



## STAFF REPORT

# SAN CLEMENTE PLANNING COMMISSION

Meeting Date: January 23, 2013

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**PLANNER:** Christopher Wright, Associate Planner

**SUBJECT:** Amendment to Conditional Use Permit 12-052, Verizon at Costero Risco water tank, a request to consider an amendment to the resolution for a previously approved cellular facility on City property located at 4159 ½ Costero Risco.

### **BACKGROUND**

On September 19, 2012, the Planning Commission approved Conditional Use Permit 12-052. This allowed the construction of a wireless communication facility on City property in an open space area of the Forster Ranch Specific Plan. The project site is located at 4159 ½ Costero Risco. The facility includes nine panel antennas on a 20-foot high faux Eucalyptus tree. The faux tree is to be erected on a hillside southwest of a City water reservoir. The cellular equipment would be screened by a tan eight-foot slump stone masonry enclosure and tan tubular steel metal gate. Refer to Attachment 6 for the September 19, 2012 staff report and Attachment 7 for the public hearing minutes.

At the September 19, 2012 meeting, Verizon Wireless requested the Commission revise some conditions of approval, including a request to remove condition of approval #26. The condition of approval is identified below:

*“Every three (3) years staff will investigate the current state of the technology to determine if improvements in aesthetics, size, performance, etc, are available. If better technology or products exist, the carrier shall be required to install the improvements. The city has sole discretion in determining whether the improvements merit installation.”*

Verizon’s representative, Peter Blied, suggested the lease agreement be written to address the issue in lieu of a condition of approval. Mr. Blied said this approach has been used on some projects he has worked on in other Cities where a cellular facility is allowed on City property with a lease. Mr. Blied explained the lease could specify the City Planner is able to reevaluate the adequacy of antenna screening material every ten years and have the Planning Commission reconsider the project at a public hearing if there is merit. Several Commissioners agreed a condition of approval was unnecessary if the City retained an option to reassess screening material in the future and require changes if better screening options become available. After discussing the project, the Commission made a motion to approve the CUP, but did not mention the removal condition of approval #26 or provide direction on the lease agreement.

**Noticing**

Public notices were distributed and posted per City and State requirements. No public comments have been received to date.

**REQUEST**

Verizon requests the Commission remove Condition #26. In lieu of the condition, Verizon proposes to include language in the lease agreement. Verizon’s letter (Attachment 8) describes their reasons for wanting the condition removed (Attachment 8). Staff supports the applicant’s request. The condition is removed from the draft resolution. If the Commission concurs with this recommendation, staff would work with the finance department and City Attorney on the lease agreement.

**ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can concur with staff and approve AM CUP 12-052 with the revised resolution PC 13-003.

*This is the recommended action. It would result in allowing the construction of a cellular communication facility on City property with a lease agreement managed by the finance department.*

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

*The Planning Commission could add or modify the project and/or conditions of approval that may affect the design of the project, such as changes to the height of the tree, the type and/or amount of proposed landscaping, landscaping maintenance standards, etc. Design changes must be consistent with design guidelines.*

3. The Planning Commission can deny the amendment, but allow AM CUP 12-052 with the existing conditions of approval.

*This action would result in allowing the construction of a cellular communication facility with the existing conditions of approval.*

4. The Planning Commission can deny AM CUP 12-052.

*This action would result in not allowing the construction of a cellular communication facility. This would require staff to draft a new resolution for denial of the project. The Commission should cite reasons or findings for its denial.*

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approves AM CUP 12-052, Verizon at Costero Risco water tank, subject to the attached Resolution and Conditions of Approval.

<i>Attachments:</i>	Attachment 1	Resolution PC 13-003
	Exhibit A	Conditions of Approval
	Attachment 2	Vicinity map
	Attachment 3	Photographs and simulations
	Attachment 4	North/West ridgeline information and analysis
	Attachment 5	Rendering of faux Eucalyptus tree
	Attachment 6	September 19, 2012 staff report ( <i>without attachments</i> )
	Attachment 7	September 19, 2012 Commission meeting minutes
	Attachment 8	Letter from applicant
	Attachment 9	Plans

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## RESOLUTION NO. PC 13-003

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT (AM CUP) 12-052, ALLOWING THE CONSTRUCTION OF A CELLULAR COMMUNICATIONS FACILITY AT 4159 ½ COSTERO RISCO

**WHEREAS**, on September 19, 2012, the Planning Commission approved Conditional Use Permit (CUP) 12-052, allowing the construction of a wireless communication facility near a City water tank that includes the installation of: 1) nine cellular panel antennas on a 20-foot high “faux” eucalyptus tree and 2) equipment in an enclosure.

**WHEREAS**, on December 20, 2012, an application was submitted and deemed completed, by Plancom, Inc. on behalf of Verizon Wireless, 250 El Camino Real #117, Tustin, CA 92780, for an Amendment to Conditional Use Permit (AM CUP) 12-052, a request to amend the resolution for the previously approved cellular facility on City property at 4159 ½ Costero Risco. Specifically, Verizon Wireless requests the Commission to remove condition of approval #26 included in resolution PC 12-028: “every three (3) years staff will investigate the current state of the technology to determine if improvements in aesthetics, size, performance, etc, are available. If better technology or products exist, the carrier shall be required to install the improvements. The city has sole discretion in determining whether the improvements merit installation.” The legal description of the property is Lot A of Tract 15718, Assessor’s Parcel Number 679-242-05; and

**WHEREAS**, the City's Development Management Team (DMT) reviewed the subject application, and the DMT determined it complies with the General Plan, Zoning Ordinance, Forster Ranch Specific Plan, and other applicable City ordinances and codes; and

**WHEREAS**, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 because it consists of the installation of small, new equipment and facilities; and

**WHEREAS**, on January 23, 2013, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW, THEREFORE**, the Planning Commission of the City of San Clemente hereby resolves as follows:

**Section 1:** The project is categorically exempt from the California Environmental Quality Act (CEQA) as provided for in CEQA Guidelines Section 15303, as a Class 3 exemption because it consists of the installation of small, new equipment and facilities.

