

Condition Use Permit #1277

Submitted by AT&T Mobility
55-foot-tall stealth mono-pine
1717 E. Olive Avenue



ATTACHMENT M

Presentation

- Background
- Relevant Land Use Policies
- Location Map
- Site Plan & Elevations



Background

- Project originally went to the Site Plan Review Meeting on 4/25/2024.
- Due to interface review a Public Hearing was held; where 15 speakers spoke against this project.
- Due to community interest, the Site Plan Review Committee voted to refer this item to the Planning Commission (per MMC 20.68.050C2)



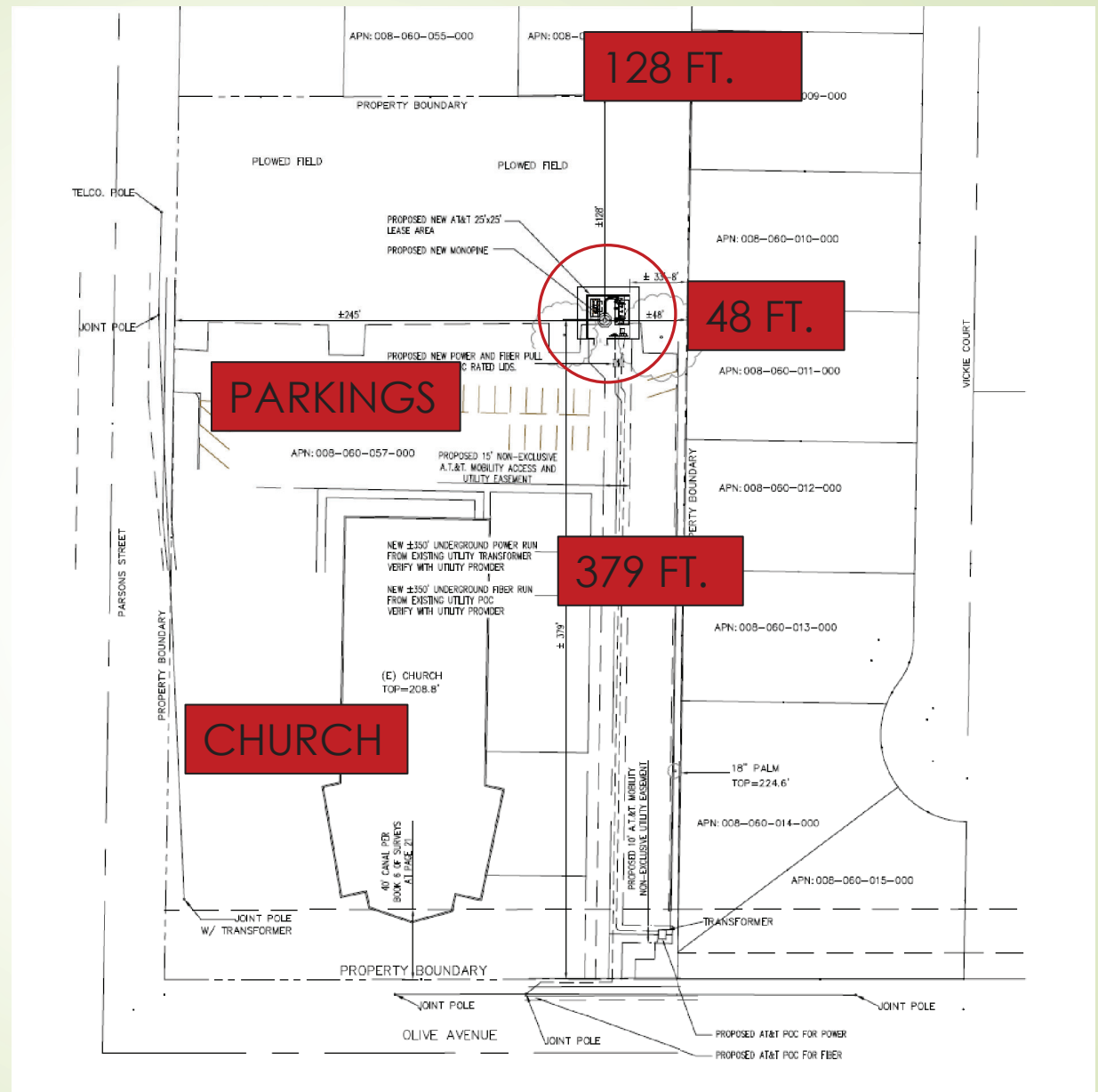
Relevant Land Use Policies:

