



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. **VIII-B**
COMMISSION MEETING 02-03-16

APPROVED BY


DEPARTMENT DIRECTOR

February 3, 2016

FROM: MIKE SANCHEZ, Assistant Director
Development Services Division 

THROUGH WILL TACKETT, Supervising Planner
Development Services Division 

BY: ISRAEL TREJO, Planner
Development Services Division 

SUBJECT

Consider an appeal regarding Conditional Use Permit Application No. C-14-116 approved by the Development and Resource Management Department Director for property located on the southeast corner North Maple Avenue and East Plymouth Way.

1. **APPROVE** the environmental finding of a Class 3 and Class 32 Categorical Exemption from the requirements of the California Environmental Quality Act (CEQA) dated March 25, 2015.
2. **DENY** the appeal and **UPHOLD** the action of the Development and Resource Management Department Director approving Conditional Use Permit Application No. C-14-116, authorizing the construction of a wireless telecommunication facility (cell tower) on a 70' tall monopine tower and associated ancillary equipment subject to the Conditions of Approval dated March 25, 2015.

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-14-116 was filed by Josh Green on behalf of Fresno MSA Limited Partnership d/b/a Verizon Wireless and pertains to $\pm$ 2.99 acres of property located on the southeast corner North Maple Avenue and East Plymouth Way. The applicant proposes the construction of a wireless telecommunication facility (cell tower) on a 70' tall monopine tower along with the associated ancillary equipment. The Development and Resource Management Department Director approved the project on March 25, 2015. In accordance with the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to surrounding property owners. In response to said notice, one appeal letter was received (Exhibit A).

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-14-116 is a request to construct a wireless telecommunication facility (cell tower) on a 70' tall monopine tower along with the associated ancillary equipment
APPLICANT	Josh Green on behalf of Fresno MSA Limited Partnership d/b/a Verizon Wireless
LOCATION	9672 North Maple Avenue; Located on the southeast corner North Maple Avenue and East Plymouth Way (Council District 6, Councilmember Brand)
SITE SIZE	± 2.99 acres
LAND USE	Medium High Density Residential
ZONING	R-1 (<i>Single Family Residential District</i>) – Future zoning pursuant to the Fresno General Plan and recently updated Citywide Development Code is proposed to be RM-1 (<i>Residential Multi-Family, Medium High Density</i>)
PLAN DESIGNATION AND CONSISTENCY	The proposed project is consistent with the planned land use of Medium High Density Residential Use designated by the Fresno General Plan
ENVIRONMENTAL FINDING	A Class 3 and Class 32 Categorical Exemption was prepared for the project on March 25, 2015
PLAN COMMITTEE RECOMMENDATION	The District 6 Advisory Committee recommended approval of Conditional Use Permit No. C-14-116 at their meeting on November 24, 2014
STAFF RECOMMENDATION	Staff recommends approval of Conditional Use Permit Application No. C-14-116 subject to the Conditions of Approval detailed in the approval letter dated March 25, 2015

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Open Space	R-1 <i>Single Family Residential District</i>	Park
South	Medium High Density Residential	AE-20 <i>Exclusive Twenty Acre Agricultural District</i>	Single Family Residential

East	Medium Density Residential	R-1 <i>Single Family Residential District</i>	Single Family Residential
West	Elementary School – Public Facilities	R-1 <i>Single Family Residential District</i>	School

ENVIRONMENTAL FINDING

The proposed project was determined to be exempt from the California Environmental Quality Act (CEQA) on March 25, 2015, under a Class 3 and 32 Categorical Exemption.

Section 15303/Class 3 of the CEQA guidelines consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures. An example of this exemption, includes, but is not limited to: water main, sewage, electrical, gas, and other utility extensions.

The applicant's proposal to construct a wireless telecommunication facility (cell tower) on a 70' tall monopine tower along with the associated ancillary equipment meets the requirements of a Class 3 exemption.

Section 15332/Class 32 of the CEQA guidelines consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) the project site has no value, as habitat for endangered, rare or threatened species, (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) the site can be adequately served by all required utilities and public services.

The subject property general plan designation is Medium High Density Residential and is zoned R-1 (Single Family Residential District), both of which allow a wireless telecommunication facility subject a conditional use permit. The subject property is located within the city limits, contains ± 2.99 acres and is substantially surrounded by urban uses. The project site has no value, as habitat for endangered, rare or threatened species. Based on the project analysis, the project is not expected to result in any significant effects relating to traffic, noise, air quality, or water quality. The subject site has access to required utilities and public services.

BACKGROUND / ANALYSIS

Project Description

Conditional Use Permit Application No. C-14-116 was filed by Josh Green on behalf of Fresno MSA Limited Partnership d/b/a Verizon Wireless and pertains to ± 2.99 acres of property located on the southeast corner North Maple Avenue and East Plymouth Way. The applicant proposes the construction of a wireless telecommunication facility (cell tower) on a 70' tall monopine tower along with the associated ancillary equipment. The Development and Resource Management

Department Director approved the project on March 25, 2015. In accordance with the Special Permit Procedure of the Fresno Municipal Code (FMC), a notice of granting of the conditional use permit application was mailed to surrounding property owners. In response to said notice, one appeal letter was received (Exhibit A).

Pursuant to Section 12-304-B-11 of the FMC, public utilities and public service structures, uses and buildings are permitted in any zone district, unless expressly prohibited. Telecommunication facilities are not expressly prohibited in the R-1 (*Single Family Residential District*) zone district.

