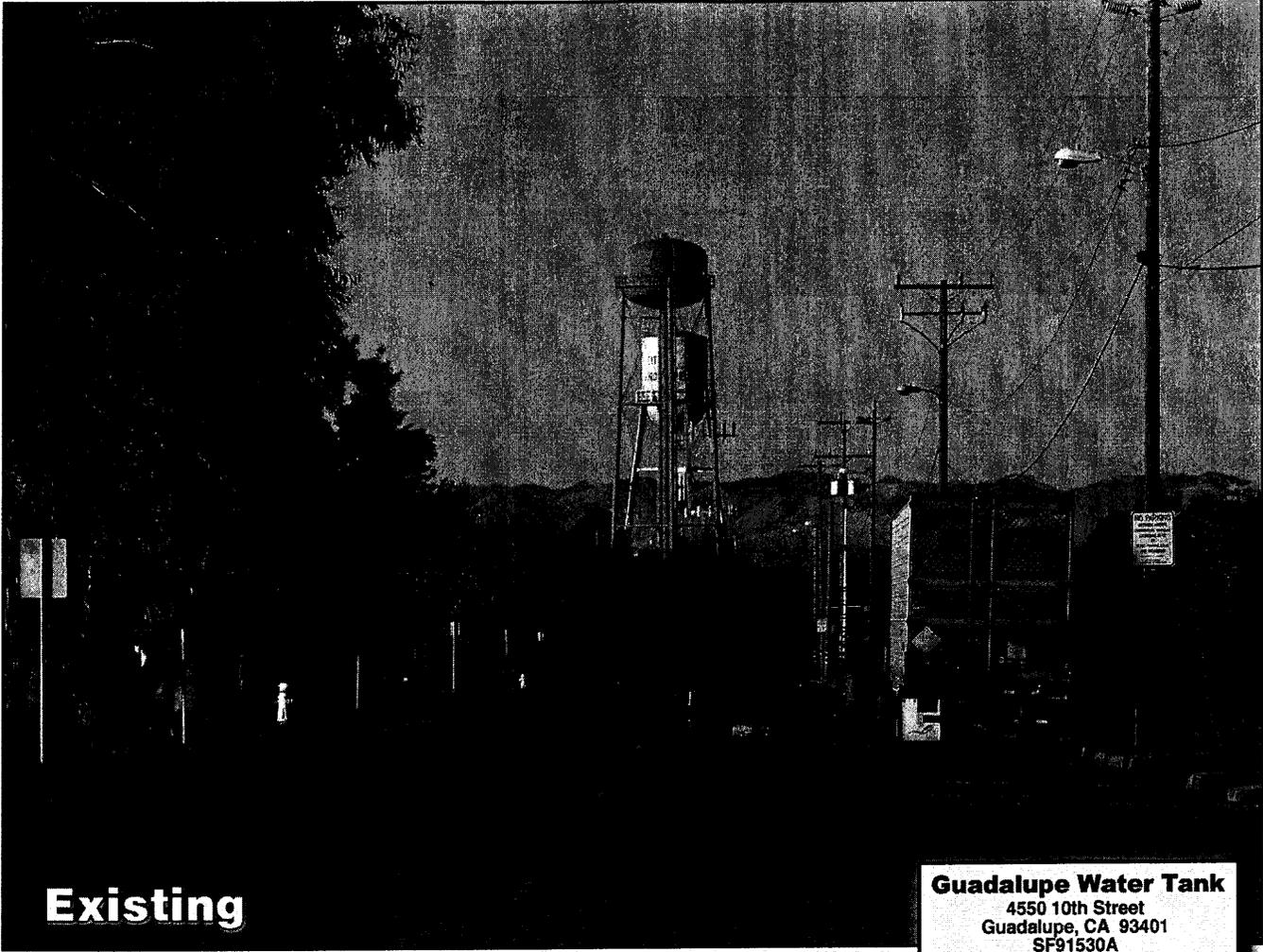
**Existing**

**Guadalupe Water Tank**  
4550 10th Street  
Guadalupe, CA 93401  
SF91530A  
**metroPCS.**  
Permission to speak freely.™



**Proposed**

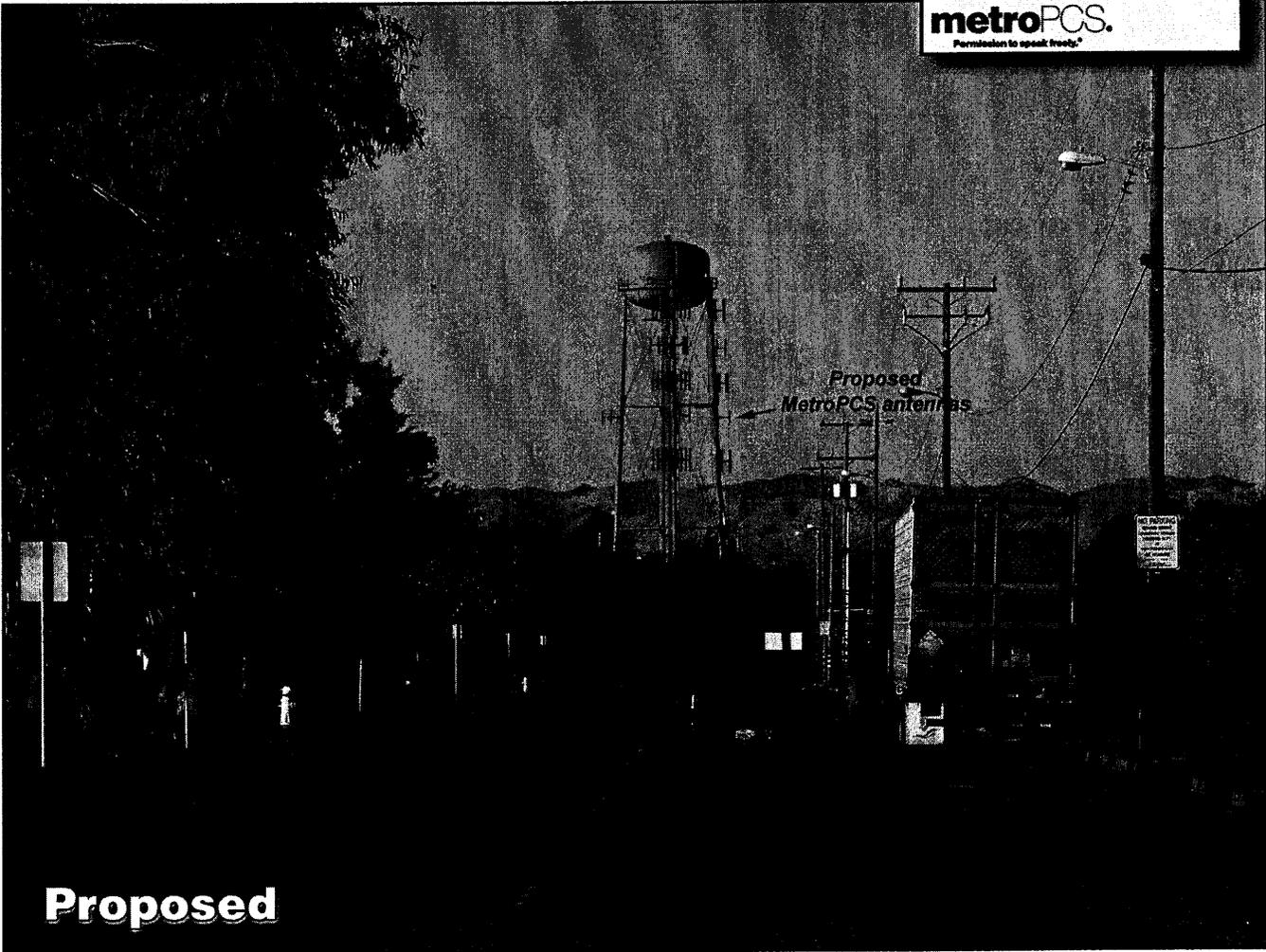
**Photosimulation of view looking due north on Obispo Street.**



**Existing**

**Guadalupe Water Tank**  
4550 10th Street  
Guadalupe, CA 93401  
SF91530A

**metroPCS.**  
Permission to speak freely.®



**Proposed**

7a.

**REPORT TO THE PLANNING COMMISSION**  
**May 19, 2009**

RS

**Prepared By:**  
**Rob Mullane, City Planner**

CM

**Approved By:**  
**Carolyn Galloway-Cooper**

**SUBJECT:** Public hearing to consider a Conditional Use Permit for Verizon Wireless to install cellular facilities on the City's new water tank and associated on-ground equipment adjacent to the water tank at 4550 Tenth Street (Planning Application #2009-001-CUP)

**EXECUTIVE SUMMARY:**

The City received an application for a Conditional Use Permit (CUP) for the installation of new cellular antennas on the City's new water tank and on-ground appurtenant equipment (Planning Application # 2009-001-CUP, -ZC). The project consists of the removal and relocation of existing Verizon facilities and the installation of nine (9) new antennas on three of the four legs of the new water tower and an equipment shelter to house appurtenant equipment. The proposed cellular antennas would be mounted at a height of 104 feet (for a peak height of 106.5 feet) and would be colored to match the new tank. The new cellular equipment requires a CUP because the elements of the proposed cellular facilities would exceed a height of 50 feet. At tonight's meeting, the Planning Commission can approve, conditionally approve, or continue the item.

**RECOMMENDATION:**

- 1) Receive a presentation from staff
- 2) Provide an opportunity for the applicant to present the proposed project
- 3) Take any comments from the public
- 4) Approve PC Resolution 2009-004 approving Conditional Use Permit (Case #2009-001-CUP) for the relocation of Verizon Wireless communication facilities at 4550 Tenth Street

**BACKGROUND:**

The City first received an application for a Conditional Use Permit (CUP) for the installation of new cellular facilities on the City's new water tank and on-ground appurtenant equipment on January 6, 2009 (Planning Application # 2009-001-CUP, -ZC). The applicant is Mr. Jamie Strachan of Ridge Communications, an authorized agent of Verizon Wireless. Verizon has an existing wireless facility in Central Park, with antennas mounted on the older water tank that was damaged in the 2004 San Simeon earthquake. The City has determined that the existing water tank must be demolished due to structural integrity issues. There are three other existing cell carriers on the City's damaged water tank and one new cell carrier, and all of these carriers are requesting to install new cellular equipment on the new water tank.

The Planning Commission held a conceptual review of all five CUP requests on January 6, 2009 to allow early input from the Commission on the design and other planning related issues. This meeting provided the cell carriers general direction to ensure that the site became more aesthetically pleasing and to strive to have a maximum amount of park land reclaimed for public use. This meeting also facilitated coordination between all five cell carriers to coordinate efforts, minimize conflicts between carriers, and provide for efficient use of staff and applicant resources.

Since the January 6, 2009 conceptual review meeting, the application underwent two rounds of review on January 25, 2009 and April 8, 2009. In addition, multiple meetings have occurred that included Planning Staff, the City Engineer, and representatives from multiple carriers. These meetings were held to coordinate and resolve issues relating to engineering needs and aesthetics and other potential environmental concerns. The planning application was deemed complete on May 13, 2009.

## **DISCUSSION:**

### **Project Description**

The request is for a Conditional Use Permit to install cellular antennas on the City's new water tank and a new equipment shelter, which would house on-ground appurtenant equipment. The project consists of the removal and relocation of the existing Verizon Wireless antennas, associated equipment shelter, and ancillary equipment, and the installation of new antennas and on-ground appurtenant equipment.

Nine (9) new panel antennas in 3 three-antenna arrays oriented to the 0°, 120°, and 240° sectors would be mounted on the new water tank. The antennas would be mounted at a height of 104 feet, for a maximum height of approximately 106.5 feet. The antennas would be 61 inches in length by 6 inches in width and would be colored to match the new water tank. Two of the antenna arrays would be mounted on the south leg of the water tower, and the third antenna array would be mounted on the east leg. In addition, the replacement 12 foot by 15 foot equipment shelter would be located along the east side of the property, in-line with the equipment shelters or areas of other carriers; refer to sheet Z04 as provided in Attachment 2 of the AT&T staff report.

A recently constructed eight (8) foot high and 120 foot long masonry wall along the east side of the site would screen the project from the east as well as provide routing support for the applicant's coax cabling from the proposed equipment shelter. The main portion of required underground utilities (for electrical and telephone company lines) would utilize recently installed shared conduit lines that the City installed in a trench for the new water tank project. The applicant would then place its own conduit routing from this shared trench to the proposed equipment shelter. This would involve trenching approximately 27 feet in length and three (3) feet in depth for a total of 18 cubic yards of excavated soil.

The project would also include a new 96-hp, diesel-powered generator sited near the masonry wall along the eastern portion of the lease area. The generator would be mounted on an 11-foot by 27.3-foot new concrete slab sited adjacent (approximately one foot to the north) to the proposed AT&T equipment shelter. The generator would be used

for backup power during routine maintenance and in the event of a power outage. A new 11-foot by 27.3-foot pad will be installed approximately 1 foot north of AT&T's proposed equipment shelter and will support the new 50-hp diesel generator for back-up power. The pad supporting Verizon's generation would also be utilized by AT&T Wireless to support that facility's generator.

The proposed antennas would be fed by multiple runs of coax cables. The new coax cables would run from the proposed equipment shelter along an elevated cable tray approximately five (5) feet to the recently constructed masonry wall. The coax would be mounted to the wall at a height of approximately 7 feet and would run southward along the wall to the proposed elevated cable tray where it would transition onto the water tower leg. The proposed elevated cable from the proposed wall to the new water tank would be approximately nine (9) feet in height and would run from the wall to the tower structure where it would provide access to the water tank legs. The coax would then run up the legs of the water tank to the proposed antennas.

Construction of the new Verizon equipment is expected to take three months. Once operational, the site would be visited 1-2 times per month for routine maintenance. Access to the lease area would be provided via the existing gate entrance along Tenth Street, the same access utilized by the City for access to the new water tank. The lease access would be aligned along the west side of the proposed equipment shelter.

