

CITY OF PATTERSON PLANNING COMMISSION AGENDA
REGULAR MEETING
THURSDAY, MARCH 10, 2016, AT 7:00 P.M.
City Council Chambers
1 Plaza, Patterson, California

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Planning or Public Works Department at (209) 895-8000. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ITEMS FROM THE PUBLIC The public wishing to address the Planning Commission on items that do not appear on the agenda may do so; however, the Planning Commission will take no action other than referring the item to Staff for study and analysis and may place the item on a future agenda [Resolution 92-25].

Any member of the audience desiring to address the Planning Commission regarding a matter on the agenda, please raise your hand or step to the podium at the time the item is announced by the Chairperson. In order that all interested parties have an opportunity to speak, any person addressing the Planning Commission will be limited to a maximum of five (5) minutes unless the Chairperson grants a longer period of time.

STATEMENT OF CONFLICT BY COMMISSIONERS

RIGHT TO APPEAL Any person who is dissatisfied with the decision of the Planning Commission, may appeal such action to the City Council within ten (10) business days after action.

CORRESPONDENCE None

INFORMATIONAL ITEMS

1. A Brave New World for Cell Antennas in California

CONSENT AGENDA

1. Planning Commission Meeting Minutes of February 11, 2016

AGENDA ITEMS

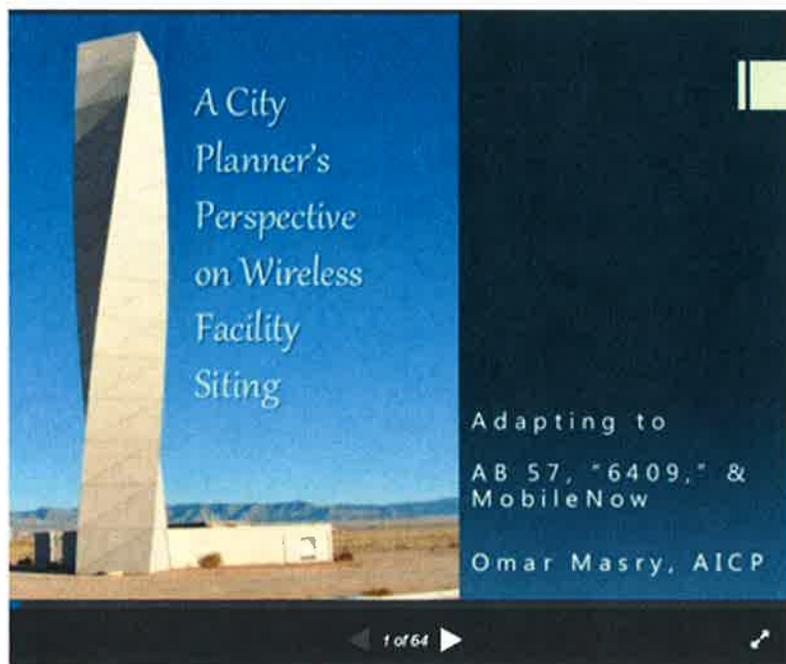
1. **Public Hearing: Freeway-Oriented Signage Ordinance**
The Planning Commission will consider amending Chapter 18.82 of the Patterson Municipal Code related to freeway-oriented signs. Potential changes include expansion of the area where freeway-oriented signs may be placed and restrictions related to the maximum height and minimum lot size served by such signs. The Planning Commission's recommendation will be forwarded to the City Council for consideration at a regular City Council meeting.

- **ITEMS FROM STAFF**
- **ITEMS FROM COMMISSION**
- **ADJOURNMENT**

A Brave New World for Cell Antennas in California

by Robert “Tripp” May, and Omar Masry, AICP

(published in the February 2016 newsletter for the Northern California chapter of the American Planning Association). Tripp is an attorney and partner with Telecom Law Firm. Omar Masry, AICP, has served as a City Planner in Los Angeles, Orange and San Francisco counties. Both testified on AB 57 before the California State Senate.



Slideshare Presentation: <http://www.slideshare.net/omarmasry/a-city-planners-perspective-on-wireless-facility-siting>

Effective January 1, 2016, all wireless permit applications will be subject to an automatic approval rule under either California or federal law. In early 2015, the FCC promulgated a “deemed-granted” rule for applications for less-than-substantial requests for collocations or modifications to existing facilities pending for more than 60 days.

In late 2015, the California legislature adopted AB 57 (Quirk), a new state statute codified Government Code Section 65964.1 (see <http://bit.ly/1RcnIpb>), which deems approved all applications for new sites after 150 days and all collocations not covered under the FCC's rules after 90 days. AB 57 turns the development process in California upside down to accelerate wireless infrastructure deployment. Whereas applicants must normally submit at least a complete permit application before it becomes entitled to an approval, AB 57 merely requires a submittal without an approval or denial within a specified period. Even the "deemed approval" provisions in the California Permit Streamlining Act required the applicant to complete CEQA review and observe due process, but now AB 57 grants wireless site projects a free pass irrespective of environmental or constitutional concerns.

The California legislature adopted this radical departure from orderly and deliberate deployment decisions about more-or-less permanent installations despite a consistent refusal from the FCC to grant the same extraordinary privileges to these applicants. Wireless lobbyists twice petitioned the FCC for deemed-granted permits for any wireless site application, and twice went home empty handed. In both instances, the FCC felt that too many complex and important issues are at stake to simply deem any permit granted. Nevertheless, AB 57 is the law in California. Local governments, their planners, public works engineers, officials, and elected representatives must learn to navigate the new law.

This article introduces planners to AB 57 and provides some real-world applications.

Which Shot Clock? At its core, AB 57 automatically deems approved any application for a new or substantially changed wireless site after the FCC's "shot clock" expires. Those shot clock rules established "presumptively reasonable" times to process an application for a new site (150 days) or a collocation (90 days), after which an applicant could sue to force a decision. The distinction between a new site and collocation seems simple enough, but people often disagree over which clock applies. For example, most municipalities define a collocation to mean two wireless facilities on the same structure, but wireless industry lawyers sometimes claim that new wireless equipment added to any existing structure (whether the building

or utility pole has wireless equipment or not) qualifies as a collocation subject to the 90-day clock. In contrast to both definitions, the FCC said in 2009 that a 90-day collocation means an application “does not involve a substantial increase in the size of a tower,” and a tower means a structure solely or primarily intended to support wireless antennas.

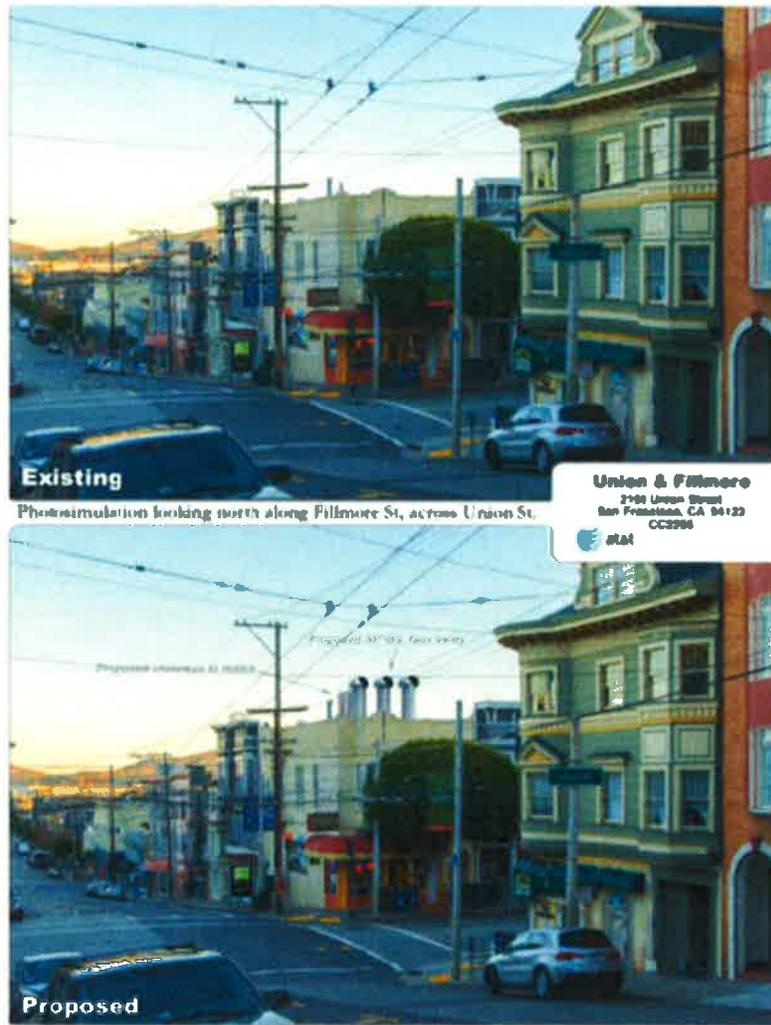
So what’s a collocation? For AB 57 purposes, the FCC’s 2009 rule applies. Unless a shorter shot clock applies (and yes, they exist), municipalities must process less-than-substantial increases in the size of a tower in 90 days or less. New sites, and substantial changes to existing sites, must be processed in 150 days or less.

Exceptions to “pause” the Shot Clocks. There are two “pause” mechanisms that apply to these 90- and 150-day clocks. The first exception applies if a carrier submits an application and the local government provides a written letter indicating why the application is incomplete within 30 days. Then, the clock pauses until the carrier re-submits the application or provides the information requested. Once a project is re-submitted, the local government has 10 days to determine if the submitted materials are complete; otherwise the clock continues.

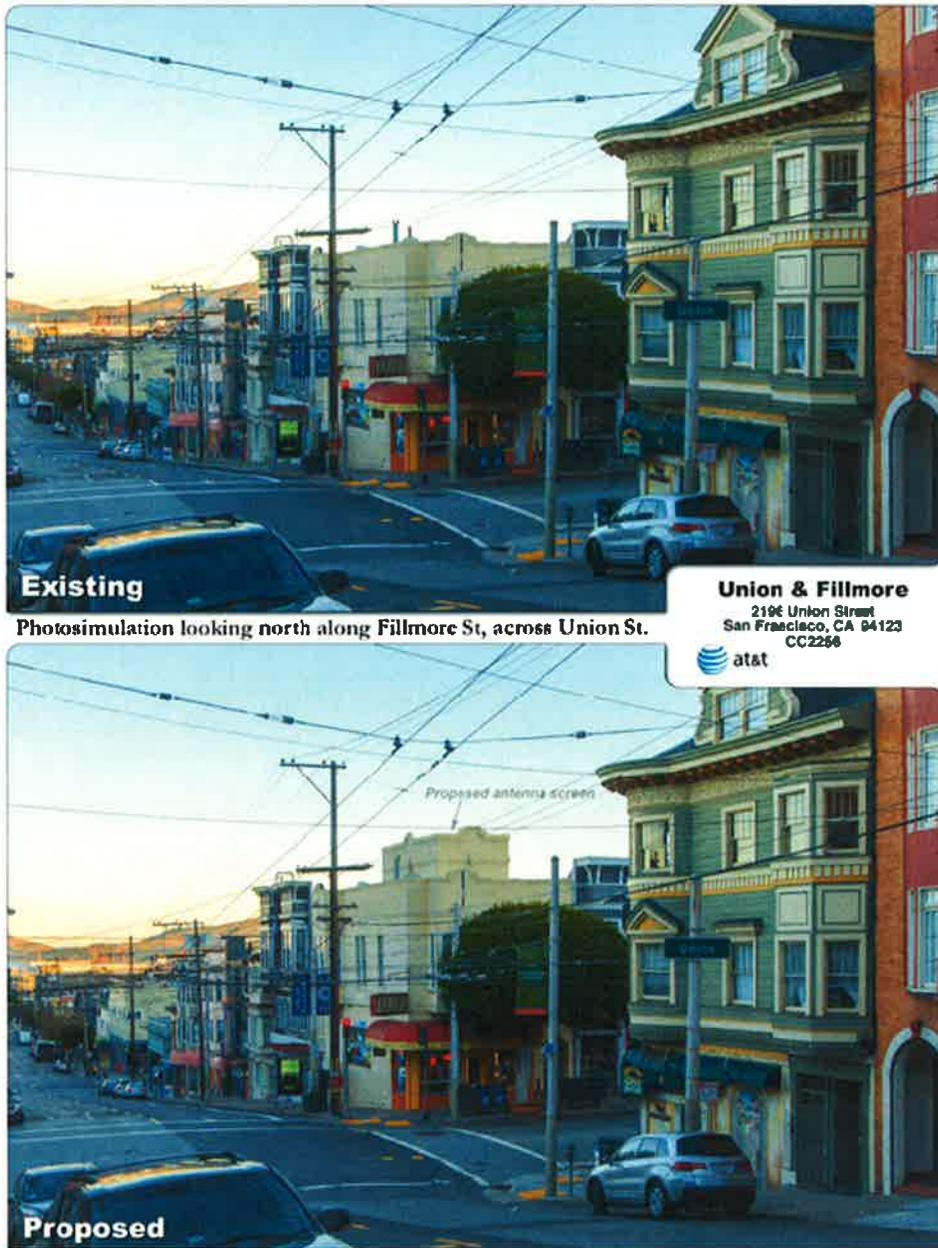
A second exception involves the wireless carrier and the city/county agreeing to a tolling agreement to extend the clock until a certain date, or a certain metric is met, or indefinitely. However, the carrier has to voluntarily agree in writing to such an extension.

