



## Staff Report

**TO:** Planning Commissioners  
**FROM:** Carole Kendrick, Senior Planner  
**DATE:** March 10, 2020  
**SUBJECT:** **Conduct a Public Hearing and Consideration for Conditional Use Permit No. CUP2019-0030 for the Construction and Operation of a 60-Foot-Tall Camouflaged Mono-Palm Wireless Telecommunication Facility, 12 Panel Antennas and Associated Equipment on a 400 Sq. Ft. Leased Area Within an Eight (8) High Block Wall Enclosure on a 0.11-Acre Parcel Located on the Northeast Corner of Allegheny Avenue and 6th Street and Variance No. V2019-0061 for a Ten (10) Foot Height Variance Above the Maximum 50 Foot Height Limit for the Wireless Facility and a Two (2) Foot Variance for Wall Height of the Enclosure Above the Maximum Six (6) Foot Wall Height.**

**APPLICANT:** AT&T

---

### **Background and Analysis:**

The Municipal Code Section 17.02.100.F of the City of Beaumont requires the approval of a conditional use permit by the Planning Commission for live entertainment per Table 17.03-4. The Planning Commission may also modify a conditional use permit in whole or part, with or without conditions, provided that all of the required findings are made (Section 17.02.100.G.1-12).

The Municipal Code also provides a procedure for variances to grant relief from zoning provisions, because of special circumstances applicable to a property, including size, shape, topography, location or surrounding

The purpose of this requirement is to establish a formal review of such proposals, which involves conducting a public hearing and giving written notice to property owners within a 300-foot radius of the site. Through the conditional use permit process, the Planning Commission has the opportunity to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through conditions, can be made compatible. The Planning Commission can either deny or approve the proposal and may establish conditions of approval for the business' operations to ensure that it will not be a detriment to the community.

The conditional use permit form of approval allows the City to monitor the subject use and to initiate proceedings for revocation of the permit if the conditions are violated or if the use otherwise becomes a public nuisance. Sufficient protection exists for maintenance of the public health, safety, and welfare.

The applicant is requesting approval of a Conditional Use Permit and Variance to construct and operate a 60' tall camouflaged mono-palm AT&T wireless telecommunication facility (cell tower) and associated equipment consisting of 12, eight (8) foot tall panel antennas, 36 remote radio units, six (6) surge suppressors, one (1) GPS antenna, one (1) generator, and one (1) microwave dish antenna. The site is located on a 453 square foot leased area enclosed by a proposed eight (8) foot tall CMU block wall.

The proposed AT&T wireless facility will be located in the northeastern portion of the subject property, as shown on the site plan (see Attachment B). The entire parcel is 0.11 acres and is located on the northeast corner of 6<sup>th</sup> Street and Allegheny Avenue. The proposed entitlement has been conditioned to fully landscape the entire parcel as part of the project approval (see Attachment A, Condition No. 29).

Photo simulations have been provided by the applicant; however, they illustrate how a 75-foot-tall tower would blend into the area, as it was the original height requested (see Attachment C). The height was reduced to 60 feet per staff's request to align more with the new wireless code and existing towers throughout the City. Updated photo simulations were not requested.

The project site is currently vacant with existing curb, gutter and sidewalk improvements. The following table identifies the land uses immediately surrounding the project site. The project setting can also be seen in the following materials attached to this Project Analysis:

- General Plan Land Use Map (Attachment No. E)
- Zoning Map (Attachment No. F)
- Aerial Photograph (Attachment No. G)

	LAND USE	ZONING	GENERAL PLAN
<b>PROJECT SITE</b>	Vacant Land	CG (Commercial General) in the 6 <sup>th</sup> Street Overlay	GC (General Commercial)
	Carwash		

<b>NORTH</b>		CG (Commercial General) in the 6 <sup>th</sup> Street Overlay	GC (General Commercial)
<b>SOUTH</b>	Beaumont Center (Food4Less, Stater Bros)	CG (Commercial General) in the 6 <sup>th</sup> Street Overlay	GC (General Commercial)
<b>EAST</b>	Castrol Express Lube	CG (Commercial General) in the 6 <sup>th</sup> Street Overlay	GC (General Commercial)
<b>WEST</b>	Beaumont Fire Station	CG (Commercial General) in the 6 <sup>th</sup> Street Overlay	GC (General Commercial)