### **Project Issues**

Potential environmental issues related to this project included Radio-Frequency (RF) emissions, on-site soil contamination, noise, and aesthetics. An RF Study for the project was performed which evaluated the power of all antenna arrays operating simultaneously and concluded that the proposed antennas would comply with the federal standards for limiting public exposure to radio frequency and therefore would not pose any risk to City residents or park users. In addition, on-site soil contamination was a concern due to previous maintenance activities on the old water tank that involved the removal of lead-based paint. However, the City as part of the water tank project removed areas of contaminated soil for proper disposal, and verification sampling was conducted that noted no actionable levels of contaminants. The City Engineer's office also performed a Phase I Environmental Site Assessment which concluded that no recognized environmental conditions were present on the project site.

The potential for noise to impact nearby residents was evaluated. The generator would produce sound at the 65 dB level at a distance of 23 feet from the generator. The nearest sensitive noise receptors are residences to the north and east of the wireless facility. These residences are well over 23 feet away, and are separated from the generator by intervening on-ground equipment, the masonry wall, and either Tenth Street or Pacheco Street and the railroad. Nevertheless, a condition of approval to ensure that facility noise will not pose a compatibility issue has been included.

The aesthetics of the site and the objective to consolidate and organize equipment associated with the cellular facilities was discussed at the Planning Commission's conceptual review of the project in January 2009. The equipment shelters and areas have been shifted to the eastern portion of the site to consolidate the on-ground facility components and minimize aesthetic impacts. The design of the antenna arrays has been

improved over what is on the older tank. A wall along the eastern project boundary was constructed for screening purposes, and the rest of the water tank and wireless facilities' lease area has been enclosed by a vinyl-coated chain-link fence, pursuant to what was discussed at the Planning Commission's conceptual review. The removal of the old water tank, and wireless facility equipment that will no longer be needed once the new facilities are operational would de-clutter the northern portion of the site, and portions of this area may be reclaimed for park uses. Photo-simulations depicting the pre- and post-project area are included as Attachment 4 of the AT&T staff report. . These show the Verizon Wireless facilities, as well as the proposed changes associated with the other four CUP applications.

Additional detail on the project components has been provided, and should be reviewed by the Planning Commission. In particular, the visibility of the conduit runs that are proposed to be elevated may be discussed, and any alternatives to elevated runs considered. The proposed color of antennas, conduit trays, and equipment shelters should be confirmed by the Commission. Furthermore, no tree removal is proposed as part of this application. However, if any trees are damaged or removed in construction, a condition of approval has been included that would require replacement trees to be planted. The application did not include any proposed lighting systems. However, the applicant should describe any lighting including the location, type of light system and the direction the light(s) will face if such lighting is proposed.

**Site Information**

LOCATION	4550 Tenth Street
APN	115-081-012
ZONING	O Open Space
SITE SIZE	Approximately 0.5 Acres
PRESENT USE	Park, Water Tank, and Cellular Facilities
SURROUNDING USES AND ZONING	R-3 Multiple Dwelling Residential to the north, south, and west R-2 Multiple Dwelling Residential to the east

The property is developed with a new City water tank the City's old water tank (to be demolished), and existing cellular facilities of Verizon, AT&T, Sprint and T-Mobile. The surrounding uses are noted in the above table, and a vicinity map is below.

**Zoning Conformity**

Staff has reviewed the request's conformity to zoning requirements and standards and notes no inconsistencies with zoning requirements.

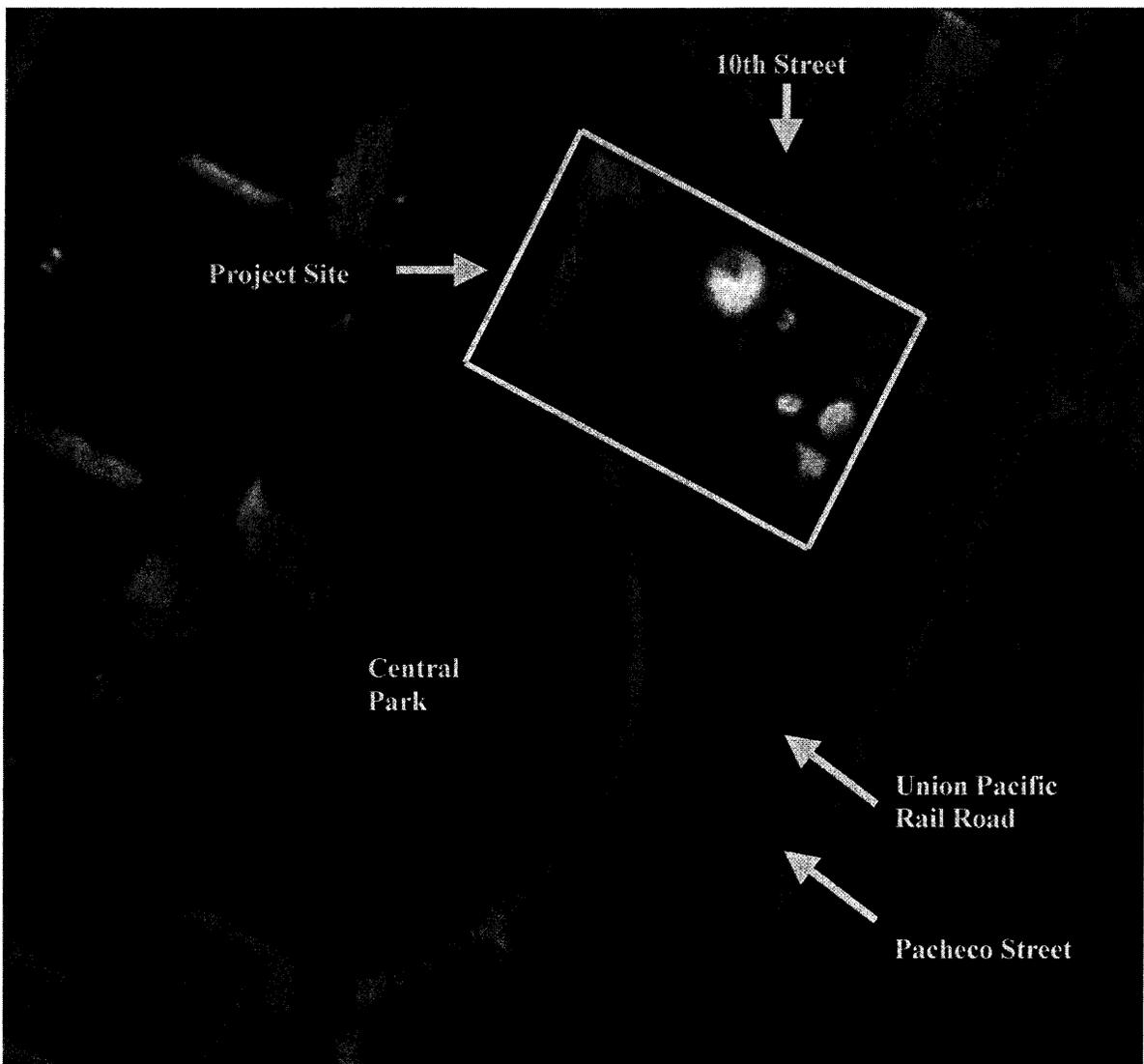
**CEQA Review**

The project is exempt from CEQA pursuant to Section 15302. This section of the CEQA Guidelines states that the following is exempt:

*...replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced,*

*including but not limited to...replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.*

The request is for the installation of new antennas and on-ground appurtenant equipment that would replace similar existing wireless facilities. The existing water tower upon which the existing antenna arrays are installed is being demolished, and a new water tower has been constructed. An RF emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. The proposed work would not result in any significant biological impacts, impacts on known cultural resources, or impacts on water quality. The consolidation of on-ground equipment and inclusion of a screening wall would improve the aesthetics of the site and the functionality of the park. In addition, the request is in conformity to zoning requirements.



### **Planning Commission Consideration**

A CUP is required by section 18.52.020 of the City's zoning code, which states that:

*...a building or structure shall not exceed fifty (50) in height...[however] additional height may be permitted by granting of a conditional use permit”.*

The CUP process is set forth in Chapter 18.72 of the City’s Zoning Code.

In considering a CUP, the Planning Commission may approve as submitted, approve with conditions of approval, or provide direction to the applicant on recommended changes and continue the item to a future meeting of the Commission.

Notices of the pending CUP and Planning Commission public hearing were published in the Santa Maria Times and mailed to all property owners within a 300 foot radius as required by Section 18.73.070.

### **Planning Commission Action and Next Steps**

A resolution to approve the CUP has been prepared (Attachment 1), and staff recommends approval of this resolution. Should the Commission approve or conditionally approve the CUP, staff would issue the associated Zoning Clearance once any prior to issuance conditions have been met and once the 10-day appeal period has run.

### **ATTACHMENTS:**

1. Resolution 2009-004

### **AGENDA ITEM:**

**ATTACHMENT 1**

Resolution 2009-004

## **PLANNING COMMISSION RESOLUTION NO. 2009-004**

**A Resolution of the Planning Commission of the City of Guadalupe Recommending Approval of a Conditional Use Permit (Case #2009-001-CUP) for the Verizon Wireless Facility Relocation Project at 4550 Tenth Street**

**WHEREAS**, on January 6, 2009, Mr. Jamie Strachan, representing Verizon Wireless (the "Applicant"), submitted a Conditional Use Permit application (Case # 2009-001-CUP), for relocation and replacement of wireless facilities associated with the replacement of the City's water tower at Central Park, 4550 Tenth Street (APN 115-081-012); and,

**WHEREAS**, the application was found complete for processing on May 13, 2009; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on May 19, 2009, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, a Conditional Use Permit is required pursuant to Sections 18.52.020 of the Guadalupe Municipal Code; and

**WHEREAS**, the Planning Commission has considered the application for a Conditional Use Permit in accordance with Section 18.72 of the City's Zoning Code (Title 18 of the Guadalupe Municipal Code) and determines that it conforms as conditioned to these requirements; and

**WHEREAS**, City staff have reviewed the CUP request and determine that it conforms as conditioned to the requirements of the City's Zoning Code (Title 18 of the Guadalupe Municipal Code); and

**WHEREAS**, the Planning Commission has considered the entire administrative record, including application materials, staff report, the CEQA determination, and oral and written testimony from interested persons; and

**WHEREAS**, the Planning Commission finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15302 as a replacement or relocation of an existing facility;

**WHEREAS**, the Planning Commission finds that approval of Case No. 2009-001-CUP would be consistent with the City's General Plan, the provisions of Title 18 (Zoning Code) of the Guadalupe Municipal Code; and the ability to make the required findings, including findings pursuant to the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Guadalupe, California as follows:

The Planning Commission does hereby find and determine as follows:

- Section 1. The Findings set forth in Exhibit 1 to this Resolution are hereby adopted and incorporated herein by this reference.
- Section 2. The CEQA Exemption for Case No. 2009-001-CUP is accepted.
- Section 3. Case No. 2009-001-CUP is approved, subject to the Conditions of Approval set forth in Exhibit 2 to this Resolution.

Section 4. The Planning Commission Secretary shall certify as to the adoption of this Resolution.

UPON MOTION of Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_ the foregoing Resolution is hereby approved and adopted the 19<sup>th</sup> day of May 2009, by the following role call vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

I, **Robert A. Mullane**, Planning Commission Secretary of the City of Guadalupe, **DO HEREBY CERTIFY** that the foregoing Resolution, being **P.C. Resolution No. 2009-004**, has been duly signed by the Planning Commission Vice Chair at a meeting of the Planning Commission, held May 19, 2009, and that same was approved and adopted.

**ATTEST:**

\_\_\_\_\_  
Robert A. Mullane, Planning  
Commission Secretary

\_\_\_\_\_  
Carl Kraemer, Vice Chair

**EXHIBIT 1  
FINDINGS  
VERIZON WIRELESS FACILITY RELOCATION  
4550 TENTH STREET  
CASE NO. 2009-001-CUP**

**1.0 CEQA Findings**

The proposed project may be found categorically exempt under Section 15302 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Section 15302 allows the replacement or reconstruction of existing structures and facilities, where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

The request is for the installation of new antennas and on-ground appurtenant equipment that would replace similar existing wireless facilities. The existing water tower upon which the existing antenna arrays are installed is being demolished, and a new water tower has been constructed. A Radio-Frequency emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. The proposed work would not result in any significant biological impacts, impacts on known cultural resources, or impacts on water quality. Noise from the proposed back-up power generator would not be at levels that conflict with any nearby residences or other sensitive receivers. The consolidation of on-ground equipment and inclusion of a screening wall would improve the aesthetics of the site and the functionality of the park. In addition, the request is in conformity to zoning requirements.

The proposed project would constitute a replacement of existing structures and uses. The new facilities will be located on the same site as the structure that the new facilities are replacing and will have a similar purpose and capacity. Therefore, the project complies with the findings listed above and may be considered exempt from the California Environmental Quality Act under Section 15302 of the CEQA Implementation Guidelines.

**2.0 Administrative Findings**

Pursuant to City of Guadalupe Municipal Code, Section 18.72.050, a Conditional Use Permit shall be approved only if all of the following findings can be made:

*A.1.) That the use will be consistent with the General Plan.*

The proposed use involves the relocation and reconstruction of an existing wireless facility with antennas mounted to the City's water tank. Since the use is on a City-owned property, the applicant has a lease with the City for use of the property for a wireless facility. The project requires a Conditional Use Permit because of its height. It meets setback and other zoning standards and requirements, and the aesthetics of the project have been considered. The proposed project is expected to be an aesthetic improvement over existing conditions, and the relocation of the equipment shelter provides for an area of the park to be reclaimed for recreational uses. For these reasons the use is determined to be consistent with the General Plan.

*A.2.) That the use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be*

*injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.*

The relocation of the Verizon Wireless equipment shelter will help de-clutter the existing lease area and will help improve the aesthetics of the site. A screening wall will be constructed along the lease area's eastern boundary and help screen the new equipment. A chain-link fence will provide site security. Back-up power would be provided by a diesel generator, which will only be used in the event of a power loss, and noise resulting from the generator will be short in duration, limited in frequency, and will be buffered by the lease area wall and other on-ground equipment shelters and areas. A Radio-Frequency emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. Maintenance activities will not be substantially altered.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL**  
**VERIZON WIRELESS FACILITY RELOCATION**  
**4550 TENTH STREET**  
**CASE NO. 2009-001-CUP**

GENERAL CONDITIONS

1. Subject to the conditions set forth below, this permit authorizes the improvements and uses requested by Case No. 2009-001-CUP and shown in the project plans on file with the City of Guadalupe. Any deviations from the project description in the staff report, exhibits or conditions must be reviewed and approved by the City of Guadalupe for conformity with this approval. Deviations may require changes to the permit to be approved and/or further environmental review. Deviations without the above-described approval will constitute a violation of the permit approval.