Land Use Plans and Policies

Fresno General Plan

The Fresno General Plan provides objectives and policies to guide development. Conditional Use Permit Application No. C-14-116 meets the objectives and policies of the Fresno General Plan. The following are excerpts of such objectives.

Objective LU-2 states: Plan for infill development that includes a range of housing types, building forms, and land uses to meet the needs of both current and future residents.

Policy LU-2-a states: Promote development of vacant, underdeveloped, and re-developable land within the City Limits where urban services are available by considering the establishment and implementation of supportive regulations and programs.

The proposed project is consistent with the objectives and policies of the Fresno General Plan, as it would improve economic vitality in the City of Fresno and allow further development of an existing underdeveloped property in the City of Fresno; the subject property is a 2.99 acre parcel that contains only one single family residence. Additionally, the approval and construction of a cell tower will provide a utility for both current and future residents.

Development and Resource Management Policies and Procedures Issue No. 33

The City of Fresno has established Policies and Procedures Issue No. 33 which was developed in order to provide guidelines for the processing of applications for telecommunication facilities. The requirements for a single telecommunication carrier on a single mast are outlined below and include an explanation of how the project meets the requirement.

1. *The proposed mast shall be a slim line monopole design and not exceed a height of 70-feet.*

The proposed telecommunication tower is a stealth monopine and is 70 feet in height. A monopine is allowed pursuant to the above-noted policy.

2. *Slim line monopole shall not exceed an 18-inch diameter from base to top.*

A monopine is proposed in lieu of a monopole. The majority of the monopine is camouflaged by branches of the monopine. Only a small portion of the monopine is not camouflaged by branches and is approximately 30" in diameter.

3. *Antennas may be vertically stacked not exceeding a total measurement of 30 feet downward from the top of the mast.*

The proposed antennas measure 6' in height and do not exceed 30 feet in length from the top of the mast.

4. *All electrical conduit and/or vinyl coated coaxial cabling shall be internal to the mast or radome/sheath from the base to the antenna and shall not be visible.*

There are no exposed conduits or cables proposed with this project.

5. *All antennas shall be installed inside a radome.*

A monopine is proposed in lieu of a monopole, therefore a radome will not be utilized. The majority of the monopine is camouflaged by branches of the monopine. A monopine is allowed pursuant to the above-noted policy.

6. *A radome (sheath covering) shall be installed covering the uppermost portion of the monopole and all antennas.*

Repeat of number five above.

7. *The radome shall not exceed 36 inches in diameter and not be more than 30 feet in vertical length from the top of the mast.*

Repeat of number five above.

8. *Emergency Global Positioning Satellite (GPS) antenna shall be directly mounted onto the fascia of the facility or out of the line of sight from public views of the facility. A GPS antenna unit in the line of sight is not permissible.*

The proposed GPS antenna will be attached to the equipment facility and out of public view.

9. *Associated with each wireless telecommunications facility shall be a parking area identified for service vehicles through appropriate signage and/or striping, or through identifying adequate public parking in close proximity to the facility available to accommodate service vehicles.*

There is sufficient parking (on-street) for service vehicles serving the proposed facility, as such, a parking stall for maintenance personnel is not required.

10. *Attachment of a microwave dish is not permissible.*

A microwave dish is not proposed with this project.

11. *A telecommunication mast may exceed 70 feet in height only when special conditions exist, such as attachment of additional wireless antennas to existing telecommunications towers; or when new facilities are to be located inside of the City's C-4-zoned Central Business District will be considered on a case-by-case basis.*

The top of the proposed monopine is 70'.

12. *A telecommunication mast with a maximum height of 100 feet, not exceeding a 24 inch diameter from base to top, a radome not exceeding 36 inches in diameter, with all antennas on the top 40 feet of the mast, may be allowed in public and private open space areas a minimum of five acres in size and in industrial areas will be considered on a case-by-case basis. Existing structures in these open space and industrial areas (i.e., light standards and other towers) may also be utilized for antennae.*

The top of the proposed monopine is 70'.

Sound Study

The Noise Element of the Fresno General Plan identifies the maximum appropriate noise level exposure for daytime and nighttime outdoor activity areas. The applicant proposes the construction of a telecommunications cell tower along with the associated ancillary equipment. The ancillary equipment includes the installation of outdoor equipment cabinets and an emergency diesel generator which have been identified as primary noise sources. The applicant has provided an Environmental Noise Analysis, prepared by Bollard Acoustical Consultants, dated January 11, 2016, which concludes that project-related equipment noise exposure is expected to satisfy the applicable City of Fresno noise exposure limits.

DIRECTOR'S ACTION ON CONDITIONAL USE PERMIT

The Development and Resource Management Department Director took action on March 25, 2015, to approve Conditional Use Permit Application No. C-14-116. In accordance with the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to surrounding property owners. In response to said notice, one appeal letter was received (Exhibit A).

ANALYSIS OF THE APPEAL LETTER

There was one appeal letter (Exhibit A) that was received in response to the Notice of Granting issued for the proposed project. The following is an analysis of the issues raised in the appeal letter:

Issue #1: My home sits directly in front of the proposed cell phone tower site. A cell phone tower will be extremely unsightly in my backyard. I can expect my property value to decrease as a direct result of this eyesore.

Response:

- a. The cell tower site is not proposed at the rear of the appellant's house, it is actually proposed across the street, approximately 600 feet away. The address of the project site is 9672 North Maple Avenue.
- b. Due to changing technology, competition among license purveyors, and the geography of the Fresno-Clovis Metropolitan Area, the City of Fresno has received numerous conditional use permit applications for installation of wireless communications facilities at various locations throughout the city. The City of Fresno has established a policy to promote quality, clarity, and consistency in applying the requirements and guidelines for the acceptance, processing, and

approval of these applications, while maximizing the use of existing, and future, wireless telecommunications facilities. This policy was approved by the City Council on June 20, 2006.

