



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Master

File Number: 24-783

File ID: 24-783

Agenda Public Hearing Item

Status: Agenda Ready

Section:

Version: 1

Agenda

In Control: Planning

Section:

Commission

File Created: 08/05/2024

Subject:

Final Action: 09/18/2024

Title: **SUBJECT:** Conditional Use Permit #1277, initiated by AT&T Mobility, on behalf of The Church of the Nazarene of Merced, California, property owner. This application involves a request to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue, generally located at the northeast corner of E. Olive Avenue and Parsons Avenue, with a General Plan designation of Low Density Residential (LD), and a Zoning classification of (R-1-6)
PUBLIC HEARING

ACTION: Approve/Disapprove/Modify
1) Environmental Review #24-10 (*Categorical Exemption*)
2) Conditional Use Permit #1277

SUMMARY

AT&T Mobility is requesting approval to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue (Attachment D) within a Low Density Residential (R-1-6) Zone. The project is located at the northeast corner of E. Olive Avenue and Parsons Avenue within a developed lot occupied by the Bear Creek Community Church of the Nazarene. Per Merced Municipal Code Land Use Table 20.58-2 - Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review is required for stealth facilities within an R-1 Zone that are over 140% of the maximum height allowed within this zone. However, as described in the background section of this report, because the Site Plan Review Committee is referring this request to the Planning Commission, the land use permit required is now a conditional use permit. On July 3, 2024, the Planning Commission considered this matter and voted to continue the public hearing to August 7, 2024. On August 7, 2024, the Planning Commission considered this matter and continued the public hearing to the Planning Commission meeting of September 18, 2024. Staff is recommending approval of this application subject to the conditions contained in the Staff Report. Staff is

recommending approval of this application subject to the conditions contained in the Staff Report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #24-10 (*Categorical Exemption*), and Conditional Use Permit #1277, including the adoption of the Draft Resolution at Attachment A, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Internal Notes:

Sponsors:

Enactment Date:

Attachments: ATT A - #4137 CUP #1277.pdf, ATT B - Location Map.pdf, ATT C - Overall Site Plan.3.26.24.pdf, ATT D - Elevations .pdf, ATT E - AT&T Photo Sims.Updated.4.15.2024.pdf, ATT F - AT&T Coverage Map 3 miles.pdf, ATT G - Radio Frequency emission compliance report.pdf, ATT H - Alternative Site Analysis.pdf, ATT I - Draft SP #544 - 1717 E Olive Ave (Monopine wireless).pdf, ATT J - Public Comments.pdf, ATT K - Public Hearing Notice Map for CUP #1277.pdf, ATT L - Cat Ex-CUP 1277 (ERC 24-10).pdf, ATT M - Presentation.pdf

Enactment Number:

Recommendation:

Hearing Date:

Entered by:

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	09/18/2024	denied				Pass
<p>Action Text: A motion was made by Member Ochoa, seconded by Member Greggains and carried by the following vote, to deny Conditional Use Permit #1277, per the Finding that Conditional Use Permit #1277 does not meet the City of Merced Municipal Code Chapter 20.68's requirements regarding Wireless Communication Facilities as stated in Staff Report #24-783, Wireless Communication Facilities Findings, Finding K (RESOLUTION #4137).</p> <p>Notes: Development Services Technician II LEE reviewed the report on this item. For further information, refer to Staff Report #24-783.</p> <p>Public Testimony was opened at 6:15 PM.</p> <p>Staff received 2 voicemails from JASON VERRINDER and SHERRI JURGENS and 1 email from JASON VERRINDER. The emails and voicemails were provided to the Planning Commission via email prior to the meeting and posted on the City's website. Staff also received a petition with approximately 100 signatures.</p>							

Speakers from the Audience in Opposition

BRYANT RODRIGUEZ, Resident, Merced, CA

SHERYL WIGHT, Resident, Merced, CA

MARIA RODRIGUEZ, Resident, Merced, CA

LOLA O'BRIEN, Resident, Merced, CA

MICHAEL O'BRIEN, Resident, Merced, CA

JASON VERRINDER, Resident, Merced, CA

MARGARITO SANCHEZ, Resident, Merced, CA

AMY VERRINDER, Resident, Merced, CA

GARY HODNETT, Resident, Merced, CA

SHERRI JURGENS, Resident, Merced, CA

Speaker from the Audience in Favor

CARL JONES, Applicant, AT&T

Public Testimony was closed at 6:52 PM

Aye: 5 Harris, Pao Thao, Smith, Ochoa, and Greggains

No: 0

Absent: 2 Delgadillo, and Gonzalez