- The project complies with the General Plan designation of Low Density Residential and Zoning classification of (R-1-6).
- The maximum height of a structure allowed within the R-1-6 Zone is 35-feet. The Municipal Code (MMC 20.58.2) allows a Stealth Wireless Communication Facility and Antenna over 140% of height limit with the approval of a land use permit.
- Stealth facilities are intended to blend-in with the surrounding environment. Some examples include wireless towers disguised as trees or flagpoles.
- The communication tower would not block any of the scenic corridors identified in the General Plan (Policy OS-1.3.B)

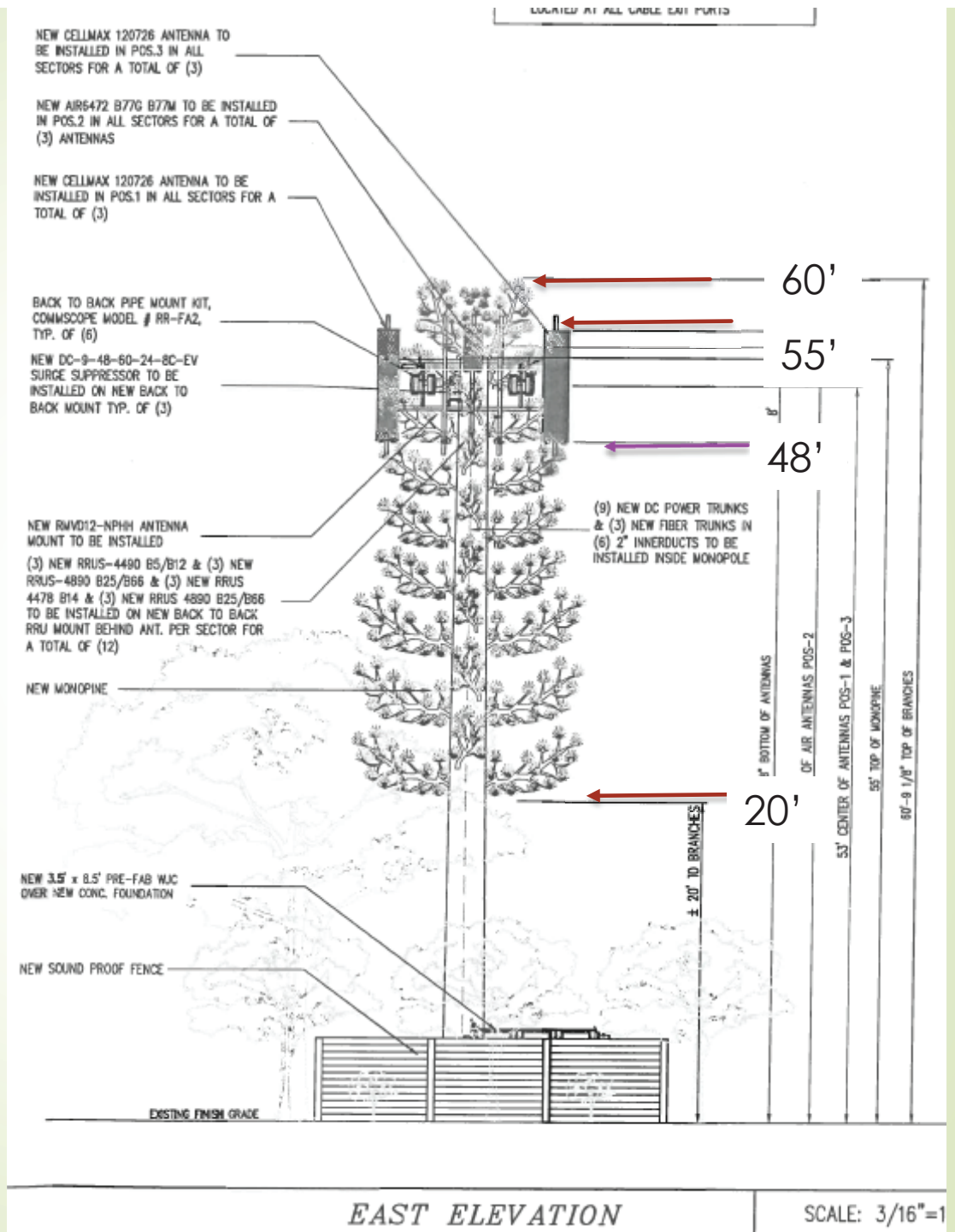


SITE PLAN

- Proposed Tower to be located on ground level, on the northeast quadrant of the subject site
- Tower Equipment to be located inside a 6-foot-tall sound-proof fence.



