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## TOWN OF APPLE VALLEY PLANNING COMMISSION

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# Staff Report

- AGENDA DATE:** May 21, 2014
- CASE NUMBER:** Conditional Use Permit No. 2013-012 and  
Deviation Permit No. 2013-04
- APPLICANT:** Coastal Business Group on behalf of AT&T
- PROPOSAL:** A request for approval of a Conditional Use Permit to construct a sixty (60)-foot tall wireless telecommunication facility designed as an adobe pueblo tower. The project includes a request for approval of a Deviation Permit to allow an encroachment of approximately 399 feet into the required 500-foot separation distance required between wireless facilities and residential uses, and an encroachment of approximately 655 feet into the required 750-foot separation distance required between wireless telecommunication facilities.
- LOCATION:** The project site is located at 19235 Yucca Loma Road; APN 3088-431-29.
- ENVIRONMENTAL DETERMINATION:** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review since the 315 square-foot project site is characterized as an in-fill site that is consistent with the General Plan and zoning district and the site has no value as habitat for any endangered species
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval
- PROJECT AND SITE DESCRIPTION:**
- A. Project Size: The telecommunication facility will occupy 315 square feet of lease area within the project boundary of an existing fire station. The underlying parcel is approximately one (1) acre in size.

B. General Plan Designations:

Project Site - Public Facility (P-F)  
 North - Single Family Residential (R-SF)  
 South - Public Facility (P-F)  
 East - General Commercial (C-G)  
 West - Single Family Residential (R-SF)

C. Surrounding Zoning and Land Use:

Project Site - Public Facility (P-F), Fire Station  
 North - Equestrian Residential (R-EQ), Single Family Residence  
 South - Public Facility (P-F), Water Well Site  
 East - General Commercial (C-G), Two (2)-story, Commercial Building  
 West - Single Family Residential (R-SF), Single Family Residence

D. Height:

Permitted Maximum: 75 ft. (Preferred Location)  
 Proposed Maximum: 60 ft.

E. Parking Analysis:

Total Parking Required: 1 Space  
 Parking Provided: 0 Spaces

F. Setback Analysis:

	<b>Required</b>	<b>Proposed</b>
Adjoining Property Line:		
From West	22.5 ft.	118.6 ft.
From East	22.5 ft.	101.3 ft.
From South	22.5 ft.	70 ft.
From North	22.5 ft.	156.8 ft.

G. Separation Analysis:

	<b>Required</b>	<b>Proposed</b>
To SFR		
From West	500 ft.	**101.3 ft.
From East	500 ft.	+1,000 ft.
From South	500 ft.	+750 ft.
From North	500 ft.	**280 ft.
To Existing Tower	750 ft.	**95 ft.

\*\* Indicates deviation requested.

H. Site Characteristics

The subject site contains a fire station and community meeting room. The site has existing paved parking, lighting, landscaping and an existing, sixty (60)-foot high wireless telecommunication antenna

**ANALYSIS:**

A. **General:**

Pursuant to the Development Code, a Conditional Use Permit is required for all new telecommunication towers to afford the Commission the opportunity to review the location, architecture and aesthetics of any proposed structure. The Code allows telecommunications towers within public facilities, such as fire stations, as an accessory use, with approval of a Conditional Use Permit. Any variation from established development standards can be reviewed for approval on a case-by-case basis under the Deviation Permit review process.

The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to construct a wireless telecommunications tower, and associated equipment, within a sixty (60)-foot high adobe pueblo tower. The proposal becomes the second such facility on the subject site. The existing wireless facility (CUP 2004-001) consists of is a sixty (60)-foot high hose drying rack designed tower that is occupied by two (2) carriers (T-Mobile and Verizon).

As a public facility, the subject site is a preferred location as described in Section 9.77.180 of the Development Code. As a preferred location, the Code allows up to a fifty (50%) reduction in separation and setback requirements. The applicant is requesting the Commission to approve a ninety (90%) percent reduction to the required separation from residential uses and a ninety-five (95%) percent reduction to the required separation between wireless facilities.

