

RESOLUTION NO. _____ - 20 (PC)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WATSONVILLE, CALIFORNIA, APPROVING A SPECIAL USE PERMIT (PP2019-301) TO ALLOW THE CONSTRUCTION OF A NEW TELECOMMUNICATIONS FACILITY AT AN EXISTING MINI WAREHOUSE STORAGE FACILITY (EXTRA SPACE STORAGE, 121 LLC) LOCATED AT 1478 FREEDOM BOULEVARD, WATSONVILLE, CALIFORNIA (APN 019-226-13)

**Project: New Cingular Wireless PCS, LLC DBA AT&T Wireless
APN: 019-226-13**

WHEREAS, on July 25, 2019, an application for a Special Use Permit (PP2019-301) to allow the construction of a new 75 foot tall telecommunications facility located at 1478 Freedom Boulevard, Watsonville, California, was filed by New Cingular Wireless PCS, LLC dba AT&T Wireless, applicant on behalf of Extra Space Properties 121 LLC, property owner; and

WHEREAS, the project site is designated General Commercial on the General Plan Land Use Map and is within the Thoroughfare Commercial (CT) Zoning District; and

WHEREAS, 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; and

WHEREAS, On December 2, 1985, 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 conditionally approved Design Review Permit No. 263 a mini-warehouse facility for Crocker's Lockers; and

WHEREAS, 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; and

WHEREAS, notice of time and place of the hearing to consider Special Use Permit (PP2019-301) was given at the time and in the manner prescribed by the Zoning Ordinance of the City of Watsonville. The matter called for hearing evidence both oral and documentary introduced and received, and the matter submitted for decision; and

WHEREAS, the Planning Commission has considered all written and verbal evidence regarding this application at the public hearing and has made Findings, attached hereto and marked as Exhibit "A," in support of the Special Use Permit (PP2019-301) to allow the construction of a new telecommunications facility at an existing mini warehouse storage facility located at 1478 Freedom Boulevard, Watsonville (APN 019-226-13).

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

Good cause appearing, therefore, the Planning Commission of the City of Watsonville does hereby grant approval of Special Use Permit (PP2019-301), attached hereto and marked as Exhibit "C," subject to the Conditions attached hereto and marked as Exhibit "B," to allow the construction of a new telecommunications facility at an existing mini warehouse storage facility located at 1478 Freedom Boulevard, Watsonville (APN 019-226-13).

I HEREBY CERTIFY that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Watsonville, California, held on the 3rd day of March, 2020, by Commissioner_____, who moved its adoption, which motion being duly seconded by Commissioner_____, was upon roll call, carried and the resolution adopted by the following vote:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:

Suzi Merriam, Secretary
Planning Commission

Jenny Veitch-Olson, Chairperson
Planning Commission

Application No: PP2019-301

APN: 019-226-13

Applicant: New Cingular Wireless

Hearing Date: March 3, 2020

SPECIAL USE PERMIT FINDINGS (WMC § 14-12.513)

The purpose of the Special Use Permit is to allow construction of a new telecommunications facility at an existing mini warehouse storage facility pursuant to WMC Chapter 14-16.

- 1. The proposed use at the specified location is consistent with the policies embodied in the adopted General Plan and the general purpose and intent of the applicable district regulations.**

Supportive Evidence

The construction of a new telecommunications facility located at 1478 Freedom Boulevard in the Thoroughfare Commercial (CT) Zoning District is allowed with the approval of a Special Use Permit. The new telecommunications facility will be compliant with Federal Communications Commission (FCC) guidelines for human exposure to radio frequency electromagnetic fields, and the project meets all pertinent requirements outlined in the Telecommunications Ordinance (WMC Chapter 14-35).

- 2. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods.**

Supportive Evidence

The project proposes a 75 foot tall telecommunications facility above ground level. As shown on the visual simulations, the proposed telecommunications facility incorporates stealth technology in the form of a monopine structure to minimize visual nuisances. All related support equipment will be located in an existing storage facility and out of public view. The project meets all pertinent requirements outlined in the Telecommunications Ordinance (WMC Chapter 14-35). As conditioned, the proposed use is compatible with and preserves the character of adjacent development.

