

City of Watsonville

MEMORANDUM



DATE: February 11, 2020

TO: Planning Commission

FROM: Suzi Merriam, Community Development Director
Sarah Wikle, Assistant Planner

SUBJECT: Public Hearing to consider approval of a Special Use Permit with Environmental Review (PP2019-301) to allow a new telecommunications facility located at 1478 Freedom Boulevard (APN: 019-226-13).

AGENDA ITEM: March 3, 2020 **Planning Commission**

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution approving a Special Use Permit with Environmental Review to permit a new telecommunications facility located at 1478 Freedom Boulevard (APN: 019-226-13).

The recommendations are based on the attached findings and conditions of approval.

BASIC PROJECT DATA

APPLICATION NO.: PP2019-301 **APN:** 019-226-13
LOCATION: 1478 Freedom Boulevard **LOT SIZE:** 75,097± square feet

PROJECT DESCRIPTION: Special Use Permit with Environmental Review (PP2019-301) to allow a new telecommunications facility. The proposed project includes installing a new unmanned telecommunications facility consisting of a 10 foot by 33 foot, eight inch lease area with 12 new panel antennas and 24 new RRUs (two per antenna) installed on a 75 foot tall monopine.

GENERAL PLAN: General Commercial (GC)
ZONING: Thoroughfare Commercial (CT)

SURROUNDING GENERAL PLAN/ZONING: Public/Quasi Public in the Institutional (N) Zoning District (southeast), Residential High Density in the Multiple Residential-High Density (RM-3)/ Planned Development (PD) Zoning Districts (northeast), General Commercial in the Thoroughfare Commercial (CT) Zoning District (west, south) and Residential High Density in the Multiple Residential (RM-3) Zoning District (west).

EXISTING USE: Mini Warehouse – Storage Facility

PROPOSED USE: Mini Warehouse – Storage Facility with a telecommunications facility

SURROUNDING USES: Single family residential along Riverside Drive; educational use across Riverside Drive at Watsonville High School

FLOOD ZONE: N/A

CEQA REVIEW: The project qualifies for a Class 3 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the CEQA Guidelines.

APPLICANT: New Cingular Wireless PCS, LLC dba AT&T Wireless, 605 Coolidge Drive #100, Folsom, CA 95630

PARCEL OWNER: Extra Space Storage Properties 121 LLC, 1478 Freedom Boulevard, Watsonville, CA 95076

BACKGROUND

On July 16, 1979, the Planning Commission approved Special Use Permit (U-810-79) to locate and maintain a temporary truck parking and storage facility on a rental basis at 1478 Freedom Boulevard.

On December 2, 1985, the Planning Commission approved Special Use Permit (U-53-85) for Crocker's Lockers to develop a mini-warehouse facility located at 1478 Freedom Boulevard. The approval consisted of 250 mini storage units. The City Council denied an appeal of the project on January 14, 1986.

On June 2, 1986, the Design Review Committee approved conditionally Design Review Permit No. 263 for a mini-warehouse facility for Crocker's Lockers.

On May 9, 2007, the Zoning Administrator approved a Business License (BL2007-16) for a change in ownership of the mini-warehouse facility from Susa Partnership LB dba "Storage USA" to Extra Space Storage.

Extra Space Properties 52 LLC transferred the property to the present owner Extra Space Properties 121 LLC by deed recorded February 18, 2016 as Document Number 2016-0006614.

Proposal

On July 25, 2019, Sara King with New Cingular Wireless PCS, LLC dba AT&T Wireless, applicant, on behalf of Extra Space Storage 121 LLC, property owner, applied for a Special Use Permit with Environmental Review to construct a new telecommunications facility located at 1478 Freedom Boulevard.