Even when the application is “**complete**,” but the design is still **not viable** (e.g., minimally-intrusive and/or consistent with local development policies/guidelines/ordinances) or not legal (e.g., violates building codes, noise ordinances, CEQA, historic preservation regulations, has no legal access to the site), the time it takes to make further changes (e.g., revise the design, conduct outreach, perform environmental review and so on) to make the project “viable” (i.e., less-intrusive) counts against the city/county and the clock still runs. Given that 20 to 30 days of the clock will typically be used in reviewing the application when it is first submitted —and that in most cities/counties, it takes around 30–40 days to get a project and neighborhood notification mailed out in advance of the public hearing (assuming the hearing body doesn’t take time off in the summer)—the 90-day clock becomes an even greater challenge, especially if there are

other recommendation hearing bodies such as Historic Preservation Commission or a public design review board.



Even if a proposal is "complete" the design (especially if on a historic building) may not be viable



The second try wasn't viable either



A more viable revision. Notice the use of low profile screen boxes over the equipment (radio relay units) and lack of visible GPS antenna or caged access ladders. Photo simulation by Previsualists

What happens after a Deemed Approval? Quite frankly, no one knows for sure. Neither the statute nor the legislative record gives any clues about the applicants' or the municipalities' respective rights and obligations. Does the applicant need a physical permit, or can it just go out and build the site? Although the statute permits localities to seek judicial review, that provision hardly authorizes construction without actual permits. Can the applicant build whatever it wants, or must it obey zone height restrictions and setbacks? What if the application involved a

variance? Can municipalities attach conditions to permits issued after a deemed approval? What happens when the clock runs out during an appeal? Localities should think about these problems now rather than after they receive the first letter from an applicant declaring its application automatically approved.

Perhaps the best approach is to build safeguards into the review process that help prevent applications from falling through the cracks. Given that a deemed approval cannot occur unless the applicant has provided all the public notices required for the application, localities should consider requiring the applicant to send public notice that the shot clock is about to expire (and require a copy of the notice to be sent to the planner!).

CEQA challenge. Unlike existing California “deemed approvals” in the Permit Streamlining Act, AB 57 provides no timing exceptions for complex environmental (CEQA) review. So, if a new hilltop tower (plus access roads and generators) would require an Environmental Impact Report (or similar) and complex studies (e.g., biological sampling for endangered species during the Spring, storm water review for new access roads, or geotechnical and archaeological review), what choice does the local government have? It may hope the wireless carrier will voluntarily request a tolling agreement (to extend the clock for a new facility). But failing that, the locality faces a conundrum: It will want to avoid automatic approvals for incompatible designs/locations, but it won’t be able to approve a project (or subsequent permits) if it hasn’t undertaken complete CEQA review.

Due Process. AB 57 also deviates from the due process protections that appear in the Permit Streamlining Act. Whereas the PSA prohibits any deemed approval without a public hearing when one is required, AB 57 was worded to avoid as many public hearings as possible. Under the PSA, a permit cannot be deemed granted unless “the public notice required by law has occurred,” which the courts interpret to include a public hearing when a project would substantially impact neighboring property rights. AB 57, however, only requires the public notice specified for the application. So if your local code doesn’t require a public hearing, but the Constitution

would, AB 57 apparently deems the permit approved whether neighbors receive their fundamental rights or not.

So how many wireless sites “substantially” impact property rights? That’s a good question, and like most good questions it doesn’t have a clear answer. However, it’s worth mention that the Ninth Circuit in *American Tower Corp. v. City of San Diego* recently found that the mere renewal of a large tower’s permit could substantially impact property rights—so it seems fair to say that an approval for a new tower might require a hearing in some circumstances.

Local jurisdictions should look very hard at their notice requirements. AB 57 seems to push localities toward more public hearings rather than more streamlined administrative processes. Wireless sites are already controversial in many cases. Can you imagine how the public might react if it found out that the jurisdiction could have required a hearing but didn’t?

Conclusion. AB 57 presents significant new challenges for public officials and municipal staff members. Not only does it completely change the traditional development process, it also offers few if any clear rules to guide governments and applicants through the new paradigm. The regulatory void leaves ample room for gaming and bad behavior on both sides of the counter. It doesn’t have to be that way. Omar Masry has developed an excellent supplement to help guide planners through the wireless permit process: “Supplement: Tools for adapting to AB 57” is available at <http://bit.ly/1Q9UEM3>. In addition, the authors encourage local officials and staff members to study AB 57, discuss it with the applicants, and develop thoughtful approaches to fill in its gaps and holes.

Separate link to areas of consideration for Federal “6409” rules governing potentially major changes to some existing wireless facilities

The Supplement: Tools for Adapting to AB 57 (New California Law on Cell Towers)

- Create application forms that spell out what is generally needed for a wireless facility application to be complete.
- Require community meetings (before public hearings) in more sensitive areas.
- Create conditions of approval that automatically apply to “auto approvals”
- Make sure tolling agreements (shot clock extensions) are “workable”
- Inform the public & hearing bodies
- Talk To Public Works about the Public Right-of-Way (e.g. new poles & boxes)
- Encourage Pre-Applications
- Establish Alternative Site Preferences
- Streamline (Administrative) Denials
- Streamline Multiple Review Bodies
- Pre-clear environmental review consultants
- Define Important Vistas/Ridgelines

Don’t Accept Incomplete Applications | Make it clear in application forms that applications will be considered “incomplete” (or decline to accept the application) if:

- Any existing on-site wireless facilities were not built, modified or maintained correctly (request current site photos and prior plans/permits in submittal forms).
- There are current Municipal (Building, Fire) Code Violations at the Project Site.
- Commonly expected submittal items are missing. Determine if based on local practice, whether specific exhibits (*geo-technical, archaeological surveys, Phase I reports, and environmental evaluations*) should be required for freestanding facilities, or facilities with other major ground disturbances (*excavations, access roads, fuel tanks, new equipment/building pads*). Indicate these requirements up-front on the application forms.

Require the wireless carrier to identify up-front on the application form whether they believe the site qualifies as a co-Location. This is important to ensure the local government is not “surprised” (*with a deemed granted letter at day 91, for example*) that the wireless carrier expected a 90-day

clock, when it was originally assumed by staff that a 150-day clock would apply.

If the existing facility was built without permits (if they were required); be clear, in the permit application form that such locations are not yet eligible for a co-location.

Decline to accept new facility applications that are substantially incomplete, and consider suggesting a pre-application instead (especially for new freestanding facilities).

See sample application checklist links in the Resources section further below.

Work with Public Works | Determine if wireless facilities within the public right-of-way (e.g. antennas & cabinets on utility/light poles) should (or should not) fall under the same process as wireless facilities on buildable lots. Some cities/counties place these rules within the public works code. Other cities/counties require Planning referral as part of an encroachment permit (with the ability to add conditions); while some cities/counties require a Conditional Use Permit for each location. **If you don't have a process in place; NOW is a good time to get one.**

At a 2013 wireless industry conference, in Dublin, a lawyer who represents wireless carriers, advised carriers to tell city/county Public Works Departments they were installing telephone service, and avoid references to "wireless" or "cellular" in their applications.

One neutral host wireless carrier has been (recently) asking various California cities and counties about installing brand new wooden poles in the public right-of-way (even if right in front of a residence), just to hold up new wireless facilities. They've indicated doing so will allow for faster and cheaper roll out of small cells.



New wood pole (holding up antennas) and equipment enclosures for a (appears to be by "Mobilite") wireless facility in the public right of way (where all other utilities are already undergrounded) in Woodbridge, Virginia

While State law does grant fairly broad rights to wireless carriers (*who posses a Certificate of Public Convenience & Necessity from the CPUC*) to enter the public right of way (*by granting them similar rights as "telephone corporations"*), cities/counties can still establish design criteria (*"time, place and manner"*) to ensure the wireless facility does not significantly (visually) incommode the public right-of-way; or generate bothersome noise (cooling fans). Cities/counties can also exercise CEQA (e.g. aesthetics, archaeology, historic preservation, and noise) review, beyond any potential CEQA review by the CPUC.

Avoid instances where Public Works issues an encroachment permit for a "fiber pole" only (without antennas shown on the plans) to an applicant claiming they are installing "plain old (wired) telephone service," as occurred in Houston (and nearly occurred in one San Diego County town), where antennas and equipment were later added to the new fiber only pole without permits.

While the four national carriers can often install oDAS/Small Cells on poles in the public right-of-way by themselves, they often work with neutral host

carriers such as Crown Castle (acquired NextG/Newpath), Extenet Systems, and Mobilitie. *Mobilitie also uses another DBA of "California Utility Pole Authority" (no relation to AT&T Mobility or the Southern California Joint Pole Committee and the Northern California Joint Pole Associations).*



"DAS XL" with a noise generating (cooling fans) equipment cabinet (computers) and antenna on a PG&E owned wooden light pole. The electric meter and battery backup cabinet are on a pole across the street.



The (optional) battery backup cabinet and electric meter are on a separate pole across the street from the DAS "XL" node (with antenna). TSi Power makes a battery cabinet that is longer, but slimmer (about as wide as the pole) and less likely to impair views as compared to bulkier (about 3 times as wide as the pole) Alpha cabinets typically used.

See also "Areas of consideration for Public Right of Way Facilities (known as Small Cells, or oDAS)"

Early Warning on Other Items | Consider creating metrics when other studies, such as a noise study, photometric study (*new recreational field lighting w/antennas*) or structural analysis are required; and then requiring those studies/submittals up front, on the application checklist.

Example: Provide a noise study for all facilities that include any of the following: outdoor (diesel) generators in areas outside X (industrial zones); and any noise-generating equipment cabinets or condensers, that generate over 45 decibels from three feet away, and are also located within either 10 feet of a residential property line, or within 10 feet of the building face of a school, child care center or retirement home.

Example: Provide a (engineer wet-stamped) structural analysis for any new freestanding (screened or unscreened support structures over 15 feet tall) facility, and any facility on wood-framed buildings other than those buildings in X (commercial or industrial zones). Also affirm that there are no conflicting easements or other property restrictions (e.g. underground flood control culverts or pipelines).

Track the Clock | If a resubmittal is provided by the wireless carrier and the application is complete but still not VIABLE, then consider scheduling a Planning Commission hearing (if required) and indicate the project will be recommended for denial by staff, at the hearing, if a viable (*and complete with respect to antennas, equipment, screening, support elements*) design is not provided by a specific date (e.g. 45 days before the 90 or 150 day clock, whichever applies).

Some cities (e.g. Rancho Palos Verdes) require the carrier to notify the City, in writing, of a pending shot clock expiration no later than twenty (20) days prior to the expiration. *It may be preferable to also indicate the notice should also not be sent more than forty (40) days before expiration as well.*

Community Meetings | While Planners always make a sincere effort to anticipate potential neighborhood land use concerns with nearly any type of land use development, they can't predict every issue.

So, in order to avoid asking for last minute changes to remedy a sincere concern that arises a few days after the upcoming public hearing notice gets mailed out; consider requiring wireless carriers to hold their own community meeting, prior to either considering an application complete or allowing a carrier to submit a new facility (or co-location, depending on neighborhood) application.

Depending on the level of local challenges and land use patterns, such a requirement could be exempted for wireless facilities that are in wholly industrial/commercial areas; or for screened rooftop facilities, or for co-locations (at existing sites) that are fully screened (with equipment cabinets inside existing non-residential spaces) in certain land use areas.

If the city/county does decide to require a separate carrier-held community -meeting, make sure the outside of the envelope says something to the effect of "Wireless Facility Neighborhood Notification (or meeting)" in English and any predominant local languages (*grey text shouldn't conflict with USPS mailing rules*). Also, require the carrier to send (via first class mail) the notice 10 days before the meeting; and to host the meeting within a certain radius of the site, on days other than Sundays, State holidays, and any relevant local holidays of importance (*e.g. lunar new year, or other holidays or teacher preparation days typically noted on calendars created by the local school district, for instance*).

Encourage pre-applications | Especially for freestanding sites. For new freestanding sites (*e.g. new wood or steel poles in public right of way and new steel towers outside of the PROW*), be cognizant of issues such as: archaeology, native habitat, brownfields (*possible soil contamination or underground storage tanks*), easements (private or public agencies), noise (affecting residents or habitat), storm water rules, streambed adjacency (*Department of Fish & Game and/or US Army Corps of Engineers may have some purview*) and whether the Federal Aviation Administration (see local airport land use plans) may require tower lighting (*tip: flashing white lights reduce bird deaths compared to steady red lighting*).

Ensure the project submittal shows the full scope of the facility such as new driveways and how power and communications cables will travel from the tower to any equipment area. Avoid above ground “ice bridges” (*which are basically steel cable trays elevated six or more feet above the ground*) that may be prominently visible from off-site.

During the pre-application meeting, ask the wireless carrier’s representative if they understand the application form. It’s not uncommon for carriers (especially for Small Cells/oDAS in the public right-of-way) to fill out the application incorrectly, including checking a YES and NO box next to each other at the same time.