**Section 2:** With respect to AM CUP 12-052, the Planning Commission finds that:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all applicable provisions of the Forster Ranch Specific Plan, Zoning Code, the San Clemente General Plan, and the purpose and intent of the zone in which the use is being proposed in that the proposed wireless facility will improve cellular coverage for Verizon customers in the vicinity.
- B. The site is suitable for the type and intensity of use that is proposed in that the site contains adequate space to accommodate the proposed antennas and related cellular equipment and this equipment shall be screened from public view.
- C. The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity in that the transmission or reception of the signals from the proposed antennas has not been demonstrated to pose a threat to the public health and safety. The Federal Communications Commission (FCC) has determined that wireless telecommunication facilities designed and operated consistent with FCC rules and regulations do not cause public health hazards. According to the FCC the facility must operate within the limits set by the 1992 ANSI (American National Standards Institute) standards for public exposure to electronic magnetic field (EMF) emissions. The 1992 ANSI standards set the threshold between safety and known hazard at 50 times below a level that the majority of the scientific community believes may pose a health risk to human populations.
- D. The proposed use will not negatively impact surrounding land uses in that communications equipment will be located within the an enclosure, the project will not emit noise or odors, and the project will not interfere with the transmission of reception or other signals in the City.
  - 1. The proposed antennas will not create adverse visual impacts as the antennas and related equipment are screened within architectural features that conceal them from public view.
  - 2. The proposed antennas do not interfere with the transmission or reception of other signals in the City, according to the technical evidence provided by the applicant.
  - 3. The transmission or reception of the signals from the antennas has not been demonstrated to pose a threat to the public health and safety in accordance with the technical studies provided by the applicant.
  - 4. The proposed antennas do not create adverse visual impacts to the surrounding area or to the City at large as the antennas and related equipment are screened within architectural features that conceal them from public view.

**Section 3:** The Planning Commission hereby approves AM CUP 12-052, subject to the above Findings and the Conditions of Approval attached hereto as Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on January 23, 2013.

\_\_\_\_\_  
Chair

**TO WIT:**

I **HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on January 23, 2013, and carried by the following roll call vote:

<b>AYES:</b>	<b>COMMISSIONERS:</b>
<b>NOES:</b>	<b>COMMISSIONERS:</b>
<b>ABSTAIN:</b>	<b>COMMISSIONERS:</b>
<b>ABSENT:</b>	<b>COMMISSIONERS:</b>

\_\_\_\_\_  
Secretary of the Planning Commission

# EXHIBIT A

## CONDITIONS OF APPROVAL\* AM CUP 12-052

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. [*Citation – City Attorney Legal Directive/City Council Approval June 1, 2010*] (PIng.)\_\_\_\_\_
2. Thirty (30) days after project approval, the applicant shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. [*Citation – City Attorney Legal Directive*] (PIng.)\_\_\_\_\_
3. The applicant shall develop the approved project in conformance with the site plan, elevations, landscaping plan, sample and materials board and any other applicable submittals approved by the Planning Commission. Any deviation from the site plan, elevations, landscaping plan, materials, colors or other approved submittal shall require the owner or designee to submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines the deviation is significant, the owner or designee

shall be required to apply for review and obtain the approval of the Zoning Administrator or Planning Commission, as appropriate.*[Citation – City Quality Insurance Program]*

■ (PIng.)\_\_\_\_\_

4. AM CUP 12-052 shall become null and void if the use is not commenced within three (3) years from the date of approval of CUP 12-052. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. A use shall be deemed to have lapsed, and AM CUP 12-052 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.A.1 and Section 17.12.150.C.1 of the SCMC]* ■ (PIng.)\_\_\_\_\_
5. The applicant shall have the right to request an extension of AM CUP 12-052 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request may be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)\_\_\_\_\_
6. The carrier shall comply with applicable Federal Communications Commission (FCC) requirements, per the Radio Frequency (RF) study, including, but not limited to requirements related to permissible levels of radio frequency emissions. ■■ (PIng.)\_\_\_\_\_
7. To prevent exposures in excess of the FCC guidelines, no access within 10 feet directly in front of the antennas (horizontal plane of antenna) should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. ■■ (PIng.)\_\_\_\_\_
8. The cellular communication facility shall not interfere with the function and operation any utility communication equipment (e.g. City SCADA system) or control signals. If interference is detected at any time, the carrier shall modify or relocate the antennas and/or equipment at the carrier’s expense, so the project no longer interferes with other communication equipment. If project modifications are necessary, the changes shall be reviewed and approved in compliance with the Zoning Ordinance and other applicable regulations. ■ (Eng.)\_\_\_\_\_
9. Faux tree limbs and leaves shall be replaced if damaged or deteriorated as determined by the City Planner. ■■ (PIng.)\_\_\_\_\_



10. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to the Zoning Ordinance, Grading Code, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, and Fire Codes. *[Citation - S.C.M.C. Title 8, Section 8.16; Fire Code, Title 15, Building and Construction, Sections 15.08, 15.12, 15.16, 15.20; Title 16, Subdivisions; & Title 17, Zoning ]* (Bldg.)\_\_\_\_\_
11. Prior to issuance of building permits, the applicant shall get written authorization from all owners of real property where construction work is proposed. This written authorization shall be submitted to the Building Division. ■■ (Bldg.)\_\_\_\_\_
12. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.)\_\_\_\_\_
13. Prior to issuance of building permits, proposed emergency generator requires OCFA review/approval. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code]* (Bldg.)\_\_\_\_\_
14. If AQMD permits are required for the project, the applicant shall submit a copy of AQMD permits prior to issuance of building permits. *[Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* ■ (Bldg.)\_\_\_\_\_
15. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes. *[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning ]* (Bldg.)\_\_\_\_\_
16. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. *[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Bldg.)\_\_\_\_\_

17. Prior to issuance of building permits, the owner or designee shall submit two copies of a project specific soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports submitted during the plan check process. *[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]* (Bldg.)\_\_\_\_\_
  
18. Prior to issuance of any permits, the applicant shall submit for review, and shall obtain the approval of the Community Development Director or designee, a detailed landscape and irrigation plan incorporating drought tolerant plants, for on-site landscaping. The plan shall be prepared by a registered architect, and shall be in compliance with all pertinent requirements. ■(Plng)\_\_\_\_\_
  
19. Prior to the Building Division's approval to pour foundations, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the forms for the building/structures foundations conform to the front, side and rear setbacks are in conformance to the approved plans. *[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]* (Bldg.)\_\_\_\_\_
  
20. Prior to the Building Division's final inspection and release of construction permits, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. *[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]* (Bldg.)\_\_\_\_\_
  
21. The carrier shall provide in writing that the proposed antennas do not interfere with the transmission or reception of the City SCADA communication system and other communication equipment. ■■(Eng.)\_\_\_\_\_
  
22. Prior to Building Division final inspection and release of construction permits, the applicant shall meet with the Planning and Engineering Divisions on the project site to review the colors, textures, location, height, antenna screening, landscaping, and other project characteristics to ensure the communication facility is constructed in substantial conformance with AM CUP 12-052. The applicant shall comply with any request to correct field conditions found unacceptable to the satisfaction of the Planning or Engineering Divisions. ■■ (Plng.)\_\_\_\_\_ (Eng.)\_\_\_\_\_

