



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Meeting Date: August 5, 2015

PLANNER: Sean Nicholas, Associate Planner *SN*

SUBJECT: Conditional Use Permit 15-107, Verizon Madrigal Cell Site, a request to install cellular antennas and equipment at a commercial building located at 629 Camino De Los Mares.

REQUIRED FINDINGS

The following findings must be made to approve the proposed project. 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 (CUP), Section 17.16.060; to allow the construction of public utility (cellular installation) on private property.

- 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 the Zoning Ordinance, Forster Ranch Specific Plan, 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

This is a request to construct a wireless communication facility on privately-owned property. The project site is a three story commercial building located at 629 Camino De Los Mares within the Community Commercial (CC2) zoning district.

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 Wireless proposes to replace portions of a mansard roof, and create four (4) new pop out sections, one on each side of the building. The pop outs are intended to appear as part of the parapet walls at the top of the structure. Verizon is proposing four (4) antennas within each of the pop outs. The equipment associated with the array will be located within the building, thus the equipment will not have a visual impact. The project was reviewed by the Design Review Subcommittee (DRSC) on June 10, 2015 and the recommendations from that meeting were incorporated into the design before Planning Commission.

Development standards

Table 1 summarizes the project’s consistency with development standards.

Table 1 - Development Standards

Standard	Code Requirements	Proposed Project
Structure height (maximum)	45 feet	45 feet-3 inches*

*The applicant is proposing that the top of the proposed walls be flush with the top of the building which is existing non-conforming.

PROJECT ANALYSIS

Conditional Use Permit

A Conditional Use Permit is required to install a cellular antenna per Zoning Ordinance Section 17.28.240. The purpose of the Conditional Use Permit is to ensure the project is compatible with the site and the equipment is sufficiently screened. Staff believes the proposal meets those objectives. Incorporating the design modification discussed at DRSC gives the installation the appearance of an extension of the parapet wall. Staff does recommend the proposed parapet walls be reduced in height by three inches to meet the height requirement. Staff has included a condition of approval that the height of the proposed walls cannot exceed 45 feet. With that condition of approval, staff’s position is that the required findings can be made, in that:

- The improvements are consistent with the building to screen the public utility improvements.
- The ancillary equipment is inside the building, thus there is no additional impact associated with the cellular installation.
- The installation is allowed within the subject zone and will not be detrimental to the surrounding area as all applicable building codes and federal requirements associated with the cellular installation will be met.

Design Review Subcommittee

On June 10, 2015, the Design Review Subcommittee (DRSC) reviewed the project for consistency with Design Guidelines. The DRSC supported the project with some minor modifications. DRSC indicated that the building design makes it difficult to incorporate an antenna installation that blends in well. In the end the DRSC recommended the applicant simplify the design and remove the roof tiles above the pop outs to make it appear as an extension of the parapet wall. The applicant is also bolstering the columns on the north side of the building, so the size of all four proposed pop outs match the width of the column space located on the face of the building directly below the installations. The area where the columns are being increased in size is not easily visible from the public right-of-way. DRSC felt this was the best design option. Attachment 3 is the excerpted staff report, minutes, and plans from the DRSC meeting.

GENERAL PLAN CONSISTENCY

Table 2 summarizes how the proposed use is consistent with the City of San Clemente General Plan.

Table 2 - General Plan Consistency

Policies and Objectives	Consistency Finding
UD-2.10. Visual Screening. We require visual screening through a variety of architectural design treatments with such features must be attractively designed and placed. Where possible, we require the screening of utilities infrastructure. (excerpted)	Consistent. The panels have been screened utilizing what will appear as an expansion of the parapet wall surrounding the building roof. All equipment, both on the roof and ancillary to the cellular panels, are screened and not visible from the public right-of-way.

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 telecommunication facilities.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and approve CUP 15-107.

This is the recommended action. It would result in allowing the construction of a cellular communication facility at the proposed location.

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. Design changes must be consistent with design guidelines and Municipal Code.

