



Legislation Details (With Text)

File #: 24-552 **Version:** 1 **Name:**
Type: Public Hearing Item **Status:** Agenda Ready
File created: 5/28/2024 **In control:** Planning Commission
On agenda: 7/3/2024 **Final action:**
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. 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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ATT A - #4137 CUP #1277.pdf, 2. ATT B - Location Map.pdf, 3. ATT C - Overall Site Plan.3.26.24.pdf, 4. ATT D - Elevations .pdf, 5. ATT E - AT&T Photo Sims.Updated.4.15.2024.pdf, 6. ATT F - AT&T Coverage Map 3 miles.pdf, 7. ATT G - Radio Frequency emission compliance report.pdf, 8. ATT H - Alternative Site Analysis.pdf, 9. ATT I - Draft SP #544 - 1717 E Olive Ave (Monopine wireless).pdf, 10. ATT J - Public Comments.pdf, 11. ATT K - Public Hearing Notice Map for CUP #1277.pdf, 12. ATT L - Cat Ex-CUP 1277 (ERC 24-10).pdf, 13. ATT M - Presentation.pdf

Date	Ver.	Action By	Action	Result
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Planning Commission Staff Report

Report Prepared by: Jessie Lee, Development Services Technician II

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ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #24-10 (*Categorical Exemption*)
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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. 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.

DISCUSSION

Project Description

The applicant is requesting to construct a mono-pine wireless communication facility at 1717 E. Olive Avenue, behind the Bear Creek Community Church of Nazarene. The proposed facility would include a 55-foot-tall mono-pine tower along with the necessary ancillary cabinet ground equipment enclosed by a 6-foot-tall sound-proof fence. The mono-pine tower would be located on the northern portion of the parcel. An ancillary cabinet ground enclosed by a 6-foot-tall sound-proof fence. The proposed mono-pole would be 55 feet with the branches of the mono-pine extending up to a height of 60 feet. The antennas on the pole would be mounted at a maximum height of 48 feet. According to the applicant, the height is necessary to provide coverage to service the area. The mono-pine would be designed to blend in with the surrounding trees.

Surrounding uses as noted in Attachment B.

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Single-Family Residential	Low Density Residential (R-1-6)	Low Density Residential (LD)
South	Single-Family Residential (across E. Olive Avenue)	Residential Planned Development (RPD) #19	Low to Medium Density Residential (LMD)
East	Single-Family Residential	Low Density Residential (R-1-6)	Low Density Residential (LD)
West	Single-Family Residential (across Parsons Avenue)	Low Density Residential (R-1-6)	Low Density Residential (LD)

Background

The property is zoned Low Density Residential (R-1-6) and currently has a Church located on the southern portion of the subject site.

The existing Church located on the project site was originally approved and constructed in 1974. The site has historically been used for Church services, Sunday School, Day Care Center, and Church related activities.

The initial application for the stealth mono-pine telecommunication tower came in as Site Plan Review Application #544 and was heard at the Site Plan Review Committee Meeting of 4/25/2024. A public hearing notice was posted in Merced County Times and mailed to immediately adjacent property owners as required by MMC 20.68.050(E). Staff received 15 emails, and 9 voicemails in opposition, and 1 email in support of the project. During the site plan review public hearing, there were 15 speakers from the audience in opposition, of the project. The Site Plan Review Committee vote to refer Environmental Review #24-10 and Site Plan Review #544 to the Planning Commission for final review and decision per MMC 20.68.050 (C)(2).

Findings/Considerations

Please refer to Exhibit B of the Draft Planning Commission Resolution at Attachment A.

ATTACHMENTS

- A. Draft Planning Commission Resolution
- B. Location Map
- C. Overall Site Plan
- D. Elevation
- E. AT&T Photo Simulation
- F. AT&T Coverage Map - 3 Miles Radius
- G. Radio Frequency Emission Compliance Report
- H. Alternative Sites Analysis
- I. Draft Site Plan Resolution
- J. Public Comments from Site Plan Review Meeting
- K. Public Hearing Notice Map for CUP #1277
- L. Categorical Exemption

M. Presentation