- 23. Prior to Building Division final inspection and release of construction permits, a written agreement shall be executed by the applicant and approved by the City Planner and City Attorney; assuring landscaping is established three years after the project is constructed and released by the Building Division. The applicant or designee shall be responsible for fees related to this agreement. ■ (PIng.) \_\_\_\_\_
- 24. Prior to Building Division final inspection and release of construction permits, the applicant shall submit a letter, signed by a registered architect, to the Community Development Director or designee, stating that landscaping has been installed in accordance with the approved plans. ■ (PIng.) \_\_\_\_\_
- 25. Prior to the issuance of a building permit, applicant or designee shall submit to the Fire Chief a plan for review and approval of the battery system. The plans shall be in accordance with Article 64 of the California Fire Code. The failure to document deficiencies during this review shall not be held to permit or approve the violation of any law. If the applicant has any questions regarding this plan submittal, they may contact the Orange County Fire Authority at (714) 368-8843. ■■ (OCFA.) \_\_\_\_\_

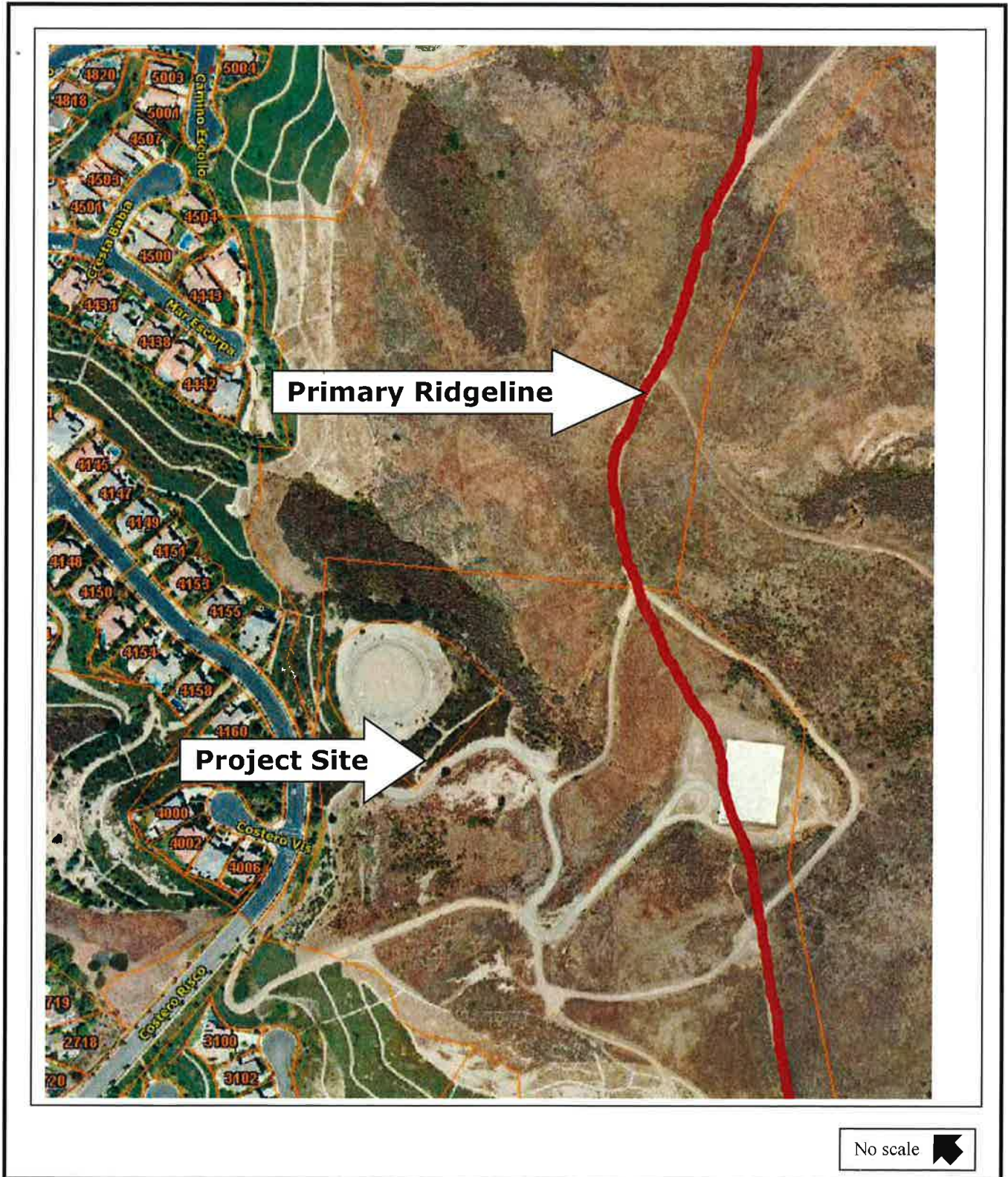
\* All Conditions of Approval are standard, unless indicated as follows:  
■ Denotes modified standard Condition of Approval  
■■ Denotes project specific Condition of Approval



