

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, January 8, 2014

Chairperson COLBY called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Carole McCoy, Peter Padilla, Kevin Smith, Kurt Smoot, Brandon Williams, and Chairperson Travis Colby

Commissioners Absent: Nathan Mackin

Staff Present: Planning Manager Espinosa, Associate Planner Nelson, Planner Mendoza-Gonzalez, City Attorney Diaz, and Recording Secretary Lucas

1. **APPROVAL OF AGENDA**

M/S PADILLA-MCCOY, and carried by unanimous voice vote (one absent), to approve the Agenda as submitted.

2. **MINUTES**

M/S MCCOY-WILLIAMS, and carried by unanimous voice vote (one absent), to approve the Minutes of December 4, 2013, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1187, initiated by Carl Jones for AT&T, applicant for the City of Merced, property owner. This application involves a request to allow an 80-foot-tall stealth wireless communications tower in the form of a Redwood tree at 2386 G Street, generally located at the southeast corner of G Street and Santa Fe Avenue within a General Commercial (C-G) zone.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #14-01.

Commissioner PADILLA asked if landscape maintenance for the entire lot could be a condition of approval. City Attorney DIAZ advised that a requirement for landscape and maintenance for the remainder of the lot was not appropriate as a condition of the use permit. He explained that it would be a part of lease negotiations with AT&T and staff would determine a mechanism to fund continued maintenance of the landscaping.

Public testimony was opened at 7:12 p.m.

Speakers from the audience in favor:

CARL JONES, AT&T

CHRIS HATCH, AT&T (available for questions, did not speak)

There was no one wishing to speak in opposition to the project.

Public testimony was completed at 7:15 p.m.

M/S COLBY-WILLIAMS, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #13-29, and approve Conditional Use Permit #1187, subject to the Findings and twenty-one (21) Conditions set forth in Staff Report #14-01 (RESOLUTION #3028):

January 8, 2014

AYES: Commissioners Williams, Smith, Smoot, McCoy,
Padilla, and Chairperson Colby

NOES: None

ABSENT: Commissioner Mackin

ABSTAIN: None

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA noted that the February 5, 2014, meeting would likely be cancelled due to a lack of items.

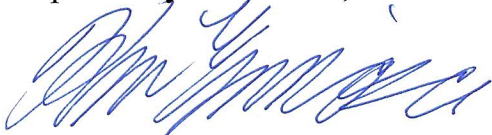
Ms. ESPINOSA also introduced new staff member Planner Franciso MENDOZA-GONZALEZ.

Mr. MENDOZA-GONZALEZ greeted the Commission and provided biographical information.

6. **ADJOURNMENT**

There being no further business, Chairperson COLBY adjourned the meeting at 7:22 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



TRAVIS COLBY, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3028

WHEREAS, the Merced City Planning Commission at its regular meeting of January 8, 2014, held a public hearing and considered **Conditional Use Permit #1187**, initiated by Carl Jones for AT&T, applicant for the City of Merced, property owner. This application involves a request to allow an 80-foot-tall stealth wireless communications tower in the form of a Redwood tree at 2386 G Street, generally located at the southeast corner of G Street and Santa Fe Avenue within a General Commercial (C-G) zone; also known as Assessor's Parcel No. 033-035-003; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #14-01; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #13-29, and approve Conditional Use Permit #1187, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Chairperson Colby, seconded by Commissioner Smith, and carried by the following vote:

AYES: Commissioners Williams, Smith, Smoot, McCoy, Padilla, and Chairperson Colby

NOES: None

ABSENT: Commissioner Mackin

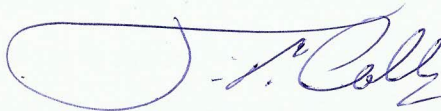
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #3028

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Adopted this 8th day of January 2014



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #3028
Conditional Use Permit #1187

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations), and Exhibit 3 (shelter and tower plan) -- Attachments B, C, and D of Staff Report #14-01, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superceded by Code) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify,

defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. This approval is contingent upon the applicant entering into a lease agreement with the City of Merced allowing the placement of the cell tower and related equipment on City-owned property.
8. Due to the proposed height of the antenna, the applicant shall submit FAA Form 7460-1 to the FAA for approval and submit the approved form at time of building permit application.
9. In coordination with the Police Department and Fire Department, a frequency/inter-modulation study shall be prepared. Service may not be initiated until these departments have reviewed and have found the study to be acceptable. Frequencies to be studied shall include, but may not be limited to, those frequencies listed in Attachment E of Staff Report #14-01.
10. At the time of building permit submittal, the applicant shall provide certification by a Radio Frequency Engineer, stating the RFR measurements and that they meet FCC radio frequency radiation standards.
11. The maximum height of the Redwood stealth facility shall not exceed 80 feet and the maximum height of the antennas mounted to the stealth facility shall not exceed 75 feet in height.
12. The branch pattern on the Redwood stealth facility shall have a maximum of 18 inches of height between each other and the lowest branch on the "tree" shall be a maximum of 20 feet and a minimum of 12 feet above the ground.
13. The Redwood stealth facility shall not have any form of steps, ladder, or pegs protruding from its side.
14. The color of the Redwood stealth facility shall match that of a real Redwood tree. These colors tend to be green (leaves) and brown (bark)

and shall be consistently maintained. The antennas and any mounting equipment shall be painted to match the colors of the “tree.”

15. The Redwood stealth facility shall be maintained at all times. At no time shall the Redwood stealth tower be faded or worn down to a state that would be considered unacceptable to City standards for a Stealth Facility. Should the natural weather elements (wind, rain, etc.) deteriorate any portion of the tree, new items of similar likeness shall be installed, replacing the deteriorated items.
16. No signs, other than warning and safety signage, shall be located on a support tower or ancillary facility.
17. Other than lighting required by the FAA or other regulatory agency for the purpose of safety, lights are not permitted on the Redwood stealth facility pole. Any lighting used on the equipment shelter shall be appropriately “down-shielded” to keep light within the boundaries of the site and not impact surrounding properties.
18. Projections or appendages of any sort are not permitted, except for those related to a common Stealth Telecommunications Tower. If there are antennas projecting outward, they shall be screened behind the branches and shall be painted a color similar to the branches (green).
19. All ancillary equipment shall be contained inside the proposed lease area. The proposed equipment shall be enclosed within a 7-foot-tall wrought-iron fence. A 4-foot-wide dense landscape buffer shall be provided around the fenced area to screen the equipment from public view. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. The use of barbed wire is prohibited. All landscaping shall be maintained in a healthy and aesthetically pleasing manner at all times. An automatic irrigation system shall be installed to provide water to all landscaping installed as part of this project. A detailed landscape/sprinkler plan shall be submitted at the building permit stage.
20. Any noise generated by the facility from the equipment or the tower shall be kept to a minimum so as not to cause a nuisance to the neighborhood.
21. All equipment, fencing, and other surfaces shall be maintained free of graffiti.