3. The Planning Commission can deny CUP 15-107.

This action would result in not allowing the construction of a cellular communication facility. This may result in the applicant appealing the denial to the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approves CUP 15-107, Verizon Madrigal Cell Site, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution PC 15-041
Exhibit A – Conditions of Approval
2. Location Map
3. DRSC Staff Report, Minutes, and Plans (excerpted)
Plans

RESOLUTION NO. PC 15-041

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT
15-107, VERIZON MADRIGAL CELL SITE, A REQUEST TO ALLOW THE
CONSTRUCTION OF A CELLULAR COMMUNICATIONS FACILITY LOCATED AT
629 CAMINO DE LOS MARES**

WHEREAS, on April 6, 2015, an application was submitted and deemed complete on July 16, 2015, by Ross Miletich on behalf of Verizon Wireless, 2749 Saturn Street, Brea, CA 92821, a request to consider the construction of a wireless communication facility on a commercial building. The project site is located at 629 Camino De Los Mares within the Community Commercial (CC2) zoning designation. The Assessor's Parcel Number being 675-100-02; 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 telecommunication facilities; and

WHEREAS, on April 23, 2015, 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, on June 10, 2015, the Design Review Subcommittee reviewed the proposed project, supported it with minor design changes, and forwarded the request to the Planning Commission; and

WHEREAS, on August 5, 2015, 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 telecommunication facilities.

Section 2: With respect to CUP 15-107, 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 improvements have been designed to be part of the commercial building. The ancillary equipment will be housed in the building so it will not create additional impacts to the site.
- 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. The design was reviewed and recommended for approval by the Design Review Subcommittee, and with the condition that the installation shall not exceed 45 feet, the project is consistent with all applicable requirements.
- 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 the improvements have been designed to be part of the commercial building. The ancillary equipment will be housed in the building so it will not create additional impacts to the site. All applicable state and federal construction requirements will be met.

Section 3: The Planning Commission hereby approves CUP 15-107, 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 August 5, 2015.

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 August 5, 2015, and carried by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

Secretary of the Planning Commission

EXHIBIT A**CONDITIONS OF APPROVAL*
CUP 15-107, Verizon Madrigal Cell Site**

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 reviewed by the Planning Commission on August 5, 2015, with the following revisions:
 - a. the height of the parapet walls screening the antennae's shall not exceed 45 feet.

- b. All color and finish of the parapet walls shall match the existing stucco and building. *[Citation – City Quality Insurance Program]* ■ (PIng.)_____
4. Conditional Use Permit (CUP) 15-107 shall become null and void if the use is not commenced within three (3) years from the date of approval of CUP 15-107. 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 CUP 15-107 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 CUP 15-107 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. The performance of the facility shall be tested at installation to prove compliance with FCC regulations to the satisfaction of the City Planner or his designee. ■■ (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. A separate Building Permit is required. Plans to construct a new building/structure, add or alter the existing building/structure 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.)_____
9. 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.)_____

10. 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.)_____
11. 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.)_____
12. 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.)_____
13. Prior to the Building Division's approval of the final inspection, 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.)_____
14. 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.)_____

15. 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.)_____

16. Engineering Department Encroachment Permits are required for work within City property or easements. [*Citation - Section 12.20 of the SCMC*] (Eng.)_____

* All Conditions of Approval are standard, unless indicated as follows:

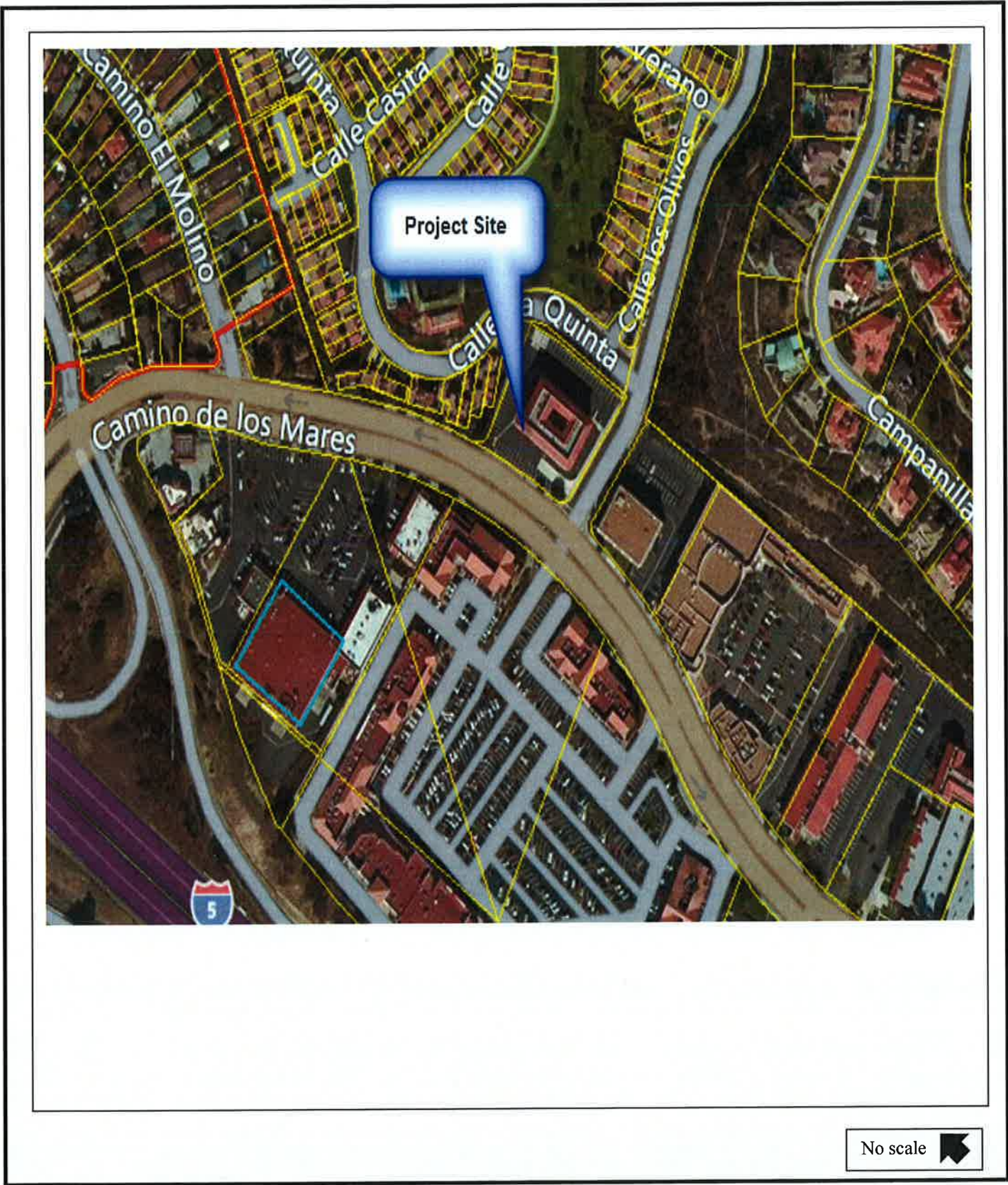
■ Denotes modified standard Condition of Approval

■■ Denotes project specific Condition of Approval



LOCATION MAP

CUP 15-107, Verizon Madrigal Cell Site
629 Camino De Los Mares





Design Review Subcommittee (DRSC)

Meeting Date: June 10, 2015

PLANNER: Sean Nicholas, Associate Planner

SUBJECT: **CUP 15-107, Verizon Madrigal Cell Site**, a request for a Conditional Use Permit to allow a new cell site installation at 629 Camino De Los Mares within the Community Commercial (CC2) zoning district.

BACKGROUND:

Project Description

Verizon Wireless requests the installation of a cellular facility located around the roof of a commercial building. Refer to Attachment 1 for a location map and Attachment 2 for project plans and simulations.

Why DRSC Review is Required?

A Conditional Use Permit is required to install a cellular antenna per Zoning Ordinance Section 17.28.070(C)(2). The DRSC is tasked to ensure the development is compatible and harmonious with the surrounding neighborhood, and uphold the Design Guidelines.

Site Data

629 Camino De Los Mares is a multi-tenant commercial/office building. The facility is three stories with an existing mansard roof around the top of the building. The project would expand the mansard roof by adding the pop outs.

ANALYSIS:

The proposal replaces portions of a mansard roof, and creates four (4) new pop out sections, further exacerbating the look of the mansard roof that is not a full red tile roof. The applicant, Verizon, is proposing four (4) antennas within each of the pop outs. The equipment associated with the array will be located within the building, thus the equipment will not have a visual impact. The following are images of the existing and proposed conditions:



The result of the proposal will also increase the height of the building to 45 feet and 3 inches (45'-3"), which exceeds the maximum height of 45 feet for the Community Commercial (CC2) zoning designation.