- Stealth Mono-pine Tower Design
- Height of structure is 55ft.
- Antennas shall be painted green to blend in (Condition #13).
- Ancillary cabinet ground equipment. Will be enclosed by a 6-foot-tall sound-proof fence.



Proposed



View from E.
Olive Ave.

Existing



Proposed



View from
Parsons Ave.

Existing



Proposed



View from
Evette Ct.

Existing



Proposed



View from
Kimberly Ave.

Existing



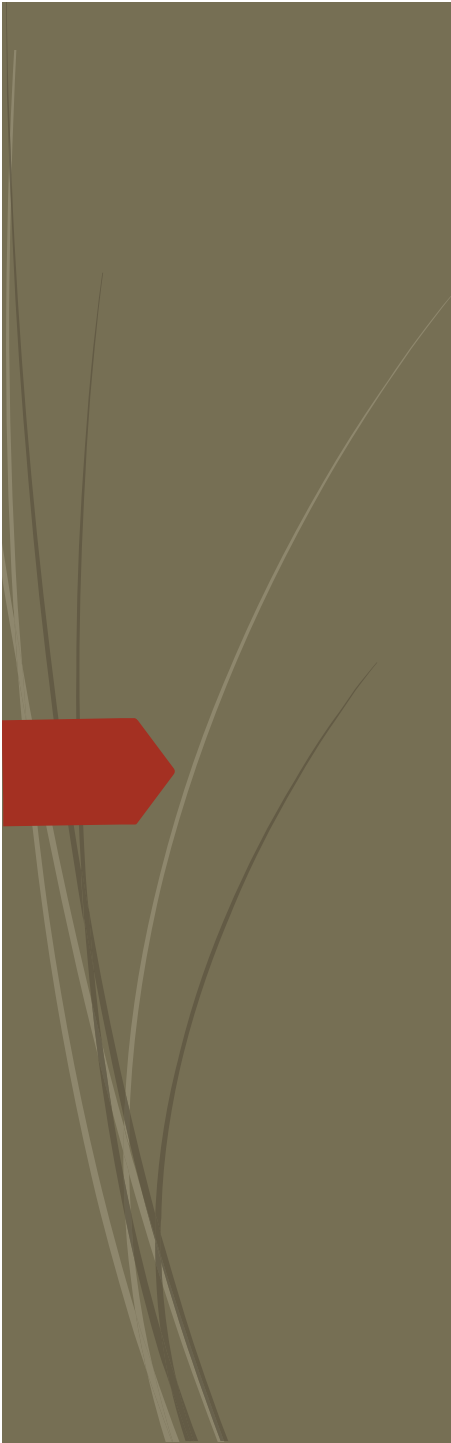
Proposed



View from
Teak Ave.

Existing





Conditions Related to Design Standards

- Maximum height of equipment shall not exceed 55 feet.
- The lowest branch shall be a maximum of 20' above the ground.
- Maximum 18" between branches.
- No steps, ladders, or pegs protruding from the side of the tower.
- The color shall be consistent with a Pine tree (i.e., green leaves, brown trunk).
- Applicant shall provide an Engineer's report certifying the Radio Frequency Radiation (RFR) measurements meet Federal Communication Commission (FCC) standards.
- A frequency/inter-modulation study shall be provided and approved by the Police and Fire Departments.



Findings

- The project site complies with the General Plan designation of Low Density Residential (LD), and the zoning classification of Low Density Residential (R-1-6) with approval of this conditional use permit. Per Merced Municipal Code Land Use Table 20.58-2 – Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review permit is required for stealth facilities within an R-1-6 Zone that are over 140% of the maximum height allowed within this zone. However, 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.