## ATTACHMENT 2

### LOCATION MAP

CUP 12-052, Verizon and Costero Risco water tank  
4159 ½ Costero Risco

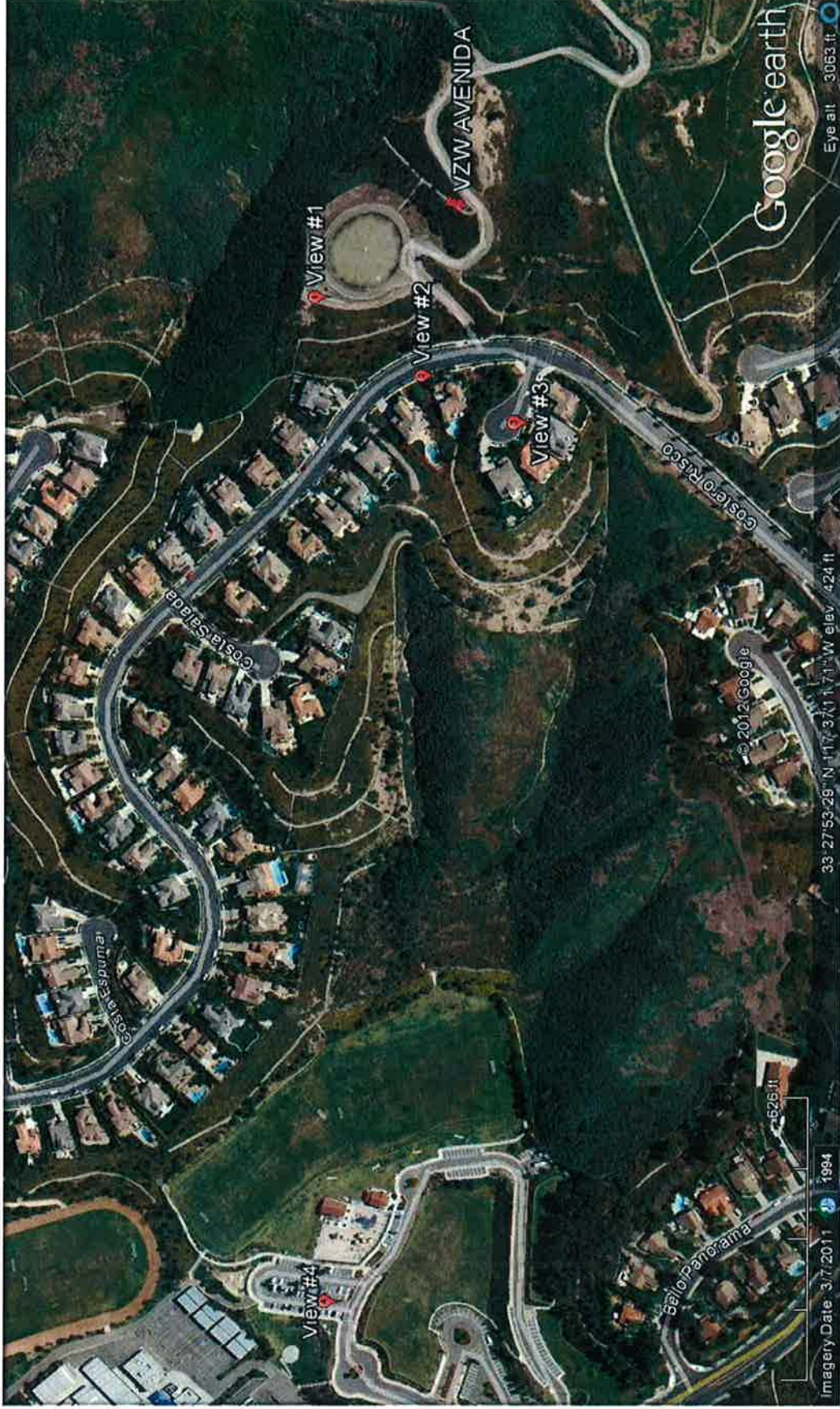








VZW AVENIDA – PHOTOSIMULATION KEY (Rev.3.12.12)



Views from East and South are obscured by existing ridgelines and hillsides.