The proposed project was submitted prior to the adoption of the new wireless telecommunications ordinance but has been reviewed against the new Ordinance. The project meets the required setbacks by siting the tower at least 50 feet from the public right-of-way. The new wireless ordinance refers height requirements back to the underlying property zoning. The maximum height allowed in the Commercial General zone is 50 feet, which has initiated the variance application to allow for a ten (10) foot height exception to accommodate a 60 foot tower, and to allow a two (2) foot height variance on the block wall enclosure for a maximum height of eight (8) feet.

**PUBLIC COMMUNICATIONS RECEIVED:**

Property owners located within a 300-foot radius of the project site were notified of the public hearing on February 28, 2020 with a 10-day hearing notice in addition to a public notice in the Press Enterprise. At the time of report preparation, the Planning Department has not received any letters of comment from the public in favor or opposition to the project. Any comments received prior to the time of the scheduled Planning Commission meeting will be provided to the Commission at the time of the public hearing.

**ENVIRONMENTAL DOCUMENTATION:**

The project is exempt from provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303(d) in that information contained in the project file and documents incorporated herein by reference demonstrates that: Conditional Use Permit CUP2019-0030 is consistent with the General Commercial General Plan designation and all applicable General Plan policies as well as the

applicable zoning designation; the proposed project site is located within the boundaries of the City of Beaumont; Conditional Use Permit CUP2019-0030 has no value as habitat for endangered, rare or threatened species; there is no substantial evidence in the record that Conditional Use Permit CUP2019-0030 will result in significant effects related to traffic, noise, air quality or water quality in that the proposed project incorporated and otherwise is subject to air and water quality resource agency design requirements to avoid an harmful effects; and the site is or can be adequately served by all required utilities and public services. As such, the project meets the criteria for application of a Class 03 (New Construction or Conversion of Small Structures) Categorical Exemption under the CEQA Guidelines. Additionally, none of the exceptions provided in CEQA Guidelines Section 15300.2 apply to this project.

### **FINDINGS:**

The Planning Commission may approve and/or modify a Variance in whole or in part, with or without conditions, provided that all of the following findings of fact are made (BMC Section 17.02.110.H):

1. That the strict or literal interpretation and application of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Ordinance or would deprive applicants of privileges granted to others in similar circumstances.

The property is located in the General Commercial zone with the 6<sup>th</sup> Street Overlay which allows a maximum height of 50 feet. The applicant has indicated that due to various topographical elements that cause interference i.e. trees, buildings, hills etc.... that it will deprive the carrier of achieving optimal network communications. Granting of a variance of 10 feet for this location will provide adequate clearance over elements that can interfere with the carrier's service.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property that do not apply generally to other property in the same zone.

*The subject property is currently vacant, is approximately 4,800 square feet and precludes most commercial development due to the size. The project as proposed and conditioned will landscape the entire parcel that would under other circumstances would remain undeveloped.*

3. That the granting of such variance will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone.

Wireless telecommunication facilities are typically taller than standard developments in order to avoid interference with existing elements. Previous facilities approved in the City of Beaumont have a typical height of 60 feet, as a precedent has already been established for these types of uses and would not grant a special privilege.

4. That the granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located.

*The proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare because as conditioned, the cellular communications facility must comply with guidelines established by the City's departments and the Federal Communications Commission (FCC).*

5. That the granting of such variance will not create any inconsistency with any objective contained in the General Plan.

*The proposed use is consistent with the overall General Plan and its contents. The City strives to continue to provide for the development of critical public facilities and services to ensure that the existing needs and future demands are met. Allowing this use in the 6<sup>th</sup> Street Overlay and Commercial General zone works toward achieving these goals.*

The Planning Commission may approve and/or modify a Conditional Use Permit in whole or in part, with or without conditions, provided that all of the following findings of fact are made (BMC Section 17.02.100.G):

1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Zoning Ordinance.