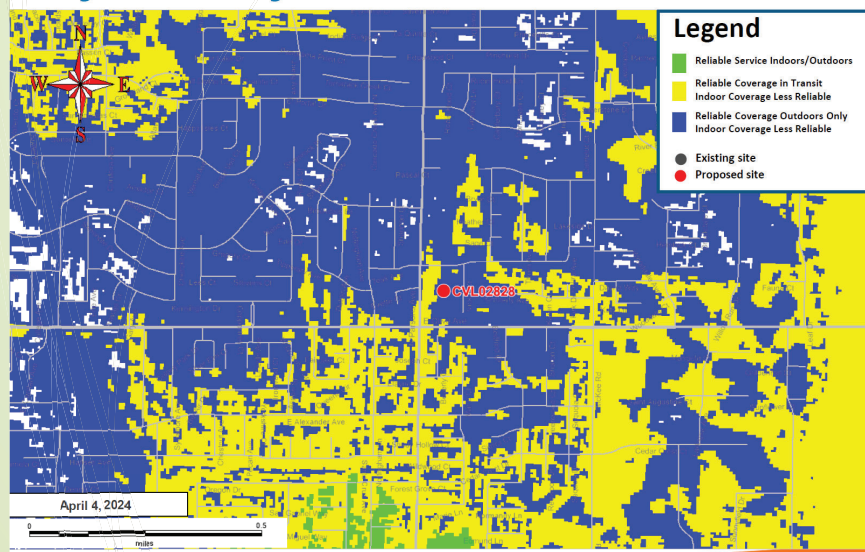
Findings

- According to Section 332 (C) (7) of the Federal Telecommunication Act, local governments may not (1) prohibit or effectively prohibit personal wireless service (2) unreasonably discriminate among providers of functionally equivalent service providers, (3) regulate personal wireless service facilities based on the environmental effects from radio frequency emission to the extent such emission meets FCC Guidelines.
- In addition, the radio frequency emission of the proposed cell tower will meet FCC guidelines (Attachment G of Planning Commission Staff Report #24-552).

Reason for Request

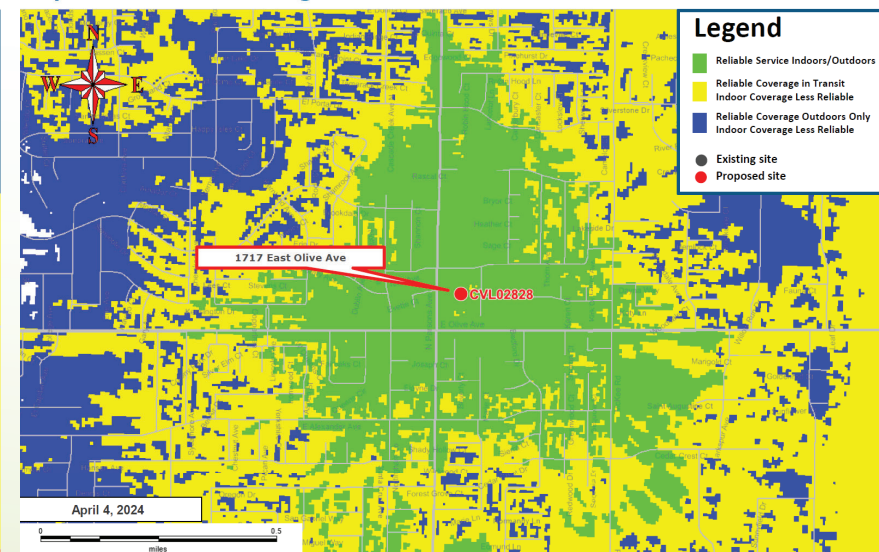
- ▶ The communication tower will be used by AT&T Mobility to improve local LTE coverage for the area and FirstNet (Federal Responder Network Authority).

