

## **CITY OF CARMEL-BY-THE-SEA**

### **DEPARTMENT OF COMMUNITY PLANNING AND BUILDING**

#### **Findings for Decision**

DR 19-129 7 UP 19-130 (Verizon Wireless)  
San Antonio 1 NW of 10<sup>th</sup> Ave (Site 1)  
San Antonio 3 SE of 13<sup>th</sup> Ave (Site 2)  
10<sup>th</sup> Ave 1 NW of Dolores (Site 3)  
Lincoln 3 NE of 12<sup>th</sup> Ave (Site 4)  
Mission 2 SW of 12<sup>th</sup> Ave (Site 5)

#### **PROJECT DESCRIPTION**

Consideration of a Use Permit (19-130) and Design Review (DR 19-129) for the installation, operation and maintenance of five, wireless communications facilities on existing or replacement PG&E utility poles located within the public right-of-way of the Single-Family Residential (R-1) Zoning District, at the following general locations: San Antonio 1 NW of 10<sup>th</sup> Avenue; San Antonio 3 SE of 13<sup>th</sup> Avenue; 10<sup>th</sup> Street 1 NW of Dolores; Lincoln 3 NE of 12<sup>th</sup> Avenue; and, Mission 2 SW of 12<sup>th</sup> Avenue.

#### **FINDINGS OF FACT:**

1. The project sites are located within the public right-of-way in the R-1 Zoning District at the following five locations: San Antonio 1 NW of 10<sup>th</sup> Ave (Site 1); San Antonio 3 SE of 13<sup>th</sup> Ave (Site 2); 10<sup>th</sup> Ave 1 NW of Dolores (Site 3); Lincoln 3 NE of 12<sup>th</sup> Ave (Site 4); and, Mission 2 SW of 12<sup>th</sup> Ave (Site 5). Each location contains an existing wooden utility pole owned by PG&E.
2. On March 27, 2019, Use Permit and Design Review applications were submitted to install, operate and maintain five, wireless communications facilities. Each facility would contain one, 4' tall antenna mounted to the top of the utility pole and one, 6' tall equipment shroud mounted 9' above grade for the remote radio units (RRU's), power supply and other associated equipment. A disconnect switch and pole meter would also be mounted to the utility pole below the equipment shroud. The antenna, associated equipment and all attachments would be painted a matte brown color.
3. Pursuant to CMC Section 17.46.010 (Purpose), the purpose of the Telecommunications and Wireless Facilities Ordinance is to establish comprehensive requirements and development standards for the siting, design, construction, maintenance and monitoring of wireless communications facilities in Carmel-By-The-Sea. Additionally, the regulations are designed to promote public health, safety and community welfare; preserve the natural resources and scenic quality of Carmel-By-The-Sea; and, protect the health and character of the City's residential neighborhoods while encouraging

managed development of telecommunications infrastructure and services throughout the City.

4. Pursuant to 17.46.020 (General Development Standards), wireless communications facilities are required to obtain a Use Permit and Design Review approval from the Planning Commission.
5. The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15270 (Projects Which Are Disapproved) of the California Environmental Quality Act (CEQA), CEQA does not apply to projects which a public agency rejects or disapproves.

#### **FINDINGS FOR CONDITIONAL USE PERMIT APPROVAL (CMC 17.64.010.A)**

1. *That the proposed use will not be in conflict with the City's General Plan.*

The project does not comply with applicable provisions of the municipal code, as further described below, and therefore is in conflict with the General Plan.

2. *That the proposed use will comply with all zoning standards applicable to the use and zoning district.*

The proposed use does not comply with the zoning standards set forth in Chapter 17.46 which prohibits wireless communication facilities in the R-1 zoning district and discourages such facilities in the public right-of-way. The size of the equipment area would add unreasonable visual clutter to the utility pole at a height readily visible to the public and adjacent private residences. Additionally, Sites 1 and 2 are located within the Beach & Riparian Overlay District and the Coastal Commission Appeal Jurisdiction which is an area of high scenic quality.

3. *That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.*

The granting of the use permit is likely to set a precedent for additional wireless facilities to be placed in the public right-of-way in the R-1 district. The incremental effect of multiple facilities on a single pole or the addition of new poles in the public right-of-way would be detrimental to the aesthetics of the R-1 zoning district.

4. *That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.*

The project would not make excessive demands on public services.

5. *That the proposed use will not be injurious to public health, safety or welfare.*

The applicant submitted documentation from Hammett & Edison, Inc concluding that the project complies with FCC guidelines; however, staff finds that the RF analysis is not based on proper assumptions and therefore compliance with FCC RF emissions standards has not been adequately demonstrated.

6. *That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.*

The project would not be compatible with surrounding land uses and would conflict with the purpose established for the R-1 zoning district because, a) the proposed facilities would be 16'-26' taller than the maximum structure height of 24' in the R-1 district; b) the size and location of the equipment area, and the orientation towards private residences is incompatible with the residential village character of the neighborhood; and, c) the proposed parking bollards would create a permanent obstruction in the public right-of-way which is generally prohibited.

7. *That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.*

The applicant submitted documentation from Hammett & Edison, Inc concluding that the project complies with FCC guidelines; however, staff finds that the RF analysis is not based on proper assumptions and therefore compliance with FCC RF emissions standards has not been adequately demonstrated.

#### **FINDINGS FOR DESIGN REVIEW APPROVAL (CMC 17.58.060.B):**

1. *The proposed project conforms to the applicable policies of the General Plan and the Local Coastal Program.*

The project does not comply with applicable provisions of the municipal code and therefore is in conflict with the General Plan.

2. *The project complies with all applicable provisions of Title 17.*

The project does not comply with applicable provisions of Title 17 which prohibits wireless facilities in the R-1 zoning district and discourages them in the public right-of-

way. Additionally, the proposed equipment area creates visual clutter and unreasonably diminishes public and private views.

3. *The project is consistent with applicable Design Guidelines.*

The project is not consistent with applicable design guidelines which state that equipment should be located inside existing buildings or underground. Additionally, the R-1 zoning district limits the heights of residential structures to 24' and the proposed height increases to the poles would exceed this maximum by 16' to 26' making the project significantly out of scale with the neighborhood context.