- c. The Department has followed these policies in the design review, analysis, and processing of wireless telecommunications facility conditional use permit applications, in order to preserve the integrity of local aesthetics, attractive external appearances, and an appealing environment, including property values.
- d. The project conditions require appropriate measures to minimize visual and aesthetic impacts as part of the approval of the conditional use permit application. Staff has required that the applicant move the cell tower as far back as possible from the street. Additionally, the applicant is proposing monopine tower as opposed to a traditional slim monopole. The proposed monopine is facility is designed to resemble a tree and includes faux leaves and branches and a mast flat brown in color. A monopine is best suited for this location since the majority of the surrounding area is residential

Issue #2: There exist no federal studies to assure safety of those living by cell phone towers. I have 4 small children who would spend their lives growing up right beneath a cell phone tower. Most disturbing are studies which show serious harm to your health. According to a German study entitled "The Influence of Being Physically Near to a Cell Phone Transmission Mast on the Incidence of Cancer" (see Exhibit A for complete appeal letter).

Response:

- a. The Telecommunications Act of 1996 limits the authority of a state or local government in a number of significant respects. Specifically, it provides that no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) regulations concerning such emissions. (47 U.S.C. 332(c)(7)(B)(iv).)

Therefore, the City is precluded from taking any position on this matter. The project, however, must comply with all local, state and federal laws, including compliance with FCC regulations concerning radio frequency standards.

Notice of Planning Commission Hearing

The Development and Resource Management Department mailed notices of this Planning Commission hearing to surrounding property owners within 350 feet of the subject property.

CONDITIONAL USE PERMIT FINDINGS

No special permit may be issued unless it is found that the privilege exercised under the permit, as it may be conditioned, conforms to the findings of Section 12-405-A-2 of the Fresno

Municipal Code. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for this conditional use permit application as follows:

Findings per Fresno Municipal Code Section 12-405-A-2	
a. <i>All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
Finding a:	Conditional Use Permit Application No. C-14-116 will comply with all applicable codes, including parking, landscaping, walls, etc., given that the special conditions of project approval will ensure that all conditions are met prior to the proposed tower becoming operational. Furthermore, the applicant is simply requesting to install a telecommunications tower and will be required to continue to provide the minimum number of parking spaces/setbacks, etc.
b. <i>The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i>	
Finding b:	The proposed project is not expected to generate high volumes of traffic given that it will be an unmanned telecommunications facility. During its construction, the project may generate some vehicle trips. Upon completion, the only trips that will be generated will be those required for maintenance, which are infrequent. The Public Works Department -Traffic Engineering has also reviewed the proposed project and assessed the adjacent streets to ensure that the proposal would not have significant impacts on traffic and the surrounding community.
c. <i>The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i>	
Finding c:	The proposed use, an unmanned telecommunications facility, will not have a negative impact on either the subject site, or neighboring properties given that it will generate minimal noise and traffic, must comply with adopted telecommunication standards, and all local, state and federal laws.

CONCLUSION

In conclusion, given that all mandated conditional use permit findings required pursuant to Section 12-405-A-2 of the Fresno Municipal Code can be made for Conditional Use Permit Application No. C-14-116, staff recommends that the Planning Commission deny the appeal and uphold the action of the Director as previously described in this staff report.

Attachments: 2015 Aerial Photograph of site
 Exhibit A - Appeal Letter, dated March 31, 2015
 Exhibit B - Cover Page, Site Plans, Equipment Layout Plan, Antenna Layout
 Plan and Elevation Plan, dated January 13, 2016
 Conditions of Approval, dated March 25, 2015
 Comments and Requirements from Responsible Agencies
 Environmental Assessment No. C-14-116, dated March 25, 2015



2015 Aerial

Proposed location

N Maple Ave

© 2016 Google

36° 52' 38.13" N 119° 44' 43.01" W elev. 384 ft

Imagery Date: 3/18/2015

Eye alt: 2054 ft

9697 North Price Avenue
Fresno, California 93720

March 31, 2015

Jennifer K. Clark
Director-Development and Resource Management Dept.
City of Fresno
2600 Fresno Street
Fresno, California 93721-3604

RECEIVED

APR 01 2015
Planning Division
Planning & Development Dept
CITY OF FRESNO

Dear Mrs. Jennifer K. Clark,

Subject: Special Permit No. C-14-116

My name is Kimberly Frates and I own the property at 9697 North Price Avenue, Fresno 93720. I recently received notice that a permit was approved to construct a cell phone tower on the City property directly behind my home. Please accept this written appeal as my protest against this decision.

The property the cell phone tower is to be constructed on is located in a residential area. This property is surrounded by single family homes. As I mentioned, my home sits directly in front of the proposed cell phone tower site, with only a brick wall to separate. A cell phone tower will be extremely unsightly in my backyard. I can expect my property value to decrease as a direct result of this eyesore. Furthermore, cell phone towers should not be built in residential areas where children play.