**EXISTING**



**Avenida**

4159 1/2 Costero Risco  
San Clemente, CA 92673

**Simulation #1**





**EXISTING**

**Avenida**

4159 1/2 Costero Risco  
San Clemente, CA 92673

**Simulation #2**



Proposed monoecalyptus



**Photosimulation of proposed telecommunications site: Antenna location from street**

6/7/2012



**EXISTING**



**Avenida**

4159 1/2 Costero Risco  
San Clemente, CA 92673

**Simulation #3**



Proposed monoecalyptus



**PROPOSED**

**Photosimulation of proposed telecommunications site: View from West - closest residence**

7/5/2012

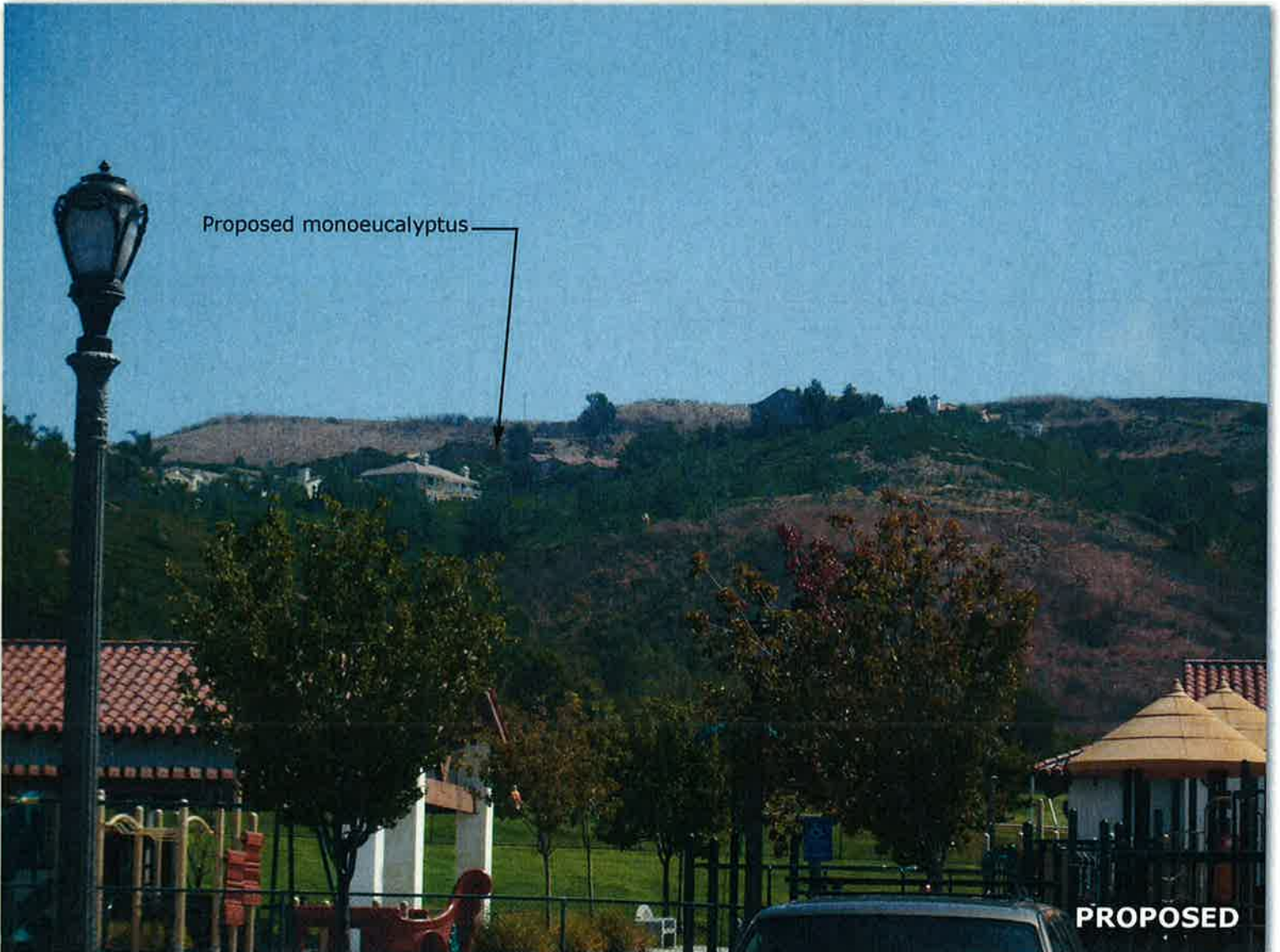


**EXISTING**

**Avenida**

4159 1/2 Costero Risco  
San Clemente, CA 92673

**Simulation #4**



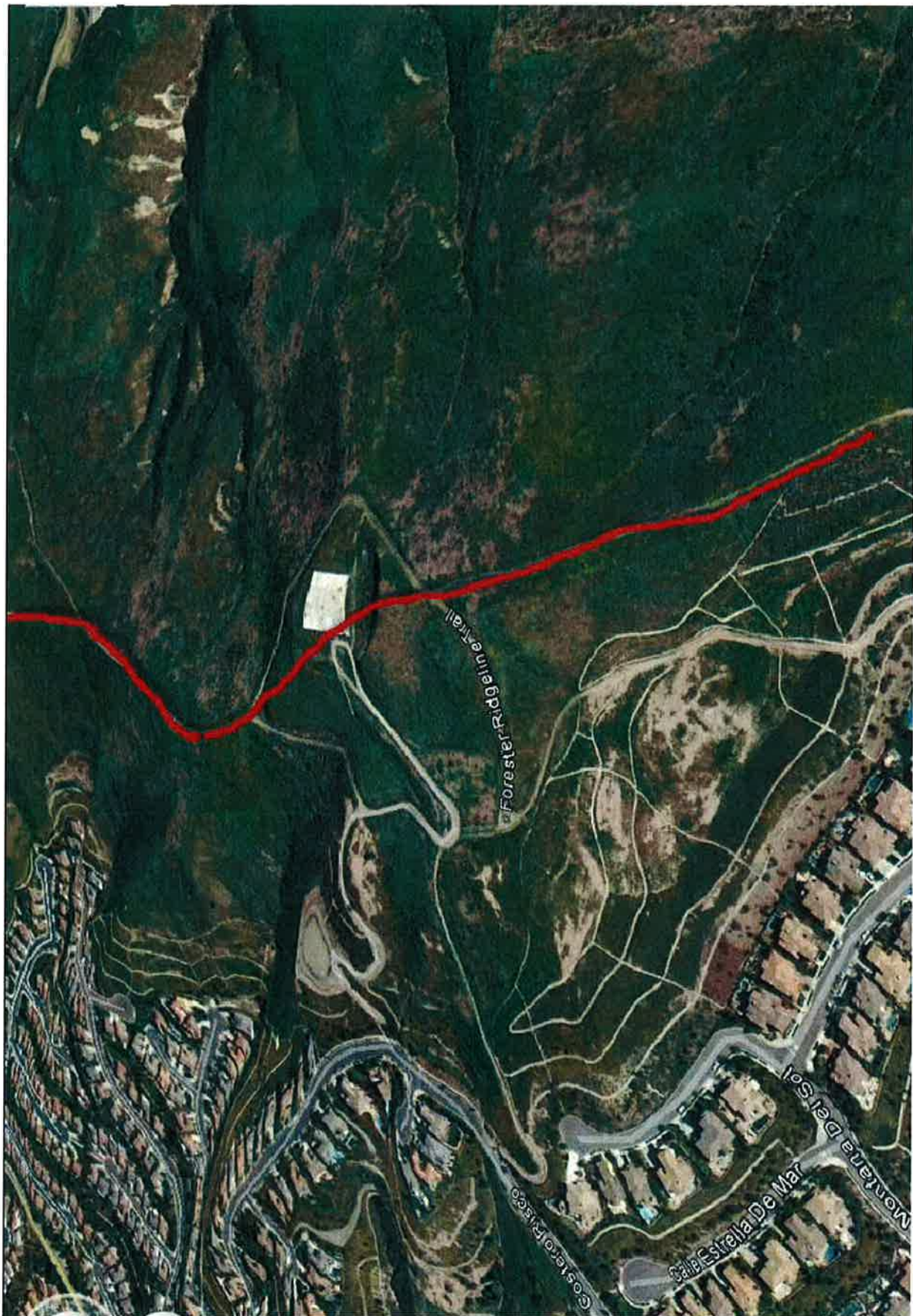
Proposed monoecalyptus

**PROPOSED**

**Photosimulation of proposed telecommunications site: View Northwest**

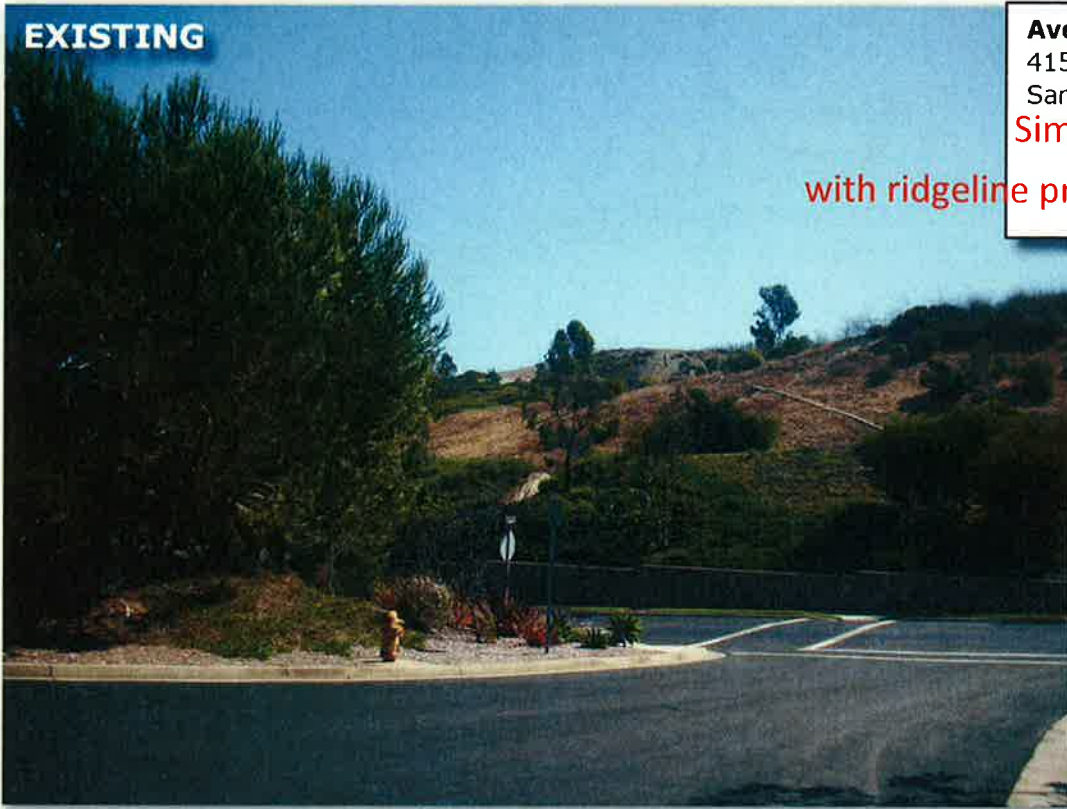
6/7/2012







**EXISTING**



**Avenida**  
4159 1/2 Costero Risco  
San Clemente, CA 92673

**Simulation #3**

with ridgeline projection shown



Proposed monoecalyptus

North/south protected ridgeline

**PROPOSED**

**Photosimulation of proposed telecommunications site: View from West - closest residence**

7/5/2012

forth in this Specific Plan, the Zoning Ordinance shall regulate. An index of Zoning Ordinance sections is listed in the Appendices of this Specific Plan.