The request includes the installation of nine cellular antennas in three 3-antenna arrays at a mounting height of 104 feet above grade on the City of Guadalupe's water tank. Each antenna will be approximately 5 foot by 1 foot in size and colored to match the water tank. A new 12-foot by 15-foot equipment shelter is proposed closer to the site's eastern boundary to be in line with the majority of the other existing and proposed wireless equipment shelters and areas. A new 11-foot by 27.3-foot pad will be installed approximately 1 foot north of the proposed AT&T equipment shelter and will jointly support Verizon and AT&T's new 96-hp diesel generators for back-up power. New telephone and electrical lines will run from Tenth Street to the equipment shelter utilizing conduit sleeves that were installed in the City's trench for the new water line and a new trench from the waterline trench to the equipment shelter. New conduit will run from the equipment shelter to the water tank via an elevated cable tray and cable bridge and then up three of the four water tower legs. The antennas on the old water tank, the existing equipment shed, and the associated above ground conduit will be removed.

2. Approval of this Conditional Use Permit is not valid until the property owner or authorized agent signs this list of conditions agreeing to the terms and Conditions of Approval.
3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicants expense, City and City's agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of this permit or to determine the reasonableness, legality or validity of any condition attach hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and city will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligation of this condition. Applicant's acceptance of this permit approval or commencement of construction or operations under the approval shall be deemed to be acceptance of all conditions of approval.
4. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threaten to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to

such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.

5. In accordance with Section 18.72.130 of the City Municipal Code, this Conditional Use Permit approval shall expire one (1) year from the date of approval, unless a building permit for the proposed improvements has been obtained, or an extension has been granted as provided for in Section 18.72.130.
6. Prior to Zoning Clearance, the applicant shall secure a revised lease agreement with the City to reflect the new location of the equipment and any necessary changes to the lease area boundaries.

#### PLANNING DEPARTMENT CONDITIONS

7. The applicant shall notify City Planning Department and City Building Department staff of the start date for construction at least 5 working days in advance of the start of work. This notification shall also include an estimated construction schedule and a truck haul route for demolished and recycled materials. The applicant shall also notify such City staff of the completion of construction and demolition work no more than one working day upon completion.
8. All equipment to be removed shall be removed within 21 days of completion of installation new equipment.
9. Excess construction materials and demolition materials shall be recycled to the extent feasible and proof of recycling in the form of a receipt from the recycling facility noting recycled materials and amounts shall be provided to City staff.
10. All existing trees and shrubs shall be maintained and damage to such landscaping avoided. Any such damage or removal may require replanting on a 1:1 basis. Should any trees or shrubs be determined to need to be removed, City Planning staff shall be notified prior to the commencement of any removal to determine replanting requirements. Should any trees or shrubs be damaged in the course of construction or operations, City Planning staff shall be notified within one working day, and the applicant shall comply with any City-directed replanting requirements. For areas where demolition is conducted, any resultant bare soil areas shall be reseeded with a City-approved seed mix and restored to match surrounding undisturbed areas.
11. Prior to issuance of a building permit, the applicant shall inform the Santa Barbara Air Pollution Control District permitting staff to determine if a permit to operate is needed for the diesel generator. Should an APCD permit be required, the applicant shall obtain this and provide a copy to City Planning staff. Should a permit not be required, the applicant shall obtain written documentation of this and provide the documentation to City Planning staff.
12. The applicant shall ensure that noise levels resulting from operation of the facility equipment including air conditioners and the back-up power generator do not exceed the noise compatibility limits established in the City's General Plan for the nearby residential uses. Should the City note non-compliance with this requirement, or should the City receive complaints about excessive noise from the wireless facility equipment, within two weeks of notification by the City, the applicant shall prepare a noise study that measures sound levels and recommends any necessary mitigation measures. Should such noise mitigation be necessary, within 30 days of confirmation of the need to mitigate by the City, the applicant shall implement the mitigation measures and confirm the effectiveness of the mitigation measures with a post mitigation noise study and report.

- 13. The applicant shall ensure that the site is secure and that all appropriate access restriction measures are maintained. In the event of repeated trespass and/or vandalism, the City may require additional security measures at the applicant's cost.
- 14. Prior to issuance of the building permit, all conditions of approval shall be printed in their entirety on applicable pages of final construction plans submitted to the City.
- 15. The facility shall, at all times, be operated in strict conformance with the rules, regulations and standards published by the Federal Communications Commission ("FCC") regulating power densities and establishing Maximum Permissible Exposure ("MPE") Limit.
- 16. In the event of abandonment of the site, all wireless facility components shall be removed from the site, and the lease area shall be restored to its pre-facility state. If use of the facility is discontinued for a period of more than one year, the facility shall be considered abandoned, and a notice to abate shall be issued by the City. All required removal of components and facility restoration shall be completed within 180 days of the date of date of notification of abandonment or receipt of the City's notice to abate. City staff shall conduct a site inspection 180 days after notification of abandonment or issuance of a notice to abate to ensure compliance with this condition. If removal is not completed by the applicant within the specified 180 day time period, removal may be completed by the City with any costs incurred by the City for such removal actions assessed to the applicant.
- 17. Prior to Zoning Clearance, the applicant shall pay all applicable permit processing fees in full.

FIRE DEPARTMENT CONDITIONS

- 18. Any hazardous materials or spills encountered during the process of demolition shall be handled in accordance with all applicable state and federal regulations and disposed of at an appropriately designed hazardous materials site in accordance with existing regulations. Staff from the Santa Barbara County Fire Department's Hazardous Materials Unit (HMU) and City Fire Department staff shall be notified in the event of any such encounter of hazardous materials.
- 19. Prior to issuance of a building permit, the applicant shall contact staff from the Santa Barbara County Fire Department's Hazardous Materials Unit (HMU) to determine is a Hazardous Materials Business Plan is required for any equipment or components for the facility. If such a plan is required, the applicant shall prepare and submit the plan to County HMU staff for review and approval. The applicant shall submit documentation of compliance with this requirement to City Fire Department staff.

CITY ENGINEER CONDITIONS

None.

**Applicant's Consent to Abide by the above Conditions of Approval**

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name, Title

8a.

**REPORT TO THE PLANNING COMMISSION**

**May 19, 2009**

(S)  
Prepared By:  
Rob Mullane, City Planner

CJW  
Approved By:  
Carolyn Galloway-Cooper

**SUBJECT:** Public hearing to consider a Conditional Use Permit for Sprint to install cellular facilities on the City's new water tank at 4550 Tenth Street (Planning Application #2009-002-CUP)

**EXECUTIVE SUMMARY:**

The City received an application for a Conditional Use Permit (CUP) for the installation of new cellular antennas on the City's new water tank (Planning Application # 2009-002-CUP). The project consists of the removal of existing Sprint antennas from the City's old water tank and the installation of up to nine (9) new antennas on two of the four legs of the new water tower. Sprint has an existing equipment shelter that would remain in its current location and would be utilized to support operations of the new antennas. The proposed cellular antennas would be mounted at a height of 65 feet (for a peak height of 68.5 feet) and would be colored to match the new tank. The new cellular equipment requires a CUP because the elements of the proposed cellular facilities would exceed a height of 50 feet. At tonight's meeting, the Planning Commission can approve, conditionally approve, or continue the item.

**RECOMMENDATION:**

- 1) Receive a presentation from staff
- 2) Provide an opportunity for the applicant to present the proposed project
- 3) Take any comments from the public
- 4) Approve PC Resolution 2009-005 approving Conditional Use Permit (Case #2009-002-CUP) for the installation of Sprint wireless communication facilities at 4550 Tenth Street

**BACKGROUND:**

The City first received an application for a Conditional Use Permit (CUP) for the installation of new cellular facilities on the City's new water tank on January 6, 2009 (Planning Application # 2009-002-CUP, -ZC). The applicant is Mr. Eric Little of Derra Design, an authorized agent of Sprint. Sprint has an existing wireless facility in Central Park, with four antennas mounted on the older water tank that was damaged in the 2004 San Simeon earthquake. The City has determined that the existing water tank must be demolished due to structural integrity issues.

The Planning Commission held a conceptual review of all five CUP requests on January 6, 2009 to allow early input from the Commission on the design and other planning

related issues. This meeting provided the cell carriers general direction to ensure that the site became more aesthetically pleasing and to strive to have a maximum amount of park land reclaimed for public use. This meeting also facilitated coordination between all five cell carriers to coordinate efforts, minimize conflicts between carriers, and provide for efficient use of staff and applicant resources.

Since the January 6, 2009 conceptual review meeting, the application underwent two rounds of review on January 25, 2009 and April 8, 2009. In addition, multiple meetings have occurred that included Planning Staff, the City Engineer, and representatives from multiple carriers. These meetings were held to coordinate and resolve issues relating to engineering needs and aesthetics and other potential environmental concerns. The planning application was deemed complete on May 13, 2009.

## **DISCUSSION:**

### **Project Description**

The request is for a Conditional Use Permit to install cellular antennas on the City's new water tank. The project consists of the removal of existing Sprint antennas from the old water tank and the installation of antennas on the new water tank.

Up to nine (9) new panel antennas in 3 four-antenna arrays would be mounted on the new water tank. The antennas would be mounted at a height of 65 feet, for a maximum height of approximately 68.5 feet. Each antenna would be approximately 7 feet long by 1 foot in width and would be colored to match the new water tank. The antenna arrays would be mounted on two of the four legs of the new water tank: the east and the south legs.

Sprint has an existing 8 foot by 14 foot equipment shelter that will remain in place would be utilized for the operation of the new antennas. This shelter is located to the west of the City's utility shed; refer to sheet Z03 as provided in Attachment 2 of the AT&T staff report. The project would also utilize existing electric and telephone utility lines and would therefore not require trenching for new utility line runs to the equipment shelter.

A recently-constructed eight (8) foot high and 120 foot long masonry wall along the east side of the site would help screen the project from the east as well as provide routing support for the applicant's coax cabling from the existing equipment. The coax cable would run from the existing equipment shelter along an elevated cable tray approximately 30 feet to the proposed City wall. The cable tray would be 7 feet in height and look similar to the example provided as Attachment 2 to this staff report. The coax would then be mounted to the proposed City wall at a height of approximately 7 feet and would run southward along the wall to the proposed elevated cable tray where it would transition onto the water tower leg. The proposed elevated cable from the proposed wall to the new water tank would be approximately nine (9) feet in height and would run from the wall to the tower structure where it would provide access to the two water tank legs. The coax would then run up the legs of the water tank to the proposed antennas.

The proposed project will take approximately two (2) months to complete. New antennas would be installed first, and then the old antennas and coax cables would be removed from the damaged water tank. During the operational phase, the site would be visited by Sprint technicians approximately twice per month for routine maintenance. The existing

equipment shelter does not have a back-up generator and would not include such as a part of this project. Access to the lease area would be provided via the existing gate entrance along Tenth Street, the same access utilized by the City for access to the new water tank. The lease access would be aligned along the west side of the proposed equipment shelter.

## **Project Issues**

Potential environmental issues related to this project included Radio-Frequency (RF) emissions, on-site soil contamination, and aesthetics. An RF Study for the project was performed which evaluated the power of all antenna arrays operating simultaneously and concluded that the proposed antennas would comply with the federal standards for limiting public exposure to radio frequency and therefore would not pose any risk to City residents or park users. In addition, on-site soil contamination was a concern due to previous maintenance activities on the old water tank that involved the removal of lead-based paint. However, the City as part of the water tank project removed areas of contaminated soil for proper disposal, and verification sampling was conducted that noted no actionable levels of contaminants. The City Engineer's office also performed a Phase I Environmental Site Assessment which concluded that no recognized environmental conditions were present on the project site.

The aesthetics of the site and the objective to consolidate and organize equipment associated with the cellular facilities was discussed at the Planning Commission's conceptual review of the project in January 2009. Although the Sprint equipment shelter would remain in its current location, other carriers' proposed equipment shelters and areas have been shifted to the eastern portion of the site to consolidate the on-ground facility components and minimize aesthetic impacts. The design of the proposed antenna arrays has been improved over what is on the older tank. A wall along the eastern project boundary was constructed for screening purposes, and the rest of the water tank and wireless facilities' lease area has been enclosed by a vinyl-coated chain-link fence, pursuant to what was discussed at the Planning Commission's conceptual review. The removal of the old water tank, and wireless facility equipment that will no longer be needed once the new facilities are operational would de-clutter the northern portion of the site, and portions of this area may be reclaimed for park uses. Photo-simulations depicting the pre- and post-project area are included as provided in Attachment 4 of the AT&T staff report. These show Sprint's proposed—and future potential additional—facilities as well as the proposed changes associated with the other four CUP applications.

Additional detail on the project components has been provided, and should be reviewed by the Planning Commission. In particular, the visibility of the conduit runs that are proposed to be elevated may be discussed, and any alternatives to elevated runs considered. The proposed color of antennas, conduit trays, and equipment shelters should be confirmed by the Commission. Sprint's request for the possible addition of additional antennas from the four that are initially proposed to a maximum of 12 antennas total should be considered, as well as if any additional photo-simulations would be needed prior to the approval and installation of any additional antennas.

Furthermore, no tree removal is proposed as part of this application. However, if any trees are damaged or removed in construction, a condition of approval has been included that would require replacement trees to be planted. The application did not include any

proposed lighting systems. However, the applicant should describe any lighting including the location, type of light system and the direction the light(s) will face if such lighting is proposed.

**Site Information**

LOCATION	4550 Tenth Street
APN	115-081-012
ZONING	O Open Space
SITE SIZE	Approximately 0.5 Acres
PRESENT USE	Park, Water Tank, and Cellular Facilities
SURROUNDING USES AND ZONING	R-3 Multiple Dwelling Residential to the north, south, and west R-2 Multiple Dwelling Residential to the east

The property is developed with a new City water tank the City’s old water tank (to be demolished), and existing cellular facilities of Sprint, AT&T, Verizon and T-Mobile. The surrounding uses are noted in the above table, and a vicinity map is below.