Most importantly, there exist no federal studies to assure safety of those living by cell phone towers. I have 4 small children who would spend their lives growing up right beneath a cell phone tower. Most disturbing are studies which show serious harm to your health. According to a German study entitled "The Influence of Being Physically Near to a Cell Phone Transmission Mast on the Incidence of Cancer" by Horst Eger et.al (2004), Cancer rates more than tripled among people living within 400 meters of cell phone towers or antennas. A study titled, "Increased Incidence of Cancer Near a Cell-phone Transmitter Station" by Ronni Wolf MD (2004), found risk of cancer quadrupled among people living within 350 meters of a cell phone transmitter. The National Research Council issued a report in 2008, it stated that we simply don't know enough about the potential long-term exposure to RF energy. They emphasized the unknown risks to the health of children, pregnant women, and fetuses.

This cell phone tower should not be constructed in a residential area. My children would grow up directly under a cell phone tower, with unknown consequences. The City is gaining revenue at the expense of it's citizens potential well-being, peace of mind, and our property values. Please reconsider constructing a cell phone tower in our backyard.

Thank you for your time,



Kimberly Frates

9697 North Price Avenue

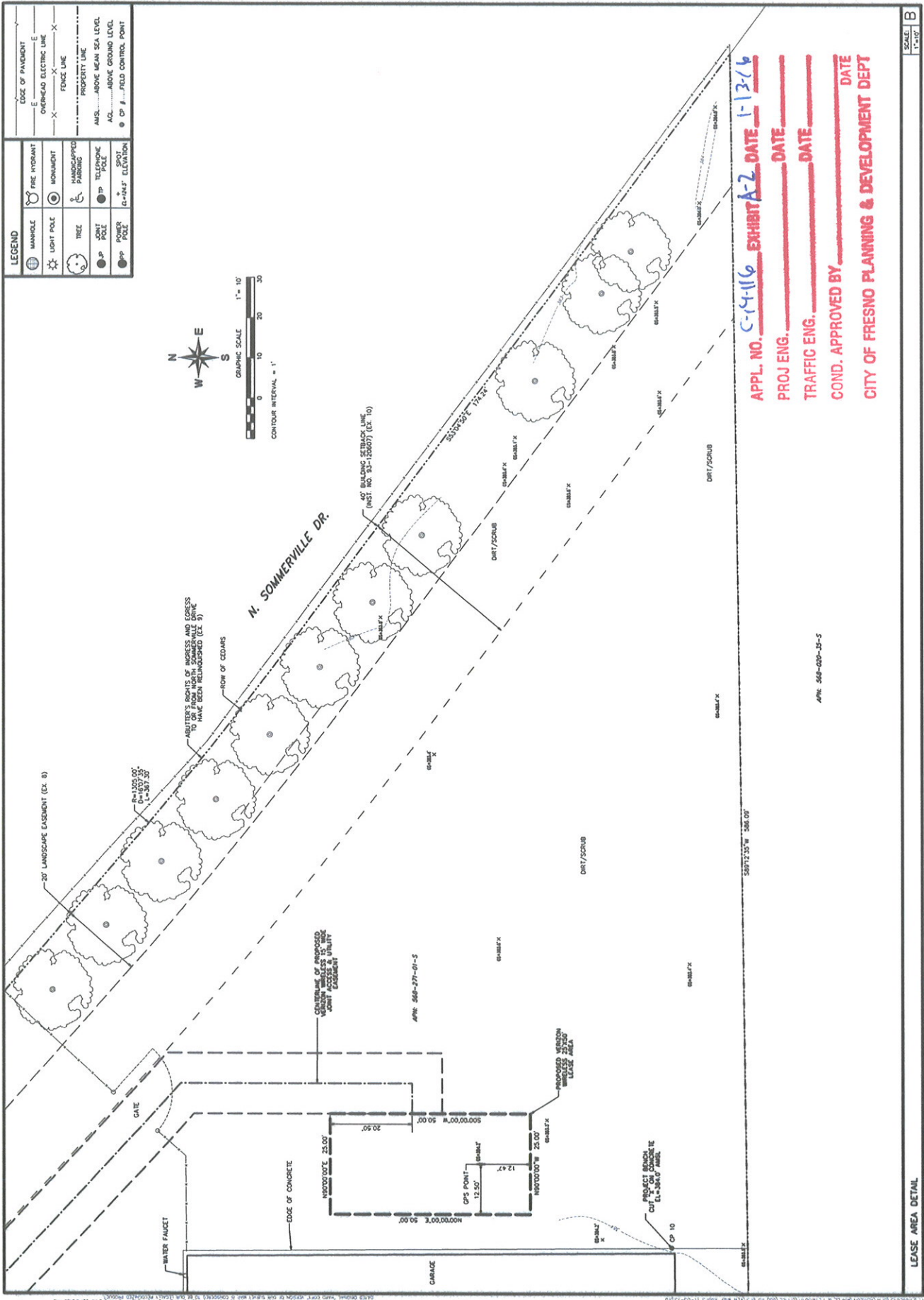
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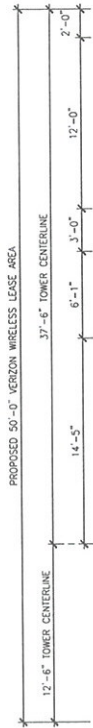
(559)916-1295