Establish an alternative site analysis preference | Consider requiring the carrier to submit documentation showing why a new facility is the least intrusive type of facility, in a given neighborhood. In rural (and some suburban) contexts this could include preferences for: screened rooftop facilities on shopping centers over X acres, any four-story or more commercial building rooftop mount (check on height limit rules for screening), magnetic mounts (to hold up antennas) on existing (real) water tanks, freestanding structures integrated with an associated land use (e.g. new bell tower at an existing church), faux water tanks in an industrial area, office/retail center monument signs, faux trees in areas surrounded by existing mature trees (with a “real” adjacent tree protection plan), and a “wide slim line” that basically resembles a 36-inch wide vertical rod.



Left Photo: Example of a previously proposed 36-inch wide, 50-foot “tall wide slim line.” Right Photo: Previously installed (link) 18-inch diameter slim line, in Fresno, and a prior (very bulky) modification proposal.

The older “slimmer” slim lines (typically 18-inch diameter) found in cities such as San Jose and Fresno, are generally considered too slim for wireless carriers, who try to either place radio relay units (RRU/RRH) near the antennas, add more/larger antennas, or run fairly thick bundles of cabling from ground-mounted RRUs to the antennas (leaving little, if any, space for a 2nd carrier’s antennas on the same pole).

While many community members may prefer zoning ordinances that prohibit all wireless facilities within or near residential zoning districts, this may, depending on a large number of factors, have the negative counter effect of encouraging wireless carriers to forgo rooftop-mounted sites (for example) that may be minimally intrusive (e.g. hidden in a church steeple) and instead seek a larger (overall number of sites) number of antennas and equipment on new or existing poles within the public right of way; and therefore right in front of homes (with equipment boxes potentially in front of windows). Or an even more challenging possibility of proposing antennas and equipment on wooden utility poles that run between adjoining backyards in some relatively older neighborhoods.

The ability to create large buffers (from residential areas) for wireless facilities is far more limited specific to public right-of-way locations (*compared to larger freestanding towers or rooftop-mounted sites on private property*), given State law.

Accept No More Surprises | It’s all too common for project submittals, by wireless carriers to leave out significant required elements (*e.g. wide cable trays proposed running over a residential window, storefront level alterations for new generator plugs or electric meters on historic buildings, or large caged ladders on the edge of a historic residential building*) that are not included in the first submittal, or even the second submittal of plans and/or photo simulations.

Or, for City staff to see RF safety reports that list the wrong number of existing antennas (for another carrier), or say there are no other carriers within 100 feet; when a cursory look on Google Earth or Google Search shows two other existing carriers on the same project site.

See list, further below (or photos here), of common items not

accurately conveyed on plans and simulations for new rooftop-mounted sites and modifications.



City Council

2100 Thousand Oaks Boulevard • Thousand Oaks, CA 91320
Phone: 805/449-2121 • Fax: 805/449-2125 • www.ci.thousandoaks.org

Al Adam
Mayor

June 16, 2015

The Honorable Ben Hueso, Chair
Senate Committee on Energy, Utilities and Communications
State Capitol, Room 408
Sacramento, CA 95814

-Hand Delivered-

RE: **AB 57 (QUIRK) WIRELESS TELECOMMUNICATIONS FACILITIES – OPPOSE**

Dear Chair Hueso:

The City of Thousand Oaks strongly opposes Assembly Bill 57 titled "Telecommunications wireless telecommunication facilities" and authored by Assemblymember Bill Quirk. AB 57 would impact cities and counties local authority by tacitly approving applications for new wireless towers and facilities if the city/county fails to approve the application based on the 2009 time frame established by the U.S. Federal Communications Commission. This bill would also impact applications for collocation of wireless facilities on or adjacent to existing facilities.

During the author's testimony at the Assembly Local Government Committee on May 12, 2015, the City was named in testimony as an example of a municipality that has unreasonably withheld approval for wireless communications facilities. We followed up with Assemblymember Quirk's office and asked for the application name or site referred to in testimony. We were told that there were three examples pertaining to Thousand Oaks. The City finally received the examples (*Baron, Brisas and Triunfo*) on June 9th.

In reviewing the examples *we found these applications were delayed in large part by the applicant – Verizon—NOT the City:*

- ***Baron and Brisas:*** These two facilities (4550 1/2 Via del Rancho and 4990 Via el Cerro, Thousand Oaks, respectively) were both proposed immediately adjacent to residences.
 - ***Neither case has gone to hearing because Verizon has failed to fully evaluate reasonable alternatives in the immediate vicinity that would significantly reduce visual impacts, despite Verizon saying they would evaluate these alternatives.***
 - City staff identified alternate locations for these sites years ago at the pre-

During the hearings for AB 57, State legislators asked if there was a need for this bill, Verizon and Assembly member Bill Quirk noted Thousand Oaks as an example of a problematic City for wireless siting. This was the response from Thousand Oaks.

For rooftop-mounted facilities on buildings with residences below, require the carrier to affirm (based on consultation with the property owner) in writing that the antennas/equipment won't displace (equipment areas range in size from 2 to 5 office cubicles) existing tenant spaces (e.g. roof decks). Consider requesting site photos as well. For mixed-use buildings ensure that equipment areas within buildings (ranging in size from the equivalent of 1 to 4 office cubicles) won't displace a small business tenant (*even if on a month-to-month lease*).

Make it clear in the first screen check letter that any staff design direction or hearing body determination is based on a submittal that is complete; such as plans, photo simulations, and reports (e.g. RF and structural) that accurately depict all required facility elements.

Given that 20–30 days of the clock will be used up reviewing the application when it is first submitted; and in most cities/counties, it takes around 30–40 days to get a project and neighborhood notification mailed out in advance of the public hearing (assuming the hearing body doesn't take time off in the summer); it may also be prudent to hold a date on the hearing calendar for the project and indicate to the carrier that if the project is not complete AND viable by a certain date (e.g. 10 days after the first re-submittal for collocations and 40 days after initial re-submittal for new facilities) staff may have to recommend disapproval at that hearing date.

Indicate that substantial revisions or additions after the first re-submittal may require either a denial if sufficient time is not provided to analyze those impacts; or may necessitate approval recommendations of the project without the last-minute changes (and a new application being necessary).

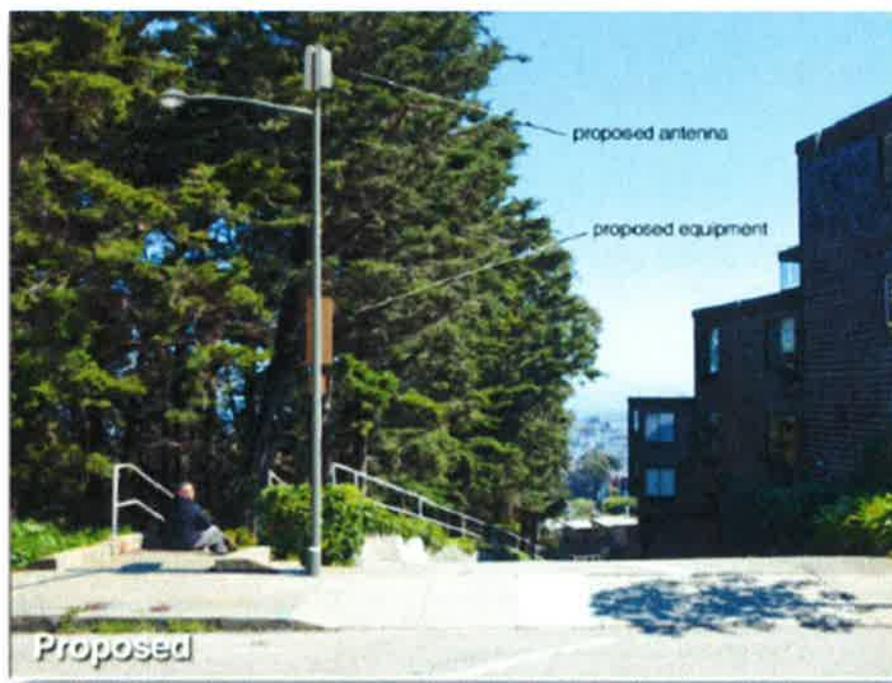
For projects with substantial completeness or viability challenges (especially for 90 day collocations), consider indicating within the first screen check letter that a public hearing is tentatively scheduled for a specific date (consider adding placeholders on the hearing calendar), and a disapproval recommendation is likely if items listed in the letter are not resolved XX days prior to the hearing date.

Encourage carriers to review applicable fire codes early on in the design process. A substantial number of revisions (e.g. antenna re-locations being requested by the carrier after Planning approval) occur due to project plans not in compliance, such as rules on smoke control, antennas near standpipes and emergency exits, cumulative levels of battery acids in a given room at co-location sites, and equipment (such as “RRUs”) impeding clearance within stairwells.

Create Citywide Template Conditions of Approval | Consider creating conditions of approval that would automatically apply if a deemed granted action (automatic approvals) occurs. Conditions could address

security, time limits (expiration), site maintenance, obtaining CEQA clearance, brush clearance for fire safety, fencing (e.g. rules on fence height/material and barb/razor wire usage), knox boxes (police/fire access during emergencies), landscaping, light glare/spill, aircraft lighting, noise limits, generator usage, and painting of exposed antenna/enclosure elements. Example link. Consider adopting an ordinance/conditions stating that entitlements will lapse/expire for wireless facilities that have been abandoned/inactive for more than six (6) months.

Remedying Ongoing Code Violations | As many local governments face a challenge of wireless carriers improperly developing (*antennas/equipment in unapproved locations, missing screening, or using equipment not compliant with electrical codes*), maintaining or modifying (adding antennas/equipment without permits) wireless facilities; discuss with counsel if an appropriate remedy for repeated and unresolved violations is to decline intake of co-location applications at the same project site and/or new facility applications for the same carrier.



What was approved



What the neutral host carrier built (antennas & equipment for two distinct wireless carriers) over time without proper permits

Delegation for Denials | Evaluate whether current codes/charters allow for administrative denials of applications.

Allowing for administrative denials (for both conditionally and principally permitted locations) of co-Locations (90 day clock) may be especially useful for those applications normally requiring both a public hearing (including average 20 to 30 day noticing periods before the hearing); where sufficient time isn't provided to also allow for scheduling of timely appeals. Ensure the denial is based on information in the written record.

Determine if staff denials of certain types of entitlements can be appealed, by the carrier, to a specific hearing body that is best suited to review such a project.

Determine if appeal requirements, such as requiring a percentage of neighbor's signatures in support of an appeal by a wireless carrier (which would seem unlikely to obtain), need to be modified.

Many wireless carrier representatives may not be aware that in many cities/counties, if a project is actually denied at a public hearing, the carrier can't come back for a public hearing, at the same project site, for time periods of six months, a year, or more. It may be prudent to discuss this issue with carrier representatives prior to public hearings.

Sequencing for Multiple Review Bodies | Take a look at the order of hearings required for certain types of wireless facilities and whether changes should be made. For instance, determine if variances (*e.g. to place large equipment areas in a rear yard, or for height exceptions*) require a separate application that can be heard after the original Conditional Use Permit. If the agency requires some type of Coastal Act review prior to the entitlement, it may be better to reverse the review. AB 57 does not appear to apply to the Coastal Commission's own review. Also determine if separate public design review hearing requirements (if applicable) should be waived for certain types of fully screened rooftop-mounted co-locations.

Work with Building Department Staff | Many cities/counties face ongoing challenges of wireless carriers not developing/modifying sites correctly, per the approved plans and photo simulations, and conditions of approval. Therefore, if the City/County doesn't currently require a Planner to visit the site before a building permit is completed (final inspection), then consider having the photo simulations (in a clear format) added to the plan set on a sheet preceding the site plan sheet. This makes it easy for both the contractor and building inspector to compare the facility to what was approved, while they are out in the field, since the case packet (and photo simulations) often doesn't make it to the contractor.

Also consider adding a stamp to building plan approvals (or permits by Public Works for public right of way permits) to require the contractor to send site photos to the case planner before calling for a final building (or public works) inspection. Ideally, the Building or Public Works inspector won't sign off until they see the reply e-mail back from the case planner affirming the site appears correctly built.

Some cities/counties do not release electrical permits (to allow power to be turned on) for wireless facilities until it is determined the design is consistent with the approval. This is especially relevant for faux trees, given the challenge involved with inadequate construction (*exposed antennas/equipment, wrong installation locations, inconsistent foliage colors*).



A sad excuse for a mono-palm in the San Fernando Valley. Well-designed tree examples have been created by firms such as Larsen Camo, STEALTH, Steelhead, and Chameleon.



What was approved (faux stairwell penthouse—with roof)



What was initially built (B&V). Roof left off of faux stairwell penthouse and side walls too short to accommodate height of panel antennas. Lesson Learned: Ensure the person creating the plan sheets depicting screening has also reviewed the photo simulations.

Environmental Review Consultants | If a project involves complex CEQA review and the City/County doesn't have staff in-house to adequately review reports (*e.g. archaeology, habitat surveys, storm water quality, geotechnical*) consider requiring the wireless carrier to have such studies commissioned before application submittal, and then using a separate consultant (from a list already created by the Department) to review the documentation.

Make sure the reviews take in the full project scope such as new access roads, excavation, trenching, lighting, and noise. Work through a checklist early on in the review in order to make sure items aren't missed by staff or the carrier.