**Zoning Conformity**

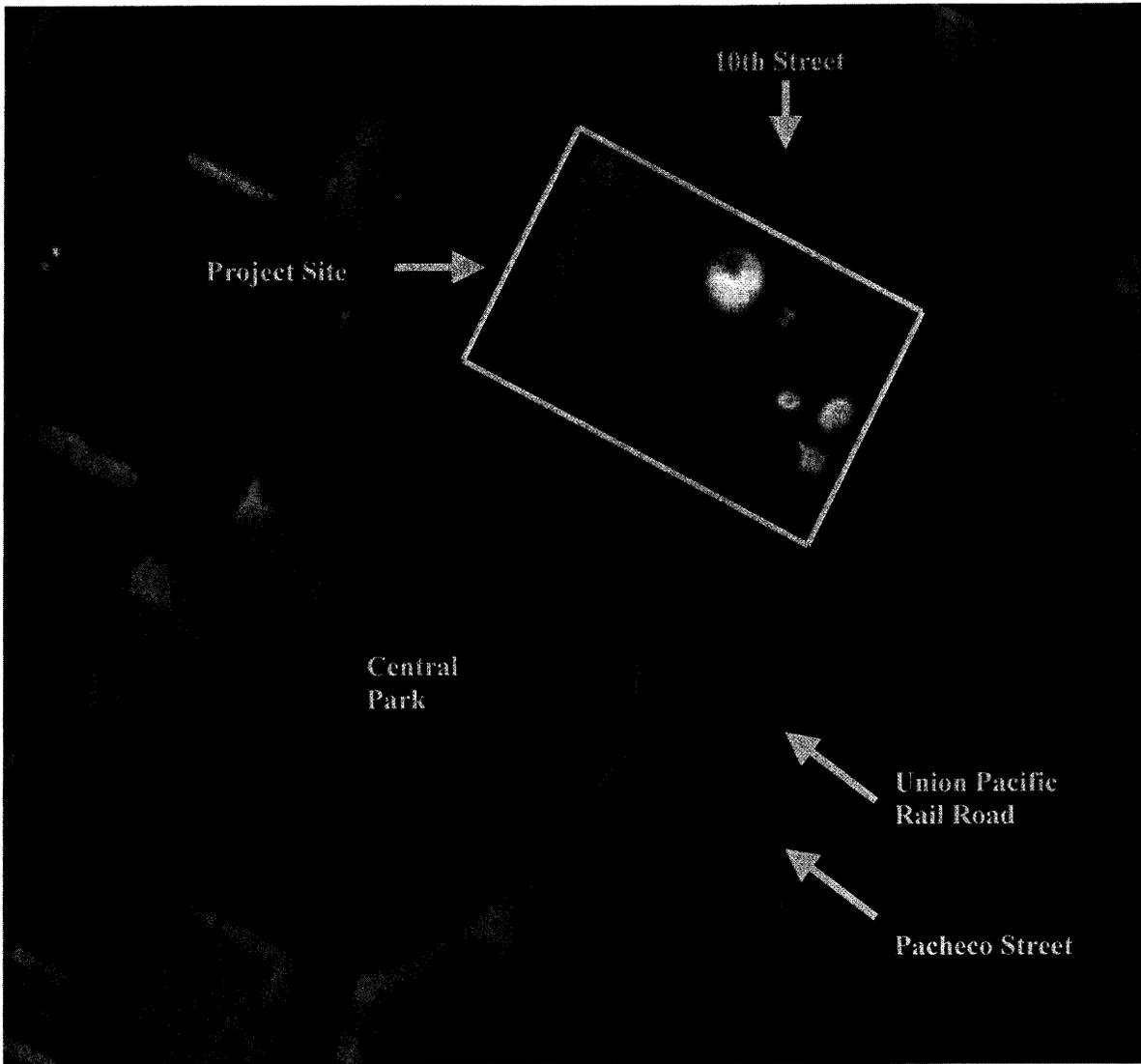
Staff has reviewed the request’s conformity to zoning requirements and standards and notes no inconsistencies with zoning requirements.

**CEQA Review**

The project is exempt from CEQA pursuant to Section 15302. This section of the CEQA Guidelines states that the following is exempt:

*...replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to...replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.*

The request is for the installation of new antennas that would replace similar existing antennas. The existing water tower upon which the existing antenna arrays are installed is being demolished, and a new water tower has been constructed. An RF emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. The proposed work would not result in any significant biological impacts, impacts on known cultural resources, or impacts on water quality. The consolidation of on-ground equipment and inclusion of a screening wall would improve the aesthetics of the site and the functionality of the park. In addition, the request is in conformity to zoning requirements.



### **Planning Commission Consideration**

A CUP is required by section 18.52.020 of the City's zoning code, which states that:

*...a building or structure shall not exceed fifty (50) in height...[however] additional height may be permitted by granting of a conditional use permit".*

The CUP process is set forth in Chapter 18.72 of the City's Zoning Code.

In considering a CUP, the Planning Commission may approve as submitted, approve with conditions of approval, or provide direction to the applicant on recommended changes and continue the item to a future meeting of the Commission.

Notices of the pending CUP and Planning Commission public hearing were published in the Santa Maria Times and mailed to all property owners within a 300 foot radius as required by Section 18.73.070.

## **Planning Commission Action and Next Steps**

A resolution to approve the CUP has been prepared (Attachment 1), and staff recommends approval of this resolution. Should the Commission approve or conditionally approve the CUP, staff would issue the associated Zoning Clearance once any prior to issuance conditions have been met and once the 10-day appeal period has run.

### **ATTACHMENTS:**

1. Resolution 2009-005
2. Elevated Cable Tray Depiction

**AGENDA ITEM:**

**ATTACHMENT 1**

Resolution 2009-005

## **PLANNING COMMISSION RESOLUTION NO. 2009-005**

**A Resolution of the Planning Commission of the City of Guadalupe Recommending Approval of a Conditional Use Permit (Case #2009-002-CUP) for the Sprint Wireless Facility Relocation Project at 4550 Tenth Street**

**WHEREAS**, on January 6, 2009, Mr. Eric Little of Derra Designs, representing Sprint (the "Applicant"), submitted a Conditional Use Permit application (Case # 2009-002-CUP), for relocation of wireless facilities associated with the replacement of the City's water tower at Central Park, 4550 Tenth Street (APN 115-081-012); and,

**WHEREAS**, the application was found complete for processing on May 13, 2009; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on May 19, 2009, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, a Conditional Use Permit is required pursuant to Sections 18.52.020 of the Guadalupe Municipal Code; and

**WHEREAS**, the Planning Commission has considered the application for a Conditional Use Permit in accordance with Section 18.72 of the City's Zoning Code (Title 18 of the Guadalupe Municipal Code) and determines that it conforms as conditioned to these requirements; and

**WHEREAS**, City staff have reviewed the CUP request and determine that it conforms as conditioned to the requirements of the City's Zoning Code (Title 18 of the Guadalupe Municipal Code); and

**WHEREAS**, the Planning Commission has considered the entire administrative record, including application materials, staff report, the CEQA determination, and oral and written testimony from interested persons; and

**WHEREAS**, the Planning Commission finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15302 as a replacement or relocation of an existing facility;

**WHEREAS**, the Planning Commission finds that approval of Case No. 2009-002-CUP would be consistent with the City's General Plan, the provisions of Title 18 (Zoning Code) of the Guadalupe Municipal Code; and the ability to make the required findings, including findings pursuant to the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Guadalupe, California as follows:

The Planning Commission does hereby find and determine as follows:

- Section 1. The Findings set forth in Exhibit 1 to this Resolution are hereby adopted and incorporated herein by this reference.
- Section 2. The CEQA Exemption for Case No. 2009-002-CUP is accepted.
- Section 3. Case No. 2009-002-CUP is approved, subject to the Conditions of Approval set forth in Exhibit 2 to this Resolution.

Section 4. The Planning Commission Secretary shall certify as to the adoption of this Resolution.

UPON MOTION of Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_ the foregoing Resolution is hereby approved and adopted the 19<sup>th</sup> day of May 2009, by the following roll call vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

I, **Robert A. Mullane**, Planning Commission Secretary of the City of Guadalupe, **DO HEREBY CERTIFY** that the foregoing Resolution, being **P.C. Resolution No. 2009-005**, has been duly signed by the Planning Commission Vice Chair at a meeting of the Planning Commission, held May 19, 2009, and that same was approved and adopted.

**ATTEST:**

\_\_\_\_\_  
Robert A. Mullane, Planning  
Commission Secretary

\_\_\_\_\_  
Carl Kraemer, Vice Chair

**EXHIBIT 1  
FINDINGS  
SPRINT WIRELESS FACILITY RELOCATION  
4550 TENTH STREET  
CASE NO. 2009-002-CUP**

**1.0 CEQA Findings**

The proposed project may be found categorically exempt under Section 15302 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Section 15302 allows the replacement or reconstruction of existing structures and facilities, where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

The request is for the installation of new antennas that would replace similar existing antennas. The existing water tower upon which the existing antenna arrays are installed is being demolished, and a new water tower has been constructed. A Radio-Frequency emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. The proposed work would not result in any significant biological impacts, impacts on known cultural resources, or impacts on water quality. The inclusion of a screening wall would improve the aesthetics of the site and the functionality of the park. In addition, the request is in conformity to zoning requirements.

The proposed project would constitute a replacement of existing structures and uses. The new facilities will be located on the same site as the structure that the new facilities are replacing and will have a similar purpose and capacity. Therefore, the project complies with the findings listed above and may be considered exempt from the California Environmental Quality Act under Section 15302 of the CEQA Implementation Guidelines.

**2.0 Administrative Findings**

Pursuant to City of Guadalupe Municipal Code, Section 18.72.050, a Conditional Use Permit shall be approved only if all of the following findings can be made:

*A.1.) That the use will be consistent with the General Plan.*

The proposed use involves the relocation and reconstruction of existing antennas on the City's new water tank. Since the use is on a City-owned property, the applicant has a lease with the City for use of the property for a wireless facility. The project requires a Conditional Use Permit because of its height. It meets setback and other zoning standards and requirements, and the aesthetics of the project have been considered. The proposed project is expected to be an aesthetic improvement over existing conditions. For these reasons the use is determined to be consistent with the General Plan.

*A.2.) That the use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.*

The relocation of the Sprint cellular facilities will help improve the aesthetics of the site. A screening wall constructed along the lease area's eastern boundary would help screen the existing and new equipment. A chain-link fence will provide site security. Back-up power would be provided by batteries within the equipment shed, and these batteries would not produce substantial noise. A Radio-Frequency emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. Maintenance activities will not be substantially altered.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL**  
**SPRINT WIRELESS FACILITY RELOCATION**  
**4550 TENTH STREET**  
**CASE NO. 2009-002-CUP**

GENERAL CONDITIONS

1. Subject to the conditions set forth below, this permit authorizes the improvements and uses requested by Case No. 2009-002-CUP and shown in the project plans on file with the City of Guadalupe. Any deviations from the project description in the staff report, exhibits or conditions must be reviewed and approved by the City of Guadalupe for conformity with this approval. Deviations may require changes to the permit to be approved and/or further environmental review. Deviations without the above-described approval will constitute a violation of the permit approval.

The request includes the installation of four cellular antennas in two 2-antenna arrays at a mounting height of 65 feet above grade on the City of Guadalupe's water tank. The request also includes authorization to increase the number of arrays to 3 and number of antennas per array to three, for a total of up to 9 antennas, should additional antennas be needed in the future. Each antenna will be approximately 7 feet long by 1 foot in width and colored to match the water tank. The existing equipment shelter would remain in its current location and would support operation of the new antennas. The project would also utilize existing telephone and electrical lines. The antennas on the old water tank and associated conduit will be removed.

2. Approval of this Conditional Use Permit is not valid until the property owner or authorized agent signs this list of conditions agreeing to the terms and Conditions of Approval.
3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicants expense, City and City's agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of this permit or to determine the reasonableness, legality or validity of any condition attach hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and city will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligation of this condition. Applicant's acceptance of this permit approval or commencement of construction or operations under the approval shall be deemed to be acceptance of all conditions of approval.
4. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threaten to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
5. In accordance with Section 18.72.130 of the City Municipal Code, this Conditional Use Permit approval shall expire one (1) year from the date of approval, unless a building permit for the

proposed improvements has been obtained, or an extension has been granted as provided for in Section 18.72.130.

6. Prior to Zoning Clearance, the applicant shall secure a revised lease agreement with the City to reflect the new location of the equipment and any necessary changes to the lease area boundaries.

#### PLANNING DEPARTMENT CONDITIONS

7. The applicant shall notify City Planning Department and City Building Department staff of the start date for construction at least 5 working days in advance of the start of work. This notification shall also include an estimated construction schedule and a truck haul route for demolished and recycled materials. The applicant shall also notify such City staff of the completion of construction and demolition work no more than one working day upon completion.
8. All equipment to be removed shall be removed within 21 days of completion of installation new equipment.
9. Excess construction materials and demolition materials shall be recycled to the extent feasible and proof of recycling in the form of a receipt from the recycling facility noting recycled materials and amounts shall be provided to City staff.
10. All existing trees and shrubs shall be maintained and damage to such landscaping avoided. Any such damage or removal may require replanting on a 1:1 basis. Should any trees or shrubs be determined to need to be removed, City Planning staff shall be notified prior to the commencement of any removal to determine replanting requirements. Should any trees or shrubs be damaged in the course of construction or operations, City Planning staff shall be notified within one working day, and the applicant shall comply with any City-directed replanting requirements. For areas where demolition is conducted, any resultant bare soil areas shall be reseeded with a City-approved seed mix and restored to match surrounding undisturbed areas.
11. The applicant shall ensure that noise levels resulting from operation of the facility equipment including air conditioners and any back-up power provisions do not exceed the noise compatibility limits established in the City's General Plan for the nearby residential uses. Should the City note non-compliance with this requirement, or should the City receive complaints about excessive noise from the wireless facility equipment, within two weeks of notification by the City, the applicant shall prepare a noise study that measures sound levels and recommends any necessary mitigation measures. Should such noise mitigation be necessary, within 30 days of confirmation of the need to mitigate by the City, the applicant shall implement the mitigation measures and confirm the effectiveness of the mitigation measures with a post mitigation noise study and report.
12. The applicant shall ensure that the site is secure and that all appropriate access restriction measures are maintained. In the event of repeated trespass and/or vandalism, the City may require additional security measures at the applicant's cost.
13. Prior to issuance of the building permit, all conditions of approval shall be printed in their entirety on applicable pages of final construction plans submitted to the City.
14. The facility shall, at all times, be operated in strict conformance with the rules, regulations and standards published by the Federal Communications Commission ("FCC") regulating power densities and establishing Maximum Permissible Exposure ("MPE") Limit.