Exhibit B

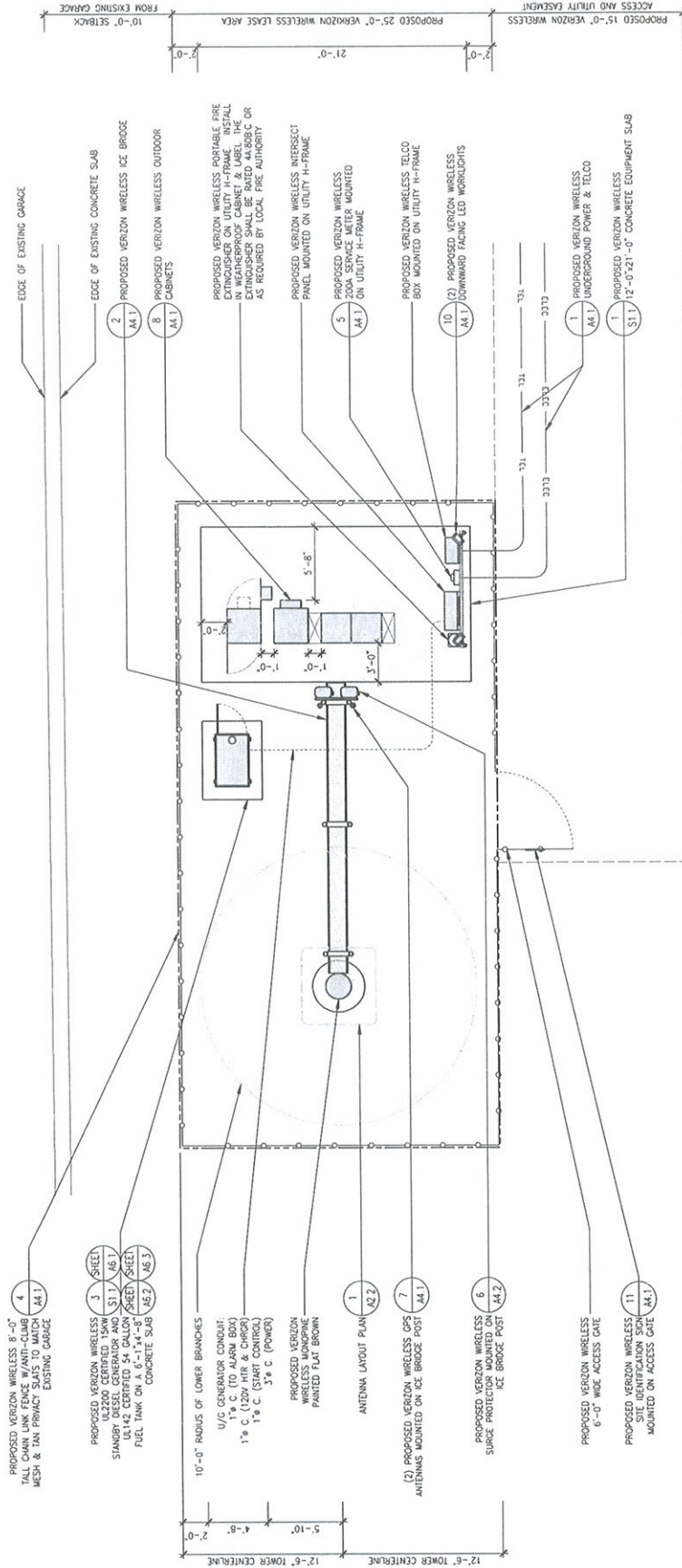
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THESE CODES PLANS IS TO BE CONFINED TO PERMIT WORK NOT CONFORMING TO THESE CODES. 2013 CALIFORNIA BUILDING STANDARDS CODE TITLE 24, CALIFORNIA CODE OF REGULATIONS INCLUDING SUPPLEMENTS EFFECTIVE JULY 1, 2015 <table><tr><td>PART 1</td><td>CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE</td></tr><tr><td>PART 2</td><td>CALIFORNIA BUILDING STANDARDS BUILDING CODE</td></tr><tr><td>PART 3</td><td>CALIFORNIA BUILDING STANDARDS ELECTRICAL CODE</td></tr><tr><td>PART 4</td><td>CALIFORNIA BUILDING STANDARDS MECHANICAL CODE</td></tr><tr><td>PART 5</td><td>CALIFORNIA BUILDING STANDARDS PLUMBING CODE</td></tr><tr><td>PART 6</td><td>CALIFORNIA BUILDING STANDARDS FIRE CODE</td></tr><tr><td>PART 7</td><td>CALIFORNIA BUILDING STANDARDS ENERGY CODE</td></tr><tr><td>PART 8</td><td>CALIFORNIA BUILDING STANDARDS HISTORICAL BUILDING CODE</td></tr><tr><td>PART 9</td><td>CALIFORNIA BUILDING STANDARDS ACCESSIBILITY CODE</td></tr><tr><td>PART 10</td><td>CALIFORNIA BUILDING STANDARDS GREEN BUILDING CODE</td></tr><tr><td>PART 11</td><td>CALIFORNIA BUILDING STANDARDS GREEN BUILDING STANDARDS CODE</td></tr><tr><td>PART 12</td><td>CALIFORNIA BUILDING STANDARDS GREEN BUILDING STANDARDS CODE</td></tr></table> LOCAL COUNTY OR CITY ORDINANCES ACCESSIBILITY REQUIREMENTS: THIS FACILITY IS UNMANNED AND NOT FOR HUMAN OCCUPANCY. THEREFORE, IT IS EXEMPT FROM THE REQUIREMENTS OF THE 2010 ADA STANDARDS FOR ACCESSIBILITY AND THE 2010 ADA STANDARDS FOR ACCESSIBILITY FOR BUILDINGS AND FACILITIES. 11B-203.5, AND 11B-202.4 EXCEPTION 7. 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APPL. NO. C-14-116 EXHIBIT B DATE 1-23-16
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



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1 EQUIPMENT LAYOUT PLAN
 A2.1 SCALE 1/4" = 1'-0"

A2.1

Job No. 142.124

Date: 11/26/15

Scale: AS SHOWN

Drawn By: J. M. M.