PROCESS

Special Use Permit

Watsonville Municipal Code (WMC) Section 14-16.1203(b) allows for the construction of a new telecommunications facility upon approval of a Special Use Permit by the Planning Commission in the Thoroughfare Commercial (CT) Zoning District. WMC Section 14-12.513 specifies the findings required for approval of a Special Use Permit. WMC Section 14-35.110 specifies the additional findings required for a telecommunication site facility.

The provisions for approval of a Special Use Permit, as set forth in WMC Section 14-12.513 requires findings that the proposed use is consistent with the General Plan, compatible with surrounding land uses and adjacent development, incorporates features that minimize adverse effects, and that the proposed special use will not be detrimental to the public health, safety, convenience and welfare nor result in damage to adjacent development.

WMC Section 14-35.110 includes required findings that the telecommunications site has appropriate design and zoning for a telecommunications facility, that the proposed site is in compliance with Federal Communications Commission (FCC) and California Public Utilities Commission (PUC) requirements, that the facility is necessary, by evaluation of the City, to address current demand, and that the facility incorporates stealth technology to minimize visual impacts.

Pursuant to WMC Section 14-35.100, the public hearing notice of a proposed telecommunications facility shall be conducted in accordance with WMC 14-10.300 with a noticing radius of 500 feet measured from parcel boundaries. GIS Staff prepared a site vicinity map (Attachment 1) to properly notice adjacent properties in accordance with this requirement.

Congress passed the Telecommunications Act of 1996 which amended the Communications Act of 1934. Section 704(a) of the Telecommunications Act amends the Communications Act by adding subdivision 7. Subdivision 7 allows state and local government to make decisions regarding placement, construction, and modification of personal wireless facilities. Section 704(a) requires a state or local government to act upon a request for authorization to place, construct, or modify personal wireless service facilities within a reasonable timeframe.

Based on the Telecommunications Act of 1996 and the City of Watsonville's Zoning Ordinance, the proposed project is being processed as a Special Use Permit with Environmental Review.

Environmental Review

The California Environmental Quality Act requires local and state governments to consider the potential environmental effects of a project before making a decision on it. CEQA's purpose is to disclose any potential impacts of a project and suggest methods to minimize identified impacts. Certain classes of projects, however, have been identified that do not have a significant effect on the environment, and are considered categorically exempt from the requirement for the preparation of environmental documents. State CEQA Guidelines §15300.

STANDARD OF REVIEW & APPEAL PROCESS

Whether a particular decision is adjudicative or legislative affects the requirements for findings to support the decision. Legislative decisions involve the adoption of broad policies applicable to many situations (for example, general plan amendments and zoning ordinance changes). Legislative decisions need not be accompanied by findings, unless a State law or City ordinance requires them.

Adjudicative (or “quasi-judicial”) decisions, on the other hand, are not policy decisions. Adjudicative/quasi-judicial decisions apply already adopted policies or standards to individual cases, such as a variance or conditional use permit application. Adjudicative/quasi-judicial decisions are based on evidence and must always be supported by findings.¹

The decision before the Planning Commission—a Special Use Permit—is an adjudicative/quasi-judicial decision and requires findings, either for denial, or as recommended, for approval that is supported by substantial evidence. *Toigo v Town of Ross* (1998) 70 Cal App 4th 309

If the Planning Commission’s decision is appealed, the City Council will consider whether the action taken by the Planning Commission was erroneously taken and may sustain, modify or overrule the action. In order for an official action to be overturned by an appeal, the City Council must find that the action taken by the Planning Commission was taken erroneously and was inconsistent with the intent of the Zoning District regulations that regulate the proposed action. WMC § 14-10.1106

A lawsuit is required to challenge a Council’s decision. A reviewing court will consider whether an adjudicative/quasi-judicial decision by the Council was supported by adequate findings. Courts scrutinize adjudicative/quasi-judicial decisions closely. An action may be overturned if the City (1) exceeded its authority, (2) failed to provide a fair hearing, or (3) or made a decision not supported by substantial evidence (also called “a prejudicial abuse of discretion”).