4. Land Uses Not Listed - In cases where it is not clear whether a proposed land use is permitted under this Section, the Planning Commission shall determine if the use is consistent with the Purpose set forth hereinabove and is either permitted as a principal, conditional, accessory, or temporary use, or is not permitted.
5. Site Plan Review - All projects regulated by this Section shall be subject to Site Plan Review in accordance with Section 601.
6. Design Guidelines - All development under this Section is also subject to the Design Guidelines set forth in Chapter 3.

**B. PRINCIPAL USES PERMITTED**

1. Golf course and continued maintenance of the low flow conservation easement stream along the golf course.

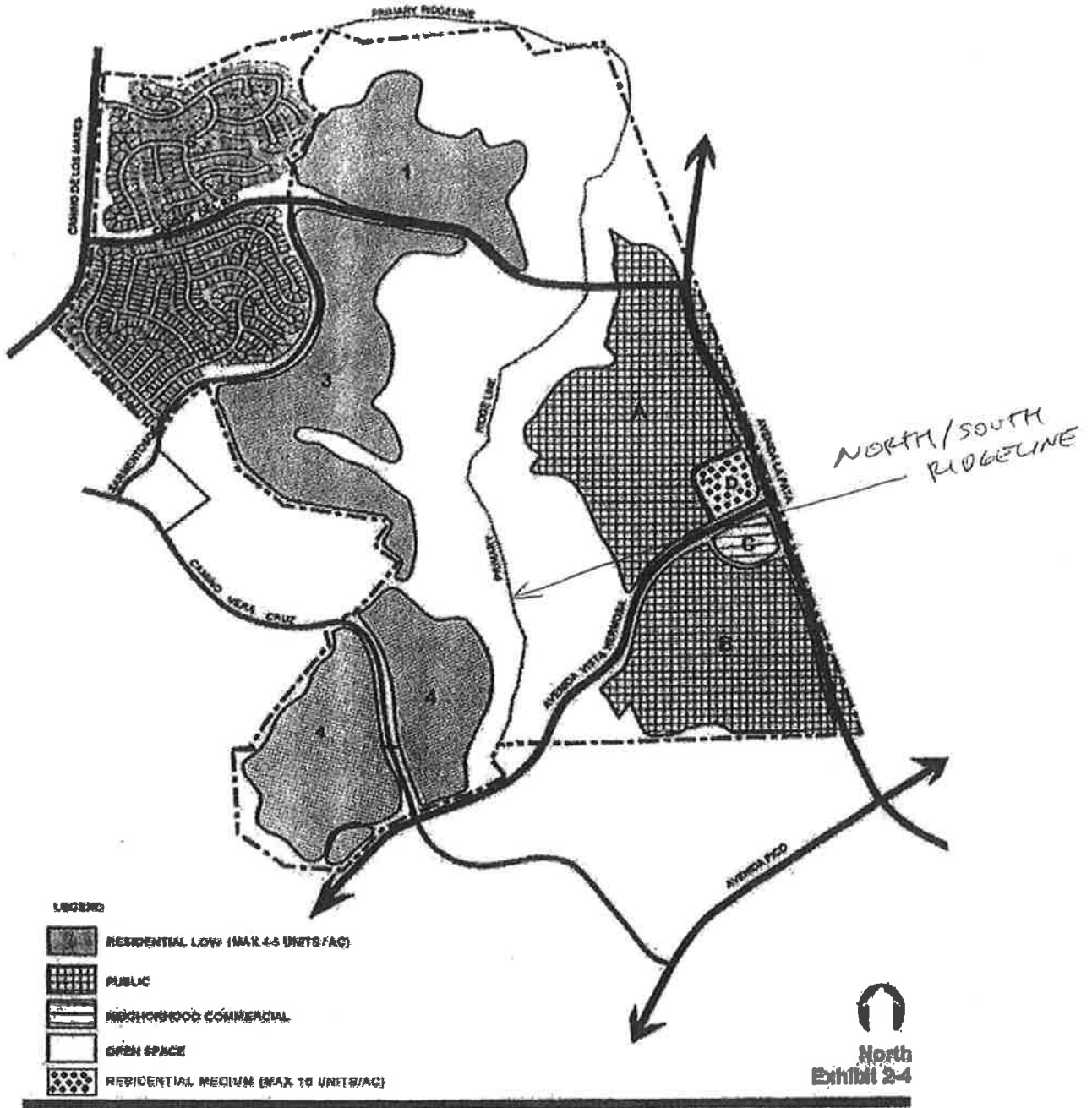
**C. DEVELOPMENT STANDARDS**

All structures and/or parking areas shall be set back a minimum of 20 feet from any street. All other development standards shall be determined the City through the Site Plan Review process.

**511 SECTOR P OPEN SPACE**

**A. PURPOSE AND APPLICABILITY**

- ① Purpose - The purpose of this Section is to provide for the use and preservation of open space and of major ridgelines and their adjacent open areas within Sector P.
2. Applicability - This Section applies to the Open Space Area within Sector P, as shown on Exhibit 2-4.
3. Standards Not Listed - Whenever a standard or regulation is not set forth in this Specific Plan, the Zoning Ordinance shall regulate. An index of Zoning Ordinance sections is listed in the Appendices of this Specific Plan.
4. Land Uses Not Listed - In cases where it is not clear whether a proposed land use is permitted under this Section, the Planning Commission shall determine if the use is consistent with the Purpose set forth hereinabove and is either permitted as a principal, conditional, accessory, or temporary use, or is not permitted.



**FORSTER RANCH  
Specific Plan**

**Land Use Plan  
Sector P**

**C. MAJOR HILLSIDE AND RIDGELINE OPEN SPACE**

Most of the Sector D hillside open space is located along the northern and western boundaries of the Specific Plan area. The major hillside and ridgeline open space within Sector P is to be preserved in accordance with the Hillside Development Ordinance with limited alteration. Exceptions are for contour grading on the edge of a development area (as shown on the Exhibit 2-9 Grading Concept) and the installation of trails, small trail rest areas, a scenic overlook area, and the extensions of Camino Del Rio and Avenida Vista Hermosa to their connections with Avenida La Pata. Approval by the Community Development Director will be required to allow remedial grading to extend further into open space areas than the conceptual grading limits shown on Exhibit 2-9. In such a case, an expansion of grading limits will be approved only to the extent determined by the Director to be necessary to ensure soil stability.

**D. OPEN SPACE WITHIN RESIDENTIAL AND PUBLIC PLANNING AREAS**

This open space consists primarily of common open area and landscaped slopes within development areas (such as in "Tocayo Hills" in Sector D and "El Encanto" in Sector P, etc.). These areas are maintained as permanent private open space.

