



## MEMORANDUM

**TO:** Planning Commission

**FROM:** Brian Pedrotti, Community Development Director

**BY:** Andrew Perez, Planning Manager

**SUBJECT:** Consideration of Conditional Use Permit 22-005; Establishment of a New Telecommunication Facility; Location – 581 Branch Mill Rd; Applicant – DISH Wireless; Representative – Jerry Ambrose

**DATE:** February 7, 2023

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### **SUMMARY OF ACTION:**

Approval of the permit will allow the applicant to establish a new telecommunication facility on City property.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

Upon obtaining the entitlement to establish the facility, the applicant will be required to negotiate a lease with the City for use of the subject property. The monthly rent payments will be negotiated between the applicant and the City Attorney for approval by the City Council should the project be approved.

### **RECOMMENDATION:**

It is recommended that the Planning Commission adopt a Resolution approving Conditional Use Permit 22-005 (Attachment 1).

### **BACKGROUND:**

The project site is located off of Branch Mill Road, and is surrounded by large parcels of undeveloped land interspersed with residential parcels and farmland (Attachment 2). Existing improvements on the project site include the City's thirty-two foot (32') tall water tank surrounded by a six-foot (6') tall chain link fence with barbed wire. The property is accessed by a 10-foot wide paved driveway (Huebner Lane). Vegetation on the site consists primarily of non-native grasses and Monterey Pine trees.

Two (2) other telecommunication carriers, T-Mobile and Verizon Wireless, currently have equipment installed at this site. A third carrier, Sprint, recently abandoned this site due to redundancy in its network. The applicant, DISH Wireless, is building out a brand new

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wireless telecommunications network across the United States. This project proposes to install its equipment in the areas vacated by Sprint's removal of its equipment.

### Project Description

The applicant proposes to mount six (6) antennas and (12) twelve radios on the water tank and install the associated electrical equipment in a cabinet located to the south of the tank. This is the same location where Sprint's equipment cabinet was located. DISH proposes the same number of antennas that Sprint previously had on the water tank, although the new antennas will be positioned differently to meet its network requirements. The proposal also includes a stand-by generator to be installed in the lease area. The generator provides resiliency for the site and is only anticipated to be used in the event of an emergency. It will also be run for approximately 15 minutes every two weeks for maintenance. Project plans are included as Exhibit B to the prepared Resolution.

### **ANALYSIS OF ISSUES:**

The project site carries a Public/Quasi-Public (PF) zoning designation. The purpose of this zoning district is for the "conduct of public, quasi-public, and institutional activities, including the protection of areas needed for such future facilities." The PF zoning district allows telecommunication facilities with the approval of a Conditional Use Permit (CUP). In addition to the CUP, these facilities are subject to the Telecommunication Facilities Siting and Permit Requirements (Attachment 3). This document establishes policies for the location of cell site, aesthetics, radio frequency emissions, and permit requirements.

### Location

Telecommunication facilities can be permitted in all Mixed-Use zoning districts and the Public/Quasi-Public district. The City's Telecommunication Facilities Siting and Permit Requirements lists the acceptable locations of antennas for these installations in preferential order, as follows:

- 1) Side mounted on existing structures to hide or obscure the antennas from public view;
- 2) Within or on existing signs to be completely hidden from public view;
- 3) Atop existing structures with appropriate screening to hide the equipment;
- 4) Alternative, or stealth, structures such as artificial trees, clock towers, steeples, etc. to camouflage or conceal the equipment;
- 5) On existing monopole, existing towers, etc.; or
- 6) New locations

The project proposes to install antennas and other associated equipment on the water tank in areas made available by the abandonment of the Sprint facility. The side mounted antennas are obscured from public view due to both the location of the site and the existing trees on and near this property. Co-location of multiple telecommunication facilities on a single site is encouraged but only if it results in a lesser visual impact.

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Discussion about potential visual impacts is included later in this report. Should the permit get approved, the applicant must negotiate a lease agreement with the City for use of its property for the facility.

### Aesthetics

Wireless communication facilities should be located in a way that minimizes their aesthetic/visual impact on the surrounding neighborhood and on the larger community that can view them from a distance. In certain cases, siting a facility requires creative design, taking into consideration the needs of the service provider and the need to screen or camouflage the facility.

With the proposed project, the applicant is taking advantage of an elevated site with an existing tall structure and other carrier's antennas already installed. Therefore, the facility requires relatively small antennas to receive and send information at the necessary radio frequency. The maximum height of the proposed antennas when installed is 42'-5", which would result in a height increase of 19 inches beyond the existing maximum antenna height of 40'10". This represents a height increase of approximately 4% and is not considered a significant increase. Attachment 3 includes photo simulations of the site from various vantage points showing existing and proposed antennas and equipment shelters. However, the water tank is located atop a hill approximately 90 feet above the nearest public street (Branch Mill Road) and surrounded by pine trees, both of which greatly obscure the public view of the site. Additionally, the water tank itself is more than 500 feet from Branch Mill Road and more than 300 feet from the nearest single family residence, further minimizing any visual impact. Finally, the antennas and all other equipment will be painted to match the color of the water tank to camouflage the installation as much as possible. The generator will be located near the existing equipment shelter adjacent to the water tank at this property. The addition of the generator is not anticipated to deteriorate any visual resources due to its small size relative to the water tank and existing equipment shelter.

### Noise

The proposed project is intended to improve the resiliency of the communication infrastructure in the event of an emergency. The generator would only be run during emergency situations when power to the site is disrupted and for regular maintenance. The project has been conditioned to require a "whisper style" generator, with a maximum sound output of 70 decibels. The manufacturer specifications submitted by the applicant note that the generator will operate at less than the maximum noise level. The generator requires testing and maintenance every two weeks, which will result in it being run for approximately fifteen minutes each time.

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### Radio Frequency

The Federal Communications Commission (FCC) has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields. The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public. The applicant commissioned a Radio Frequency Study to determine exposure levels from the proposed equipment at this site (Attachment 4). The report concludes that the anticipated MPE is equal to 14.8 percent of the general public limit, and therefore, is in compliance with FCC regulations.

### **ALTERNATIVES:**

The following alternatives are provided for the Planning Commission's consideration:

1. Adopt a Resolution approving the project; or
2. Modify and adopt the Resolution approving the project; or
3. Do not adopt the Resolution; or
4. Provide other direction to staff.

### **ADVANTAGES:**

The project provides additional connectivity and reliability for the carrier and will provide another option for consumers.

### **DISADVANTAGES:**

None identified.

### **ENVIRONMENTAL REVIEW:**

The project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and the project has been determined to be categorically exempt pursuant to Section 15301 of the CEQA Guidelines regarding existing facilities. Potential visual impacts were determined to be insignificant due to the existing telecommunication facilities at the site. Additionally, the emissions from the backup generator are anticipated to be insignificant due to the size of the generator and frequency of use.

### **PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Resolution

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2. Project Location
3. Telecommunication Facilities Siting and Permit Requirements
4. Project Photo Simulations
5. Radio Frequency Exposure Study