Another important difference between legislative and adjudicative/quasi-judicial decisions is the substantial evidence standard: in weighing evidence of what happened at the Council meeting, courts go beyond whether a decision was “reasonable” (the legislative standard). Court’s reviewing adjudicative/quasi-judicial decisions look to make sure the decision is supported by substantial evidence. Denied applicants argue the there is no substantial evidence to support the decision. Cities usually assert there is substantial evidence to support the decision and rely on (1) the written words in the staff findings, (2) the statements by those presenting at the hearing, and (3) the words of the Planning Commission or Council.

¹ Quasi-judicial decisions require the decision-making body to take evidence and use its judgment to make factual as well as legal determinations about whether a particular property or project meets the standards established by the land use ordinance.

DISCUSSION

Existing Site

The 1.72± acre subject site (APN 019-226-13) is developed with a single story mini warehouse storage facility with surface parking. The site has been operated as a mini warehouse storage facility since 1987, following approval of Special Use Permit U-53-85 and Design Review Permit DRC 263. The property is currently owned by Extra Space Properties 121 LLC.

Parking is located on the side yard property line next to Odd Fellows Cemetery and near storage units. The front of the parcel along Freedom Boulevard is fully paved with one driveway approach, measuring 43± feet. The adjacent parcels are the Independent Order of Oddfellows Cemetery, Wendy's drive through restaurant and apartments directly behind the site. See Figure 1 below for an existing site plan.

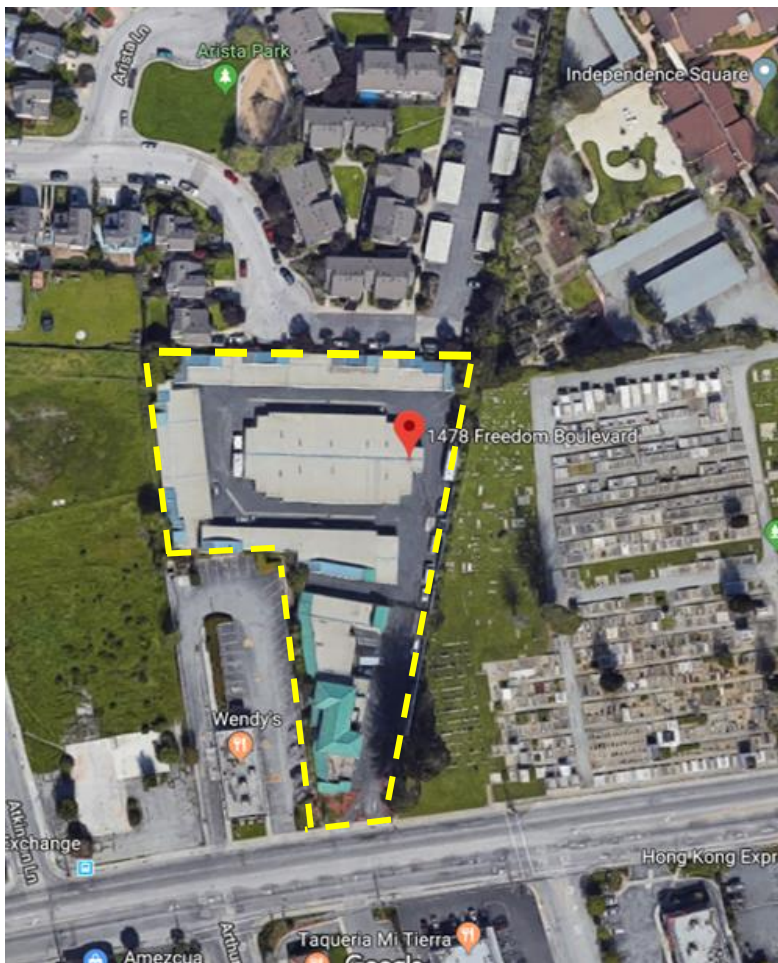


FIGURE 1 Existing Site and Surrounding Area

Source: Google Earth, 2019

The project consists of a new unmanned telecommunications facility with 12 new antennas on a 75 foot tall monopine in a 10 foot by 33 foot eight inch AT&T lease area. Additionally, three small equipment cabinets within an existing storage unit would house additional equipment for the facility. As shown on Figure 2, the proposed telecommunications facility would be located adjacent to an existing mini warehouse storage building.

