

REPORT TO THE PLANNING COMMISSION



DATE: June 11, 2019

TITLE: Conditional Use Permit No. 02-19. A proposed cell tower within a commercial property located at 22755 Palm Drive.
Applicant: J5 Infrastructure Partners, LLC (AT&T)

Prepared by: Patricia Villagomez

Reviewed by: Rebecca Deming, Community Development Director

RECOMMENDATION

- 1) Staff Report
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Consider a motion that the Planning Commission 1) Approval of an Exemption to CEQA based on the finding that the project qualifies as a Class 3 Categorical Exemption; and 2) Approval of Conditional Use Permit No. 02-19 for the consideration of a 75-foot monopalm cell tower at 22755 Palm Drive within the C-R (Commercial Retail) Zoning district.

DISCUSSION

Pursuant to Section 17.76.040 of the Desert Hot Springs Municipal Code, the Planning Commission has the authority to approve Conditional Use Permits for development projects. The Applicant, J5 Infrastructure Partners, filed a Conditional Use Permit (CUP) application (CUP No. 02-19) to construct a 75-foot tall cellular communication facility designed as a Monopalm. The project site is located at 22755 Palm Drive within the Commercial Retail zoning district. The proposed cell tower is located on the west side of an existing commercial business. The cell tower and equipment screening will be enclosed by a 6-foot-high off-white precision block wall that will match the existing surrounding area and a wrought iron gate for maintenance purposes. The proposed cell

tower will expand coverage/service throughout the I-10 freeway and surrounding areas. The



property is approximately 3.72 acres and the proposed leased area is 1,008 square feet. The proposed site currently has a fully operational convenience store/gas station.

Immediately surrounding properties are developed as follows:

	<u>Zoning & General Plan Designations</u>	<u>Current Land Use</u>
North	C-R (Commercial Retail)	Vacant Land
South	C-R (Commercial Retail)	Vacant Land/I-10
West	C-R (Commercial Retail)	Dispensary/I-10
East	Commercial (Cathedral City)	Fast Food/Gas Station

CUP ANALYSIS

General Plan and Zoning Consistency: The project proposes to construct a 75-foot-tall monopalm cell tower, which allows this use with approval of a Conditional Use Permit.

Site Coverage: The project site consists of one lot totaling 3.72 gross acres. The proposed location of the cell tower is on the southwest side of the already existing structure and will be surrounded by a 6-foot-high off-white block wall and wrought iron gate. The structure is considered an ancillary structure to the other structures on site and does not pose an issue with lot coverage.

Building Height: The proposed height of 75 feet is consistent with the City's zoning Code and is in compliant with the City's Code.

Building Setbacks: The minimum setbacks in the City's Commercial Retail (C-R) Zone is 10 feet in front, zero feet in the rear (except 10 feet adjacent to a street and 20 feet adjacent to residential), and zero feet on the sides (except 10 feet adjacent to a street and 20 feet adjacent to residential). The proposed monopalm is approximately 170 feet from the front property line, at least 70 feet from the side property lines, and about 200 feet from the rear property line. Therefore, the project meets minimum setback standards.

Elevations, Colors and Materials: The proposed structure is similar to a regular palm tree in order to blend naturally to other surrounding landscape in the area. The proposed monopalm antennas will be screened from view and colored to blend in with the palm leaves to reflect a natural blend (Exhibit 4). Given the height of the structure, additional efforts to mitigate the building's bulk should be undertaken. A condition has been included to require additional palm trees of at least 20 feet in height to be planted to enhance the building's function and appearance.

LANDSCAPING

The proposed location of the monopalm cell tower has been conditioned to add landscape to help blend the monopalm with the surrounding area, and the 6-foot-high CMU block wall colored off white to match existing walls on the property will screen the area at the ground level.

FISCAL IMPACT

The project will not generate any revenue and all City Development Fees will be paid.

ENVIRONMENTAL REVIEW

In accordance with the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq.*, and the CEQA Guidelines, Title 14, Chapter 3 of California Code of Regulations, the project is found to be Categorically Exempt from further environmental review as a Class 3 (New Construction) Categorical Exemption of Section 15303 of CEQA. This project meets all the requirements of Class Three which is new construction of an accessory structure.

CONDITIONAL USE PERMIT FINDINGS

Conditional Use Permits are regulated under Section 17.76 of the Desert Hot Springs Municipal Code and require that certain findings be made by the Planning Commission before granting a CUP request. Staff has developed recommendations for each finding, as follows:

1. *That the proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Zoning Ordinance.*

The application for the proposed cell tower is in compliance with the City's Zoning Code in that the code requires that this type of project obtain a conditional use permit. The application has been submitted and reviewed by staff, and the Planning Commission has the discretion to approve the proposed cell tower. Staff recommends this finding.