Remember that a rural freestanding wireless facility may also need a new access road along with fuel storage tanks, equipment shelters, grading and trenching

Amend City leasing templates & Work with nearby local districts (water, vector, flood control) and other government agencies |

Determine if those agencies leases can be modified to expressly make property owner approval contingent upon specific “actual” approval (not a deemed granted automatic approval) by the local jurisdiction.

Consider reaching out to the local Caltrans District office to understand how referrals/reviews can/would occur for new wireless facilities along freeways, and if there are opportunities to require remediation of existing wireless facilities that are poorly designed as needed (or when leases are up for renewal). Cities/counties can request that new neighborhood serving wireless facilities on Caltrans right-of-way be reviewed by the City (e.g. Planning Commission). This issue is particularly prescient as some State agencies sell off surplus land (that may have a tower on it) to private property owners.



Not quite a faux tree, and in need of major remediation....

Shot Clock Extensions that are workable | If a tolling agreement is requested (to extend the shot clock), consider amending it to include enough time for BOTH initial public hearings and a further extension for any timely appeals (if they are filed).

Also, consider advising local carrier representatives that they should try to be empowered (before the hearing) to sign a tolling agreement (they typically aren't) at the public hearing, if the clock is running close and a hearing body isn't supportive of the application and seeks a continuance to revise the design or resolve a siting challenge.

This may avoid instances where the Planner or City Attorney has to request that the hearing body (e.g. Planning Commission) decide on an approval/disapproval motion, because of the impending State's Shot Clock issue; when the carrier's representative isn't empowered (at that moment) to request a tolling agreement, even if the carrier representative is "personally willing" to do so in order to resolve an unanticipated issue.

Define Ridgelines and Vistas | Identifying significant ridgelines or vistas that define a community in public documents (*such as the General Plan, Wireless Guidelines, or Zoning Code*) can be especially useful in making findings regarding the approval/disapproval (or design recommendations) of wireless facilities. This is especially important for freestanding screened (faux water tank or windmill) or unscreened (monopoles) towers, and Small Cells (especially those proposed on brand new wooden poles), which are also known as Outdoor Distributed Antenna Systems, or the acronym “oDAS” (antennas and equipment cabinets on utility poles in the public right-of-way).

Avoid moratoriums | The new State law may complicate efforts to impose a moratorium on certain types of facilities that represent a new siting type in a given community. Consider, for example, working early on to adopt rules for wireless facilities in the public right-of-way (*e.g. height and size limits, noise standards [cooling fans], screening of potential ground-mounted equipment, and neighborhood notification boundaries*) if they aren’t already in place.

Coastal Commission Timing and Entitlement Processing | Determine the types of configurations (facility type, location, etc.) that require the issuance of a Coastal Development Permit. If the California Coastal Commission has not certified a Local Coastal Program for the agency, the Coastal Commission may retain approval authority over any required coastal permits. The Coastal Commission may also retain permanent coastal permit authority within certain areas of the jurisdiction. In order to comply with all FCC “shot clock” deadlines, Coastal Commission approval, when required, follow the local agency’s determination. AB 57 does not appear to apply to any reviews or entitlements processed by the Coastal Commission. If the agency requires Coastal Act consideration prior to review and/or approval of the requisite

local entitlements (e.g. Conditional Use Permit or Administrative Use Permit), it may be beneficial to reverse the order of review or process all reviews concurrently.

Noticing Materials up front | AB 57 refers to notification materials required for the application. This **may** complicate instances where additional types of notification materials are required as the project scope changes after the initial submittal. Keep an eye on whether this applies and notify the project sponsor early on.

In some cities and counties, disapproving a principally permitted application, requires a public hearing. Determine if notification materials (e.g. surrounding property owner labels) are required. The carrier may decline to provide such labels (since they weren't required up front as part of the application) and you'll have to decide whether to create them in-house, or to waive such a requirement. Or, to require adjacent owner labels for all sites up front (which may not be viable).

Inform Commissioners and the Public | Determine if resolutions of approval (and public notices for the original hearing as well as appeal applications) should include an informational clause about State law potentially abridging timely appeal rights (e.g. up to City Council or Board of Supervisors) for wireless facilities.

If your City/County hasn't yet seen installations of antennas & equipment in the public right-of-way, consider holding an information session with your community leaders to discuss challenges/opportunities.

Fast Track Appeals | Determine if it is possible to fast-track appeals, since the new State law provides no clear exception for due process. *Some folks have raised the concern that the law conflicts with the Permit Streamlining Act. That may have to be decided in the courts one day.*

Pre-approval of Screened Co-locations | If approving a co-locatable structure (e.g. a faux water tank), consider adding language to pre-approve a future carrier (via a building permit) if they meet certain metrics (*e.g. all transmitting antennas are stealthed, the GPS antenna and ancillary equipment [e.g. access ladders and generator plugs] is not visible from public right-of-way, equipment areas are both screened and adhere to a specific noise standard*).

Coordinate intakes | Since a City/County has only 10 days from re-submittal (after the first incomplete letter) to indicate if an application is still incomplete (and pause the clock); consider requiring re-submittal appointments or ensuring administrative support staff (in Building/Planning/Public Works) immediately routes re-submittal materials to the assigned case planner (or public works reviewer).

Fire Station Exemption | The law (automatic approval remedy) would not apply to applications for new facilities and collocations at fire stations. In most cities/counties, the antennas (e.g. thin “whip” antennas typically mounted on the roof) serving public safety (police/fire) purposes often do not require the same process (such as public hearings) as a commercial wireless facility (larger panel antennas and substantial equipment areas).

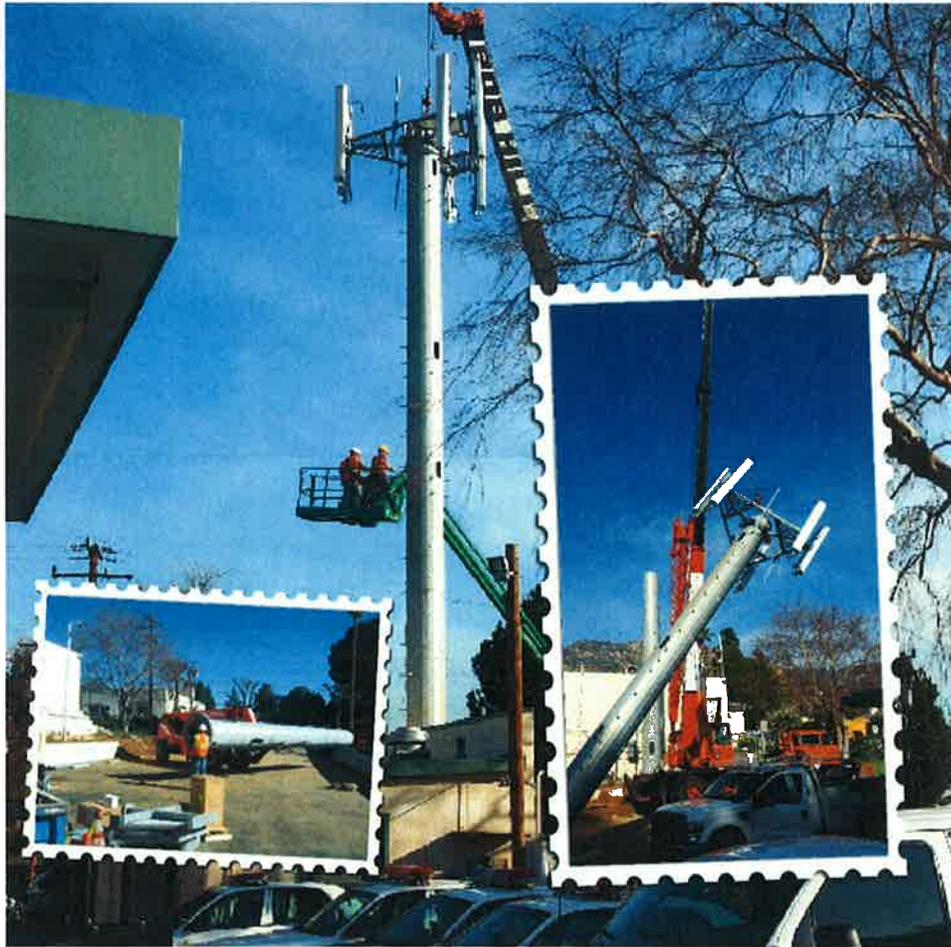
As the bill wound its way through the State Capitol, local governments raised concern with organizations representing firefighters that the changing language of the legislation was unclear if project review (planning, design, historic preservation and environmental), public hearings, and complex building and fire code (construction plan) review have to all occur within the 90/150 day clocks.

In fact, the first versions (shepherded by Verizon) of the (AB 57) legislation almost inadvertently got rid of the ability for a wireless carrier to even ask

for an extension of the clock (tolling agreement); which would have been to the detriment of the wireless industry.

In response to initial opposition by firefighters, the bill's sponsors inserted the additional language to gain their support. In reality, the bill language likely has no discernable effect since the city/county can still require more application review time anyways for a commercial wireless facility, in its capacity as the fire station's property owner.

Lastly, it does not appear this bill would resolve some of the types of challenges that occurred with the new "FirstNet" (public safety network) rollout in Los Angeles County. Significant opposition came about (just prior to hearings for AB 57) from LA-area firefighters and neighbors to proposed FirstNet installations that involved approximately 70-foot tall freestanding steel monopoles, with panel antennas, at fire stations in areas such as residential neighborhoods.



Monopole at a public safety facility in Los Angeles County. Panel antennas would serve police/fire systems and provide high speed data. This would compliment the existing "land mobile radio" (LMR) systems which involve primarily (fewer) hilltop mounted "whip" antennas used to provide basic voice services to handheld and vehicle radios. The author wonders if less intrusive means can be used such as single form antennas (multiple antennas in one enclosure the size of a school blackboard) mounted on the sides of bridges and flyovers.

Additional Resources

- City of Calabasas Wireless Facility Application Checklists
- San Francisco Wireless Facility Application Checklists
- Best Practices for Rooftop-Mounted Micro Wireless Facilities (Bulletin #3)

Many of the design/siting practices & examples also apply to rooftop-mounted “Macro” (large) facilities.

- Design Preferences for Wireless (oDAS/Small Cells) On Wooden Poles
These preferences focus on narrower rights-of-way, where ground-mounted equipment cabinets (computers or batteries and electric meters are strongly disfavored, so all of the equipment remains on the pole.
- Slide from a Design Discussion for Wireless Facilities
Presented at a Joint Venture Silicon Valley forum
- Presentation on the FCC Report and Order (6409) at the League of California Cities
- League of California Cities article on Section 6409 (*starting on Page 11*).
- A wireless industry view on State rules for wireless in the public right-of-way. *Includes an interesting “history lesson” on how old rules for telegraph lines affect wireless review now.*
- Recent City of Rancho Palos Verdes urgency ordinance for wireless facilities in the public right-of-way (oDAS/Small Cells)

MobileNow Act on the horizon | A wholly separate **draft** (Federal) law recently before some Congress members may prohibit cities/counties from: 1) placing time limits on approvals (*e.g. 10 year limits on Conditional Use Permits for wireless that many local governments have in place*); 2) limit local* discretion (*e.g. noise limits*) over (noisy diesel) generators, that are sometimes installed at wireless facilities; and 3) prohibit requiring proof that a new site is needed to meet a service/capacity gap, based on RF signal/noise studies (no more city/county requirements for coverage maps). These rules may further hinder community appropriate wireless siting. *It’s unclear what effect the law, if approved would have on generator permitting by many regional air quality districts in California.

As Mayor Benjamin noted during his remarks, the *Mobile Now Act* would overturn the very local authorities that have guided mayors and their private sector partners in developing four generations of wireless services.

Here are the proposals of most concern in the pending *Mobile Now Act*:

- Expands the **types** of services that are covered by federal zoning rules, and creates a new standard on **"unreasonable discrimination."** (Current standard requires non-discrimination among providers of "functionally equivalent services;" proposed new standards expands this time-tested standard to one that requires non-discrimination among providers of "personal wireless services" (as opposed to just among providers of "functionally equivalent services."))
- Codifies and expands the FCC's recent *Shot Clock Ruling* that the "prohibition" language applies not just to the provision of a wireless service, but also to any local requirements that have the effect of prohibiting the ability of "any entity to provide any service in support of personal wireless service."
- **Preempts local government ability to require removal or replacement of wireless facilities** due to "the passage of time" or "the availability of alternative technology or design."
- Prohibits local government from requiring information to evaluate a provider's claim that **there is "gap in coverage."**
- **Bars local governments from governing the size or placement of emergency backup power systems and from taking any steps to ensure that such facilities comply with federal and state environmental regulations.**
- **Imposes for the first time limitations on fees a locality can assess on permits** (even though many state laws already do this).
- **Imposes the most conservative interpretation of the FCC's "shot clocks" to include all proceedings required for the approval of the request.**

Some of the concerns noted by the US Conference of Mayors (extract)

Common items not consistently depicted on plans and photo simulations for new rooftop-mounted sites and modifications to existing sites

- **Cable trays** with exposed conduit at the ends (e.g. before it enters the building). Consider the use of faux hot water pipes instead. Ensure cable trays do not run over residential windows.

- **Caged access ladders** that are often left off the original plans and photo simulations. In a few instances (e.g. small residential-historic buildings) the carrier may need to use a man-lift (truck) instead to access the roof.
- **Cross bracing.** Ensure there are no horizontal bars between a group of freestanding antennas (or those in faux vent pipes). It is not uncommon for carriers to leave such bracing out of photo simulations and the initial set of project plans.