3. **The proposed use will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.**

Supportive Evidence

The telecommunications facility is un-manned and is visited on an “as needed” basis only. A maximum of two service vehicles will be on-site to service the facility at one time. As a result, no additional traffic will be generated by the project.

4. **The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets.**

Supportive Evidence

Because of the limited scope of the project, no additional improvements are necessary.

5. **The proposed use incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties.**

Supportive Evidence

The proposed telecommunications facility meets all pertinent requirements outlined in the Telecommunications Ordinance, as well as State and Federal regulations regarding telecommunications uses. The telecommunication facility utilizes stealth technology in the form of a monopine to limit the visual impact of the site on adjacent properties. No additional measures are required for the project.

6. **The proposed special use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed special use and uses within the applicable base zoning district.**

Supportive Evidence

Standard conditions have been applied to the project in reference to construction, telecommunications uses, and all other applicable requirements. The project is conditioned to provide provisions for removal of all equipment if the carrier abandons the site.

7. **The proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.**

Supportive Evidence

The proposed telecommunications facility meets all pertinent requirements of the Telecommunications Ordinance, and has demonstrated compliance with FCC guidelines for human exposure to radio frequency electromagnetic fields. The

applicant has submitted a Radio Frequency-Electromagnetic Energy (RF-EME) Compliance Report completed by David H Kiser, registered professional engineer of 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.

The telecommunications facility complies with all applicable requirements of the Zoning Ordinance (WMC Chapter 14-16), the Telecommunications Ordinance (WMC 14-35), and the Federal Telecommunications Act. As conditioned, the proposed site will not be detrimental to the public health, safety, convenience or welfare.

TELECOMMUNICATIONS USE FINDINGS (WMC § 14-25.013)

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

Supportive Evidence

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.

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

Supportive Evidence

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.

- 3. 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 feature and elements.**

Supportive Evidence

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.

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

Supportive Evidence

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.

5. **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.**

Supportive Evidence

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.

Application No: PP2019-301

APNs: 019-226-13

Applicant: New Cingular Wireless

Hearing Date: March 3, 2020

**SPECIAL USE PERMIT
CONDITIONS OF APPROVAL**

General Conditions:

1. **Approval.** This approval applies to plans marked "CCL03320, Freedom Boulevard" filed by Epic Wireless, on behalf of AT&T, date stamped by the Community Development Department on July 25, 2019 and revised September 22, 2019. (CDD-P)
2. **Conditional Approval Timeframe.** This Special Use Permit (PP2019-301) shall be null and void if not acted upon within **24 months** from the effective date of the approval thereof. Time extensions may be considered upon receipt of written request submitted no less than forty-five (45) days prior to expiration and in accordance with the provisions of Section 14-10.1201 of the Watsonville Municipal Code (WMC). (CDD-P)
3. **Substantial Conformance.** Project development shall be accomplished in substantial conformance with the approved Plan Set. Any required revisions to the Plan Set shall be completed to the satisfaction of the Community Development Director or designee. (CDD-P)
4. **Modifications.** Modifications to the project or conditions imposed may be considered in accordance with WMC Section 14-10.1305. (CDD-P)
5. **Compliance.** The proposed use shall be in compliance with Use Permit Conditions of Approval, all local codes and ordinances, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Use Permit, pursuant to Part 13 of WMC Chapter 14-10. (CDD-P)
6. **Grounds for Review.** The project shall be in compliance with the conditions of approval, all local codes and ordinances, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Special Use Permit, pursuant to Part 13 of WMC Chapter 14-10, or other code enforcement actions, pursuant to WMC Chapter 14-14. (CDD-P)
7. **Appeal Period/Effective Date.** This Special Use Permit shall not be effective until **14 days** after approval by the decision-making body or following final action on any appeal. (CDD-P)