Existing LTE 700 Coverage



EXISTING

Proposed LTE 700 Coverage – 1717 East Olive Ave @ RC = 53 ft



PROPOSED



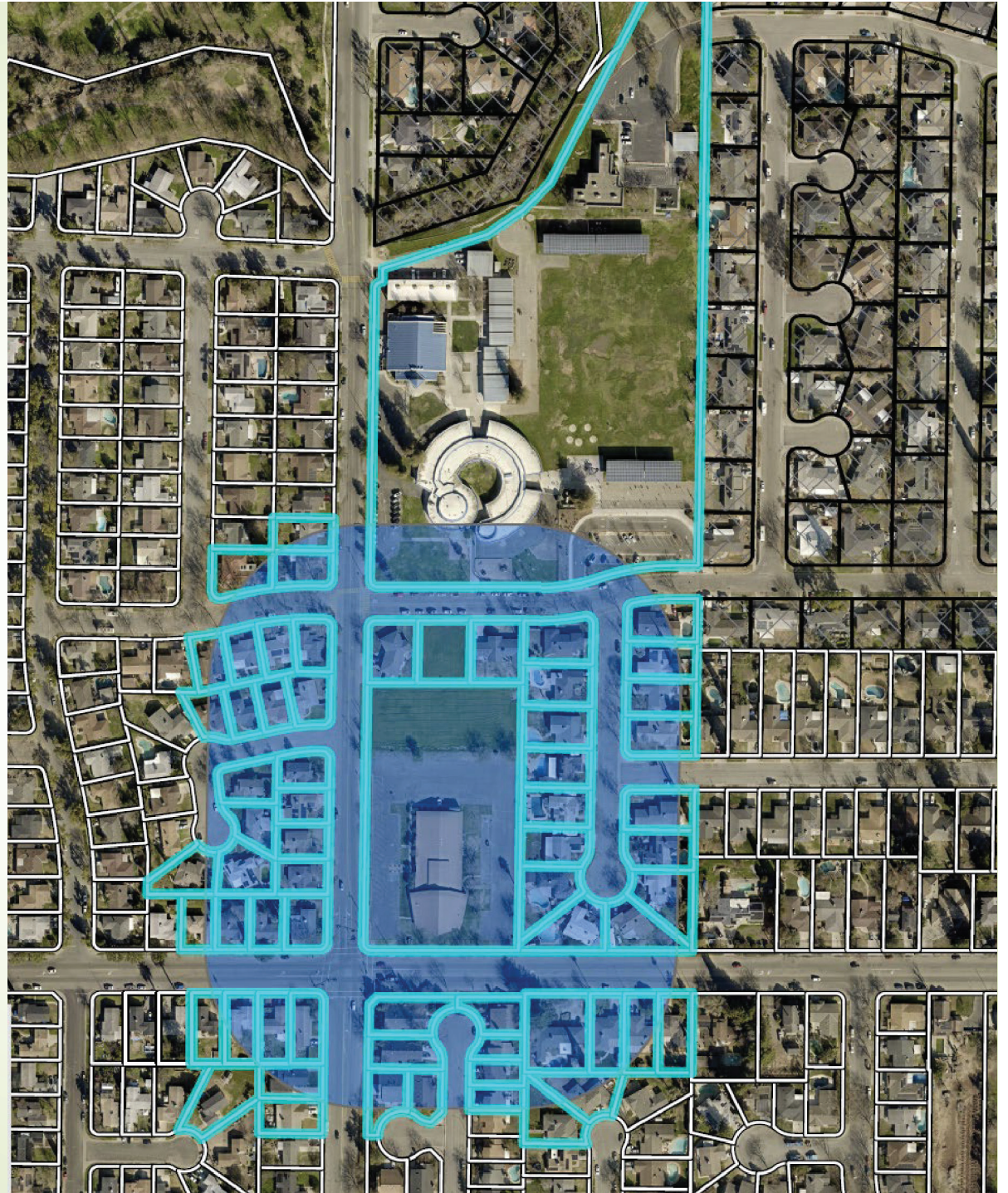
Other Stealth Towers Approved

Stealth Towers Approved

- Behind the Fire Station on Loughborough Drive (85 Ft. Tall).
- Behind In-Shape on G Street (85 Ft. Tall).
- Behind the Food Bank on Olive Avenue (90 Ft. Tall).
- Next to Simply Space on Yosemite Avenue (75 Ft. Tall).

Public Hearing Notice

- ▶ A public hearing notice was mailed out to property owners within the 300-foot radius of the subject site including 15 residents that spoke at the Site Plan Review meeting of 4/25/2024.





Public Comments

- Site Plan Review – Staff received 15 emails, and 9 voicemails in opposition, and 1 email in support of the project. At the meeting, there were 15 speakers in opposition to the project.
- Planning Commission – Staff has not received any public comments as of today 6/13/2024.



Conditions

- **Condition #8** At the time of building permit submittal, the applicant shall provide certification by a Radio Frequency Engineer, stating the RFR measurements and that they meet FCC radio frequency radiation standards.
- **Condition #9** The applicant shall work with the Merced Regional Airport and comply with all of their requirements for this type of structure and obtain all proper permits. Said requirements may include, but are not limited to, obtaining approval from the Airport Land Use Commission, or showing proof of submitting an FAA Form 7460-1 to the FAA.
- **Condition #10** The maximum overall height of the “Mono-Pine” stealth facility shall not exceed 55 feet. Antennas mounted to the stealth facility shall not be mounted higher than 60 feet in height.
- **Condition #13** The color of the Mono-Pine shall match that of a real pine tree. These colors tend to be green (leaves) and brown (bark) and shall be consistently maintained. The antennas and any mounting equipment shall be painted to match the colors of the “tree.”
- **Condition #21** Any noise generated by the facility from the equipment or the tower shall be kept to a minimum, so as not to cause a nuisance to the neighborhood.



Planning Commission Action

- Approve/Disapprove/Modify
- Environmental Review #24-10
- Conditional Use Permit #1277