Disfavored cross bracing between freestanding antennas

- **Doghouses** not shown.
- **Driveways** (new) to access outdoor ground-mounted equipment areas at the back of the property.
- **Generator Plugs / Cam Locks** not shown on original submittals. Ensure their placement doesn't detract from a potentially historic storefront. This is the receptacle (socket) that generators on trailers are plugged into, and used power the facility after a major power outage.
- **GPS antennas** unnecessarily visible from street. In many instances they can be attached to a mid-roof cable tray (the property owner will not count it toward the carriers lease area). GPS antennas can be painted to match another color instead of bright white. Ensure plans show location and height. Some manufacturers (e.g. Commscope) of primary transmitting antennas make versions with a GPS antenna integrated into the top of the antenna.
- **HVAC Units** (condensers) that may cause a massing and/or noise concern if placed near a residential window.
- **Noise.** If a new equipment cabinet or backup generator is being installed, ensure the noise levels will be compatible. In some instances a cabinets that meets noise standards may cause concern if it's placed in a narrow lightwell, and creates an echo effect.
- **Radio-Frequency Barriers/Fences** not adequately shown on the photo simulations, site plans or elevation sheets. Often a 2.5 foot tall barrier will suffice; instead of a 4-foot tall barrier (*especially since we don't typically see snow drifts piling on most coastal California rooftops that would obscure view of the barrier*).
- **Radio Relay Units (RRUs/RRHs)** left off photo simulations, but shown on project plans in locations that are likely visible from nearby sidewalks. *RRUs are essentially computers the size of suitcases which filter/boost power/signal for faster data speeds. Wireless carriers prefer these to be as close to antennas as possible. A large facility may have 6 to 24 of them, per carrier. Often times photo simulations leave out the potential visibility of RRUs and the large bundles of cabling entering the RRU. Many RRUs feature visible manufacturer logos that should be relocated or covered with a screen plate.*

- **Screening** where the underside of the screen box is left exposed with visible dangling cables. Or faux vent pipes on roofs without parapets where the tripod and cabling may end up being visible, if a shroud is not used at the base. *Always check to make sure the screening wraps around the side sufficiently, so the equipment is not exposed to view as a pedestrian travels nearby.*



Incomplete vent pipe on a building with no parapet. Additional cladding needed at base.

- **Screening** with a “low-cost version” featuring visible protruding bolts and rivet points akin to an old warship. Plans should clearly indicate a smooth surface painted to match adjacent wall surfaces. For a color that should blend well with the sky (for rooftop elements) consider “Ponder” (non-glossy) by Sherwin-Williams, or equivalent.
- **Vent stacks and fuel lines for generators** (if present)
- **Work lights.** These are small lights on rods rising a few feet above the primary equipment area. They are used by technicians to work on a facility at night. Sometimes plans and photo simulations do not account for the potential visibility of this item. Consider requiring the work light to be placed on a hinge so it can be swiveled up above the equipment area, but only when needed.

Areas of consideration for Public Right of Way Facilities (known as Small Cells, or oDAS)



Poorly designed facility in the public right-of-way along a coastal highway, with AT&T Mobility panel antennas on a utility pole, along with a wide bundles of cabling below, and a ground mounted equipment area (partially screened except top of cabinet and GPS antenna) in a location next to a Federal land (open space), that also detracts from the scenic route.

Also, consider reaching out to the local electric provider to discuss whether wireless metering (no meter box with glass bubble—uses a small antenna to communicate with the SmartMeter network) or “line drops” (*flat rate charge for electricity, without a meter box, as is often used in SDG&E service areas*) options are available to reduce the need for additional equipment on the pole, or on a separate freestanding meter pedestal in the public right-of-way.

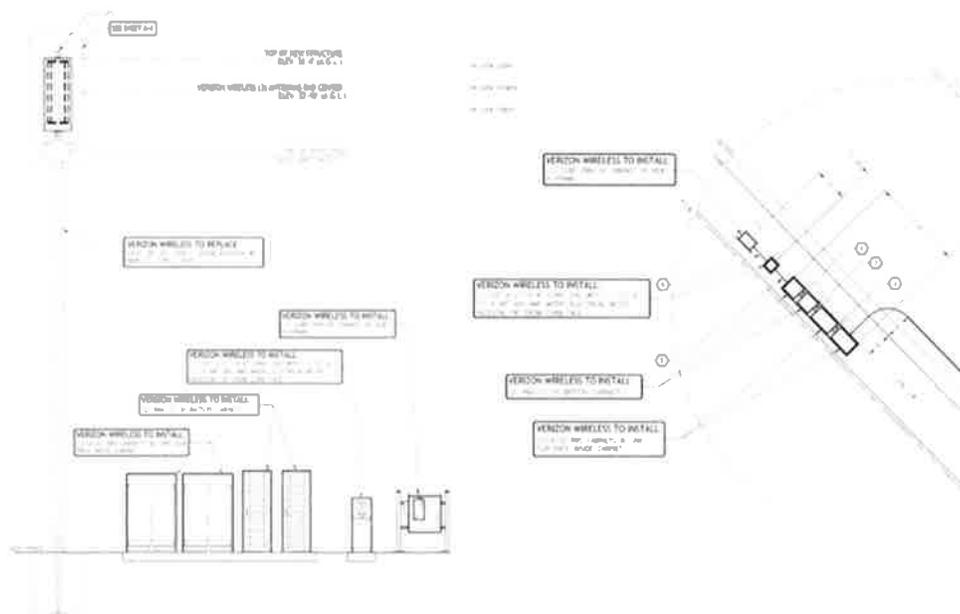
Consider establishing noise (due to cooling fans), size, height and equipment area rules. In some places the street speed or number of lanes can be a useful metric for where larger oDAS systems (example below) are not allowed. In areas with a wider right-of-way (and no conflict with sidewalk widths for handicapped accessibility), moving all equipment (and meters) off the pole (except the antenna) may be less intrusive.

Even if a brand new pole (*twenty to forty foot average height, and located in the public right-of-way*) with wireless antennas and equipment boxes appears potentially palatable in a given area (e.g. rural road), there appears to be little reason the local government can't require steel light poles instead of wooden poles (with cabling hidden inside and a decorative base to hide equipment); or visual mitigation for ground-mounted equipment cabinets such as underground enclosures, or faux decorative wood lattice screen covers (made of metal with texturing and painting to mimic wood) that are under four feet tall, and landscaping combined with modest berming of soil. Or, perhaps placing ground-mounted electronic equipment in fake vintage wood wine/whiskey barrels along mostly treeless rural canyon roads with equestrian trails.

In some cities each encroachment permit (to trench or build in the right of way) require City Council approval. Determine if approval authority should instead be delegated to the Public Works Director. This may be useful as there could be a timing challenge if appeals have to go to another hearing body first, then go to the next City Council meeting (if the appeal is denied).

Some cities include conditions within the utilities conditions permit (UCP) to require utilities (including wireless facilities on wooden utility poles) to be removed if the city begins undergrounding of wooden utility poles.

In some residential or historic areas, if a pole top antenna (instead of a side arm midway up the pole holding up the antenna) is proposed, it may be best to require the entire pole to be replaced, so that the pole can taper toward the top-mount antenna, instead of an unsightly (non-uniform profile and utility prohibitions on painting) bayonet arm (stick holding up an arm with a clamp attached to the top of the pole) rising 3 to 8 feet above the top of the pole to hold up the antenna.



Example of an intrusive Public Right-of-Way Wireless Facility featuring bulky unscreened cabinets within the Public Right-of-Way (on a nicely landscaped street in an underground area). Credit: Public Document.



Example of a poorly designed oDAS (outdoor distributed antenna system) on a utility pole. Grey cabinets are the radio relay units (computers). Large box below features (optional) batteries (with noise generating cooling fans) for backup power. The electric meter is at the bottom of the pole, and multiple panel antennas are up top. Extra service loops of cabling were (for some unknown reason) left on pole.

Be skeptical of claims that the overall wooden pole height needs to be increased 13 to 20 feet taller than the existing wood pole in order to meet utility (vertical separation) rules, as they may not actually be true. Also:

1. In some instances carriers have been willing to reduce the proposed pole height increase when they know the local government is inclined to deny the proposal (especially in single-family neighborhoods where a 50 foot tall pole would appear out of place).
2. At most an 8 foot extension may be needed above high voltage lines (bear in mind some wires are used for fiber-optic or copper wires for communications and do not require the same vertical separation).
- 3.

In some instances the use of wireless metering (so that an extra meter box is not needed) and/or relocation of some equipment to a second pole may reduce the need for a pole height increase. In more limited instances, routing power or communication lines from a nearby pole on the same side of the street, first, before crossing the street may reduce the need for a pole height increase in order to accommodate required line separation and vehicle clearance heights as the wires cross a public street.

4. Moving a portion of the equipment (e.g. optional battery backup cabinet and shut down switch) to another pole may allow for height reductions.

Article link providing a wireless industry point of view on wireless in the public right-of-way.

· **Antennas.** Radome style antennas offer a more uniform profile than multiple panel antennas. Multiple short panel antennas are often made even more visible given the bulky mechanical tilt brackets.



Older physical tilt bracket holding up the antenna that may not be needed with new antenna models.

However, many slightly longer (newer) panel antennas feature electronic tilt mechanisms built-in, which can allow for a panel antenna to be mounted in a manner that is more flush to the pole/bracket. Manufacturers

also offer cable shrouds, which can make each panel antenna “look longer” but reduce visibility of multiple cables entering the bottom of the antenna.



Cable shroud below a panel antenna to hide cables (not shown)

· **Battery Backup Cabinets.** These are optional elements with lead acid or nickel cadmium batteries to run the facility in the event of power outages. Though with a more limited uptime compared to larger battery systems and generators used at “macro” rooftop or tower mounted sites. There are manufacturers, such as TSi Power, which offer battery cabinets that are about as wide as the pole, though longer, and are generally preferable to bulky enclosures about three times as wide as the pole that may be more noticeable as traveling down the street, and more likely to obstruct views from nearby residential windows.

· **Bayonet/Pole Height Extensions.** The use of a bayonet (4 x 4 post with metal clamps) to mount an antenna above the top of the pole can appear incongruous (change in profile, and prohibition of painting of the clamps and bayonet by utilities) with the pole. In more sensitive scenic, historic, or residential areas, it may be best to require the carrier to replace the entire pole so that the new pole tapers toward the antenna. Many initial photo simulations do not show the bayonet mounted correctly in terms of location (typically cannot be mounted in the center of the existing poletop), and lack of paint to match the existing pole or antenna.

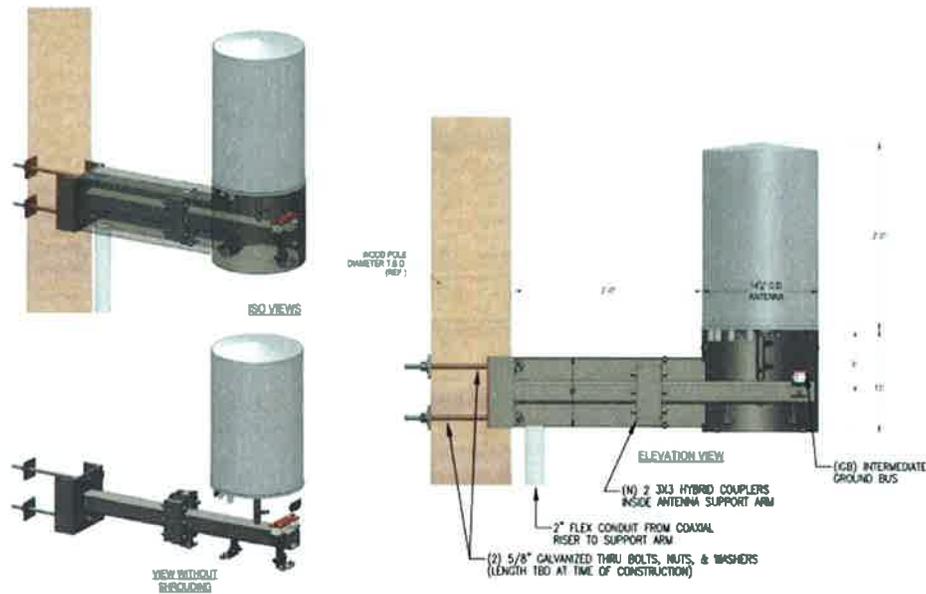


Avoid the use of offset conduit elements that resemble a ladder (not needed)

- **Cabling.** Encourage the use of solid and narrow conduit pipes or flexible rubber elements running up the outside of wood poles to avoid the cluttered look of multiple power and communications cables. These elements can often be painted (to match the pole) and retain the paint color better than individual cables. Avoid instances where the carrier utilizes a ladder type system running up the pole with conduit offset a few inches from the wood pole. In some instances the photo simulations may not accurately depict this item. For steel poles ensure cabling will run inside the pole with clear notes indicating such on plan sets.

- **Combiners/duplexers.** These elements are often placed near the antenna and roughly the size of jewelry boxes. For side arm mounted antennas on wood poles, encourage the use of mounting arms with the

combiners placed inside. Ensure these elements are shown (if needed) on plans and photo simulations, and ensure that they can be painted to match the pole (doing so will not void a warranty).