**E. LA CRISTIANITA PAGEANT SITE**

The former La Cristianita Pageant site is located in the northwest portion of Sector D (see Exhibit 2-2). This approximately 60-acre site was formerly used for staging an annual pageant commemorating the baptism of the first European child in California. The site is designated as Open Space on the Master Land Use Plan, Exhibit 2-1. It may be used for passive open space. If a conditional use permit is approved, the site could also be used for park, golf course, and/or agricultural uses.

**F. BIKEWAYS AND RECREATION TRAILS**

***Bikeways*** - As indicated by Exhibit 2-7, Class I off-road bikeways are constructed adjacent to Camino de Los Mares, and will be constructed adjacent to Camino Del Rio, Avenida La Pata, and Avenida Vista Hermosa. Class I off-road bikeways are to be separated from the curb by means of a landscaped parkway averaging at least 6 feet in width, except within 50 feet of street intersections, where bikeways may be placed adjacent to the curb. The bikeway itself shall be 8 feet in width with a minimum 2 foot clearance on either side.

Class II on-road bike lanes are provided on Camino Vera Cruz, and Via Sarmentoso. Where Class I bikeways are to be provided along those portions of La Pata and Vista Hermosa adjacent to Planning Areas A, B, C, and D, the City may also require the installation of Class II on-road bike lanes if it determines that such bike lanes are needed to ensure safe bicycle access to the institutional facilities.





***Conceptual Rendering of Proposed 20' Mono-Eucalyptus***





## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Meeting Date: September 19, 2012

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**PLANNER:** Christopher Wright, Associate Planner

**SUBJECT:** Conditional Use Permit 12-052, Verizon at Costero Risco water tank, a request to install cellular antennas and equipment on City property located at 4159 ½ Costero Risco.

### **REQUIRED FINDINGS**

Prior to approval of the proposed project, the following findings shall be made. The draft resolution (Attachment 1) and analysis section of this report provide an assessment of the project's compliance with these findings.

#### ***Conditional Use Permit, Section 17.16.060***

- a. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed.
- b. The site is suitable for the type and intensity of use that is proposed.
- c. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
- d. The proposed use will not negatively impact surrounding land uses.

### **BACKGROUND**

The applicant, Verizon Wireless, requests a Conditional Use Permit (CUP) to construct a wireless communication facility on City property in an open space area of the Forster Ranch Specific Plan. The project site is adjacent to a water reservoir located at 4159 ½ Costero Risco. Refer to Attachment 2 for a location map and Attachment 3 for photographs of the project site.

***Development Management Team***

The City's Development Management Team (DMT) reviewed the applicant's request and determined it meets requirements. Conditions of approval are recommended that are included in the attached draft resolution.

***Noticing***

Public notices were distributed and posted per City and State requirements. No public comments have been received to date.

**PROJECT DESCRIPTION**

Verizon proposes to install nine panel antennas on a 20-foot high faux Eucalyptus tree. The faux tree would be erected on a hillside southwest of the water reservoir. The faux leaves and branches are designed to screen the antennas without restricting radio waves. For additional screening, the applicant would plant ten, one-gallon "Lemonade Berry" shrubs at the base of the faux Eucalyptus tree. The cellular equipment would be screened by a tan eight-foot slump stone masonry enclosure and tan tubular steel metal gate.

***Development standards***

Open Space development standards are developed through the permit process with the exception of a street set back requirement in the Forester Ranch Specific Plan. Table 1 outlines development standards and how the project is consistent with these standards.

**Table 1 - Development Standards**

<b>Standard</b>	<b>Code requirements</b>	<b>Proposed site plan</b>	<b>Complies with code requirements</b>
Street setback (minimum)	30 feet	240 feet	Yes
Structure height (maximum)	Antennas should blend in with vegetation on the hillside. There are several Eucalyptus trees that are 20 feet high or greater. Staff believes it is reasonable for the proposed tree to be 20 feet high.	20 feet	Yes - determined thru permit process
Equipment enclosure height (maximum)	The project site is screened well from surrounding properties by hillsides and the site is significantly separated from residential properties and streets. Staff believes an eight-foot equipment enclosure is appropriate to provide security and screening.	8 feet	

## **PROJECT ANALYSIS**

### ***Conditional Use Permit***

A Conditional Use Permit is required to install a free-standing cellular antenna per Zoning Ordinance Section 17.28.070(C)(2). The Zoning Ordinance requires a CUP to ensure the project is compatible with surrounding land uses. Staff believes the project meets the required findings for the approval of a CUP. The project site is located in a private open space area of the Forster Ranch Specific Plan. The cellular facility would be significantly separated from residential properties (296 feet to east of closest property) and traffic on Costero Risco (240 feet). Antennas would be screened by shrubs and faux foliage designed to mimic the appearance of a natural Eucalyptus tree. Visual simulations are provided as Attachment 3.

### ***Hillside Development Ordinance***

The hillside development ordinance requires development be designed to preserve views of natural primary and secondary hillside ridgelines. The Natural Resources Element of the General Plan and Section 206(C) of the Forster Ranch Specific Plan identify protected ridgelines. The ordinance requires that structures maintain the silhouette of primary and secondary ridgelines from the view of streets and other public open spaces. Visual simulations (see Attachment 3) show the project maintains views of the north/south ridgeline, except for a minor projection over a part of the ridgeline visible in simulation #3. The projection is shown on Attachment 4. The equipment enclosure will not be visible from residential properties and streets.

The hillside development ordinance allows trees to project beyond the silhouette of protected ridgelines. In some cases, the ordinance encourages tree planting along or near protected ridgelines to screen development. With this understanding, the faux Eucalyptus tree may project above the north/south ridgeline if the antennas are adequately designed to mimic the appearance of natural Eucalyptus trees on the hillside. Staff believes the cellular facility is sufficiently designed to mimic the appearance of a Eucalyptus tree, considering the project site is a significant distance from Costero Risco and residential properties.

### ***Design Review Subcommittee***

Table 2 below summarizes the concerns raised and discussed by the DRSC members and how the applicant has addressed the comments/concerns.