2. *That the proposed use would not impair the integrity and character of the land use district in which it is to be located.*

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing homes and future/existing commercial businesses, relieve some of the airwave traffic from the towers, and provide emergency coverage/911 coverage to areas that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a palm tree. Staff recommends this finding.

3. *That the subject site is physically suitable for the type and intensity of land use being proposed.*

The proposed monopalm cell tower is suitable to the Commercial Retail zoning district and is compatible with surrounding commercial uses. Staff recommends this finding.

4. *That the proposed use is compatible with the land uses presently on the subject property.*

The proposed cell tower is in a commercial retail zone and is on a site which is occupied by a convenience/gas station. The proposed cell tower is compatible with the existing uses on the site. Staff recommends this finding.

5. *That the proposed use would be compatible with existing and future land uses within the general area in which the proposed use is to be located.*

The proposed cell tower is in a location that needs additional service and carriers. The owner will service the entire area include, but not limited to, the commercial developments. These businesses will be employing numerous workers in the future and will need reasonable cell service to aid in their business operation as well as providing better 911 coverage and coverage for broken down motorists. Staff recommends this finding.

6. *That the proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses.*

The proposed cell tower will occupy very little of the site and will not increase lot coverage by any unreasonable amount. The placement is in a good location to serve the area and not interfere with the existing business already occupying the site. This tower will serve to reduce traffic and provide better coverage for 911 service, broken down motorists, and residents with poor coverage and the future developments and business that anticipate to be occupying future buildings in the surrounding commercial district. Staff recommends this finding.

7. *That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.*

The subject site already has utility service to service the existing business. The proposed use will not add an extraordinary demand for water, sanitation or other public utilities and services that would result in any detriment to public health and safety. Staff recommends this finding.

8. *That there will be adequate provisions for public access to serve the site.*

The subject site has sufficient on-site parking; No additional parking will be required for the proposed cell tower nor will it require any changes to the access provided already on-site. Staff recommends this finding.

9. *That there will not be an adverse effect upon desirable neighborhood characteristics.*

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing commercial to the west, relieve some of the airwave traffic, and provide emergency coverage/911 coverage to area that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a large palm tree. Staff recommends this finding.

10. *That the proposed use is necessary and essential to the community.*

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing commercial businesses, relieve some of the airwave traffic from the towers, and provide emergency coverage/911 coverage to area that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a large palm tree. Staff recommends this finding.

11. *That the proposed use is consistent with applicable goals and policies of the General Plan.*

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing commercial businesses to the west, relieve some of the airwave traffic from the towers, and provide emergency coverage/911 coverage to area that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be locate, nor is it inconsistent. The proposed cell tower will be disguised as a palm tree. Staff recommends this finding.

Staff has identified the following General Plan goals and policies applicable to the application and provides responses to each.

12. *That there will not be significant harmful effects upon environmental quality and natural resources.*

The proposed cell tower will occupy a small portion of the site within Commercial Retail (C-R) zoning district and be operated in accordance with Federal, State, & City 's regulations and conditions of approval. Consequently, no significant adverse or harmful effects on the environment or on any natural resources are anticipated. Staff recommends this finding.

13. *That the negative impacts of the proposed use are mitigated and/or a mitigated negative declaration may be filed.*

The proposed cell tower will be operated as a commercial use. It will be operated in accordance with all applicable local, state and federal regulations and conditions of approval.

14. *That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience, or welfare of the City.*

The proposed cell tower has been reviewed by City departments and other public agencies for any potential detrimental effects on public interests, health, safety, convenience or welfare of the City. Any potential concerns have been addressed by recommended conditions of approval, and no unresolved concerns remain. Staff recommends this finding.

In reviewing this application, plans, documents and other supporting information, staff has determined that the Planning Commission can make these findings.

Administration

Goal: Comprehensive and integrated administration and implementation of all elements of the Desert Hot Springs General Plan through consistent and effective policies and programs.

The City has adopted a zoning ordinance to implement the General Plan and provide for review and approval of individual development projects. The proposed cell tower will be subject to all requirements of this Conditional Use Permit, as prescribed by the Zoning ordinance and the adopted conditions of approval.

Policy 1: Provide for the periodic revision and updating of the General Plan and ensure that associated City Ordinances including the Zoning and Subdivision Ordinances, are maintained in conformance with the General Plan.

The City has adopted a zoning ordinance to implement the General Plan and provide for review and approval of individual development projects. The proposed cell tower will be subject to all requirements of this Conditional Use Permit, as prescribed by the Zoning ordinance and the adopted conditions of approval.

Policy 5: The City shall assure that properly field development applications shall be processed in an expeditious and timely manner.

The Conditional Use Permit application was received on March 28, 2019 and was routed to departments and outside agencies for conditions in a timely manner. The applicant has been notified of Planning Commission hearing date and is satisfied with the results.