15. In the event of abandonment of the site, all wireless facility components shall be removed from the site, and the lease area shall be restored to its pre-facility state. If use of the facility is discontinued for a period of more than one year, the facility shall be considered abandoned, and a notice to abate shall be issued by the City. All required removal of components and facility restoration shall be completed within 180 days of the date of date of notification of abandonment or receipt of the City's notice to abate. City staff shall conduct a site inspection 180 days after notification of abandonment or issuance of a notice to abate to ensure compliance with this condition. If removal is not completed by the applicant within the specified 180 day time period, removal may be completed by the City with any costs incurred by the City for such removal actions assessed to the applicant.
16. Prior to Zoning Clearance, the applicant shall pay all applicable permit processing fees in full.

FIRE DEPARTMENT CONDITIONS

17. Any hazardous materials or spills encountered during the process of demolition shall be handled in accordance with all applicable state and federal regulations and disposed of at an appropriately designed hazardous materials site in accordance with existing regulations. Staff from the Santa Barbara County Fire Department's Hazardous Materials Unit (HMU) and City Fire Department staff shall be notified in the event of any such encounter of hazardous materials.
18. Prior to issuance of a building permit, the applicant shall contact staff from the Santa Barbara County Fire Department's Hazardous Materials Unit (HMU) to determine if a Hazardous Materials Business Plan is required for any equipment or components for the facility. If such a plan is required, the applicant shall prepare and submit the plan to County HMU staff for review and approval. The applicant shall submit documentation of compliance with this requirement to City Fire Department staff.

CITY ENGINEER CONDITIONS

None.

**Applicant's Consent to Abide by the above Conditions of Approval**

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Signature

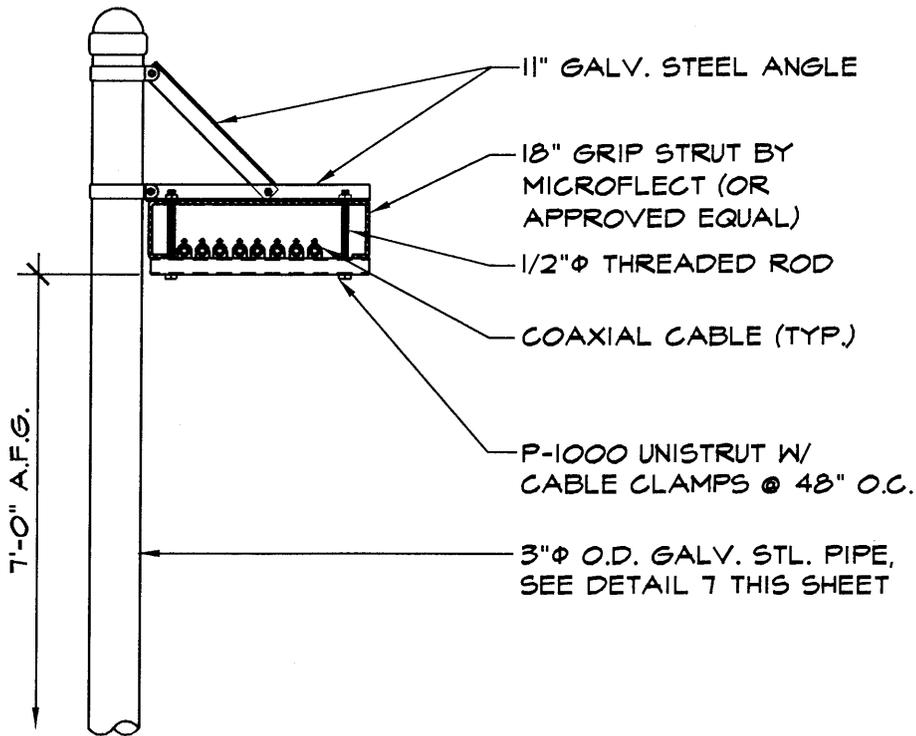
Date

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Printed Name, Title

## **ATTACHMENT 2**

Elevated Cable Tray Depiction

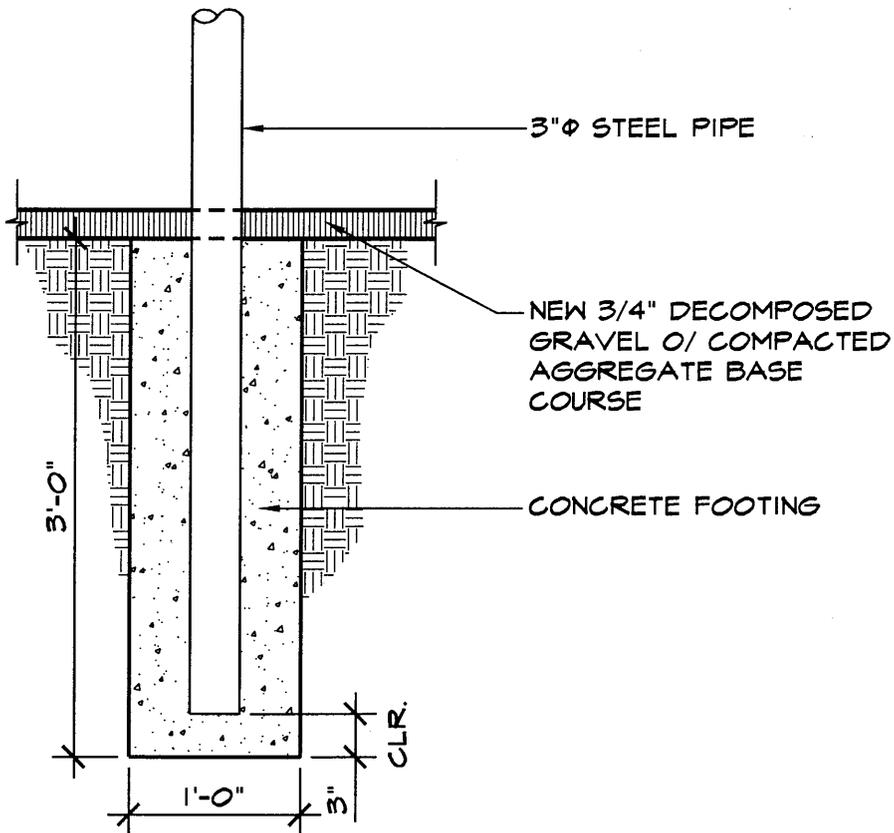


NOTE:  
SEE DETAIL 7 THIS SHT. FOR PIPE FOOTING

ICE BRIDGE

SCALE:  
1" = 1'-0"

6



POST FOOTING

SCALE:  
1" = 1'-0"

7

9a.

**REPORT TO THE PLANNING COMMISSION**

**May 19, 2009**

15  
**Prepared By:**  
**Rob Mullane, City Planner**

CG  
**Approved By:**  
**Carolyn Galloway-Cooper**

**SUBJECT:** Public hearing to consider a Conditional Use Permit for T-Mobile to install cellular facilities on the City's new water tank at 4550 Tenth Street (Planning Application #2009-003-CUP)

**EXECUTIVE SUMMARY:**

The City received an application for a Conditional Use Permit (CUP) for the installation of new cellular antennas on the City's new water tank (Planning Application # 2009-003-CUP). The project consists of the removal of existing T-Mobile antennas from the City's old water tank and the installation of six (9) new antennas on two of the four legs of the new water tower. T-Mobile has an existing equipment shelter that would remain in its current location and would be utilized to support operations of the new antennas. The proposed cellular antennas would be mounted at a height of 92 feet above ground level (for a peak height of approximately 95.5 feet) and would be colored to match the new tank. The new cellular equipment requires a CUP because the proposed cellular antenna facilities would exceed a height of 50 feet. At tonight's meeting, the Planning Commission can approve, conditionally approve, or continue the item.

**RECOMMENDATION:**

- 1) Receive a presentation from staff
- 2) Provide an opportunity for the applicant to present the proposed project
- 3) Take any comments from the public
- 4) Approve PC Resolution 2009-006 approving Conditional Use Permit (Case #2009-003-CUP, -ZC) for the installation of T-Mobile wireless communication facilities at 4550 Tenth Street

**BACKGROUND:**

The City first received an application for a Conditional Use Permit (CUP) for the installation of new cellular facilities on the City's new water tank on January 8, 2009 (Planning Application # 2009-003-CUP, -ZC). The applicant is Ms. Cia Parker of Parsons Communications, an authorized agent of T-Mobile. T-Mobile has an existing wireless facility in Central Park, with antennas mounted on the older water tank that was damaged in the 2004 San Simeon earthquake. The City has determined that the existing water tank must be demolished due to structural integrity issues.

The Planning Commission held a conceptual review of all five CUP requests on January 6, 2009 to allow early input from the Commission on the design and other planning

related issues. This meeting provided the cell carriers general direction to ensure that the site became more aesthetically pleasing and to strive to have a maximum amount of park land reclaimed for public use. This meeting also facilitated coordination between all five cell carriers to coordinate efforts, minimize conflicts between carriers, and provide for efficient use of staff and applicant resources.

Since the January 6, 2009 conceptual review meeting, the application underwent two rounds of review on January 12, 2009 and April 8, 2009. In addition, multiple meetings have occurred that included Planning Staff, the City Engineer, and representatives from multiple carriers. These meetings were held to coordinate and resolve issues relating to engineering needs and aesthetics and other potential environmental concerns. The planning application was deemed complete on May 14, 2009.

## **DISCUSSION:**

### **Project Description**

The request is for a Conditional Use Permit to install cellular antennas on the City's new water tank. The project consists of the removal of existing T-Mobile antennas from the old water tank and the installation of antennas on the new water tank.

Nine (9) new panel antennas in three (3) sectors (at 0°, 120°, and 240°) with three antennas per sector would be mounted on the new water tank. The antennas would be mounted at a height of 92 feet, for a maximum height of approximately 95.5 feet. Each antenna would be approximately 7 feet long by 1 foot in width and would be colored to match the new water tank. Two of the 3-antenna arrays would be mounted on the south leg of the water tower, and the third 3-antenna array would be mounted on the south leg.

T-Mobile has an existing 12 foot by 18 foot equipment shelter that will remain in place would be utilized for the operation of the new antennas. This shelter is located between the proposed equipment shelters of AT&T and Verizon; refer to sheet Z03 as provided in Attachment 2 of the AT&T staff report. The project would also utilize existing electric and telephone utility lines and would therefore not require trenching.

A recently-constructed eight (8) foot high and 120 foot long masonry wall along the east side of the site would screen the project from the east as well as provide routing support for the applicant's coax cabling from the existing equipment. The coax cable would run from the existing equipment shelter along an elevated cable tray approximately five (5) feet to the masonry wall. The coax would be mounted to the wall at a height of approximately 7 feet and would run southward along the wall to the proposed elevated cable tray where it would transition onto the water tower leg. The proposed elevated cable from the proposed wall to the new water tank would be approximately nine (9) feet in height and would run from the wall to the tower structure where it would provide access to the two water tank legs. The coax would then run up the legs of the water tank to the proposed antennas.

The proposed project will take approximately three (3) weeks to complete and will be completed in two phases. Phase 1 would involve the mounting of new antennas and the reconnection of new coax cabling and Phase 2 would involve the removal of the old antennas and equipment that will no longer be utilized. The site would be visited

approximately once per month for routine maintenance. The existing equipment shelter does not have a back-up generator and would not include such as a part of this project. Access to the lease area would be provided via the existing gate entrance along Tenth Street, the same access utilized by the City for access to the new water tank. The lease access would be aligned along the west side of the proposed equipment shelter.

### **Project Issues**

Potential environmental issues related to this project included Radio-Frequency (RF) emissions, on-site soil contamination, and aesthetics. An RF Study for the project was performed which evaluated the power of all antenna arrays operating simultaneously and concluded that the proposed antennas would comply with the federal standards for limiting public exposure to radio frequency and therefore would not pose any risk to City residents or park users. In addition, on-site soil contamination was a concern due to previous maintenance activities on the old water tank that involved the removal of lead-based paint. However, the City as part of the water tank project removed areas of contaminated soil for proper disposal, and verification sampling was conducted that noted no actionable levels of contaminants. The City Engineer's office also performed a Phase I Environmental Site Assessment which concluded that no recognized environmental conditions were present on the project site.

The aesthetics of the site and the objective to consolidate and organize equipment associated with the cellular facilities was discussed at the Planning Commission's conceptual review of the project in January 2009. Although the T-Mobile equipment shelter would remain in its current location, other carriers' proposed equipment shelters and areas have been shifted to the eastern portion of the site to consolidate the on-ground facility components and minimize aesthetic impacts. The design of the proposed antenna arrays has been improved over what is on the older tank. A wall along the eastern project boundary was constructed for screening purposes, and the rest of the water tank and wireless facilities' lease area has been enclosed by a vinyl-coated chain-link fence, pursuant to what was discussed at the Planning Commission's conceptual review. The removal of the old water tank, and wireless facility equipment that will no longer be needed once the new facilities are operational would de-clutter the northern portion of the site, and portions of this area may be reclaimed for park uses. Photo-simulations depicting the pre- and post-project area are included as Attachment 4 of the AT&T staff report. These show T-Mobile's facilities, as well as the proposed changes associated with the other four CUP applications.

Additional detail on the project components has been provided, and should be reviewed by the Planning Commission. In particular, the visibility of the conduit runs that are proposed to be elevated may be discussed, and any alternatives to elevated runs considered. The proposed color of antennas, conduit trays, and equipment shelters should be confirmed by the Commission. Furthermore, no tree removal is proposed as part of this application. However, if any trees are damaged or removed in construction, a condition of approval has been included that would require replacement trees to be planted. The application did not include any proposed lighting systems. However, the applicant should describe any lighting including the location, type of light system and the direction the light(s) will face if such lighting is proposed.