**Table 2 - DRSC concerns and modifications**

<b><i>DRSC concerns</i></b>	<b><i>Project modifications</i></b>
<p>The width of faux tree’s canopy should have a narrower profile to mimic “natural” Eucalyptus trees on the hillside per <i>Forster Ranch Specific Plan, Design Guidelines, Section 304(C)(2)</i>. The DRSC supported a height increase, up to a maximum of 20 feet, if that would allow the canopy to be narrower.</p>	<p><b>Modified as requested.</b> The height of the faux tree was increased to 20 feet and three antennas were removed. These changes allow for the tree canopy to be narrower with sufficient antenna screening.</p>
<p>Native shrub plantings should be planted per <i>Forster Ranch Specific Plan, Design Guidelines, Section 304(B)(c)</i>). Non-native “Bank catclaw” shrubs were proposed.</p>	<p><b>Modified as requested.</b> California native “Lemonade berry” species is now proposed. Condition of approval #23 requires a landscape maintenance agreement be recorded to ensure plants are established three years after installation.</p>

**GENERAL PLAN CONSISTENCY**

Table 3 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

**Table 3 - General Plan consistency**

<b>Policies and objectives</b>	<b>Consistency finding</b>
<p><i>Policy 10.2.2 – “Require that development in hillside areas comply with the Aesthetic Resources Element, including the following principles:</i></p> <p><i>a) Maintenance of the natural topographic character of hillsides. Protected hillside forms include ridgelines, rounded hill forms, and angled slopes.”</i></p> <p><i>g) Plant all hillside slopes with drought-tolerant species to soften the visual impact of grading, retaining walls, buildings, and roads...”</i></p>	<p>Consistent. The cellular facility is sufficiently designed to mimic the appearance of a Eucalyptus tree, considering the project site is a significant distance from Costero Risco and residential properties.</p> <p>Consistent. Drought tolerant shrubs would be planted to provide screening that blends into the hillside.</p>

**ENVIRONMENTAL REVIEW**

The Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission determine this request is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 because it consists of the installation of small, new equipment and facilities.

**ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can concur with staff and approve CUP 12-052.

*This is the recommended action. It would result in allowing the construction of a cellular communication facility on City property with a lease agreement managed by the finance department.*

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

*The Planning Commission could add or modify the project and/or conditions of approval that may affect the design of the project, such as changes to the height of the tree, the type and/or amount of proposed landscaping, landscaping maintenance standards, etc. Design changes must be consistent with design guidelines.*

3. The Planning Commission can deny CUP 12-052.

*This action would result in not allowing the construction of a cellular communication facility.*

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approves CUP 12-052, Verizon at Costero Risco water tank, subject to the attached Resolution and Conditions of Approval.

~~Attachments: Attachment 1 Resolution PC 12-028  
Exhibit A Conditions of Approval  
Attachment 2 Location Map  
Attachment 3 Photographs and simulations  
Attachment 4 North/West ridgeline information and analysis  
Attachment 5 Rendering of faux Eucalyptus tree~~

*Plans under separate cover*

## ATTACHMENT 7

### B. 4159 ½ Costero Risco – Conditional Use Permit 12-052 – Verizon at Costero Risco Water Tank (Wright)

A request to consider construction of a wireless communication facility near a City-owned water tank. The project involves the installation of: 1) nine cellular panel antennas on a 20-foot high “faux” eucalyptus tree and 2) equipment in a walled enclosure. The project site is located within the Forster Ranch Specific Plan at 4159 ½ Costero Risco. The legal description of the property is Lot A of Tract 15718, Assessor’s Parcel Number 679-242-05.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, “Conditional Use Permit 12-052, Verizon at Costero Risco Water Tank, dated September 19, 2012,” including before and after visual simulizations and proposed antenna tree design. Staff reviewed proposed minor changes to Conditions of Approval 18, 20, 21, & 23, and recommended approval of the request as conditioned.

Peter Blied, representing Verizon and responding to questions from the Commissioners, stated that the generator system with integrated fuel tank is state of the art technology, mounted into concrete, and includes a retention basin. The system is maintained on a monthly basis and there have been no significant problems to date. He was unable to speak as to its performance in the event of an earthquake and offered to research and report back. Although he was unprepared to estimate the quantative benefit the new antenna will bring, he noted the existing cell site is overloaded according to site and customer feedback and the new site, which features the very latest technology, will increase coverage. With regard to the ability of the faux tree materials to withstand the elements without breakdown and/or color fading, he noted the technology continues to evolve and Verizon will continue to monitor the site and make improvements as warranted. He speculated the as-yet-to-be formally signed lease would be for a least a 10 year period to allow Verizon to recoup its investment and noted that standard conditions would require the property be returned to its original condition at the end of the lease.

With regard to potential re-evaluation as to the condition of the equipment in the future, the Commissioners, staff and the applicant discussed potential to add another condition to require evaluation after 9 or 10 years. They decided to forgo additional conditions citing factors such as the City’s ultimate role as property landlord and existing conditions of approval.

IT WAS MOVED BY CHAIR PRO TEM BROWN, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 12-028 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 12-052, ALLOWING THE CONSTRUCTION OF A CELLULAR COMMUNICATIONS FACILITY AT 4159 ½ COSTERO RISCO, with the following revisions:

Page 7, Condition no. 18, replace "landscape architect" with "architect"

Page 7, Condition no. 20, strike "approval of the framing inspection" and insert "final inspection and release of construction permits"

Page 7, Condition no. 21, replace "Prior to Building Division final inspection and release of construction permits, the" with "The"

Page 8, Condition no. 23, first sentence, insert "and" between "applicant" and "approved;" strike "and recorded with the property"

**[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]**

**Telecommunications Project Management**

## Justification:

Verizon Wireless and any responsible wireless carrier need to have project stability and a predictable life cycle for the substantial investment that each site represents. The way this condition is written, it leaves Verizon in an unpredictable position with the potential for mandatory site modification every three years. Furthermore, it also deprives Verizon of due process by way of public hearing and reasonable discussion related to the possible technology and aesthetic upgrades staff may request as part of these intermittent reviews. These are the reasons for the requested modification.

As discussed and proven during the approval of the original project, this WCF will benefit the City of San Clemente and its residents in this vicinity by establishing strong to moderate area coverage in the immediate vicinity and help support system-wide capacity by off-loading existing sites that are overloaded and/or cannot penetrate into the canyons and terraces of this hillside community. This targeted geographic area has weak to non-existent coverage and this new WCF will establish coverage and a much-needed capacity boost to the voice and data system users in the area. In addition to benefitting Verizon subscribers, this site will also improve the ability of any wireless users to achieve E-911 calls successfully from residential neighborhoods as well as the well-used trail system that winds throughout this area.

As the volume of users on the Verizon Wireless system steadily increase, the system needs new sites to properly handle the demands. This site is one of a number of sites currently under the planning and development process for Verizon Wireless in the region. Additionally, the diverse topography of coastal communities like San Clemente necessitate a denser network of WCF's as the technology works in a line of sight manner and physical obstructions and their RF signal "shadowing" limits the efficacy and coverage range of any given site. As such, VZW has also filed another application for a new WCF in Vista Hermosa Park, near the upcoming La Pata roadway extension project.

Please review the drawings and previous Condition of Approval included in this application package and contact me directly if you need any additional information or clarification. If you should have any questions, please call me at (714) 262-0651 or e-mail at [peter.blied@plancominc.com](mailto:peter.blied@plancominc.com). As always, thank you for your time and consideration.

Warmest Regards,

A handwritten signature in black ink, appearing to read "Peter Blied", written over a white background.

Peter J. Blied  
Sr. Project Manager  
PlanCom, Inc.  
For Verizon Wireless