Overall Site Plan

NEW KENT COUNTY COURTHOUSE AND JAIL

NEW CENTRAL SECURITY BUILDING

NEW KITCHEN

NEW FOOD STORAGE BUILDING

NEW TRASH ENCLOSURE

NEW BUS AND SECURITY AREA




PARKING LOT

ROAD

BRIDGE

Scale: 1" = 10'

North Arrow

PROPRIETARY INFORMATION THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY BELONGING TO THE FIRM THAT HAS PREPARED IT. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT PERMISSION IN WRITING			
_____ DATE _____			
 ENVIRONMENTAL PROJECT ARCHITECTS CONSULTING & WRITING WORLD			
 THE BELL COMPANY 100 NORTH ZEEB RD FARMINGTON, CT 06030			
PROJECT ADDRESS FREEDOM BOULEVARD 1478 FREEDOM BOULEVARD WATSONVILLE, CA 95076 A/E/C 018-2236-13			
NO.	DATE	DESCRIPTION	BY
1	10-2-83	ISSUE DURING PLAN	ADP
2	10-20-83	ISSUE DURING PLAN	ADP
3	1-19-84	ISSUE DURING PLAN	ADP
4	5-2-84	ISSUE DURING PLAN	ADP
5	7-4-84	ISSUE DURING PLAN	ADP
6	10-19-84	ISSUE DURING PLAN	ADP
7	8-2-85	ISSUE DURING PLAN	ADP
8			
9			
10			
DRAWING NOTES			
Peek Site-Com  12295 Eglar Ave., Suite 101 Irvine, CA 92618 Phone (714) 450-4180 E-Mail: peek@peek-site.com			
_____ DATE _____			
TITLE _____ DW _____ DRAWING NO. _____			
DRAWING NO. _____			
SHEET NO. _____			
SITE PLAN			
NEXT SHEET		PREVIOUS	
A-1		0	

- Install three new AT&T wireless antennas per sector for a total of 12;
- Install new remote radio units (RRUs) two per antenna for a total of 24;
- Install four new wireless surge suppressors;

- Remove an existing roll up door and frame in new entry;
- Install new underground power and fiber;
- Install new outdoor equipment cabinets;
- Install new D/C and fiber trunks from equipment to new monopine; and
- Install new chain link fence and protective steel bollards around outside equipment area.

Support equipment would be housed in an existing storage unit adjacent to the facility, with an emergency generator located onsite in the event of a commercial power failure. No additional supplies or materials would be stored on the site. The facility would be served by technicians on a maintenance basis only. There would be no more than two technicians' onsite at a time. These periodic maintenance activities would not result in a significant increase in traffic.

Submittal Requirements for Telecommunications Facilities

WMC Section 14-35.080 lists application submittal requirements for any new telecommunications facility, including an alternative site analysis, visual simulations of the proposed facility, a radio frequency analysis, a search ring analysis, and a report detailing operational and capacity needs within the City of Watsonville and the immediate area adjacent to the City.

Alternative Site Analysis

According to the alternative site analysis in Attachment 3, AT&T researched collocation alternatives within the area of interest. Upon further review there were no collocation sites available. Therefore, AT&T is proposing a new telecommunications facility at 1478 Freedom Boulevard.