Side-arm mount for an antenna on a wooden utility pole. The arm has been designed so as to also "hide" the cabling and couplers inside the arm. Credit: Cable Engineering Services.

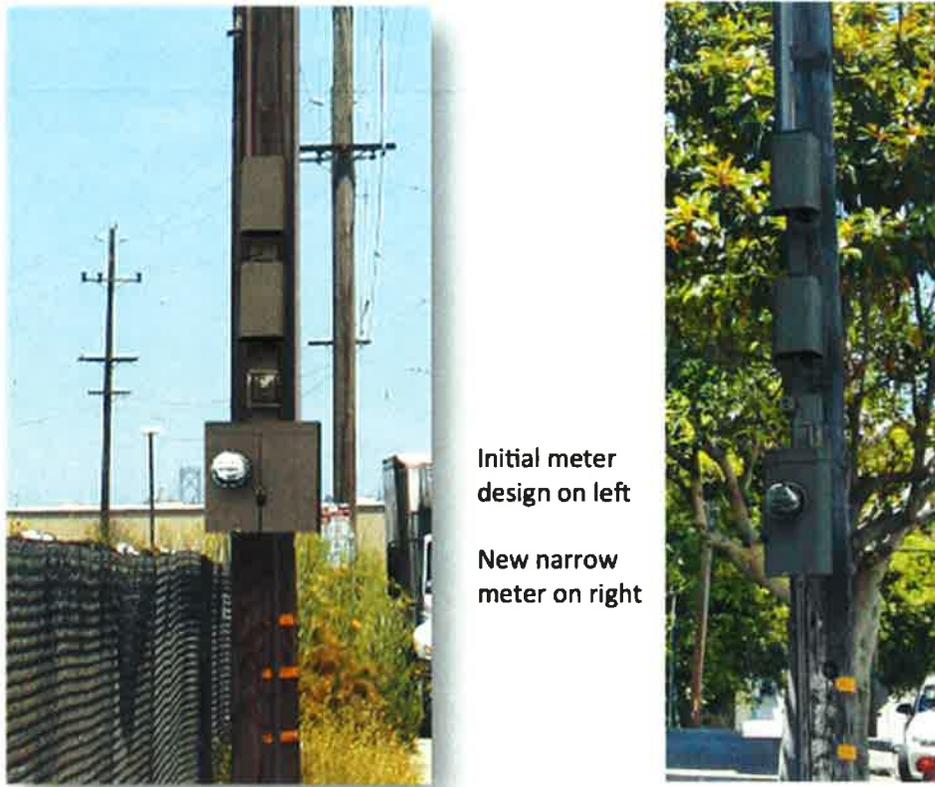


Credit: AdvanceSim

- **Completeness.** It is not uncommon for submittal to leave out known required elements (e.g. nearby freestanding electric meter pedestals, combiners, cabling). Request carrier to affirm in writing if the submittal is complete with respect to all elements needed to operate the facility (including those elements required by the utility and backhaul provider).

- **Dual Poles.** In locations where the carrier is proposing a substantial number of boxes on a single pole, and the public right-of-way is narrow (making ground mounted equipment problematic) consider requiring the carrier to place a portion of the equipment (e.g. battery backup, electric meter, shutdown switch) on a second nearby (existing) pole.

· **Electricity.** Encourage the use of wireless metering (*small grapefruit sized antenna that connects to existing “SmartMeter” networks*) or line drops (carrier pays an estimated flat billing rate for electricity) to avoid the need for new electric meter enclosures (whether on a separate freestanding pedestal or attached to the pole). If an electric meter enclosure is necessary, then require a slim meter enclosure that is about as wide as the pole (*instead of bulky meters nearly twice as wide of the pole, that often become graffiti targets*).



Credit AdvanceSim

· **Excavation.** Ensure the project scope (and environmental review) takes into account excavation that may be needed for new/replacement poles, equipment vaults, or backhaul (underground fiber-optic cables). *Avoid instances, as occurred in one town (where the town was not consulted on the project), where the carrier apparently excavated in areas with known Native American burial grounds.*

· **Fiber (PBX) Boxes.** This is a box typically placed near the bottom of a wood pole and used to connect (backhaul fiber) the wireless facility to the local “wireline” carrier. Ensure the box is shown, if needed, and ensure it is

painted to match other adjacent equipment. Manufacturers of such boxes have not expressed a concern with painting such boxes.

- **GPS Antenna.** In some, but not all instances the carrier may need to add a GPS antenna. However, many plans and photo simulations often leave out this item. Some manufacturers (e.g. Commscope) of primary transmitting antennas make versions with a GPS antenna integrated into the top of the main antenna. Evaluate opportunities to use the smallest GPS antenna available (e.g. versions the size of a shot cup instead of versions the size of large pear).

- **Ground-Mounted Equipment.** Ensure plans and photo simulations (not based on Google StreetView photos) accurately depict the height and massing of such elements. Have carrier affirm in writing that no other enclosures are required, including but not limited to electric meter pedestals. Determine if screening elements should be utilized such as an undergrounded vault (with an above ground vent stack for ventilation and moisture pump out), soil berming, landscaping, or faux wood lattice screens (made of steel but painted and textured to mimic wood).



Antenna on pole, equipment in vaults below sidewalk, and vent stacks tucked into landscaping.
Credit: celltowersites.com

- **Grounding.** For City-owned poles, ensure new ground rods won't damage sidewalks or pole bases (underground).
- **Guy Wires.** Determine if new guy wires (used to anchor the pole to the ground) are needed and clearly shown in plans and photo simulations (they are often left out of initial submittals). Replacing the pole may negate the need for guy wires.



Unnecessary flashing lights on enclosure midway up pole

- **Lights.** Add conditions of approval prohibiting flashing lights (visible from nearby residences or sidewalks) on equipment enclosures. Also, if side-arm mounted antennas are being added to existing wooden poles with streetlights, ensure the antenna placement won't significantly impair street lighting. In some instances it may be best to have the carrier arrange for a longer light arm to be installed by the utility.

- **Noise.** Determine if equipment uses passive cooling (no noise) or requires cooling fans. If cooling fans are utilized have carrier provide the noise profile on the cover sheet of project plans. In quiet residential areas, carrier may need to either set fans to turn off at night, or turn off based on a thermostat. In other instances a slightly larger enclosure may allow for a larger fan that can turn slower and generate less noise.

- **Overhead Wires.** In undergrounded areas (no existing wood poles), ensure no new “aerial” or overhead lines (electricity or fiber-optic) are being utilized. It is not uncommon for the initial submittals to omit these items. Request carrier to affirm in writing.

- **Paint.** Have noted added to cover sheet, site plan and elevation sheets regarding painting of Antennas, Brackets, Cabling/Conduit, Electric Meters (except the glass bubble), Equipment Enclosures, and Fiber Termination Boxes. Non-glossy colors such as Sable (for brown poles) or Ponder (for washed out grey poles near ocean areas), by Sherwin-Williams, may be good choices.

- **Pole offset.** Ensure the offset of enclosures from the wood poles (gap between pole and boxes) is shown on the plan set. Avoid an offset greater than 4 inches (typical minimum allowed by wooden pole owners in California).

- **Photo Simulations.** Ensure photo simulations are not based on Google StreetView photos. Photo simulations should show all requirement elements of facility that may be visible (they often don't) and provide a realistic depiction of cabling/conduit (they often don't).

- **Project Plans.** Ensure the carrier uses a nearest building address that nearby neighbors will recognize (if public notification required). Consider requiring a site completion checklist and/or photo simulations to be added to the plans.

If plans and photo simulations are mailed to nearby residents, make sure the address listed by the carrier, is one that residents would recognize (it often isn't). Consider indicating the noise profile on the cover sheet, such as “maximum of XX decibels from 6 feet away,” or “no noise generation (passive cooling).

Then again thanks to the FCC's interpretation of "6409," the day after carrier builds a small, and noiseless system on a non-city owned wouldn't utility pole, they can demand the ability to replace the system with one featuring larger (refrigerator sized) cabinets with loud cooling fans.



Excessive stickers/decals not needed at this location. Three different RF warning stickers may cause a resident to think the facility has an unusually high RF emissions level.

- **RF Warning Stickers.** Require plans and photo simulations to show location of RF warning stickers. Avoid placement of stickers near ground level on equipment enclosures where they appear cluttered and are not generally needed (sticker should be a few feet below antenna to inform utility personnel who may climb the pole).



Multiple repetitive stickers, tangled cabling and unpainted AT&T fiber termination box (lime green element). Require carrier to place RF warning sticker only near the actual antenna further up the pole, and place a carrier ID sticker on the underside or back of the equipment, with a sticker background color which matches the equipment.

- **Sidewalk vault lids.** Condition approvals to ensure no logos or commercial names are added to new sidewalk vault lids (if needed). Descriptions such as wireless or telecom may be appropriate.

- **Stickers and Decals.** Condition approvals to require that all prominent logos and decals to be removed, painted over, or filled in (e.g. for indented Ericsson logos on mRRUs), if visible from surrounding sidewalks. Also require that carrier identification stickers be placed on the underside of enclosures, or if not possible, utilize a sticker background that is the same color as the painted enclosure surface) and no larger than 3 inches by 5 inches.

- **Trees.** Some local governments require the carrier to plant a street tree near the pole to reduce visibility of equipment on the pole.

Ensure that trenching (if needed) and overall facility construction does not damage existing trees (especially heritage trees), or that they are replaced at a 3:1 ratio. Additionally, one challenge often encountered by many local governments is when crews (in spite of rules already in place) running fiber-optic cables begin topping off nearby trees that harms them. It may be advisable to require crews obtaining street closure and/or encroachment permits to affirm in writing they are aware of such requirements, or notify City arborists of pending activity.



Proposed Crown Castle DAS node in the City of Palos Verdes Estates. Replacement of existing stop sign.

See also: Design preferences for oDAS on wooden utility poles

Omar Masry, AICP, and Tripp May testified before the California State Assembly and State Senate on AB 57. The information contained herein does not reflect policy of any government agency.



Proposed Extenet Systems (for Verizon Wireless) Small Cell (pole-top antenna and two computer boxes midway down pole) on a San Francisco light pole (Davit pole replaced with a standard steel tapered light pole) See also www.sf-planning.org/wireless

**CITY OF PATTERSON
PLANNING COMMISSION MINUTES
FEBRUARY 11, 2016**

The Planning Commission regular meeting of February 11, 2016 was called to order by Chairperson West at 7:00 p.m.

SHOWN PRESENT: Chairperson West, Vice Chairperson Applegate, Commissioner Barba, Commissioner Bendix and Commissioner Bingham. Also shown present were City Planner Andrews, Building, Capital Projects & Engineering Director Ulloa, City Attorney Hallinan and Planning Commission Secretary Melo. Shown excused was Associate Planner Rodriguez.

ROLL CALL: Chairperson West, Vice Chairperson Applegate, Commissioner Bingham
Commissioner Barba, Commissioner Bendix

EXCUSED: None

ITEMS FROM PUBLIC: None

STATEMENT OF CONFLICT BY COMMISSIONERS: None

CORRESPONDENCE: None

INFORMATIONAL ITEMS: None

CONSENT AGENDA:

Motion to approve Planning Commission meeting minutes of January 28, 2016

Second: Commissioner Bendix
Vice Chairperson Applegate
Motion passed: 5-0 vote

ROLL CALL: Commissioner Barba, Commissioner Bingham, Chairperson West, Vice
Chairperson Applegate, Commissioner Bendix

Ayes: Chairperson West, Vice Chairperson Applegate, Commissioner Barba,
Commissioner Bingham, Commissioner Bendix

Noes: None

Abstained: None

Excused: None

AGENDA ITEMS:

- 1. Public Hearing: Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08 Patterson Gas, APN # 021-028-038**
(This item was continued from the January 14, 2016 meeting)
A new 2,853 square foot gas station (convenience store) with a 57'x40' Canopy cover for 8 bays (4 pumps). The project location is the southeast corner of Rogers Road and Speno Drive. The convenience store will sell the usual snacks plus beer and wine. The operational hours would be 24 hours/day 7 days/week A draft Negative Declaration has been prepared noting that the project will not have a significant impact on the environment under the California Environmental Quality Act.

City Planner Andrews gave a powerpoint presentation. Commissioners asked questions of staff.

Open Public Hearing: 7:11 p.m.

Peter Singh, applicant for the project

Mr. Singh stated that the fire department and engineering department have reviewed the new route so he recommends that they get approval on the project. Mr. Singh stated that he made the store smaller to make more room for parking and circulation. He's willing to work with the City to develop the project. He answered questions from the Commission.

Close Public Hearing: 7:19 p.m.

Motion to approve Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08 with two findings and 97 conditions of approval deleting condition of approval #39 and adding a condition of approval that owner shall install appropriate ingress and egress signage, with an entrance sign on Speno Drive and an Exit sign on Rogers Road:
Vice Chairperson Applegate

Conditions of Approval

1. The project shall comply with all applicable State and Municipal Codes, including the 2010 California Building Codes and the 2010 California Green Code and meet the requirements of the Public Works Department, City Engineer, Building Inspector, Planning Department and Fire Chief.
2. The applicant shall comply with all conditions of approval and adopted mitigation measures.
3. Development shall occur in substantial conformance with the site plan as may be approved by the Planning Commission.
4. The applicant shall agree to defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of said approval, or in any way relating to the implementation thereof, or in the alternative, to

Planning Commission Minutes
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relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.