Checked By: J. M. M.

File: 142.124.dwg

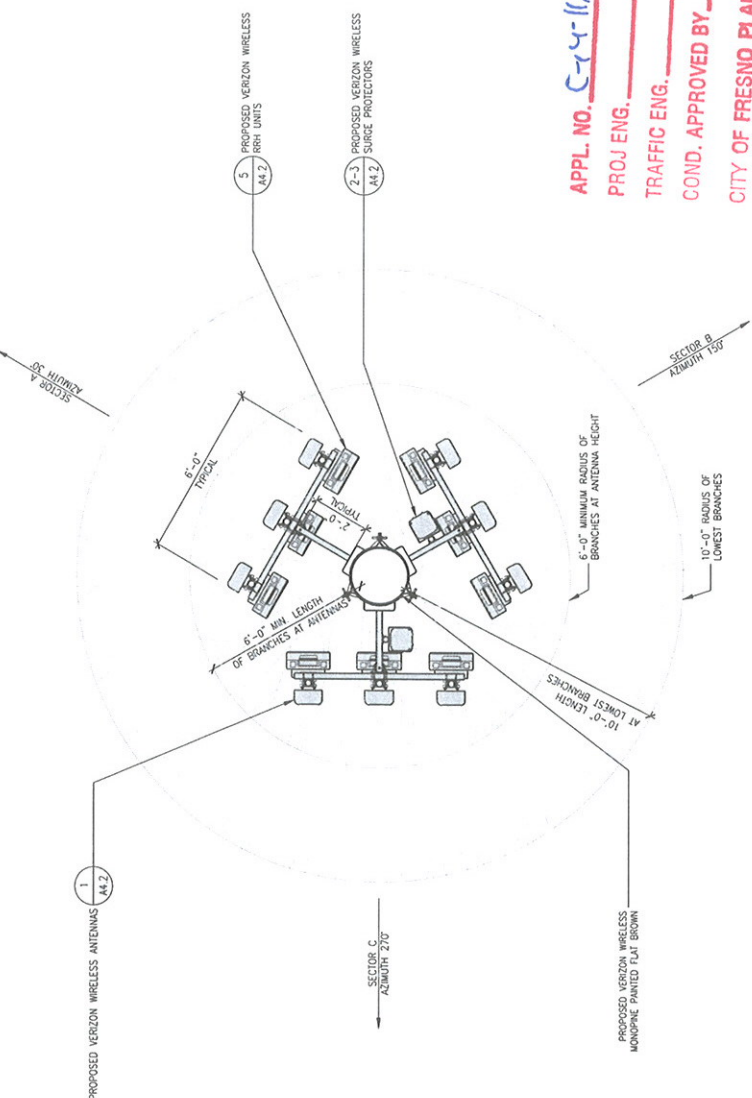
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SHEET TITLE: EQUIPMENT LAYOUT PLAN
 MAPLE & PLYMOUTH
 9684 N MAPLE AVENUE
 FRESNO, CA 93720
 VERIZON WIRELESS



EQUIPMENT SCHEDULE				
EQUIPMENT	DESCRIPTION	QUANTITY	SECTOR A	SECTOR B
ANTENNA	SRWH-1065B	3	3	3
RRH	RRH12 WITH A2 BACKPACKS OR EQUIVALENT	3	3	3
TMA OR DIPLEXER	N/A	0	0	0
SURGE PROTECTOR/HYBRID	RATCAP DC3315 / HYBRID TRUNK CABLE	2/2		
COAXIAL CABLE	N/A	0	0	0
RET CABLE	N/A	0	0	0



APPL. NO. C-44-116 EXHIBIT C DATE 1-13-16
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT





Development and Resource Management Department

2600 Fresno Street, Third Floor
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 498-1026

Jennifer K. Clark
Director

Please reply to:
Israel Trejo
(559) 621-8044

March 25, 2015

Fresno MSA Limited Partnership d/b/a Verizon Wireless
Complete Wireless Consulting
c/o Josh Green
2009 V Street
Sacramento, California 95818

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. C-14-116 REQUEST
AUTHORIZATION TO CONSTRUCT AND OPERATE AN UMNANNED
TELECOMMUNICATION FACILITY AT 9672 NORTH MAPLE AVENUE
(APN: 568-271-01)**

Dear Applicant:

The Development and Resource Management Department Director on February 25, 2015, conditionally approved Conditional Use Permit Application No. C-14-116, which requests authorization to construct a wireless telecommunication facility on a 70' tall monopine along with the associated equipment.

A notice indicating the Development and Resource Management Department Director's approval of this project was mailed to nearby property owners on March 25, 2015, commencing a fifteen-day comment/appeal period that expires on April 9, 2015. Approval will not become effective until the mandatory 15-day appeal period has passed with no appeals received in response to the mailed notice. If an appeal is received on or prior to **April 9, 2015**, the project will be scheduled to be heard by the Planning Commission. The project will not be approved until the 15-day appeal period has elapsed or until the Planning Commission has acted on the appeal.

CONDITIONS OF APPROVAL

1. Development shall take place in accordance with Exhibits T, A, A-1, A-2, B, C and E, dated ~~October 16, 2014~~ January 13, 2016. Transfer all red line notes, etc., shown on all original site plan exhibits to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

2. Relocate the proposed monopine and associated equipment to abut the east side of the existing garage at the mid-way point of the garage, i.e. approximately 60' from the northern most point of the garage.

3. It is required that you remove the proposed HVAC units and generator from the project.

Alternatively, you may provide a revised sound study which shows that the HVAC units and generator comply with the sound requirements of the Fresno General Plan.