### **Site Information**

LOCATION	4550 Tenth Street
APN	115-081-012
ZONING	O Open Space
SITE SIZE	Approximately 0.5 Acres
PRESENT USE	Park, Water Tank, and Cellular Facilities
SURROUNDING USES AND ZONING	R-3 Multiple Dwelling Residential to the north, south, and west R-2 Multiple Dwelling Residential to the east

The property is developed with a new City water tank the City's old water tank (to be demolished), and existing cellular facilities of T-Mobile, AT&T, Verizon and Sprint. The surrounding uses are noted in the above table, and a vicinity map is below.

### **Zoning Conformity**

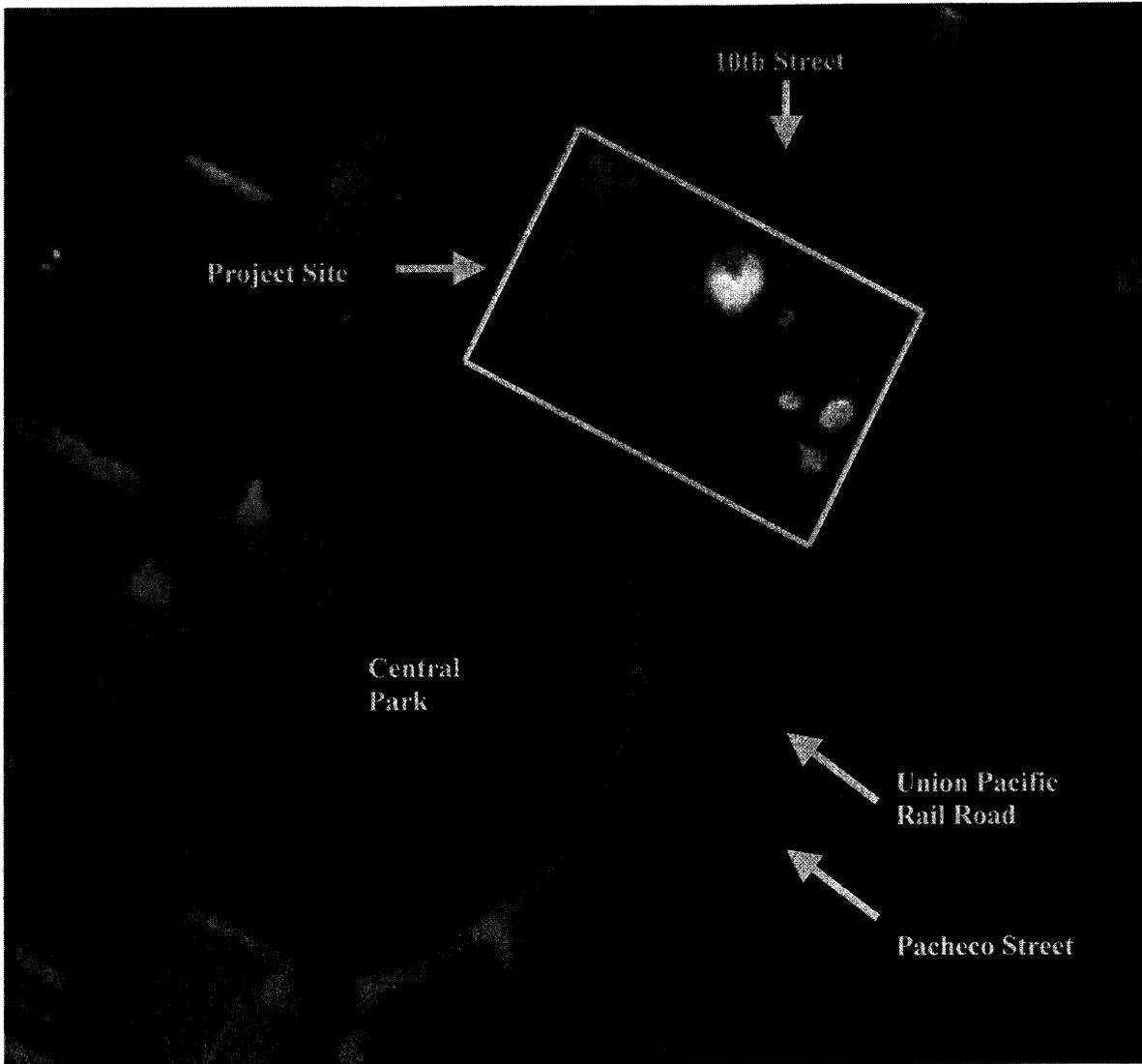
Staff has reviewed the request's conformity to zoning requirements and standards and notes no inconsistencies with zoning requirements.

### **CEQA Review**

The project is exempt from CEQA pursuant to Section 15302. This section of the CEQA Guidelines states that the following is exempt:

*...replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to...replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.*

The request is for the installation of new antennas that would replace similar existing antennas. The existing water tower upon which the existing antenna arrays are installed is being demolished, and a new water tower has been constructed. An RF emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. The proposed work would not result in any significant biological impacts, impacts on known cultural resources, or impacts on water quality. The consolidation of on-ground equipment and inclusion of a screening wall would improve the aesthetics of the site and the functionality of the park. In addition, the request is in conformity to zoning requirements.



### **Planning Commission Consideration**

A CUP is required by section 18.52.020 of the City's zoning code, which states that:

*...a building or structure shall not exceed fifty (50) in height...[however] additional height may be permitted by granting of a conditional use permit".*

The CUP process is set forth in Chapter 18.72 of the City's Zoning Code.

In considering a CUP, the Planning Commission may approve as submitted, approve with conditions of approval, or provide direction to the applicant on recommended changes and continue the item to a future meeting of the Commission.

Notices of the pending CUP and Planning Commission public hearing were published in the Santa Maria Times and mailed to all property owners within a 300 foot radius as required by Section 18.73.070.

### **Planning Commission Action and Next Steps**

A resolution to approve the CUP has been prepared (Attachment 1), and staff recommends approval of this resolution. Should the Commission approve or conditionally approve the CUP, staff would issue the associated Zoning Clearance once any prior to issuance conditions have been met and once the 10-day appeal period has run.

**ATTACHMENTS:**  
Resolution 2009-006

**AGENDA ITEM:**

**ATTACHMENT 1**

Resolution 2009-006

## **PLANNING COMMISSION RESOLUTION NO. 2009-006**

**A Resolution of the Planning Commission of the City of Guadalupe Recommending Approval of a Conditional Use Permit (Case #2009-003-CUP) for the T-Mobile Wireless Facility Relocation Project at 4550 Tenth Street**

**WHEREAS**, on January 8, 2009, Cia Parker of Parsons, representing T-Mobile (the "Applicant"), submitted a Conditional Use Permit application (Case # 2009-003-CUP), for relocation of wireless facilities associated with the replacement of the City's water tower at Central Park, 4550 Tenth Street (APN 115-081-012); and,

**WHEREAS**, the application was found complete for processing on May 14, 2009; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on May 19, 2009, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, a Conditional Use Permit is required pursuant to Sections 18.52.020 of the Guadalupe Municipal Code; and

**WHEREAS**, the Planning Commission has considered the application for a Conditional Use Permit in accordance with Section 18.72 of the City's Zoning Code (Title 18 of the Guadalupe Municipal Code) and determines that it conforms as conditioned to these requirements; and

**WHEREAS**, City staff have reviewed the CUP request and determine that it conforms as conditioned to the requirements of the City's Zoning Code (Title 18 of the Guadalupe Municipal Code); and

**WHEREAS**, the Planning Commission has considered the entire administrative record, including application materials, staff report, the CEQA determination, and oral and written testimony from interested persons; and

**WHEREAS**, the Planning Commission finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15302 as a replacement or relocation of an existing facility;

**WHEREAS**, the Planning Commission finds that approval of Case No. 2009-003-CUP would be consistent with the City's General Plan, the provisions of Title 18 (Zoning Code) of the Guadalupe Municipal Code; and the ability to make the required findings, including findings pursuant to the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Guadalupe, California as follows:

The Planning Commission does hereby find and determine as follows:

- Section 1. The Findings set forth in Exhibit 1 to this Resolution are hereby adopted and incorporated herein by this reference.
- Section 2. The CEQA Exemption for Case No. 2009-003-CUP is accepted.
- Section 3. Case No. 2009-003-CUP is approved, subject to the Conditions of Approval set forth in Exhibit 2 to this Resolution.

Section 4. The Planning Commission Secretary shall certify as to the adoption of this Resolution.

UPON MOTION of Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_ the foregoing Resolution is hereby approved and adopted the 19<sup>th</sup> day of May 2009, by the following role call vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

I, **Robert A. Mullane**, Planning Commission Secretary of the City of Guadalupe, **DO HEREBY CERTIFY** that the foregoing Resolution, being **P.C. Resolution No. 2009-006**, has been duly signed by the Planning Commission Vice Chair at a meeting of the Planning Commission, held May 19, 2009, and that same was approved and adopted.

**ATTEST:**

\_\_\_\_\_  
Robert A. Mullane, Planning  
Commission Secretary

\_\_\_\_\_  
Carl Kraemer, Vice Chair

**EXHIBIT 1  
FINDINGS  
T-MOBILE WIRELESS FACILITY RELOCATION  
4550 TENTH STREET  
CASE NO. 2009-003-CUP**

**1.0 CEQA Findings**

The proposed project may be found categorically exempt under Section 15302 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Section 15302 allows the replacement or reconstruction of existing structures and facilities, where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

The request is for the installation of new antennas that would replace similar existing antennas. The existing water tower upon which the existing antenna arrays are installed is being demolished, and a new water tower has been constructed. A Radio-Frequency emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. The proposed work would not result in any significant biological impacts, impacts on known cultural resources, or impacts on water quality. The inclusion of a screening wall would improve the aesthetics of the site and the functionality of the park. In addition, the request is in conformity to zoning requirements.

The proposed project would constitute a replacement of existing structures and uses. The new facilities will be located on the same site as the structure that the new facilities are replacing and will have a similar purpose and capacity. Therefore, the project complies with the findings listed above and may be considered exempt from the California Environmental Quality Act under Section 15302 of the CEQA Implementation Guidelines.

**2.0 Administrative Findings**

Pursuant to City of Guadalupe Municipal Code, Section 18.72.050, a Conditional Use Permit shall be approved only if all of the following findings can be made:

A.1.) That the use will *be consistent with the General Plan.*

The proposed use involves the relocation and reconstruction of existing antennas on the City's new water tank. Since the use is on a City-owned property, the applicant has a lease with the City for use of the property for a wireless facility. The project requires a Conditional Use Permit because of its height. It meets setback and other zoning standards and requirements, and the aesthetics of the project have been considered. The proposed project is expected to be an aesthetic improvement over existing conditions. For these reasons the use is determined to be consistent with the General Plan.

A.2.) That the use will not *be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.*

The relocation of the T-Mobile cellular facilities will help improve the aesthetics of the site. A screening wall will be constructed along the lease area's eastern boundary and help screen the existing and new equipment. A chain-link fence will provide site security. Back-up power would be provided by batteries within the equipment shed, and these batteries would not produce substantial noise. A Radio-Frequency emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. Maintenance activities will not be substantially altered.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL**  
**T-MOBILE WIRELESS FACILITY RELOCATION**  
**4550 TENTH STREET**  
**CASE NO. 2009-003-CUP**

GENERAL CONDITIONS

1. Subject to the conditions set forth below, this permit authorizes the improvements and uses requested by Case No. 2009-003-CUP and shown in the project plans on file with the City of Guadalupe. Any deviations from the project description in the staff report, exhibits or conditions must be reviewed and approved by the City of Guadalupe for conformity with this approval. Deviations may require changes to the permit to be approved and/or further environmental review. Deviations without the above-described approval will constitute a violation of the permit approval.

The request includes the installation of nine cellular antennas in three 3-antenna arrays at a mounting height of 92 feet above grade on the City of Guadalupe's water tank. Each antenna will be approximately 7 feet long by 1 foot in width and colored to match the water tank. The existing equipment shelter would remain in its current location and would support operation of the new antennas. The project would also utilize existing telephone and electrical lines. The antennas on the old water tank and associated conduit will be removed.

2. Approval of this Conditional Use Permit is not valid until the property owner or authorized agent signs this list of conditions agreeing to the terms and Conditions of Approval.
3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicants expense, City and City's agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of this permit or to determine the reasonableness, legality or validity of any condition attach hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and city will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligation of this condition. Applicant's acceptance of this permit approval or commencement of construction or operations under the approval shall be deemed to be acceptance of all conditions of approval.
4. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threaten to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
5. In accordance with Section 18.72.130 of the City Municipal Code, this Conditional Use Permit approval shall expire one (1) year from the date of approval, unless a building permit for the proposed improvements has been obtained, or an extension has been granted as provided for in Section 18.72.130.

6. Prior to Zoning Clearance, the applicant shall secure a revised lease agreement with the City to reflect the new location of the equipment and any necessary changes to the lease area boundaries.

PLANNING DEPARTMENT CONDITIONS

7. The applicant shall notify City Planning Department and City Building Department staff of the start date for construction at least 5 working days in advance of the start of work. This notification shall also include an estimated construction schedule and a truck haul route for demolished and recycled materials. The applicant shall also notify such City staff of the completion of construction and demolition work no more than one working day upon completion.
8. All equipment to be removed shall be removed within 21 days of completion of installation new equipment.
9. Excess construction materials and demolition materials shall be recycled to the extent feasible and proof of recycling in the form of a receipt from the recycling facility noting recycled materials and amounts shall be provided to City staff.
10. All existing trees and shrubs shall be maintained and damage to such landscaping avoided. Any such damage or removal may require replanting on a 1:1 basis. Should any trees or shrubs be determined to need to be removed, City Planning staff shall be notified prior to the commencement of any removal to determine replanting requirements. Should any trees or shrubs be damaged in the course of construction or operations, City Planning staff shall be notified within one working day, and the applicant shall comply with any City-directed replanting requirements. For areas where demolition is conducted, any resultant bare soil areas shall be reseeded with a City-approved seed mix and restored to match surrounding undisturbed areas.
11. The applicant shall ensure that noise levels resulting from operation of the facility equipment including air conditioners and any back-up power provisions do not exceed the noise compatibility limits established in the City's General Plan for the nearby residential uses. Should the City note non-compliance with this requirement, or should the City receive complaints about excessive noise from the wireless facility equipment, within two weeks of notification by the City, the applicant shall prepare a noise study that measures sound levels and recommends any necessary mitigation measures. Should such noise mitigation be necessary, within 30 days of confirmation of the need to mitigate by the City, the applicant shall implement the mitigation measures and confirm the effectiveness of the mitigation measures with a post mitigation noise study and report.
12. The applicant shall ensure that the site is secure and that all appropriate access restriction measures are maintained. In the event of repeated trespass and/or vandalism, the City may require additional security measures at the applicant's cost.
13. Prior to issuance of the building permit, all conditions of approval shall be printed in their entirety on applicable pages of final construction plans submitted to the City.
14. The facility shall, at all times, be operated in strict conformance with the rules, regulations and standards published by the Federal Communications Commission ("FCC") regulating power densities and establishing Maximum Permissible Exposure ("MPE") Limit.