Visual Simulation – Stealth Technology

The applicant proposes a monopine structure to minimize the visual impact of the telecommunications facility. Chameleon Engineering provides the branching material and foliage for the monopine. See Figure 3 for visual simulations from the adjacent residential area. The monopine design incorporates stealth technology and accessory equipment is located within an existing mini warehouse storage unit. These techniques assist in screening the telecommunications facility from adjacent residential and public right of way. Please see Attachment 4 for additional visual simulations and Attachment 5 for proposed materials.

Search Ring Analysis

AT&T proposes a 75 foot tall monopine at 1478 Freedom Boulevard to meet service needs near Freedom Boulevard and Alta Vista Avenue. The applicant provided a search ring analysis to justify the proposed height. Additional information is available in Attachment 6.



FIGURE 3 Visual Simulations

Source: Advance Sims, 2019

Radio Frequency Emissions Compliance Report

The applicant provided a radio frequency (RF) report to ensure the radio frequencies are within the limits allowed by the FCC.

In 1996, the FCC adopted regulations for evaluating the effects of RF emission in [47 CFR § 1.1307](#) and [1.1310](#). The FCC Office of Engineering and Technology published Bulletin 65 ("OEC Bulletin 65"), [Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, Edition 97-01](#).

A Radio Frequency - Electromagnetic Energy (RF-EME) Compliance Report dated January 15, 2020 was prepared by David H Kiser, of Waterford Consultants LLC, to determine whether the proposed project complies with FCC rules and regulations for RF emissions. The Report indicates that projected maximum RF exposure levels at the ground level would not exceed FCC standards. At the ground level, the maximum power density is estimated to be 8.5 percent of the general population maximum public exposure limit. Incident at adjacent buildings, the maximum power density is estimated to be at 12.6 percent of the general population maximum public exposure limit. The proposed operation would not expose

members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings.

The January 15, 2020 Waterford RF-EME Compliance Report recommends posting RF altering signage with contact information at the base of the monopine to inform authorized climbers of potential conditions near the antennas. Additionally, the Report recommends restricting access to reduce the risk of exposure and injury. The project is being conditioned to address these two recommendations.

- AT&T shall post RF altering signage with contact information at the base of the monopine to warn of potential conditions near the antennas.
- AT&T shall ensure that access to the antenna and areas associated with the active antenna installation are restricted and secured, where possible.

The RF report can be found in Attachment 7.

Operational Needs Assessment

The purpose of the proposed facility at this location is to improve cellular coverage and capacity near Freedom Boulevard and Alta Vista Avenue. Based on AT&T's analysis, the new telecommunications facility at 1478 Freedom Boulevard would provide increased in-building and in-vehicle service for AT&T customers near Freedom Boulevard and Alta Vista Avenue.

An independent evaluation of the proposed telecommunications facility was conducted by Global RF Solutions. The analysis concluded that the proposed site should improve the quality of services in the area identified as needing improvement by this new site build. The Global RF Solutions Report can be found in Attachment 8.

Telecommunications Uses Findings

The Planning Commission shall approve or conditionally approve a telecommunications use if the following findings can be made (WMC Section 14-35.110):

- (a) The proposed telecommunications site/facility has been designed to minimize its visual and environmental impacts, including the utilization of stealth technology, when applicable.**

The proposed project involves the construction of a 75 foot tall monopine at 1478 Freedom Boulevard. As shown on the visual simulations, the project will incorporate stealth technology, in the form of a monopine, to minimize visual impact on adjacent development. The monopine foliage and construction screen attached telecommunications equipment from public view. Remaining accessory equipment will be located within an existing mini warehouse storage locker, screened from public view.