It is noted that the sound study dated September 22, 2014, measures the distance between the Cellular Equipment and the nearest Receiver(s), specifically existing houses. However, pursuant to the requirements of Table 9-3 in the Noise Element of the Fresno General Plan, the measurement shall be taken between the Cellular Equipment and the "outdoor activity areas", said area being the nearest property line of the receiving land use.

4. Development shall take place in accordance with the R-1/UGM/cz (*Single Family Residential District/Urban Growth Management/conditions of zoning*) zone district, as defined in section 12-211 of the Fresno Municipal Code.
5. Development shall take place in accordance with the City of Fresno Planning and Development Department Policy and Procedure Issue No. 33: Wireless Telecommunication Facilities dated June 20, 2006.
6. Development shall take place in accordance with all city, county, state and federal laws and regulations.
7. Development shall comply with the conditions of approval set forth in the Public Works Department memorandum, Traffic and Engineering Services Division, dated ~~October 31, 2014~~ July 21, 2015.
8. Development shall comply with the conditions of approval set forth in the Fire Department memorandum, dated October 24, 2014.
9. Obtain appropriate building plans and permits from the Development and Resource Management Department.
10. Development shall comply with the conditions of approval set forth in the County of Fresno, Department of Public Health memorandum, dated October 21, 2014.
11. The address for the subject application is 9666 North Maple Avenue C/T. All of your exhibits shall reflect this address.
12. The exercise of rights granted by this special permit must be commenced by April 9, 2019 (four years from the date of approval). **There is no extension.**

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans and policies, those determined through conditional use permit review and environmental assessment essential to mitigate adverse effects on the health, safety and welfare of the community, and recommend conditions for development that would on the whole enhance the project and its relationship to the neighborhood and environment. Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Section 12-405 can be made. Discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days. In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld. In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld.

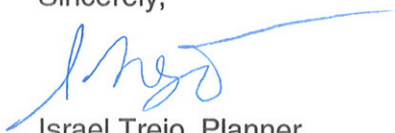
If you wish to appeal the decision, a written request must be received at the Development and Resource Management Department by **April 9, 2015**. The written request should be addressed to Jennifer K. Clark, Director, and include the application number referenced above.

BACKCHECK PROCESS

Please Note: Copies of the final approved exhibits stamped by the Development Services Division must be submitted for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to the issuance of building permits.

If you have any questions regarding this letter, feel free to give me a call at the number listed above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Israel Trejo', with a long horizontal flourish extending to the right.

Israel Trejo, Planner
Planning Division

Enclosures: Exhibits T, A, A-1, A-2, B, C and E, dated October 16, 2014
Comments from Partner Agencies & Departments



DATE: July 21, 2015 Revision

TO: Israel Trejo
Development and Resource Management Department

FROM: Louise Gilio
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Conditions of Approval for **C-14-116**

ADDRESS: 9666 North Maple Avenue

APN: 568-271-01s

PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Repair all damaged and/or off grade off-site concrete street improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600. Pedestrian paths of travel must also meet current ADA regulations.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

North Maple Avenue: Collector

1. Construction Requirements:
 - a. Construct an **18'** minimum asphalt driveway approach to Public Works Standards **P-6** and **P-21**.

All improvements shall be constructed in accordance with the City of Fresno, Public Works Department Standard Drawings and Specifications. The performance of any work within the public street right of way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. When preparing Street Plans and/or Traffic Control Plans, contact (Randy Schrey) at (559) 621-8807, **10 working days** in advance, to make sure that sidewalks or an approved accessible path remain open during construction. Submit construction plans for all required work, in a single package, to the City of Fresno's, Traffic and Engineering Services Division. All work shall be reviewed, approved, completed and accepted **prior** to obtaining a certificate of occupancy. Utility poles, street lights, signals, etc. shall be relocated as determined by the City Engineer.

All survey monuments within the area of construction shall be preserved or reset by a person licensed to practice Land Surveying in the State of California.

Off-Street Parking Facilities and Geometrics

1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-21, P-22, P-23**.
2. Construct **100'** minimum of asphalt concrete paved access from the back of walk to Public Works Standard **P-21**.

Traffic Signal Mitigation Impact (TSMI) Fee: This project shall pay all applicable TSMI Fees **at the time of building permit** based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Contact the Public Works Department, Frank Saburit at (559)621-8797.

Fresno Major Street Impact (FMSI) Fees: This entitlement is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees. Contact the Public Works Department, Frank Saburit at (559) 621-8797.

Regional Transportation Mitigation Fee (RTMF): Pay all applicable RTMF fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; www.fresnocog.org. Provide proof of payment or exemption **prior** to issuance of certificate of occupancy.

Prior to resubmitting a corrected exhibit, provide the following information on the site plan:

A. General Requirements

1. **Easements:** Identify and dimension existing easements.
2. **Scope of work:** All items shall be listed as existing or proposed. Identify existing edge of pavement and proposed asphalt.

B. Offsite Information:

1. **Section and Center Lines:** Show and identify.
2. **Street Improvements and Furniture:** Identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), ADA ramps (provide radius), street lights (specify if wood or metal pole). etc.

C. Onsite Information:

1. **Buildings:** Identify and label all buildings as existing, and proposed. Provide square footage.
2. **Paving:** per Public Works Standards **P-21, P-22, P-23**
3. **Walls or Fencing:** Identify existing and proposed walls and fences complete with location height and type of material.

Questions relative to these conditions may be directed to Jairo Mata at 559 621-8714 Jairo.Mata@fresno.gov , in the Public Works Department, Traffic and Engineering Services Division.