Policy 8: City shall provide opportunities for review and comment on development proposals through public hearing notices sent to owners of property located within 300 feet of development proposals sites.

Prior to Planning Commission review of the project application, notice of the proposed cell tower conditional use permit hearing was provided to property owners within 300 feet of the proposed site. In addition, a public hearing before the Planning Commission has in fact been held where persons were provided a meaningful opportunity to be heard.

Commercial Goals Policies and Programs

Goal: A responsive range of commercial land uses conveniently and appropriately disturbed throughout the City, meeting the community 's needs and taking full advantage of emerging development and economic opportunities.

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing homes and future/existing commercial businesses, relieve some of the airwave traffic, and provide emergency coverage/911 coverage to area that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a palm tree. Staff recommends this finding.

Policy 1: Sufficient lands shall be designed to provide a full range of commercial services to the community and surrounding areas for present and future years.

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing homes and future/existing commercial businesses, relieve some of the airwave traffic, and provide emergency coverage/911 coverage to area that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a palm tree. Staff recommends this finding.

Policy 1A: Maintain the Land Use map on an on-going basis to assure sufficient lands are designated for commercial uses to support the needs of the community and surrounding areas in a manner consistent with economic opportunities and the resort residential character of the community.

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing homes and future/existing commercial businesses, relieve some of the airwave traffic, and provide emergency coverage/911 coverage to area that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a palm tree. Staff recommends this finding.

Program 1B: Make available market information to developers and realtors, which identifies the City's service needs and potential sites suitable for those commercial good and services.

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing homes and future/existing commercial businesses, relieve some of the airwave traffic, and provide emergency coverage/911 coverage to area that have poor coverage. The proposed use will not

introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a palm tree. Staff recommends this finding.

Policy 2: Development standards for commercial land uses include setbacks, pad elevations, massing and height limitations, and other requirements, which provide adequate visibility and accessibility, while preserving the scenic viewsheds from adjoining properties and public rights-of-ways.

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing homes and future/existing commercial businesses, relieve some of the airwave traffic, and provide emergency coverage/911 coverage to area that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a palm tree. Staff recommends this finding.

Policy 6: The City shall require adherence to applicable development standards and guidelines to assure aesthetically acceptable industrial developments for all new industrial sites.

The project has been reviewed against applicable local development standards and guidelines. The proposal has been determined to meet these standards and guidelines or conditions have been imposed to assure that the project conforms.

Community Design

Policy 1: Private and public sector development projects shall equally apply City community design standards, thereby protecting the community's scenic viewsheds, providing community cohesion and enhancing the image of Desert Hot Springs as a resort residential community.

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing homes and future/existing commercial businesses, relieve some of the airwave traffic from the towers, and provide emergency coverage / 911 coverage to areas that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a palm tree. The cell tower will incorporate a palm tree design which is suitable for the area and helps to reduce the impacts to the scenic viewshed and will look more natural. Staff recommends this finding.

Economic Development:

Goal 2: Continued growth, which assures the maintenance of a revenue base adequate to support present and future public services and facility's needs.

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing homes and future/existing commercial businesses, relieve some of the airwave traffic, and provide emergency coverage / 911 coverage to areas that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a palm tree. Staff recommends this finding.

Hazardous and Toxic Materials

Goal: The assured safety of City of Desert Hot Springs residents and visitors through the regulation of the manufacture, transport, use and disposal of toxic and hazardous materials.

Any hazardous or toxic materials associated with the proposed operation shall be regulated by the provisions of all applicable laws of the City, State and Federal Government.

Fire and Police Protection

Goal: A high level of police and fire protection and service.

The proposed cell tower would service the growing community of developments and business in the area and would improve service to the existing homes and future/existing commercial businesses, relieve some of the airwave traffic from the towers, and provide emergency coverage / 911 coverage to areas that have poor coverage. The proposed use will not introduce any activities that would impair the integrity or character of the land use district in which it is to be located. The proposed cell tower will be disguised as a monopalm tree. Staff recommends this finding.

Policy 2

Enforce fire standards and regulations in the course of reviewing building plans and conducting building inspections.

All plans and improvements for the cell tower will be subject to review and enforcement under fire codes and regulations.

RECOMMENDATION

Staff finds that the proposed project is substantially consistent with the General Plan and meets the development standards of the C-R (Commercial Retail) zoning district. Staff recommends that the Planning Commission certify the CEQA exemption and approve Conditional Use Permit No. 02-19, subject to Findings listed and the attached Conditions of Approval (Exhibit 1).

EXHIBIT(S)

1. Draft Conditions of Approval
2. Existing Site Plan
3. Proposed Site Plan
4. Monopalm Elevations
5. Equipment Plan
6. Colored Renderings