8. **Necessary Revisions.** The applicant shall make and note all revisions necessary to comply with all conditions of approval. The applicant shall certify in writing below the list(s) of conditions that the building plans comply with the conditions of approval. (CDD-P)
9. **Conditions of Approval.** A copy of the Conditions of Approval shall be printed on the front sheet of plans submitted for future permits. ***Plans without the conditions of approval printed directly on the front page will not be accepted at the plan check phase.*** (CDD-B, P)
10. **Required Statement. Required Statement.** The applicant and contractor who obtains a building permit for the project shall be required to sign the following statement, which will become conditions of the building permit:

“I understand that the subject permit involves construction of a building (project) with an approved Special Use Permit. I intend to perform or supervise the performance of the work allowed by this permit in a manner which results in a finished building with the same level of detail, articulation, and dimensionality shown in the plans submitted for building permits. I hereby acknowledge that failure to construct the building as represented in the building permit plans, may result in delay of the inspections process and/or the mandatory reconstruction or alteration of any portion of the building that is not in substantial conformance with the approved plans, prior to continuation of inspections or the building final.”

Signature of Building Contractor

Date

Project Specific Conditions

11. **FCC Requirements.** The telecommunications facility shall comply with all Federal Communications Commission (FCC) rules, regulations and standards, including compliance with non-ionizing electromagnetic radiations standards set by the FCC. (CDD-P)
12. **Access to Telecommunications Facility.** AT&T, or its successor, shall ensure access to the telecommunications facility or areas associated with the active antenna installation to be restricted and secured where possible, in accordance with the recommendations of the RF-EME Compliance Report prepared by David H. Kiser, of Waterford Consultants LLC, on January 15, 2020. (CDD-B)
13. **Sign Permit.** Any other proposed signage on the site or the equipment area advertising AT&T, or any other carrier, must be approved by the Zoning Administrator in conjunction with a sign permit. No signage is permitted on the tower itself. (CDD-P)

14. **Maintenance.** The area within and around the monopine and equipment enclosure are to be kept clear of trash, weeds, and other debris. (CDD-P)
15. **Cease of Operation.** Non-operation of the telecommunications facility for a period of six (6) months or more (180 days), or if the site falls into disrepair, the site shall be considered abandoned. (CDD-P)
16. **Removal.** The owner of an abandoned telecommunications facility shall remove the facility/site and appurtenant equipment within (6) months of its abandonment. (CDD-P)
17. **City Initiated Removal.** If the facility is not removed within six (6) months, the City may remove the site at the owner's expense. (CDD-P)
18. **Deemed Abandoned.** The facility shall not be deemed abandoned unless all users cease operation. (CDD-P)
19. **Revocation of Permit.** Failure to comply with the provisions of WMC Chapter 14-35 or the Conditions of Approval of this Use Permit shall be grounds for revocation of the permit. (CDD-P)
20. **RF Report Recommendations.** AT&T shall post RF altering signage with contact information at the base of the monopine to inform authorized climbers 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. (CDD-P)
21. **Collocation Opportunities.** The applicant shall provide proof of notification to an offer of collocation opportunities on the new site/facility to other service providers. (CDD-P)
22. **Cost Share.** Where deemed feasible by the City as a collocation opportunity site/facility, the applicant shall sign and record with the Santa Cruz County Recorder's Office a legally binding agreement limiting any collocation costs assessed to other service providers to a pro rata share of the ground lease, site acquisition cost, design, capital costs for construction of the site/facility including associated permitting costs, and reasonable maintenance, repair and replacement costs. (CDD-P)

Prior to or concurrent with the submittal of a Building Permit application, the following information shall be submitted:

23. **Removal of Facility.** The applicant shall submit a copy of the lease agreement, omitting any financial information, that includes provisions for removal of the site, as outlined in the Watsonville Municipal Code. (CDD-P)
24. **Building Permit.** The applicant shall obtain all required building permits (Building & Electrical) for this project to ensure that all telecommunications facility modifications comply with current California Codes. (CDD-P, B)