FIRE DEPARTMENT

Date: October 24, 2014

To: JOANN ZUNIGA, Development Services/Planning
Development and Resource Management

From: MATT MARQUEZ, Fire Prevention Inspector II
Fire Department, Community Risk Reduction Unit

Subject: **Conditional Use Permit Application No. C-14-116** was filed by Josh Green of complete wireless consulting, on behalf of Verizon Wireless, and pertains to 2.99 acres of property located on the southeast corner of North Maple Avenue and East Plymouth Way. The applicant proposes the installation of a new wireless communications facility within a 25-foot by 50-foot lease area on the residential-zoned property that will consist of a 70-foot high stealth monopine with 12 antennas, associated cabling, standby generator, and ground equipment located in a prefabricated equipment shelter. The property is zoned R-1/UGM/cz (*Single Family Residential/Urban Growth Management/conditions of zoning*).

General

1. This project was reviewed by the fire department only for requirements related to water supply, fire hydrants, and fire apparatus access to the buildings on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.
2. Note on plans: Submit plans (three sets) to and obtain permit from the Fire Prevention Division for the installation of the above ground fuel tanks.



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, DIRECTOR

October 21, 2014

Joann Zuniga
Development and Resource Management
2600 Fresno Street, Third Floor
Fresno, CA 93721

LU0017844
2602

Dear Ms. Zuniga:

PROJECT NUMBER: C-14-116

Conditional Use Permit Application No. C-14-116 was filed by Josh Green of Complete Wireless Consulting, on behalf of Verizon Wireless, and pertains to 2.99 acres of property located on the southeast corner of North Maple Avenue and East Plymouth Way. The applicant proposes the installation of a new wireless communications facility within a 25-foot by 50-foot lease area on the residential-zoned property that will consist of a 70-foot high stealth monopine with 12 antennas, associated cabling, standby generator, and ground equipment located in a prefabricated equipment shelter. The property is zoned R-1/UGM/cz (*Single Family Residential/Urban Growth Management/conditions of zoning*).

APN: 568-271-01s ZONING: R-1/UGM/cz CELL TOWER ADDRESS: 9666 NORTH MAPLE AVE

Recommended Conditions of Approval:

- Prior to operations, the applicant shall complete the online Hazardous Materials Business Plan submittal (<https://www.fresnocupa.com/> or <http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City's Municipal Code. An Environmental Noise Analysis was conducted by Bollard Acoustical Consultants on September 22, 2014. Based on the equipment noise level data and analyses presented in the report, project-related equipment noise exposure is expected to satisfy the applicable City of Fresno noise exposure limits at the closest residential receivers.

Promotion, preservation and protection of the community's health

1221 Fulton Mall / P.O. Box 11867 / Fresno, California 93775 / Phone (559) 600-3271 / FAX (559) 455-4646

Email: EnvironmentalHealth@co.fresno.ca.us ♦ www.co.fresno.ca.us ♦ www.fcdph.org

Equal Employment Opportunity ♦ Affirmative Action ♦ Disabled Employer

REVIEWED BY:

Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o=Fresno County
Department of Public Health,
ou=Environmental Health Division,
email=Ktsuda@co.fresno.ca.us, c=US
Date: 2014.10.21 09:10:04 -0700

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II

(559) 600-3271

kt

cc: Damean Jackson- Environmental Health Division (CT 55.05)
Josh Green, Applicant (jgreen@completewireless.net)

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-14-116**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Complete Wireless Consulting
c/o Josh Green
2009 V Street
Sacramento, California 95818

PROJECT LOCATION: Southeast corner North Maple Avenue and East
Plymouth Way
(APN: 568-271-01)

PROJECT DESCRIPTION: Conditional Use Permit Application No. C-14-116 has been filed by Josh Green, on behalf of Fresno MSA Limited Partnership d/b/a Verizon Wireless, requesting authorization to construct a wireless telecommunication facility (cell tower) on a 70' tall monopine tower along with the associated ancillary equipment

This project is exempt under Sections 15303 (Class 3) and 15332 (Class 32) of the California Environmental Quality Act (CEQA) Guidelines. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

EXPLANATION:

Section 15303/Class 3 of CEQA consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures. An example of this exemption, includes, but is not limited to: water main, sewage, electrical, gas, and other utility extensions.

The proposal to construct a wireless telecommunication facility (cell tower) on a 70' tall monopine tower along with the associated ancillary equipment meets the requirements of a Class 3 exemption.

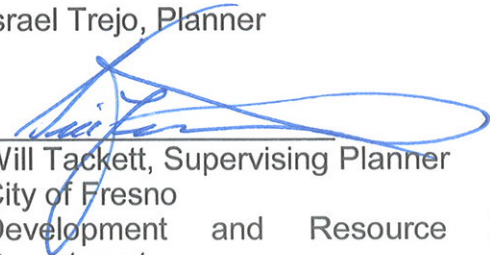
Section 15332/Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) the project site has no value, as habitat for endangered, rare or threatened species, (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, (e) the site can be adequately served by all required utilities and public services.

The subject property general plan designation is Medium High Density Residential and is zoned R-1 (Single Family Residential District), both of which allow a wireless telecommunication facility subject a conditional use permit. The subject property is located within the city limits, contains ± 2.99 acres and is substantially surrounded by urban uses. The project site has no value, as habitat for endangered, rare or threatened species. Based on the project analysis, the project is not expected to result in any significant effects relating to traffic, noise, air quality, or water quality. The subject site has access to required utilities and public services.

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