5. Prior to issuance of a certificate of occupancy, mail receptacles shall be provided as required by the Postmaster of the City of Patterson.
6. The applicant shall obtain an encroachment permit from the Public Works Department for any work conducted within the public right-of-way.
7. Lights under the canopy shall be recessed or flush with the bottom of the canopy. Prior to issuance of a building permit, an exterior lighting plan and site lighting footcandle plan shall be prepared subject to the review and approval of the Community Development and Police Departments.
8. That architectural elements proposed for the convenience store shall be included on the canopy and canopy supports. Such elements may include, but are not limited to, decorative masonry work, stucco, and clay tile roofing.
9. That the decorative trellises, similar to those located on the convenience store, shall be included on the left side elevation of the convenience store.
10. Construction shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays, and on Saturdays to between the hours 8:00 a.m. and 6:00 p.m.; that additional hours may be permitted at the discretion of the Public Works Director. Construction activities may be allowed at any time on the interior of buildings once they are entirely enclosed, in conformance with the City's noise ordinance.
11. Prior to issuance of a certificate of occupancy for each building, all ducts, meters, air conditioning equipment and all other mechanical equipment, whether on the ground, on the structure or elsewhere, shall be screened from public view with materials architecturally compatible with the main structure. It is especially important that gas and electric meters, electric transformers, and large water piping systems be completely screened from a standard public viewing height of 6 feet. All roof-mounted equipment which generates noise, solid particles, odors, etcetera, shall cause the objectionable material or effects to be directed away or shielded from adjoining land designated for residential development. A plan for the treatment of roof top equipment shall be submitted to the Planning Department prior to issuance of a building permit.
12. All planted areas shall be separated from driveways by concrete curbs.
13. Stop signs shall be provided at all project exits and internally as needed to ensure safety, including the internal driveway to the west.

14. Prior to issuance of a building permit, the applicant shall submit a detailed drawing of the trash enclosure for review and approval by the Planning Department and the Public Works Department. Trash enclosures shall be constructed to City standards and shall be architecturally compatible with the design of the project and shall be laid out for easy access by collection trucks.
15. Interior vehicle travel ways shall be designed to be capable of withstanding loads imposed by trash and delivery trucks.
16. All on-site utilities shall be underground and all utility fixtures, transformers, switching boxes and other installations shall be screened from view to the satisfaction of the Planning Department.
17. Per Title 24, Section 2-7102 of the State Disabled Access Regulations, the parking lot shall provide the required number of handicapped parking spaces.
18. Prior to the approval of grading and public improvement plans, the applicant shall establish a deposit account for plan check and inspection costs, post bonds as appropriate and obtain an encroachment permit as required.
19. For landscape and irrigation within the public ROW, a deposit shall be required to cover the installation of irrigation, landscaping, and plant materials (relocation) based upon the estimate of costs to be paid for and provided by the applicant. Project landscape plans shall comply with AB1881 (Water Use Efficiency) requirements. Once the landscaping is complete an audit shall be completed and the certificate sent into the City.
20. Prior to issuance of certificate of occupancy, the applicant shall post handicapped parking, per Police Department and Americans with Disabilities Act requirements.
21. Prior to issuance of a certificate of occupancy, the applicant shall install a burglary (or robbery) alarm system and security camera system to the satisfaction of the Chief of Police.
22. Permittee shall utilize anti-theft strategies to minimize the risk of thefts related to the availability of alcohol. Such strategies may include but are not limited to the use of anti-theft tags or sensors and CCTV.
23. Prior to issuance of a certificate of occupancy, the address shall be clearly visible on the building per City Standards.
24. Prior to concrete pour inspection, compaction tests are required for all footings.
25. Electrical conduit shall have a separate ground wire installed.
26. Improvements required for project development will include street paving, curb, gutter, street lights, sidewalks, landscaping, the required utilities, grading and drainage.

27. Prior to building permit issuance, the applicant shall submit to the City for review and approval a grading and drainage plan in compliance with all applicable regulations of the City of Patterson.
28. Sewer laterals shall be installed to each building with size to be calculated for the most intensive allowable use to the satisfaction of the Public Works Director.
29. At the time of Public Improvement Plan review, plans shall be submitted to all applicable public utility companies for review. Comments from the utilities regarding required easements, transformer locations, etc. shall be forwarded to Public Works Department for review and approval.
30. The applicant shall pay all applicable fees due the City and other Special Districts providing services to the site.
31. The applicant shall be responsible during construction for cleaning city streets, curbs, gutters and sidewalks of dirt tracked from the subject site. The flushing of dirt and debris to storm drain or sanitary sewer facilities shall not be permitted. The cleaning shall be done after each day's work or as directed by the Director of Public Works or the Planning Department.
32. All required public improvements shall be designed and constructed in accordance with the City of Patterson Standard Specifications and Drawings, including any standards updated prior to approval of the improvement plans.
33. The project shall include provisions for the sharing of parking, driveway access and shall incorporate easements necessary for all utilities to the approval of the City. Reciprocal use agreements shall be required for ingress, egress, and utilities.
34. The applicant shall submit a mitigation plan for review and approval by the City and the San Joaquin Valley Air Pollution Control District (SJVAPCD) for construction-related emissions prior to construction. Such a plan shall include provisions for compliance with District Rule VIII and shall include at least the following requirements:
 - a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
 - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
 - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
 - d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

- e. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
 - f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets if and as needed when operations are occurring. *(The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
 - g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
 - h. Limit traffic speeds on unpaved roads to 15 mph; and
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
35. All signage shall be submitted for a sign permit and shall be in accordance with relevant provisions of the Patterson Zoning Ordinance and that any proposed monument sign shall be constructed with design elements and materials reflective of those of the main building.
36. Setbacks shall be verified by a licensed surveyor.
37. That the project shall participate in a City-Wide Maintenance Community Facility District (CFD), County Service Area (CSA) #15, or Benefit Assessment District (BAD) and Landscape Maintenance District (LMD. All costs associated with the formation of any maintenance districts/CSA are the responsibility of the developer/project owner.
38. That all trash enclosure shall be constructed to comply with the latest Storm Water regulations (not located in close proximity of a drain inlet, have covers, have adequate secondary containment, etc.). Trash enclosures should be sized to comply with commercial recycling requirements. If the trash enclosure is being shared with another facility, the trash enclosure shall be adequately sized to be able to service more than one facility. All trash enclosure plans shall be reviewed and approved by the City's Planning Department.
- ~~39. That diesel fuel distribution shall be limited to the two northernmost fueling stations.~~

Grading

39. Complete grading and drainage plans shall be submitted to and approved by the City Engineer.
40. As required by the Public Works Department, the applicant shall deposit with the City, at time of plan check submittal, adequate funds to employ a qualified independent engineering

consultant selected by the City to review grading and drainage improvement plans and to inspect the site prior to and during all major site preparation and grading. A qualified Soils Engineer shall submit tests and reports to certify each parcel as ready for construction prior to starting foundations.

41. Where the difference in average elevations between adjacent lots is in excess of six inches, slope shall not exceed 2 to 1 grade or a grade found reasonable in the soils report, or a retaining wall shall be required.
42. Prior to any site grading or construction, an erosion control plan and program shall be submitted to and approved by the Public Works Department. Said plan and program shall address specific temporary and permanent erosion control measures associated with the project.
43. It is the contractor's responsibility to use watering, dust fences, or other methods as directed by the City, to control dust throughout the construction operation. The applicant shall use all reasonable efforts to obtain non-potable water for construction or dust control purposes. This condition shall not be interpreted as prohibiting the use of City water supplies for the irrigation of street lines and landscaping required in common areas.
44. All grading construction debris materials shall be removed and disposed into an approved dump site prior to any excavation or fill operations and/or as directed by the Public Works Director.
45. The applicant or his/her agents or employees shall be responsible for removal and clean-up of any spill on public streets during his entire grading operations.
46. Lots shall drain into a street or approved drain in such a manner that there will be no undrained depressions. The design of all such drains shall be subject to the review and approval of the City Engineer.
47. An engineering cost estimate shall be submitted with the grading and improvement plans for public improvements. The applicant's engineer shall sign and stamp the calculation and cost estimates prior to issuance of building permits.
48. Prior to issuance of the grading permit, final right-of-way width and routes for drainage channels, pipelines, and service roads needed shall be established.
49. Measures to control erosion during construction shall be incorporated into the grading plans, and shall be subject to review and approval by the City Engineer.
50. Prior to issuance of a grading permit, the applicant shall submit a soils report, prepared by a registered geologist or qualified civil engineer, concerning soil conditions for grading, excavations, slope stabilization and revegetation, and footing and foundation construction.
51. The applicant shall obtain a grading permit for on-site excavation and fill prior to construction.

52. Grading of the pump area under the canopy shall be such that all drainage is captured and discharged to the sanitary sewer system to avoid possible contamination of storm water.

Sewer, Water and Drainage

53. Prior to issuance of a building permit, sufficient water pressure and capacity to serve the portion of the project area where such development is proposed will be assured.

54. Design of the proposed project facilities shall include provisions to minimize water requirements, including the use of the following, to the extent deemed practical by the City:

- a) Use of low-flow fixtures, including shower heads and toilets as per the Uniform Building Code.
- b) Use of drought-tolerant, native landscaping.

55. The applicant shall design, construct and dedicate all water distribution mains and appurtenances, including a 15-foot easement for mains on private property, to the satisfaction of the City. All water distribution systems within project boundaries shall be extended for connection by future development. The applicant may request reimbursements from other future development which may benefit directly from the oversizing or over capacity of water system improvements installed or paid for by the applicant.

56. Non-potable water mains and appurtenances shall be installed as required by the City for demands that are compatible with non-potable water, including, but not limited to, landscape irrigation and car washing. Non-potable water system and installation shall be in accordance with the latest version of the City's non-potable water standards or guidelines, including pipe color, signage, cross connection control program, etc.

57. Separate water meters shall be installed for landscaping and indoor water services.

58. That all pre-existing sewer laterals and storm drains lines should be video inspected to ensure that the lines are clear of any debris and that they are not damaged.

59. All improvements shall be designed in accordance with the City of Patterson Improvement Standards, to the satisfaction of the Public Works Department.

60. Any abandoned wells on the project site shall be destroyed in accordance with requirements of the Stanislaus County Environmental Health Division prior to issuance of any grading permit or other site improvements. All abandoned/destroyed wells shall be clearly shown on the improvement plans for the project. Confirmation of well destruction shall be provided to the Public Works Department.

61. The project shall comply with City of Patterson Best Management Practices as defined in the City's latest Urban Water Management Plan, California Urban Water Conservation Council

BMPs, AB 1881, and mandatory water conservation measures defined in the State of California Green Building Code.

62. Water mains shall be installed on-site to provide adequate flow and reliability as required by the City Water Engineer and Fire Marshal. Building fire suppression demands shall not exceed 2,500 gpm, or as limited by the water distribution system.
63. Backflow prevention devices shall be installed by the applicant on all water services as required by the Public Works Department and the California Department of Public Health standards.
64. Future drainage system discharges shall comply with applicable state and federal pollutant discharge requirements.
65. Final inspection of the sewer and storm drain system shall be by televised inspection device as approved by the City Engineer at applicant's expense.
66. An appropriate sewer interceptor shall be included to the satisfaction of the City Engineer.
67. Runoff shall be detained and metered into the storm drainage system to the satisfaction of the City Engineer.
68. A grease interceptor shall be provided with a sampling point. The grease interceptor shall be located outside the building where it can be easily inspected by the City.

Roads

69. All sight distances for all corners and driveways shall conform to the City's sight distance requirements to the satisfaction of the City Engineer.
70. All streets, alleys, sidewalks, curbs, and gutters adjacent to the project shall be improved as necessary to provide safe vertical and horizontal transitions to connect improvements constructed within this project to existing improvements, as directed by the City Engineer. Any street, alley, sidewalk, or curb damaged by the applicant or its agents or employees shall be repaired, prior to final acceptance of tract improvements by the City Council or sooner at the discretion of the City Engineer.
71. The applicant shall install street frontage improvements per ordinance to the satisfaction of the Department of Public Works. These improvements may include, but are not limited necessarily to, grading, curb and gutter, sidewalk, paving, storm drain, sanitary sewer, and water facilities.
72. The applicant shall pay for, and the Applicant shall install, to the City's satisfaction, street name signs, traffic regulatory and warning signs, and any necessary street striping and markings as required by the City Engineer. The signs shall conform to the City's requirements and shall be purchased by the applicant. Striping and signing shall be paid for

by the applicant subject to review and approval of the City, and made a part of the improvement plans.

73. That the developer shall update all ADA ramps within the project limits to current standards/requirements.
74. That the developer shall replace all damaged existing concrete sidewalks within the project limits per City Standards.
75. That the developer shall replace all damaged existing curb and gutter within the project limits per City Standards.
76. That all existing utilities (fire hydrants, storm drain inlet, street lights, pullbox, transformer, etc.) shall be protected in place or replaced per city standards if damaged during construction.
77. That, if not already existing, the applicant shall install a 'Stop' and 'Street' sign at Speno Drive and Rogers Rd.