RECOMMENDATIONS:

Staff has the following suggestions to improve the design of the project:

1. **Pop outs**-The pop outs that create the space for the antennas exceeds the maximum height of the zoning district. Being that the antennas must be lowered to comply with the height requirements, staff recommends the applicant look at ways to better incorporate the antennas into the building. This could be done by replacing portions of the existing mansard with roof tiles that will allow for the cellular signal to pass through without modifying the look of the building. Another solution is to better incorporate the break in the mansard with the façade below. Regardless of which modifications can be made, as designed, the project has to be reduced in height and the aesthetics must be improved.

CONCLUSION:

Staff seeks DRSC comments and recommendations on the cellular installations. Following review and comment by the DRSC, the project will be forwarded to the Planning Commission for consideration.

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING OF THE
DESIGN REVIEW SUBCOMMITTEE
June 10, 2015**

Subcommittee Members Present: Bart Crandell, Julia Darden and Jim Ruehlin

Staff Present: Cliff Jones, Sean Nicholas and John Ciampa

1. **MINUTES**

Minutes from May 27, 2015 meeting.

2. **ARCHITECTURAL REVIEW OF THE FOLLOWING ITEMS**

A. **Conditional Use Permit 15-171, Southern Extension to the San Clemente Beach Trail** (Jones)

A request by the City to allow the extension of the San Clemente Beach Trail approximately 1,400 feet from Avenida Calafia to the State Campground railroad underpass.

Associate Planner Cliff Jones requested that the item be continued to a date uncertain to allow staff to look at alternative designs.

The Subcommittee agreed to continue the item to a date uncertain.

B. **Variance 14-474/Conditional Use Permit 14-475, Capo Shores Walls and Landscaping** (Gregg)

A request to consider a variance for a decorative block wall with accent columns in excess of six feet in height between the railroad tracks and the Capistrano Shores Mobile Home Park, along with a Conditional Use Permit to allow the accessory structures, landscaping, and utility improvements in an open space zone at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ).

Associate Planner Amber Gregg summarized the staff report.

The Design Review Subcommittee either individually or as a group discussed the following items:

- Concern about the species of trees selected may be too tall. Recommended the applicant have their landscape architect work with the City's landscape architect to review species and work

together to come up with an acceptable species that would not block views and would thrive close to the ocean.

- Expressed support for the basic design of the column but to bring the height down to 10 feet and make them more integrated with the wall.
- Expressed support for the basic design of the project but noted that proportions were a concern. They recommended the applicant look at proportions and spacing of the columns on the wall, and make sure there is the right rhythmic pattern to the columns for variation.
- Recommended that the project match the pavers in the area.

The Subcommittee recommended the project return to the Design Review Subcommittee for final review.

C. Conditional Use Permit 15-107, Verizon Madrigal Cell Site (Nicholas)

A request to consider a new Verizon Wireless Cell Site installation at 629 Camino De Los Mares within the Community Commercial (CC2) zoning district.

Associate Sean Nicholas summarized the staff report.

The Design Review Subcommittee either individually or as a group discussed the following items:

- The improvements should be lowered to be consistent with the existing height of the building.
- Expressed agreement with staff that the features need to be better incorporated into the building.

The Subcommittee recommended the project should move forward to the Planning Commission for consideration.

3. NEW BUSINESS

None

4. OLD BUSINESS

A. Aesthetic Design of the I-5 Pico Bridge (Bonigut)

A presentation by staff to consider review of the design of the column finials on the proposed I-5 bridge over Avenida Pico.

Assistant City Engineer Tom Bonigut presented the proposed design.