B. **Site Analysis:**

The subject site contains a 9,100 square-foot fire station. There is existing paved parking, lighting and landscaping. The proposed tower will be sited to the rear of the fire station within an area secured with an existing wall and wrought iron fencing. The proposed tower location will not interfere with emergency vehicles or existing access to the fire station. The project requires one (1) parking space for a maintenance vehicle for periodic maintenance or repairs. Construction of the tower will require the removal of two (2) existing parking spaces; however, the existing parking area, which serves the fire department, has sufficient parking to accommodate the proposal.

The Code requires that the tower be setback a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line, and as a preferred location, the required setbacks may be reduced by fifty (50%) percent. This calculates to a twenty-two and one half (22.5)-foot (75% of 60 feet = 45 feet. 50% of 45 feet = 22.5 feet) from the adjoining property lines. As proposed, the project exceeds the minimum setback requirements.

The Code requires a minimum 1,000-foot separation to adjacent single-family residential, and as a preferred location, the required separation can be reduced by fifty (50%) percent. This calculates to 500 feet. The nearest residence is located approximately 101 feet to the west. The residential properties to the north, across Yucca Loma Road, are less than 300 feet from the proposed tower. The applicant is requesting a Deviation Permit to allow the encroachment into the required separation distance.

The Code requires a minimum 1,500-foot separation to an existing tower antenna, and as a preferred location, the required setback may be reduced by fifty (50) percent. This

calculates to 750 feet. The nearest existing tower is located on the same site, approximately ninety-five (95) feet away. Since the antenna is closer than 750 feet to an existing tower, the applicant is requesting a Deviation Permit to allow the encroachment into the required separation distance.

C. Deviation Permit:

The project includes a request for approval of a Deviation Permit to allow 655-foot encroachment into the required 750-foot separation distance between wireless telecommunication facilities. The applicant is also requesting approval to allow a 399-foot encroachment into the required 500-foot separation distance between wireless telecommunication facilities and single-family residences.

With the submittal of a Deviation Permit application, the Planning Commission may increase or modify standards relating to antenna height, setback, separation distance, security fencing or landscape screening if the goals of the Development Code would be better served by granting the requested deviation. Development Code Section 9.77.200 states that the applicant must provide supporting documentation of the identified need that cannot be met in any other manner. There must also be unique circumstances associated with the proposed location necessitating the requested deviation. The applicant should also demonstrate that there are no reasonable alternative sites available to provide the services offered to grant the waiver. The applicant has provided written justification for the deviations to the separation requirements, which is attached for Commission consideration (Attachment No. 2).

Given the site design of the fire station, the location appears most logical despite the encroachments into the required setback. With adherence to the 750-foot separation requirement, it would preclude the use of this preferred location for telecommunication. Essential any viable on-site location would result in an encroachment.

D. Architecture Analysis:

The ordinance encourages telecommunication facilities to be stealth in design, sited in the least visually obtrusive manner, either screened or disguised, mounted on a facade and located on the same property as, or adjacent to, structures with tall features or trees similar in height. The applicant is proposing to construct a wireless telecommunication facility within an adobe pueblo tower. The tower will be sixty (60) feet high with a twenty (20)-foot diameter base tapering to the top at fifteen (15) feet in diameter. The tower will contain faux windows that are actually small rectangular opens circling the tower in a diagonal fashion. The architecture of the tower is similar and blends well with the southwestern adobe architecture of the fire station by incorporating matching colors and materials.

E. Licensing & Future Reviews:

Wireless telecommunication proposals are governed by regulations of the Federal Communications Commission (FCC) and are required to transmit signals on frequencies that will not interfere with other electronic equipment (e.g., fire, police, emergency radio frequencies, etc.). The Telecommunications Act of 1996 determined that electromagnetic fields associated with wireless telecommunication facilities do not pose a health risk and are required to conform with the standards established by the American National Standard Institute (ANSI) for safe human exposure to electromagnetic fields

and radio frequencies. The applicant is conditioned to submit verification from ANSI by providing a copy of its FCC license agreement.

