

RESOLUTION NO. PC 13-03

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ
MAKING FINDINGS FOR THE APPROVAL OF USE PERMIT AND DESIGN REVIEW
APPLICATION, FOR A SINGLE MULTI-CARRIER TELECOMMUNICATIONS TOWER
AND EQUIPMENT TO BE LOCATED ADJACENT TO HARBOR VIEW RESERVOIR
WATER TANK IN A LEASED AREA AT HARBOR VIEW RESERVOIR,
AT HARBOR VIEW DRIVE (APN 376-010-005)**

WHEREAS, the City of Martinez received a request for a Use Permit and Design Review from AT&T Wireless to allow construction of a new co-located wireless telecommunication monopole in a leased area adjacent (to the west) of the Harbor View Water Tank ("Project") at Harbor View Reservoir/Harbor View Drive, identified as APN 376-010-005 ("Project Lot", "Project site" or "site"), within the City of Martinez; and

WHEREAS, the policies applicable to the project site are set forth in the General Plan with the land use designation of Residential, 0-6 units per acre; and

WHEREAS, the zoning applicable to the site is Residential: R-3.5 (Family Residential: 4,000 sq. ft. minimum lot area) as set forth in the Martinez Municipal Code, at Title 22-Zoning, and Chapter 22.12-Residential Districts (Zoning Ordinance) which allows for wireless telecommunication facilities with a conditional use permit and design review permit; and

WHEREAS, Chapter 22.39 Wireless Telecommunications Facilities - Section 22.39.050(3) requires Use Permit and Design Review approval by the Planning Commission to permit a wireless telecommunication facility; and

WHEREAS, an Initial Study/Mitigated Negative Declaration was completed and adopted (February 2008) and a Notice of Determination was filed on April 15, 2008; and

WHEREAS, the Planning Commission of the City of Martinez held a duly noticed public hearing on December 10, 2013, and considered public testimony on the matter and all other substantial evidence in the record; and

WHEREAS, the Planning Commission as part of its public hearing imposed certain Conditions of Approval on the Project for the Use Permit and Design Review which are required for the Project and incorporated into this Resolution; and

NOW, THEREFORE, the Planning Commission of the City of Martinez resolves as follows:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based.

2. In order to approve the Use Permit application, the Planning Commission must make the following findings (in bold below), which it hereby does:
 - (a) **The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.** The proposed wireless telecommunication facility is appropriate for the residential project site because there is an existing T-Mobile facility and temporary antenna facilities immediately adjacent to the reservoir operating at the site. The monopole will promote co-location of wireless telecommunication facilities to condense the number of sites and reduce the need for additional facilities in the future.
 - (b) **The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.** The Project will be a co-located facility, which is promoted by the “Wireless Telecommunications Facilities” ordinance (MMC Chapter 22.39), to reduce the amount of wireless facility sites in the City. Also, in order to be located in a residential area, AT&T and T-Mobile Wireless has demonstrated that no other feasible alternative site exists. The proposed facility is a replacement facility that currently operates but must be replaced as part of the reconstruction of the Harbor View Reservoir. The equipment for the wireless telecommunication facility will be fenced and secured. The equipment will make minimal noise and will require minimal maintenance, not significantly increasing traffic activity at the site. Thus, the Project as proposed will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
 - (c) **The proposed conditional use will comply with each of the applicable provisions of this title.** The Project complies with each of the applicable provisions of Title 22-Zoning of the Martinez Municipal Code, including the standards and criteria for telecommunication facilities. In addition, the project meets the Federal Communications Commission (FCC) requirements for levels of Radio Frequency Radiation.
3. In order to approve the Design Review application, the Planning Commission must make the following findings (in bold below), which it hereby does.
 - a) **Complying with all other applicable provisions of the Martinez Municipal Code involving the physical development of buildings, structures and property, including use restrictions.** The proposed wireless telecommunication facility complies with all other applicable provisions of the Martinez Municipal Code and is also consistent with the design review criteria and standards.