The proposed project is eligible for a Class 3 Categorical Exemption per Section 15303 of the State CEQA Guidelines as it involves new construction of a

telecommunications facility on a developed parcel located with an urban services area. The project would not change the size of the existing mini warehouse storage facility. The proposed use – a telecommunications facility – is conditionally permitted in the CT Zoning District. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

- (b) That the proposed site has the appropriate zoning, dimensions, slope, design, and configuration for the development of a telecommunications site/facility.**

The proposed telecommunications facility is located at 1478 Freedom Boulevard, which is large, flat and zoned Thoroughfare Commercial. The proposed project is permitted with the issuance of a Special Use Permit. The project involves the construction a 75 foot tall telecommunications facility with 12 panel antennas on a developed parcel with an existing mini warehouse storage facility. The proposed construction of a new telecommunications facility meets all zoning requirements of the Thoroughfare Commercial (CT) Zoning District.

- (c) That general landscaping considerations as outlined in Section 14-35.060(g), when applicable, have been complied with to complement the structures and antennae, provide an attractive environment for the enjoyment of the public, and preserve natural features and elements.**

The proposed telecommunications facility is located on impervious surface area within a developed parcel located in the Thoroughfare Commercial Zone. Based on Sheet A-1, the facility is located adjacent to an existing mini warehouse storage building, screening the base of the facility from public right of way. Additionally, the proposed monopine screens attached telecommunications equipment from public view. Based on the attached findings, no additional screening or landscaping improvements are necessary.

- (d) That the proposed telecommunications site/facility is in compliance with all Federal Communications Commission (FCC) and the California Public Utilities Commission (PUC) requirements.**

The applicant has submitted a Radio Frequency-Electromagnetic Energy (RF-EME) Compliance Report completed by Waterford Consultants LLC confirming compliance of the proposed telecommunications facility with current FCC regulations. The report indicates that projected maximum RF exposure levels at the ground level would not exceed FCC standards for general population and/or occupational exposure limits. Recommended safety measures to ensure compliance with appropriate guidelines limiting human exposure to RF-EME for any workers potentially accessing the site have been included as conditions of project approval.

- (e) That the applicant has demonstrated and confirmed, by independent evaluation of the City, that the site/facility is necessary to address current demand, capacity or other technical limitations of the system in order to maintain service levels.

Based on current and proposed coverage maps for AT&T, the proposed telecommunications facility will increase in building and in vehicle service for customers located near Freedom Boulevard and Alta Vista Avenue. Within AT&T's area of interest, there were no collocation facilities available, prompting the construction of a new telecommunications facility to address current demand needs.

An independent analysis conducted by Global RF Solutions determined the empirical data collected by this company confirms that the coverage for AT&T is only fair and the data quality is slow in the area to be served by this site. It appears that the proposed site should improve quality of service in the area identified as needing improvement by this new site build.

Parking

The project involves building a new telecommunications facility on a developed parcel with an existing mini storage warehouse facility. The telecommunications facility will not be expanding the existing use. Therefore, no additional parking is required for the proposed telecommunications facility.

Environmental Review

The proposed project is eligible for a Class 3 Categorical Exemption per Section 15303 of the State CEQA Guidelines as it involves new construction of a telecommunications facility on a developed parcel located within an urban services area. The project would not change the size of the existing mini warehouse storage facility. The proposed use – a telecommunications facility – is conditionally permitted in the CT Zoning District. The project is in an area where all public services and facilities are available to allow for the maximum development permissible in the General Plan and is not located within an environmentally sensitive area.

CONCLUSION

The construction of a new telecommunications facility located at 1478 Freedom Boulevard complies with the Federal Telecommunications Act, WMC Chapter 14-35 on Telecommunications Uses and WMC Chapter 14-16 on Zoning. Therefore, staff recommends that the Planning Commission approve the project, as conditioned.

ATTACHMENTS

1. Site and Vicinity Map
2. Plan Set (dated and received on 9/24/19)
3. Alternative Site Analysis
4. Visual Simulations – Advance Sims
5. Proposed Materials
6. CCL03320 Coverage Propagation Map
7. Radio Frequency Emissions Compliance Report for AT&T Mobility
8. Evaluation of Wireless Facility Submittal – Global RF Solutions