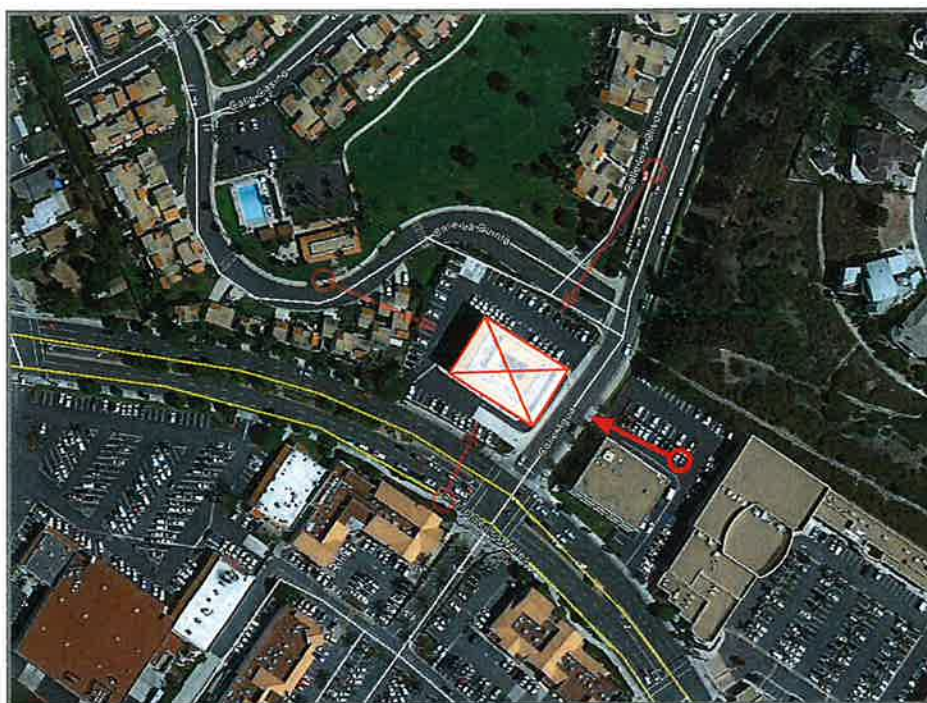


MADRIGAL *June 10, 2015 DRSC Visuals*

629 CAMINO DE LOS MARES SAN CLEMENTE CA 92673



VIEW 1



LOCATION

©2014 Google Maps



EXISTING



PROPOSED

LOOKING NORTHWEST FROM ADJACENT PARKING LOT

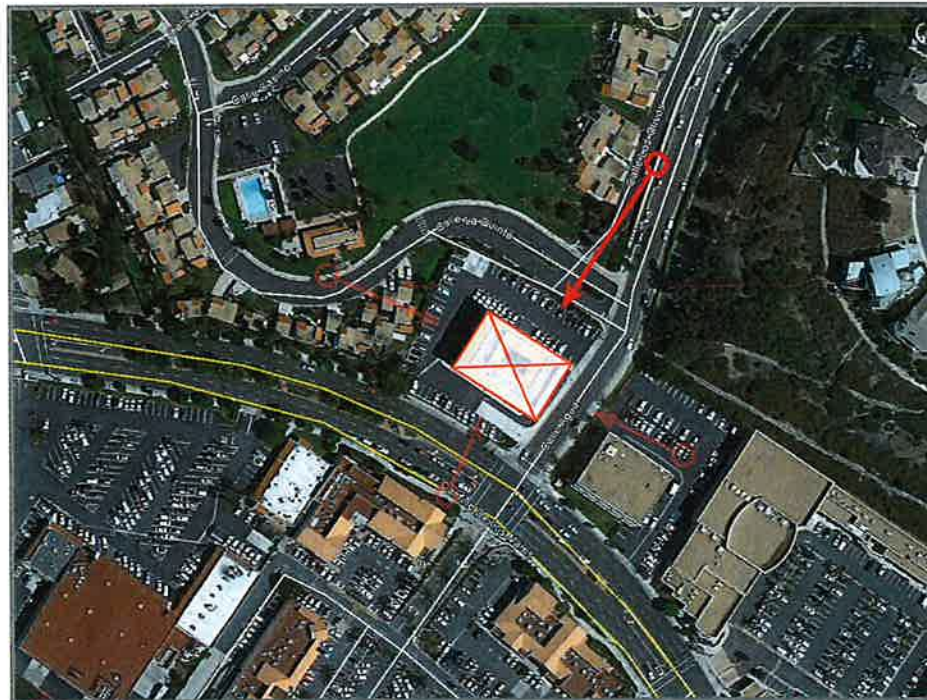


MADRIGAL

629 CAMINO DE LOS MARES SAN CLEMENTE CA 92673



VIEW 2



LOCATION

©2014 Google Maps



EXISTING



PROPOSED

LOOKING SOUTHWEST FROM CALLE AGUA