F. Environmental Assessment:

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review since the 315 square-foot project site is characterized as an in-fill site that is consistent with the General Plan and zoning district and the site has no value as habitat for any endangered species.

G. Noticing:

The project was legally noticed in the Apple Valley News on May 9, 2015. Staff notified all property owners within 1,500 feet of the site for this public hearing. At the time of the writing of the staff report, staff had not received any communications from neighbors regarding the proposed telecommunication facility.

H. Conditional Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make the following Findings:

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The proposed construction of a sixty (60)-foot high telecommunication facility complies with the Telecommunications Ordinance of the Development Code of the Town of Apple Valley, and the adopted General Plan, upon the review and approval of a Conditional Use Permit and Deviation Permit by the Planning Commission.

The Utilities Element of the General Plan Policy 1.H states "...cellular communication towers and other major utility facilities shall be designed and sited so that they result in minimal impacts to viewsheds and minimally pose environmental hazards." This project is compatible with the architecture of the fire station. As such, the visual impact will be minimized while expanding the telecommunication coverage within an area that is deficient in cellular coverage.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The antenna is completely concealed within the adobe pueblo tower and will be compatible with the site and adjacent uses, so as not to be easily recognized as an antenna. There are existing improvements to serve the proposed site, and the proposed installation of the telecommunications facility, with recommended

Conditions of Approval, is permitted, subject to approval of a Conditional Use Permit.

3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: The adobe pueblo tower design is compatible with the architectural style of the fire station. The visual impact will be minimal and expanding the telecommunication coverage within an area is deficient in cellular coverage is compatible with the surrounding government complex.

4. That there are public facilities, services and utilities available at the appropriate levels, or that these will be installed at the appropriate time, to serve the project as they are needed;

Comment: There are existing improvements to serve the proposed site.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The location, size, design (with aesthetics approved by the Planning Commission) and operating characteristics of the proposed telecommunications facility, and the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed wireless telecommunication facility is unmanned and, therefore, not anticipated to generate additional traffic.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed wireless telecommunication facility is unmanned and will be located behind an existing fire station. Minimal traffic will be generated from the project to adversely affect the surrounding area.

8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment since

the proposed wireless telecommunication facility is unmanned and will be located within the Townhall complex of buildings.

9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment since the proposed wireless telecommunication facility is unmanned and will be located within the Townhall complex of buildings.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The project, if approved, would be required to provide FCC (Federal Communications Commission) licensing which regulates electromagnetic fields and radio frequencies.

11. That the proposed conditional use will comply with all of the applicable provisions of this title;

Comment: The proposed telecommunications facility can be built in conformance to the Development Code, subject to approval of a Conditional Use Permit, Deviation Permit and adherence to the recommended Conditions of Approval.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The materials, textures and details of the proposed wireless facility will match the existing improvements to ensure compatibility with surrounding buildings.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The design of the wireless facility and its close proximity to the fire station and to an existing two (2)-story commercial building will help minimize the appearance of the tower. The proposal will not block public views.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures.

Comment: The design of a tower adjacent to and within proximity of a two (2)-story commercial building and the existing fire station will help minimize the appearance of the tower.

15. That access to the site and circulation on and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists.

Comment: The wireless telecommunications facility will be unmanned. The proposed improvements will not alter the function of the fire station.

I. Findings for Deviation:

As required under Section 9.77.200 of the Development Code, the Planning Commission may increase or modify any standard relating to setbacks and separation distance. Prior to approval of a Deviation Permit, the Planning Commission must make specific Findings. Below are the Findings with a comment to address each.

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner.

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. Although there is an existing tower on the site, it cannot be expanded to accommodate the necessary antennas to handle increases in wireless telecommunication.

2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations.