- (b) **Provides desirable surroundings for occupants as well as for neighbors. Emphasis is placed upon exterior design with regard to height, bulk, and area openings; breaks in the facade facing on a public or private street; line and pitch of the roof; and arrangement of structures on the parcel.** The Project would be a co-located facility, which is promoted by the “Wireless Telecommunications Facilities” ordinance (MMC Chapter 22.39) to reduce the amount of wireless facility sites in the City. Also, in order to be located in a residential area, AT&T and T-Mobile Wireless have demonstrated that no other feasible alternative site exists. The equipment will comply with all FCC regulations and will be serviced as needed, which will not have a significant impact on traffic and activity at the site. The telecommunication site will only create a negligible amount of noise and will give off no fumes or odors.
- (c) **Has a harmonious relationship with existing and proposed neighboring developments avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted.** The Project will fit in with the site since it is similar to the other wireless facility currently at the site. In addition, the proposed wireless facility will not exceed noise levels as required by the City’s Noise Ordinance and will be in compliance with all FCC radio frequency regulations.
- (d) **Uses a limited palette of exterior colors; those colors must be harmonious and architecturally compatible with their surrounding environment.** AT&T and T-Mobile Wireless equipment is minimally visible; the applicant if necessary will paint the structure to blend in more closely with the trees and vegetation in the area. The chain link fence surrounding the equipment enclosure will be painted to blend in with the base and footprint of the monopole and water tank.
- (e) **Uses a limited number of materials on the exterior face of the building or structure. In addition, all interior surfaces normally visible from public property shall be finished.** A limited number of exterior materials will be used since AT&T and T-Mobile Wireless will use materials that are similar to and blend in with existing trees, vegetation, and monopole.
- (f) **Has exterior lighting appropriately designed with respect to convenience, safety, and effect on occupants as well as neighbors.** This standard is not applicable to the Project since no exterior lighting is proposed.
- (g) **Effectively concealing work areas, both inside and outside of buildings, in the case of non-residential facilities.** The equipment cabinets will be concealed with a chain link fence at the towers base.
- (h) **Under grounding all utility boxes unless it can be shown that they can**

be effectively screened from the view of the general public. The utility boxes in the equipment enclosure will be screened from view and enclosed by a chain link fence. In addition, the Harbor View Reservoir will block any visibility of the ground equipment boxes since it is located to the west behind the Reservoir.

- (i) **Designing the type and location of planting with respect to the preservation of specimen and landmark trees, water conservation as set forth in Chapter 22.35, and maintenance of all planting.** Trees and landscaping will be preserved when possible during construction of the Reservoir. Landscaping will be replaced and specimen trees will be preserved. Trees buffering the residential neighborhoods will be preserved and will screen the monopole and antennas. In addition, the antennas on the monopole will be located to the west of the Reservoir and will not be visible from Pine Street the residential neighborhood to the east.
- (j) **Establishing a circulation pattern, parking layout and points of ingress and egress (both vehicular and pedestrian), designed to maximize pedestrian safety and convenience and to minimize traffic congestion resulting from the impediment of vehicular movement. When applicable, access for handicapped individuals should be considered.** This standard is not applicable to the Project.
- (k) **Ensuring that all signs be designed so that they are in scale with the subject development, and will not create a traffic hazard. Emphasis is placed upon the identification of the use or building rather than the advertising of same.** This standard is not applicable to the Project.
- (l) **Substantially preserves views from nearby properties where this can be done without severe or undue restrictions on the use of the site, balancing the property rights of the applicant and the affected property owner(s).** The antennas and monopole will be screened by its location; however it will be visible from Harbor View Drive. Painting of the structure after installation to more appropriately match the existing vegetation will aid in the preservation of views. There are currently antennas at the site and visible from Harbor View Driveway, the proposed antennas are located further from the right of way and is less visible.

NOW, BE IT FURTHER RESOLVED that based on the information contained in the entire administrative record and the findings set forth above, the Planning Commission of the City of Martinez hereby approves Use Permit and Design Review application, subject to the Conditions of Approval, incorporated herein by reference.

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I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a Regular Meeting of said Commission held on the 10th day of December, 2013, by the following vote:

AYES:

NOES:

ABSTAINED:

BY: _____
Dina Tasini
Contract Planner/Clerk Pro Tem