15. In the event of abandonment of the site, all wireless facility components shall be removed from the site, and the lease area shall be restored to its pre-facility state. If use of the facility is discontinued for a period of more than one year, the facility shall be considered abandoned, and a notice to abate shall be issued by the City. All required removal of components and facility restoration shall be completed within 180 days of the date of date of notification of abandonment or receipt of the City's notice to abate. City staff shall conduct a site inspection 180 days after notification of abandonment or issuance of a notice to abate to ensure compliance with this condition. If removal is not completed by the applicant within the specified 180 day time period, removal may be completed by the City with any costs incurred by the City for such removal actions assessed to the applicant.
16. Prior to Zoning Clearance, the applicant shall pay all applicable permit processing fees in full.

FIRE DEPARTMENT CONDITIONS

17. Any hazardous materials or spills encountered during the process of demolition shall be handled in accordance with all applicable state and federal regulations and disposed of at an appropriately designed hazardous materials site in accordance with existing regulations. Staff from the Santa Barbara County Fire Department's Hazardous Materials Unit (HMU) and City Fire Department staff shall be notified in the event of any such encounter of hazardous materials.
18. Prior to issuance of a building permit, the applicant shall contact staff from the Santa Barbara County Fire Department's Hazardous Materials Unit (HMU) to determine is a Hazardous Materials Business Plan is required for any equipment or components for the facility. If such a plan is required, the applicant shall prepare and submit the plan to County HMU staff for review and approval. The applicant shall submit documentation of compliance with this requirement to City Fire Department staff.

CITY ENGINEER CONDITIONS

None.

**Applicant's Consent to Abide by the above Conditions of Approval**

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Signature

Date

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Printed Name, Title

REPORT TO THE PLANNING COMMISSION

May 19, 2009

151  
Prepared By:  
Rob Mullane, City Planner

OK  
Approved By:  
Carolyn Galloway-Cooper

**SUBJECT:** Public hearing to consider a Conditional Use Permit for MetroPCS to install cellular facilities on the City's new water tank at 4550 Tenth Street (Planning Application #2008-015-CUP)

**EXECUTIVE SUMMARY:**

The City received an application for a Conditional Use Permit (CUP) for the installation of new cellular antennas on the City's new water tank (Planning Application # 2009-002-CUP). The project consists of the installation of six (6) new antennas on three of the four legs of the new water tower and the construction of on-ground equipment cabinets and appurtenant facilities. The proposed cellular antennas would be mounted at a height of 80 feet (for a peak height of approximately 82.2 feet) and would be colored to match the new tank. The new cellular equipment requires a CUP because the elements of the proposed cellular facilities would exceed a height of 50 feet. At tonight's meeting, the Planning Commission can approve, conditionally approve, or continue the item.

**RECOMMENDATION:**

- 1) Receive a presentation from staff
- 2) Provide an opportunity for the applicant to present the proposed project
- 3) Take any comments from the public
- 4) Approve PC Resolution 2009-007 approving Conditional Use Permit (Case #2008-015-CUP) for the installation of MetroPCS wireless communication facilities at 4550 Tenth Street

**BACKGROUND:**

The City first received an application for a Conditional Use Permit (CUP) for the installation of new cellular facilities on the City's new water tank on December 23, 2008 (Planning Application # 2008-015-CUP, -ZC). The applicant is Mr. Jay Higgins of Norcal Consulting, an authorized agent of MetroPCS. MetroPCS proposes to install a new wireless facility in Central Park, an area that already serves 4 other wireless facilities. Similar to these other facilities, the MetroPCS application requests to install antennas on the City's new water tank, which was recently constructed to replace the older water tank that was damaged in the 2004 San Simeon Earthquake.

The Planning Commission held a conceptual review of all five CUP requests on January 6, 2009 to allow early input from the Commission on the design and other planning related issues. This meeting provided the cell carriers general direction to ensure that the

site became more aesthetically pleasing and to strive to have a maximum amount of park land reclaimed for public use. This meeting also facilitated coordination between all five cell carriers to coordinate efforts, minimize conflicts between carriers, and provide for efficient use of staff and applicant resources.

Since the January 6, 2009 conceptual review meeting, the application underwent three rounds of review on January 20, 2009, March 17, 2009, and April 9, 2009. In addition, multiple meetings have occurred that included Planning Staff, the City Engineer, and representatives from multiple carriers. These meetings were held to coordinate and resolve issues relating to engineering needs and aesthetics and other potential environmental concerns. The planning application was deemed complete on May 8, 2009.

## **DISCUSSION:**

### **Project Description**

The request is for a Conditional Use Permit to install cellular antennas on the City's new water tank. The project consists of the installation of antennas on the new water tank, and supporting facilities in an on-ground equipment area. The radio equipment would be located adjacent the tower and in a compound to be used by several other cellular and PCS carriers.

Six (6) new panel antennas in 3 two-antenna arrays would be mounted on the new water tank. The antennas would be mounted at a height of 80 feet, for a maximum height of approximately 82.2 feet. Each antenna would be approximately 4.3 feet long by 1 foot in width and would be colored to match the new water tank. The antenna arrays would be mounted on three of the four legs of the new water tank: the east, south, and north legs, with each antenna oriented to a different azimuth or sector in 60-degree increments from 0-degrees to 300-degrees.

The service wattage for the facility would be 1000 watts (2 transmitters @ 500 watts/transmitter) and would have a maximum Effective Radiated Power (ERP) of 1000 watts. The antennas would be operating in the (C-Block PCS frequency) at 1735-1740 & 2135-2140 MHz with a maximum of 2 channels. The proposed facility would cover major portions of Guadalupe and the Highway 1 transportation corridor.

All equipment for the antennas would be located inside the lease area compound and mounted on a trapezoidal shaped concrete pad with maximum dimensions of 15-feet by 10-feet. The equipment area would be located to the east of the new water tank and to the south of the proposed new Verizon Wireless equipment shed, along the eastern site boundary. The equipment would be serviced by PG&E, and new electrical and telco conduit will be placed underground via conduit installed in the City's water line trench and then via an approximately 70-foot long trench from the joint trench to the new equipment area. No new above ground power poles would be required. Although than minor trenching for the electrical and telco lines, the proposed facility would not require grading. The facility would require less than 5-cu. yards of earth disturbance for the purpose of grubbing for the equipment pad.

Access to the facility would be from public roads. The facility and compound has already been secured with an enclosure for the water tank and wireless facility lease areas consisting of a concrete masonry wall on the eastern site boundary and chain-link fencing for the remainder of the perimeter.

The equipment would be lit intermittently by one 300-watt light for maintenance purposes. The entire facility (minus the trenching and the site access route) would be contained in an approximately 150-square foot lease area. In the event of a power failure, on-site batteries would provide power for the facility. The equipment would be cooled by two built in fans that would operate intermittently. The project site was chosen as a visually superior alternative because it is a co-location.

A recently-constructed eight (8) foot high and 120 foot long masonry wall along the east side of the site would help screen the project from the east as well as provide routing support for the applicant's coax cabling from the existing equipment. The coax cable would run from the new equipment area along an elevated cable tray approximately 3 feet to the proposed City wall. The coax would then be mounted to the proposed City wall at a height of approximately 7 feet and would run northward along the wall to the proposed elevated cable tray where it would transition onto the water tower leg. The proposed elevated cable from the proposed wall to the new water tank would be approximately nine (9) feet in height and would run from the wall to the tower structure where it would provide access to the three water tank legs. The coax would then run up the legs of the water tank to the proposed antennas.

The proposed project will take approximately two (2) months to complete. During the operational phase, the site would be visited by MetroPCS technicians approximately once per month for routine maintenance. Access to the lease area would be provided via the existing gate entrance along Tenth Street, the same access utilized by the City for access to the new water tank. The lease access would be aligned along the west side of the proposed equipment shelter.

### **Project Issues**

Potential environmental issues related to this project included Radio-Frequency (RF) emissions, on-site soil contamination, and aesthetics. An RF Study for the project was performed which evaluated the power of all antenna arrays operating simultaneously and concluded that the proposed antennas would comply with the federal standards for limiting public exposure to radio frequency and therefore would not pose any risk to City residents or park users. In addition, on-site soil contamination was a concern due to previous maintenance activities on the old water tank that involved the removal of lead-based paint. However, the City as part of the water tank project removed areas of contaminated soil for proper disposal, and verification sampling was conducted that noted no actionable levels of contaminants. The City Engineer's office also performed a Phase I Environmental Site Assessment which concluded that no recognized environmental conditions were present on the project site.

The aesthetics of the site and the objective to consolidate and organize equipment associated with the cellular facilities was discussed at the Planning Commission's conceptual review of the project in January 2009. The MetroPCS equipment shelter is proposed to be located along the eastern portion of the site in line with other on-ground

wireless facilities to consolidate these on-ground components and minimize aesthetic impacts. A wall along the eastern project boundary was constructed for screening purposes, and the rest of the water tank and wireless facilities' lease area has been enclosed by a vinyl-coated chain-link fence, pursuant to what was discussed at the Planning Commission's conceptual review. Photo-simulations depicting the pre- and post-project area are included as provided in Attachment 4 of the AT&T staff report. These show MetroPCS's proposed facilities as well as the proposed changes associated with the other four CUP applications.

Additional detail on the project components has been provided, and should be reviewed by the Planning Commission. In particular, the visibility of the conduit runs that are proposed to be elevated may be discussed, and any alternatives to elevated runs considered. The proposed color of antennas, conduit trays, and equipment shelters should be confirmed by the Commission.

Furthermore, no tree removal is proposed as part of this application. However, if any trees are damaged or removed in construction, a condition of approval has been included that would require replacement trees to be planted. The MetroPCS application includes one proposed light that would be illuminated during any nighttime maintenance activities. A condition of approval has been included to ensure that this light is shielded and directed downward to minimize light intrusion.

**Site Information**

LOCATION	4550 Tenth Street
APN	115-081-012
ZONING	O Open Space
SITE SIZE	Approximately 0.5 Acres
PRESENT USE	Park, Water Tank, and Cellular Facilities
SURROUNDING USES AND ZONING	R-3 Multiple Dwelling Residential to the north, south, and west R-2 Multiple Dwelling Residential to the east

The property is developed with a new City water tank the City's old water tank (to be demolished), and existing cellular facilities of Sprint, AT&T, Verizon and T-Mobile. The surrounding uses are noted in the above table, and a vicinity map is below.

**Zoning Conformity**

Staff has reviewed the request's conformity to zoning requirements and standards and notes no inconsistencies with zoning requirements.

**CEQA Review**

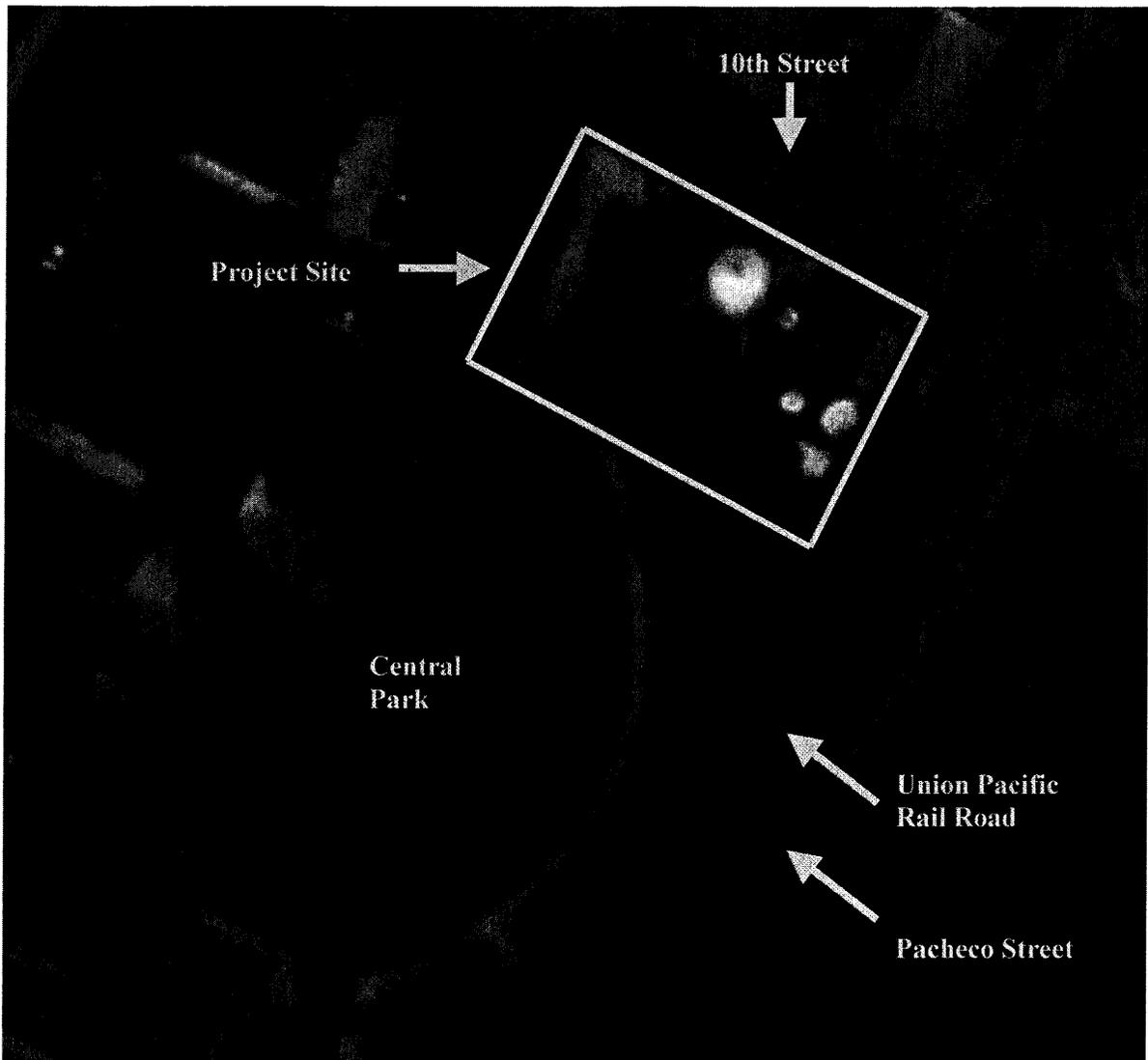
The project is exempt from CEQA pursuant to Section 15301. This section of the CEQA Guidelines states that the following is exempt:

*...the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical*

*equipment, or topographical features, involving negligible or no expansion of use...*

In this case, the existing facility that is to have a minor alteration is the water tower and the existing wireless facility complex at Central Park. While the addition of a fifth wireless facility to the City's water tank would be an additional use, this is a negligible expansion of use, given the minor nature of the changes to the water tower proposed by MetroPCS and the fact that four other facilities are already existing on site and that each of these would have antennas on the new water tank. Furthermore, no significant environmental impacts are presented by the MetroPCS request.