25. **Design Professional Required.** A design professional is required to prepare construction drawings for proposed improvements per the State of California Business and Profession's Code. (CDD-B)
26. **Construction Plans.** Comprehensive detailed construction plans are required at the time of submittal to be reviewed for adequate content prior to intake by the Building Official. (CDD-B)
27. **Work Hours.** No work for which a building permit is required shall be performed within the hours of 7:00 PM – 7:00 AM Monday through Friday, nor prior to 8:00 AM or after 5:00 PM on Saturday. No work shall be performed on Sundays or holidays. A sign shall be posted at a conspicuous place near the main entry to the site, prominently displaying these hour restrictions and identifying the phone number of the Job Superintendent. Any exception to these hours shall require a minimum 48 hours' notice to the Community Development Department. (CDD-P, B)

Post-Construction Conditions:

28. **Post Construction NIER Measurement Reporting.** Monitoring of NIER/RF radiation to verify compliance with the FCC's NIER standards shall be required for all new or modified wireless communication facilities through submission of a report documenting NIER measurements at the site or facility within ninety (90) days after the commencement of normal operations or within ninety (90) days after any major or minor modification of the site or facility. The NIER measurements shall be made, at the applicant's expense, by a qualified independent tele-communications radio-frequency engineer licensed by the State of California, during typical peak use periods, utilizing the monitoring guideline described in Section 14-35.090(a)(1), with measurements taken at various locations, including those from which public RF exposure levels are expected to be the highest. The report shall list and describe each transmitter/antenna present at the site/facility, indicating the effective radiated power of each (for collocated sites/facilities, this would include the antennae of all other carriers at the site/facility). The report shall include field measurements of NIER emissions generated by the facility and also any other nearby emissions sources from various directions and particularly from adjacent areas with habitable structures. The report shall compare the measured results to the FCC NIER standards for such sites/facilities. (CDD-P)
29. **Liability Insurance.** The applicant or site/facility operator shall provide proof of a current occurrence-based, comprehensive general liability insurance policy evidencing coverage of at least one million dollars and no/100ths (\$1,000,000.00) per occurrence for bodily injury and property damage claims, naming the applicant and owner of the facility as insureds, and an endorsement thereof naming the City of Watsonville, its appointed and elected officials, and its employees as additional insureds. The report documenting the measurements and findings, with respect to compliance with the established FCC NIER exposure standard, and proof of general liability insurance for the site/facility, shall be submitted to the Community Development Department prior to

commencement of facility operation. Failure to comply with this requirement may result in the initiation of permit revocation proceedings by the City. (CDD-P)

Indemnity Provision:

30. **Indemnity Provision.** The applicant shall defend, indemnify, and hold harmless the City of Watsonville, its elected and appointed officials, officers, employees, and agents from and against any claim, action, or proceeding against the City of Watsonville, its elected and appointed officials, officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Watsonville concerning this Use Permit, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or Community Development Director, which action is brought within the time period provided for in Government Code Section 66499.37. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the Use Permit and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its elected and appointed officials, officers, employees, and agents in the defense of the matter. (CDD-P)

Key to Department Responsibility

- CDD-B – Community Development Department (Building)
CDD-P – Community Development Department (Planning)

**CITY OF WATSONVILLE
PLANNING COMMISSION**

EXHIBIT C

Application No: PP2019-301

APNs: 019-226-13

Applicant: New Cingular Wireless

Hearing Date: March 3, 2020

Applicant: New Cingular Wireless PCS, LLC dba AT&T Wireless
Address: 605 Coolidge Drive, #100, Folsom, CA 95630
Project: Special Use Permit with Environmental Review
Location: 1478 Freedom Boulevard, Watsonville, CA 95076
Purpose: Allow a new telecommunications facility at an existing mini warehouse storage facility
Property Owner: Extra Space Properties 121
Address: 1478 Freedom Boulevard, Watsonville, CA 95076

A Special Use Permit (PP2019-301) to allow construction of a new telecommunications facility at an existing mini warehouse storage facility located at 1478 Freedom Boulevard, Watsonville (APN 019-226-13), was reviewed by the Planning Commission at a public hearing on March 3, 2020, and was conditionally approved by adoption of Planning Commission Resolution No. _____ (PC) together with findings and conditions of approval attached hereto and made a part of this permit.

CITY OF WATSONVILLE
Planning Commission

Suzi Merriam
Community Development Director