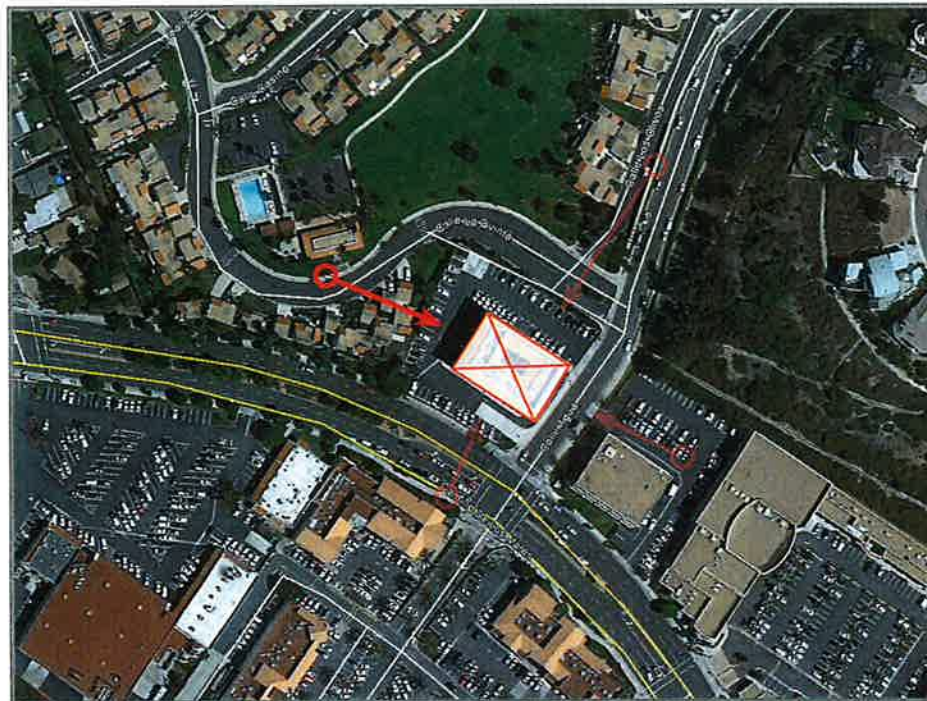


MADRIGAL

629 CAMINO DE LOS MARES SAN CLEMENTE CA 92673



VIEW 3



LOCATION

©2014 Google Maps



EXISTING



PROPOSED CUPOLA

PROPOSED

LOOKING SOUTHEAST FROM CALLE LA QUINTA

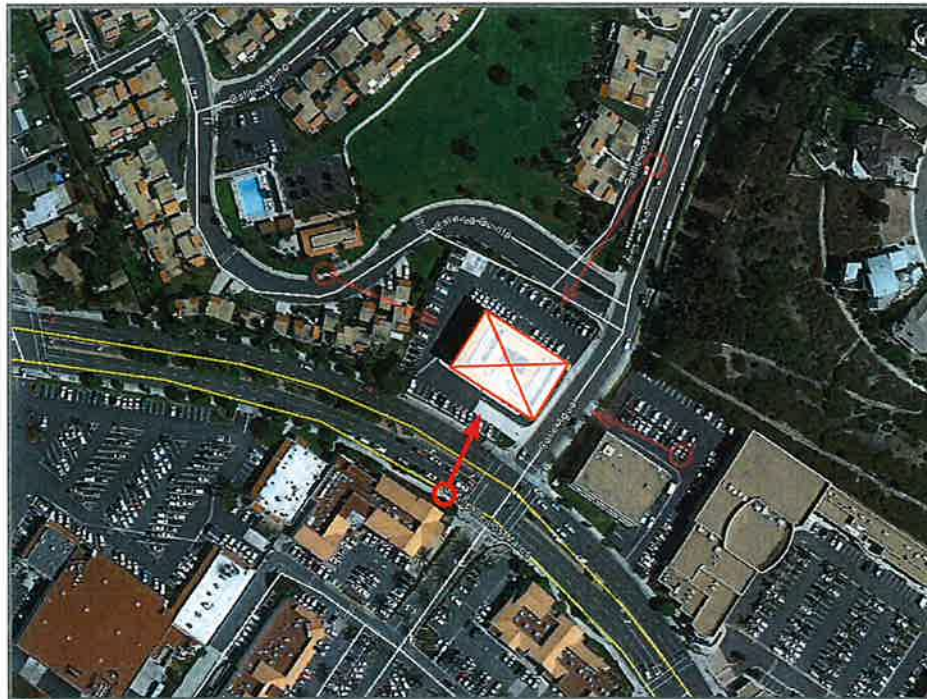


MADRIGAL

629 CAMINO DE LOS MARES SAN CLEMENTE CA 92673



VIEW 4



LOCATION

©2014 Google Maps



EXISTING



PROPOSED

LOOKING NORTHEAST FROM CAMINO DE LOS MARES