Comment: The fire station is a preferred location. Given the site design of fire station, the location appears most logical despite the encroachments into the required separation distances. With adherence to the 750-foot separation requirement between wireless facilities and the 500-foot separation from residential uses, it would preclude the use of this preferred location for telecommunication. Essential any viable on-site location would result in an encroachment.

3. That there are no reasonable alternative sites available to provide the services offered.

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. With adherence to the 750-foot separation requirement between wireless facilities and the 500-foot separation from residential uses, it would preclude the use of this preferred location for telecommunication.



4. That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general.

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. With adherence to the 750-foot separation requirement between wireless facilities and the 500-foot separation from residential uses, it would preclude the use of this preferred location for telecommunication. Essentially, any viable on-site location would result in an encroachment.

5. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

Comment: Given the site design of fire station, the location appears most logical despite the encroachments into the required separations. With adherence to the required separation distances, it would preclude the use of this preferred location for telecommunication. The location, size, design and operating characteristics of the proposed telecommunications facility, and the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

#### RECOMMENDATION:

Based upon the information contained within this report, the attached Initial Study, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Find that pursuant to the California environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2013-012 and Deviation Permit No. 2013-04.
3. Approve Conditional Use Permit No. 2013-012 and Deviation Permit No. 2013-04, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

**Prepared By:**

**Reviewed By:**

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Pam Cupp  
Associate Planner

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Lori Lamson  
Assistant Town Manager

**ATTACHMENTS:**

1. Recommended Conditions of Approval
2. Justification for Deviations
3. Site Plans
4. Elevation
5. Zoning Map
6. Photo-simulation and RF maps (see separate attachment)

## TOWN OF APPLE VALLEY

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### **RECOMMENDED CONDITIONS OF APPROVAL**

Case Nos. Conditional Use Permit No. 2013-012 & Deviation Permit No. 2013-04

**Please note:** *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

### **Planning Division Conditions of Approval**

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval to approve a specific use of land, if not established in conformance to any conditions applied, shall become void three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least 60 days prior to the void date. The Conditional Use Permit becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The applicant recognizes the approval of Conditional Use Permit No. 2013-012 and Deviation Permit No. 2013-04 by the Planning Commission as acknowledgment of Conditions of Approval, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The rendering(s) presented to, and approved by, the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and

- required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- P6. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief.
- P7. The applicant shall supply verification with the American National Standards Institute (ANSI) by providing a copy of its FCC license agreement prior to issuance of Certificate of Occupancy.
- P8. In the event the antenna(s) becomes obsolete and/or abandoned, the provider shall remove the antenna(s) and all related mechanical equipment and return the site to its original state, or an improved state, within 30 days of abandonment.
- P12. The color scheme for the tower shall incorporate matching vegas and the primary colors of the fire station.

#### **Building and Safety Division Conditions of Approval**

- B1. Prior to issuance of Building Permit, the applicant shall submit plans and engineering calculations for review and approval.
- B2. All utilities are required to be placed underground in compliance with Town Ordinance No. 89.
- B4. Page two (2) of the submitted building plans will be conditions of approval.
- B5. Construction must comply with 2013 California Building Codes and California Green Building Code.
- B6. Best Management Practices (BMPs) are required for the site during construction.

#### **Apple Valley Fire Protection District**

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.

California Public Resources Code, Sec. 4291

- FD4. Provide an N.F.P.A. 704 Placard indentifying the Hazardous Materials for the batteries.
- FD5. Provide (1) 2A10BC minimum rating fire extinguisher and serviced by a certified company.
- FD6. A Knox Box Rapid Entry System shall be required for the project.  
Apple Valley Fire Protection District Ordinance 52

**End of Conditions**



## Deviation Permit Findings

Proposed AT&T Mobility Wireless Facility  
ES0229 Apple Valley Fire Station  
19235 Yucca Loma Road, Apple Valley  
APN 3088-431-29

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner;

AT&T Mobility is seeking Deviations for two (2) of the required setbacks, Residential and Property Line as well as the separation distance between wireless facilities.