Utilities

78. All on-site utilities shall be underground. All existing overhead utilities adjacent to the property or within the property shall be placed underground.
79. Street lights will be provided and installed to the satisfaction of the City of Patterson Department of Public Works. The type, height, and design of street lights shall be subject to review and approval by the City and will direct lighting downward, shielding to the greatest extent practical, light exposure beyond that needed for proper intersection or street lighting.
80. The applicant is to be responsible for all damages to existing and new telephone facilities caused by workers or subcontractors under the direction of the applicant.
81. All new telephone facilities shall be underground except where indicated by the telephone company upon engineering of the project.
82. The applicant shall provide all necessary on-site easements for streets, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the City. Said easements shall be subject to the review and approval of the Public Works Department, City Engineer and the City Attorney.
83. All water, gas, sewer, underground electrical power, cable T.V., or telephone lines, or conduits, or underground drain lines shall be installed before any paving is placed. Utility stub connections to property boundaries of each parcel may be omitted only with the express and written permission of the City Engineer.
84. The applicant shall install adequately sized utility services and laterals prior to final acceptance.

Fire Department

85. All new construction shall meet the requirements of the City Fire Department.
86. Fire Department approved Knox boxes shall be installed to the right of the main entrance door with top of box to be no higher than 5' above finished grade.
87. That if any portion of the facility or building protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided.
88. That a 20' fire access lane shall be maintained around the perimeter of the building.
89. That Fire Department connections shall be within 75' of a fire hydrant and located at the street.
90. That a fire alarm system shall be UL certified for the life of the building.
91. That fire extinguishers shall be mounted in cabinets at fuel pump islands. Top of extinguishers shall not be more than 48" above finished grade.
92. That all fire extinguishers within the building shall be at least a 2A10BC.
93. Fire hydrants shall be located to Fire Chief's specifications. Fire hydrants and fire hydrant flows shall meet all City of Patterson standards.
94. All roofs shall be class "A".
95. Prior to issuance of a certificate of occupancy, all buildings shall be fully sprinkled per Building and Fire Department guidelines.
96. That the building shall be properly addressed with numerals at least 6" tall, contrasting with background, illuminated between dusk and dawn daily and be clearly visible from the street.
97. That the owner shall install appropriate ingress and egress signage, with an entrance sign on Speno Drive and an Exit sign on Rogers Road.

Second: Commissioner Bendix
Motion passed: 5-0 vote

ROLL CALL: Commissioner Barba, Commissioner Bingham, Chairperson West, Vice Chairperson Applegate, Commissioner Bendix

Ayes: Chairperson West, Vice Chairperson Applegate, Commissioner Barba, Commissioner Bingham, Commissioner Bendix

Noes: None

Abstained: None

Excused: None

- 2. Public Hearing: Conditional Use Permit #16-01 Somos Un Mundo Daycare, 102 Jersey Lane, Patterson, APN # 021-049-011**
A public hearing to consider the establishment of a large daycare center (9-14 children) in a single family home at 102 Jersey Lane, located in the LR, Low Density Residential Zone. The applicant is currently licensed from the State of California for up to eight children. The project is exempt from review under the California Environmental Quality Act.

City Planner Andrews gave the staff report.

Open Public Hearing: 7:24 p.m.

Ofelia Guevara, 102 Jersey Lane, applicant for the project

Ms. Guevara agrees with the conditions of approval. She answered questions from the Commission.

Close Public Hearing: 7:25 p.m.

Motion to approve Conditional Use Permit #16-01, Somos Un Mundo Daycare, with five findings and ten conditions of approval

Vice Chairperson Applegate

Conditions of Approval

1. That the daycare operator shall not have more vehicles at the site than can be parked in the garage and that the garage shall remain clear and available to park those vehicles, thereby leaving the driveway available for drop off and pick up. Personal vehicles shall not be parked in or remain in the driveway during operating hours for the facility.
2. No outdoor play or other outside activity likely to cause sounds disturbing to neighbors shall be allowed prior to 9 a.m. Every reasonable attempt to reduce outdoor noise shall be made at all other times.

3. That any construction shall be subject to obtaining permits as required by the applicable construction codes as adopted and enforced by the City of Patterson.
4. That this use permit shall expire and shall be to no effect if the licensee forfeits, is required to surrender, or for any reason abandons the State daycare license.
5. One window sign shall be allowed for display, in accordance with City requirements, and shall be subject to review and approval by the Planning Department.
6. That all on-site landscaping, fences, structures and other improvements shall be kept in a serviceable, well-maintained and presentable manner which makes a positive contribution to the surrounding area.
7. That the use shall be subject to all City, County, State and Federal regulations concerning daycare, child care, health and safety, food preparation and other applicable regulations.
8. Current proof of such certification shall remain on file with the Community Development Department.
9. That the Use Permit shall be subject to review at a noticed public hearing before the Planning Commission at six (6) months and at one (1) year after commencement of the use. Subsequent annual review shall be at the discretion of the Planning Commission.
10. That the applicant shall indemnify, defend, and hold harmless the City of Patterson, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Patterson, its agents, officers and employees to attack, set aside, void, or annul, any approval by the City of Patterson and its advisory agency, appeal board, or legislative body concerning the project, which action is brought within the time period provided for by the Government Code of the State of California. The City of Patterson shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify or hold the City harmless.

Second: Commissioner Bendix
Motion passed: 5-0 vote

ROLL CALL: Commissioner Barba, Commissioner Bingham, Chairperson West, Vice Chairperson Applegate, Commissioner Bendix
Ayes: Chairperson West, Vice Chairperson Applegate, Commissioner Barba, Commissioner Bingham, Commissioner Bendix

Noes: None
Abstained: None
Excused: None

ITEMS FROM STAFF:

City Planner Andrews stated that the next Planning Commission meeting will be on March 10th. There will not be a Planning Commission meeting on February 25th. City Planner Andrews reminded the Commissioners about the Planning Commission Workshop on February 27th.

ITEMS FROM COMMISSION:

1. Commissioner Barba stated that he wanted to have another audit done for irrigation.
2. Vice Chairperson Applegate asked about no aerial irrigation within 8 feet of the street. It's a 2010 state mandate but all sprinklers in new developments are still at the edge of the sidewalk. Vice Chairperson Applegate also stated that the City should install dry wells in detention basins that would catch some of the rainwater. He also stated that they're painting every other white line in the street but not the fog stripes or bicycle path lanes. Staff stated that they're required to paint a certain amount of square or linear footage per year as part of their contract.
3. Chairperson West asked about catching stormwater to store underground because we're sending too much to the river.

ADJOURNMENT: The Planning Commission regular meeting of February 11, 2016, was adjourned by Chairperson West at 7:41 p.m.

Prepared by Denise Melo, Secretary
City of Patterson Planning Commission

CITY OF PATTERSON
Planning Commission Staff Report
Freeway- Oriented Signage Ordinance
March 10, 2016 Meeting

PROJECT SUMMARY

Make a recommendation to the City Council regarding proposed revisions to Section 18.82.070(D) of the Patterson Municipal Code, "Freeway-Oriented Signs".

BACKGROUND

Prior to the update of the Zoning Ordinance in July of 2013, commercial-type businesses were somewhat restricted in West Patterson Light Industrial and Industrial Business Park zones. Adoption of the updated opened up many additional opportunities for commercial businesses in those zones and the City has seen a surge of interest in developing this area with these types of land uses. Interest in Commercial businesses has been accompanied by the desire for signage to attract customers to those businesses.

ANALYSIS

Staff has initiated this process with the hope of being able to accommodate businesses that derive most of their business from freeway travelers while serving the purposes outlined in the Signs Chapter of the Municipal Code, especially as they relate to protecting viewsheds and aesthetics, avoiding safety issues, and to appropriately limit the placement, type, size and number of signs.

The stated purpose of the Signs Chapter of the Municipal Code reads as follows:

18.82.010 Purpose.

The regulations established by this chapter are intended to appropriately limit the placement, type, size, and number of signs allowed within the city and to require the proper maintenance of signs. The purpose of these limitations and requirements is to:

- A. Avoid traffic safety hazards to motorists and pedestrians caused by visual distractions and obstructions;
- B. Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the city as a place to live, work, and shop;
- C. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached; and

D. Safeguard and protect the public health, safety, and general welfare.
(Ord. 738 § 1 (Exh. A) (part), 2013).

Staff proposes the language attached be amended as shown in the attached document.

Distance from Freeway

The proposed amendment would keep the current requirement allowing freeway oriented signs up to 1,000 feet from Interstate 5. For discussion purposes, following Sperry Avenue from the Freeway, the 1,000 feet allowed area would end about 200 feet away west of the Rogers Road intersection. Current language allows signs for projects adjacent to the California Aqueduct, which the proposed 1,000 foot area closely follows. If the Planning Commission wished to expand this to include the whole area between the freeway and the Delta Mendota Canal, the maximum distance would need to be 2,000 feet.

The amendment would also add language that would allow the Planning Commission to allow the maximum distance from the freeway to increase up to one mile provided that the applicant provides evidence that the majority of the project's anticipated customers shall be freeway travelers. As noted previously, the amendment to the Zoning Code expanded the number of "commercial" type uses in the business park area. The proposed sign amendment language is an attempt to recognize that some uses in the business park may be oriented to freeway travelers. The amendment would provide a greater opportunity to allow those businesses to market to those customers.

Site Specifications

Currently, the ordinance requires that the project site be located within a commercial zoning district and serve a multi-tenant site with a gross floor area of 25,000 square feet or more. The proposed amendment would remove this requirement, excepting the requirement to serve a multi-tenant site. As noted previously, the business park is not located in a commercial district, so this requirement is created to expand the potential sign area into the business park. The multi-tenant site requirement would remain to encourage sharing of a sign and limit the number of signs visible on the skyline. The 25,000 square feet of building space requirement is removed with deference to fast food restaurants and gas stations, two of the primary freeway oriented businesses. These businesses typically have a floor area of around 2,500 square feet each, so, as an illustration, a 25,000 square foot requirement seems overly large for a project which includes two gas stations, two restaurants and a couple of shops.

Maximum Height

Finally, the ordinance would place a cap on sign height for this type of sign of 100 feet. For comparison, the Villa Del Lago sign located near the freeway is approximately 82 feet tall. With this requirement, staff simply wishes to acknowledge that there is a limit to the height of these signs.

Other Considerations

By way of comment, signs are a good example of the primary balancing act involved in planning – weight a private benefit versus the public good. In this situation, signs serve a legitimate business purpose of advertising and encouraging customers to support area businesses. This purpose should be balanced against aesthetics. Numerous tall signs block the view of the hills from the City and views of the valley from a designated California scenic route. As such signs move farther from the freeway, the move closer to residences, and have the potential to impact those residents' viewsheds and property values. Too many signs also create a "toothpick" effect where pole signs dominate the street and the buildings behind the signs become obscured. This also creates a safety issue as people try to find the right sign and don't pay attention to the road.

Staff feels that the proposed ordinance balances these needs by limiting the number of tall signs, but allowing the opportunity for such signs to be located in the City.

ALTERNATIVE ACTIONS

1. Recommend that the City Council adopt the proposed language, with any modification by the Planning Commission.
2. Request that staff prepare revisions to the draft language or provide additional information to be considered at a future Planning Commission meeting.
3. Take no action.

RECOMMENDATION

Staff recommends that Planning Commission do the following:

1. Open a public comment period to receive input from the public.
2. Consider the issues discussed in this report.
3. Motion to recommend that the City Council adopt the draft language.

Respectfully submitted,



Joel Andrews
City Planner

Attachments

Draft Freeway-Oriented Signage Ordinance

Draft Freeway Oriented Signage Ordinance

D. Freeway-Oriented Signs. A freeway-oriented sign may be approved in compliance with the following requirements.

1. Permit Requirement. Conditional use permit approval is required for a freeway-oriented sign.

2. Where Allowed. A freeway-oriented sign may be approved only on a parcel or project site at least ten acres in size adjacent to the California Aqueduct within a commercial zoning district for a multi-tenant site with a gross floor area of twenty-five thousand square feet or more. Freeway-oriented signs shall be located no less than ten feet from the edge of the freeway right-of-way nor more than one-thousand feet from the nearest edge of the freeway right-of-way. The Planning Commission may allow an increase to the maximum distance of up to one mile from the nearest edge of the freeway right-of-way, provided that the applicant provides evidence, and the Commission makes a finding, that the majority of the project's anticipated customers shall be freeway travelers.

3. Required Findings. The approval of a conditional use permit for a freeway-oriented sign shall require that the commission first find that the use or site cannot be adequately identified by other signs permitted within the applicable zoning district, in addition to the other findings required for conditional use permit approval by Section 18.18.020.

4. Height Limit. No freeway-oriented sign shall exceed a maximum height of thirty feet, unless the conditional use permit allows greater height, as follows:

a. Criteria for Approval. A sign with a height greater than thirty feet may be approved if the commission determines that the applicant has demonstrated that an overcrossing of Interstate 5, or its ramps, or trees or vegetation, will seriously obstruct the visibility of the proposed sign from the northbound or southbound lanes of Interstate 5. In no case shall the maximum height exceed 100 feet.

b. Procedure for Determining Allowed Height. The commission shall approve no more additional sign height than the minimum necessary for the message area of the sign to clear the identified visual obstruction. The determination of maximum height by the commission shall be based on the procedure established by the planning department.