*Stealth Cellular Communication Facilities are conditionally permitted in the 6<sup>th</sup> Street Overlay and Commercial General zone. Approval of this use would be consistent with conditionally allowable uses.*

2. The proposed use would not impair the integrity and character of the zone in which it is to be located.

*The 6th Street Overlay allows for stealth cellular communication facilities subject to conditional use permit approval. Allowing a camouflaged cellular communication facility in this zone would be consistent with existing and surrounding uses in the area and would not impair the zone's integrity.*

3. The subject site is physically suitable for the type of land use being proposed.

*The subject property is currently vacant, is approximately 4,800 square feet and precludes most commercial development due to the size. The site is suitable for a facility camouflaged as a palm tree, which are prevalent in the area. The property is also partially improved with curb and gutter and has access from existing public streets adjacent to the site.*

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

*The subject property is currently vacant and surrounding by existing commercial development and a fire station. The lot size is approximately 4,800 square feet and precludes most commercial development due to the size. The proposed use is compatible with the surrounding uses as it proposes a facility camouflaged as a palm tree, which are prevalent in the area. The project has also been conditioned to landscape the remainder of the site to improve the aesthetics in the area.*

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

*A stealth cellular communication facility is compatible with current and future land uses in the 6<sup>th</sup> Street Overlay and Commercial General zone. The overlay provides for the development of mixed uses with a minimum lot area of one acre. The proposed use has a footprint of 400 square feet on a 0.11-acre parcel. The proposed use will serve existing and future residential and commercial uses in the area. The use is also consistent with what will be conditionally allowed in the Downtown Specific Plan and in the General Plan update.*

6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

*The site is adequately served by all public utilities.*

7. There would be adequate provisions for public access to serve the subject proposal.

*The proposed use does not require or allow public access. A technician will visit the site periodically for maintenance by utilizing public streets adjacent to the site. There is adequate access to the site from public streets for public safety access.*

8. The proposed use is consistent with the objectives, policies, general land uses, and programs of the City of Beaumont General Plan.

*The proposed use is consistent with the overall General Plan and its contents. The City strives to continue to provide for the development of critical public facilities and services to ensure that the existing needs and future demands are met. Allowing this use in the 6<sup>th</sup> Street Overlay and Commercial General zone works toward achieving these goals.*

9. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare.

*The proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare because as conditioned, the cellular communications facility must comply with guidelines established by the City's departments and the Federal Communications Commission (FCC).*

10. The proposed design and elevations preserve and maximize the image, character, and visual quality of the neighborhood.

*The subject property is currently vacant with existing curb and gutter. The proposed project will enhance the property with landscaping of the entire parcel and a camouflaged tower to blend in with the existing mature trees in the area.*

11. The Planning Commission shall find that the proposed use does not have a disproportionately high and adverse human health or environmental effect on minority and low-income populations.

*The proposed use will enhance telecommunication services by providing reducing gaps in coverage. Furthermore Section 332(c)(7) of the Communications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, that the provider is in compliance with the FCC's RF rules. Therefore, there will be no new environmental impacts as a result.*

*Incorporated herein by Reference:*

- *City of Beaumont General Plan*
- *City of Beaumont Zoning Ordinance*
- *Project Site's Riverside Conservation Authority Multi-Species Habitat Conservation Plan Informational Map*
- *Contents of City of Beaumont Planning Department Project File CUP2019-0030 & VAR2019-0061*

**Recommended Action:**

Hold a Public Hearing, and  
Approve Variance V2019-0061, subject to the findings stated herein, and  
Approve Conditional Use Permit CUP2019-0030, subject to the proposed conditions of approval and the findings stated herein, and  
Direct staff to prepare a Notice of Exemption for the applicant to record with the County Clerk.

**Attachments:**

- A. Draft Conditions of Approval
- B. Site Plan
- C. Photo Simulations
- D. Propagation Maps
- E. General Plan Land Use Designation Map
- F. Zoning Map
- G. Aerial Photograph
- H. Applicant Letter
- I. Proof of Publication