Residential—AT&T Mobility's site will be approx 108' East from the nearest residential use vs the 1000' listed in Table 9.77.130-A. As proposed, the site will be in the rear of the Fire Station/Community Center, in the center of the lot. This was as far away from the adjacent residential properties as possible due to the construct of a wireless facility and the Water District's access easement that runs along the East side of the Fire Station's property that AT&T cannot encroach on.

Existing Site (Separation from another wireless facility)—AT&T Mobility's site will be approx 90' from the closest existing site. Apple Valley requires a separation of 750 feet between wireless facilities. AT&T is requesting a deviation from the required 750-foot separation. When possible, AT&T considers co-locating, however due to the type of wireless facility existing on the property, a slim lime pole, AT&T would like to request their own wireless facility. The current wireless facility is a slim line pole which is a design that is limited in the amount of antennas it can accommodate. This is not optimal for the amount of antennas AT&T needs in this location. Although we could extend the height of the existing slim line pole, from 60' to 102', AT&T would not be able to get a full array of antennas on the pole. AT&T needs twelve (12) Eight (8) foot antennas in this location, and the slim line pole would not be able to accommodate this design. Instead, AT&T requests their own wireless facility on the subject property with all their antennas and equipment stealthed, minimizing the visual impact to the surrounding areas.

Alternative Locations--AT&T Mobility approached a number of property owners in the vicinity of the subject property in an effort to identify a suitable property upon which to develop a site that would meet the Apple Valley's Code requirements. AT&T Mobility did not proceed with any of these other properties for various reasons including unresponsiveness on behalf of the ownership, lack of interest or unsuitable property conditions.

Collocation Opportunities--AT&T Mobility also explored collocating onto the existing slim line pole wireless facility on the subject property. Collocating was infeasible due to several reasons. The existing site is approx 60' tall and has two (2) carriers already located on it. Due to this the available height for AT&T Mobility's antennas would be well below the height sought by the engineers; reduced height, results in a compromised site. Apple Valley's code allows for co-location facilities to have a height of 102', however, the existing site is a slim-line pole with flush-mounted antennas. The flush-



mounting antennas limit the amount of antennas to three (3) antennas per antenna location (rad center in Telecom-speak). AT&T's standard site has (12)-8' antennas and again here, sites with limited numbers of antennas do not operate efficiently. The ultimate outcome of an inefficient site is that the carrier will need another site close by to make up the difference operationally.

Based on this and based on the Propagation Maps supplied with this application, AT&T Mobility opines that sufficient supporting documentation has been supplied. In consideration of this and referencing the portion of the City's Code that specifies that the Planning Commission may reduce the **standard setback and wireless facility separation requirements**, AT&T Mobility respectfully requests that the Deviation Permits for Setbacks and Separation be approved.

2. **That there are unique circumstances associated with the proposed location necessitating the requested Deviations;**

The area is mixed in use and mixed in terms of development. To the North and West the properties are heavily residential and the development is dense. To the South and East there is Commercial Zoning, Public Facilities, a Specific Plan and lots of undeveloped land. The three (3) other developed, non-residential properties in the vicinity were also found to be too close to the existing site AND the existing residential uses. Based on this AT&T Mobility maintains that the subject property has the Unique Circumstance of being the best location for an AT&T Mobility site. The subject property is also a fire station, per the code, is a preferred wireless facility location.

3. **That there are no reasonable alternative sites available to provide the services offered;**

Please see the Alternative Location and Collocation discussions from above.

4. **That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general; and**

As proposed, the antennas for AT&T Mobility's site will be completely concealed by the faux observation tower. Once constructed, the public will not know it is a wireless facility unless they are familiar with the true nature of the site. Most will believe it is a design feature for the property which is already in excellent condition. Based on this AT&T Mobility concludes that the proposed site will have no adverse impacts on the property, the surrounding area or the community in general.