An RF emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. The proposed work would not result in any significant biological impacts, impacts on known cultural resources, or impacts on water quality. The consolidation of on-ground equipment and inclusion of a screening wall would improve the aesthetics of the site and the functionality of the park. In addition, the request is in conformity to zoning requirements.



## **Planning Commission Consideration**

A CUP is required by section 18.52.020 of the City's zoning code, which states that:

*...a building or structure shall not exceed fifty (50) in height...[however] additional height may be permitted by granting of a conditional use permit”.*

The CUP process is set forth in Chapter 18.72 of the City's Zoning Code.

In considering a CUP, the Planning Commission may approve as submitted, approve with conditions of approval, or provide direction to the applicant on recommended changes and continue the item to a future meeting of the Commission.

Notices of the pending CUP and Planning Commission public hearing were published in the Santa Maria Times and mailed to all property owners within a 300 foot radius as required by Section 18.73.070.

## **Planning Commission Action and Next Steps**

A resolution to approve the CUP has been prepared (Attachment 1), and staff recommends approval of this resolution. Should the Commission approve or conditionally approve the CUP, staff would issue the associated Zoning Clearance once any prior to issuance conditions have been met and once the 10-day appeal period has run.

### **ATTACHMENTS:**

1. Resolution 2009-007

### **AGENDA ITEM:**

**ATTACHMENT 1**

Resolution 2009-007

## **PLANNING COMMISSION RESOLUTION NO. 2009-007**

**A Resolution of the Planning Commission of the City of Guadalupe Recommending Approval of a Conditional Use Permit (Case #2008-015-CUP) for the MetroPCS Wireless Facility Project at 4550 Tenth Street**

**WHEREAS**, on December 23, 2008, Mr. Jay Higgins of Norcal Consulting, representing MetroPCS (the "Applicant"), submitted a Conditional Use Permit application (Case # 2008-015-CUP), for installation of a new wireless facility on the City's new water tower at Central Park, 4550 Tenth Street (APN 115-081-012); and,

**WHEREAS**, the application was found complete for processing on May 8, 2009; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on May 19, 2009, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, a Conditional Use Permit is required pursuant to Sections 18.52.020 of the Guadalupe Municipal Code; and

**WHEREAS**, the Planning Commission has considered the application for a Conditional Use Permit in accordance with Section 18.72 of the City's Zoning Code (Title 18 of the Guadalupe Municipal Code) and determines that it conforms as conditioned to these requirements; and

**WHEREAS**, City staff have reviewed the CUP request and determine that it conforms as conditioned to the requirements of the City's Zoning Code (Title 18 of the Guadalupe Municipal Code); and

**WHEREAS**, the Planning Commission has considered the entire administrative record, including application materials, staff report, the CEQA determination, and oral and written testimony from interested persons; and

**WHEREAS**, the Planning Commission finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15301 as a minor alteration to an existing facility;

**WHEREAS**, the Planning Commission finds that approval of Case No. 2008-015-CUP would be consistent with the City's General Plan, the provisions of Title 18 (Zoning Code) of the Guadalupe Municipal Code; and the ability to make the required findings, including findings pursuant to the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Guadalupe, California as follows:

The Planning Commission does hereby find and determine as follows:

- Section 1. The Findings set forth in Exhibit 1 to this Resolution are hereby adopted and incorporated herein by this reference.
- Section 2. The CEQA Exemption for Case No. 2008-015-CUP is accepted.
- Section 3. Case No. 2008-015-CUP is approved, subject to the Conditions of Approval set forth in Exhibit 2 to this Resolution.

Section 4. The Planning Commission Secretary shall certify as to the adoption of this Resolution.

UPON MOTION of Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_ the foregoing Resolution is hereby approved and adopted the 19<sup>th</sup> day of May 2009, by the following role call vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

I, **Robert A. Mullane**, Planning Commission Secretary of the City of Guadalupe, **DO HEREBY CERTIFY** that the foregoing Resolution, being **P.C. Resolution No. 2009-007**, has been duly signed by the Planning Commission Vice Chair at a meeting of the Planning Commission, held May 19, 2009, and that same was approved and adopted.

**ATTEST:**

\_\_\_\_\_  
Robert A. Mullane, Planning  
Commission Secretary

\_\_\_\_\_  
Carl Kraemer, Vice Chair

**EXHIBIT 1  
FINDINGS  
METRO PCS WIRELESS FACILITY  
4550 TENTH STREET  
CASE NO. 2008-015-CUP**

**1.0 CEQA Findings**

The proposed project may be found categorically exempt under Section 15301 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Section 15301 includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use.

In this case, the existing facility that is to have a minor alteration is the water tower and the existing wireless facility complex at Central Park. While the addition of a fifth wireless facility to the City's water tank would be an additional use, this is a negligible expansion of use, given the minor nature of the changes to the water tower proposed by MetroPCS and the fact that four other facilities are already existing on site and that each of these would have antennas on the new water tank. No significant environmental impacts are presented by the MetroPCS request.

An RF emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. The proposed work would not result in any significant biological impacts, impacts on known cultural resources, or impacts on water quality. The consolidation of on-ground equipment and inclusion of a screening wall would improve the aesthetics of the site and the functionality of the park. In addition, the request is in conformity to zoning requirements.

Therefore, the project complies with the findings listed above and may be considered exempt from the California Environmental Quality Act under Section 15301 of the CEQA Implementation Guidelines.

**2.0 Administrative Findings**

Pursuant to City of Guadalupe Municipal Code, Section 18.72.050, a Conditional Use Permit shall be approved only if all of the following findings can be made:

*A.1.) That the use will be consistent with the General Plan.*

The proposed use involves the installation of new antennas on the City's new water tank and the installation of associated on-ground equipment to serve the antennas. Since the use is on a City-owned property, the applicant must secure a lease with the City for use of the property for a wireless facility. The project requires a Conditional Use Permit because of its height. It meets setback and other zoning standards and requirements, and the aesthetics of the project have been considered. The proposed project is located in an area in line with the other existing and proposed relocated on-ground equipment of the other wireless facilities on the site to minimize aesthetic impacts, and overall the new layout and design of these wireless facilities are expected to be an aesthetic improvement over existing conditions. For these reasons the use is determined to be consistent with the General Plan.

- A.2.) That the use will not *be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.*

The proposed location of the MetroPCS cellular facilities is in line with other existing and proposed on-ground equipment, and a screening wall constructed along the lease area's eastern boundary would help screen the existing and new equipment. A chain-link fence will provide site security. Back-up power would be provided by batteries within the equipment area, and these batteries would not produce substantial noise. A Radio-Frequency emissions study has been prepared and concluded that emissions would not exceed public exposure limits established by the Federal Communications Commission. Maintenance activities would be limited to approximately once monthly and not present any significant land use compatibility issues.

**EXHIBIT 2  
CONDITIONS OF APPROVAL  
METRO PCS WIRELESS FACILITY  
4550 TENTH STREET  
CASE NO. 2008-015-CUP**

GENERAL CONDITIONS

1. Subject to the conditions set forth below, this permit authorizes the improvements and uses requested by Case No. 2008-015-CUP and shown in the project plans on file with the City of Guadalupe. Any deviations from the project description in the staff report, exhibits or conditions must be reviewed and approved by the City of Guadalupe for conformity with this approval. Deviations may require changes to the permit to be approved and/or further environmental review. Deviations without the above-described approval will constitute a violation of the permit approval.

The request includes the installation of antennas on the new water tank, and supporting facilities in an on-ground equipment area. The radio equipment would be located adjacent the tower and in a compound to be used by several other cellular and PCS carriers. Six (6) new panel antennas in 3 two-antenna arrays are to be mounted on the new water tank. The antennas would be mounted at a height of 80 feet, for a maximum height of approximately 82.2 feet. Each antenna would be approximately 4.3 feet long by 1 foot in width and would be colored to match the new water tank.

All equipment for powering the antennas would be located inside the lease area compound and mounted on a trapezoidally shaped concrete pad with maximum dimensions of 15-feet by 10-feet. The equipment area would be located to the east of the new water tank and to the south of the proposed new Verizon Wireless equipment shed, along the eastern site boundary. The equipment area includes one 300-watt light to be used intermittently during night-time servicing of the facility. The equipment would be serviced by PG&E, and new electrical and telco conduit will be placed underground via conduit installed in the City's water line trench and then via a new trench from the joint trench to the new equipment area.

2. Approval of this Conditional Use Permit is not valid until the property owner or authorized agent signs this list of conditions agreeing to the terms and Conditions of Approval.
3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicants expense, City and City's agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of this permit or to determine the reasonableness, legality or validity of any condition attach hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and city will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligation of this condition. Applicant's acceptance of this permit approval or commencement of construction or operations under the approval shall be deemed to be acceptance of all conditions of approval.
4. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threaten to be filed

therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.

5. In accordance with Section 18.72.130 of the City Municipal Code, this Conditional Use Permit approval shall expire one (1) year from the date of approval, unless a building permit for the proposed improvements has been obtained, or an extension has been granted as provided for in Section 18.72.130.
6. Prior to Zoning Clearance, the applicant shall secure a lease agreement with the City to allow use of a portion of the City's Central Park property for the proposed equipment and facilities.
7. Prior to Zoning Clearance, the applicant shall pay all applicable permit processing fees in full.

#### PLANNING DEPARTMENT CONDITIONS

8. The applicant shall notify City Planning Department and City Building Department staff of the start date for construction at least 5 working days in advance of the start of work. This notification shall also include an estimated construction schedule and information on the truck haul route for installation activities. The applicant shall also notify such City staff of the completion of construction work no more than one working day upon completion.
9. Excess construction materials shall be recycled to the extent feasible and proof of recycling in the form of a receipt from the recycling facility noting recycled materials and amounts shall be provided to City staff.
10. All existing trees and shrubs shall be maintained and damage to such landscaping avoided. Any such damage or removal may require replanting on a 1:1 basis. Should any trees or shrubs be determined to need to be removed, City Planning staff shall be notified prior to the commencement of any removal to determine replanting requirements. Should any trees or shrubs be damaged in the course of construction or operations, City Planning staff shall be notified within one working day, and the applicant shall comply with any City-directed replanting requirements. For areas where demolition is conducted, any resultant bare soil areas shall be reseeded with a City-approved seed mix and restored to match surrounding undisturbed areas.
11. The applicant shall ensure that noise levels resulting from operation of the facility equipment including air conditioners and any back-up power provisions do not exceed the noise compatibility limits established in the City's General Plan for the nearby residential uses. Should the City note non-compliance with this requirement, or should the City receive complaints about excessive noise from the wireless facility equipment, within two weeks of notification by the City, the applicant shall prepare a noise study that measures sound levels and recommends any necessary mitigation measures. Should such noise mitigation be necessary, within 30 days of confirmation of the need to mitigate by the City, the applicant shall implement the mitigation measures and confirm the effectiveness of the mitigation measures with a post mitigation noise study and report.
12. The applicant shall ensure that the site is secure and that all appropriate access restriction measures are maintained. In the event of repeated trespass and/or vandalism, the City may require additional security measures at the applicant's cost.

- 13. Prior to issuance of the building permit, all conditions of approval shall be printed in their entirety on applicable pages of final construction plans submitted to the City.
- 14. The facility shall, at all times, be operated in strict conformance with the rules, regulations and standards published by the Federal Communications Commission ("FCC") regulating power densities and establishing Maximum Permissible Exposure ("MPE") Limit.
- 15. In the event of abandonment of the site, all wireless facility components shall be removed from the site, and the lease area shall be restored to its pre-facility state. If use of the facility is discontinued for a period of more than one year, the facility shall be considered abandoned, and a notice to abate shall be issued by the City. All required removal of components and facility restoration shall be completed within 180 days of the date of date of notification of abandonment or receipt of the City's notice to abate. City staff shall conduct a site inspection 180 days after notification of abandonment or issuance of a notice to abate to ensure compliance with this condition. If removal is not completed by the applicant within the specified 180 day time period, removal may be completed by the City with any costs incurred by the City for such removal actions assessed to the applicant.

FIRE DEPARTMENT CONDITIONS

- 16. When the site is abandoned or no longer needed, and abandonment occurs, any hazardous materials or spills encountered during the process of demolition shall be handled in accordance with all applicable state and federal regulations and disposed of at an appropriately designed hazardous materials site in accordance with existing regulations. Staff from the Santa Barbara County Fire Department's Hazardous Materials Unit (HMU) and City Fire Department staff shall be notified in the event of any such encounter of hazardous materials.
- 17. Prior to issuance of a building permit, the applicant shall contact staff from the Santa Barbara County Fire Department's Hazardous Materials Unit (HMU) to determine is a Hazardous Materials Business Plan is required for any equipment or components for the facility. If such a plan is required, the applicant shall prepare and submit the plan to County HMU staff for review and approval. The applicant shall submit documentation of compliance with this requirement to City Fire Department staff.

CITY ENGINEER CONDITIONS

None.

**Applicant's Consent to Abide by the above Conditions of Approval**

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name, Title