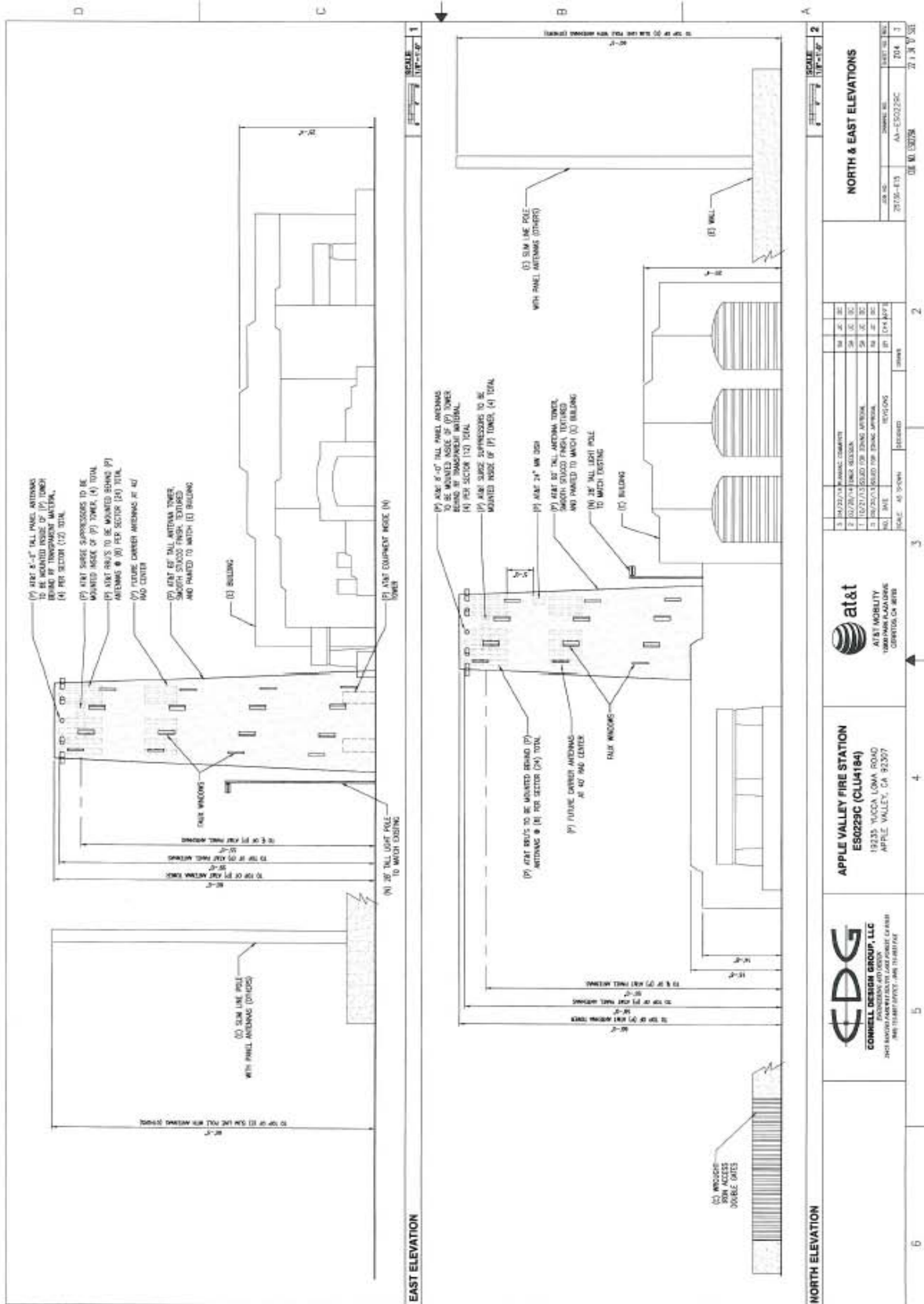
5. **That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use districts in which the property is located.**

See above.











*Conditional Use Permit No. 2013-012 and  
Deviation Permit No. 2013-04  
May 21, 2014 Planning Commission Meeting*