

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



AGENDA NO.
21.3
(MT 26383)

MEETING DATE:
Tuesday, November 5, 2024

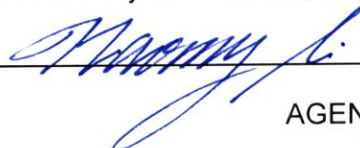
10:00 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding the Public Hearing on Plot Plan Wireless No. 220007 – Categorically Exempt (Section 15303 - Class 3 - New Construction or Conversion of Small Structures) – Applicant: Smart Link Group, LLC – Engineer/Representative: Tyne Allaman – Fifth Supervisorial District – Cherry Valley Zoning District – The Pass Area Plan – (General Plan) Land Use: Community Development: Light Industrial (CD:LI) – Zoning: M-M (Manufacturing - Medium) – APN: 402-130-009 – Location: North of High Street, east of Winesap Avenue, west of Bellflower Avenue, and south of Dutton Street, specifically 40590 High Street - REQUEST: Appeal of the January 22, 2024 Director's Hearing approval decision for the construction of a new, 70-foot tall disguised wireless communication facility and accompanying ground-mounted accessory equipment, including cabinets, and a backup generator, along with new landscaping and security enclosure, District 5, is continued off calendar.

On motion of Supervisor Gutierrez, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued off calendar.

Roll Call:
Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on November 5, 2024 of Supervisors Minutes.

(seal) WITNESS my hand and the seal of the Board of Supervisors
Dated: November 5, 2024
Kimberly R. Rector, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.
21.3

xc: Planning, COB

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 21.3
(ID # 26383)

MEETING DATE:

Tuesday, November 05, 2024

FROM : TLMA-PLANNING

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on PLOT PLAN WIRELESS No. 220007 – Categorically Exempt (Section 15303 - Class 3 - New Construction or Conversion of Small Structures) – Applicant: Smart Link Group, LLC – Engineer/Representative: Tyne Allaman – Fifth Supervisorial District – Cherry Valley Zoning District – The Pass Area Plan – (General Plan) Land Use: Community Development: Light Industrial (CD:LI) – Zoning: M-M (Manufacturing - Medium) – APN: 402-130-009 – Location: North of High Street, east of Winesap Avenue, west of Bellflower Avenue, and south of Dutton Street, specifically 40590 High Street - REQUEST: Appeal of the January 22, 2024 Director's Hearing approval decision for the construction of a new, 70-foot tall disguised wireless communication facility and accompanying ground-mounted accessory equipment, including cabinets, and a backup generator, along with new landscaping and security enclosure. District 5. [Applicant Fees 100%]

RECOMMENDED MOTIONS: That the Board of Supervisors:

1. **DENY THE APPEAL** of the Planning Director's Decision to approve Plot Plan Wireless No. 220007, based upon the findings and conclusions included in this staff report;
2. **UPHOLD THE PLANNING DIRECTOR'S DETERMINATION** that the Project is **CATEGORICALLY EXEMPT** from analysis under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15303 (Class 3 - New Construction or Conversion of Small Structures); and,
3. **UPHOLD THE PLANNING DIRECTOR'S APPROVAL** of Plot Plan Wireless No. 220007 to allow construction of a new, Disguised Wireless Facility, in conjunction with various ground-mounted accessory equipment (cabinets, backup generator, etc.), landscaping and security fencing, subject to the attached conditions of approval and Advisory Notification Document, and based upon the findings and conclusions included in the Director's Hearing staff report.

ACTION:Policy


John Hildebrand, Planning Director 10/28/2024

MINUTES OF THE BOARD OF SUPERVISORS

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: All project fees will be paid by the Applicant. (Deposit Based Funds)			Budget Adjustment: None	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Plot Plan Wireless No. 220007 (PPW220007) is a request to allow the construction of a new, 70-foot tall Disguised Wireless Facility designed as a monopine tree, in conjunction with various ground-mounted accessory equipment (cabinets, backup generator, etc.), landscaping and security fencing at 40590 High Street (APN: 402-130-009). The Project site itself comprises one legal lot measuring 2.49 acres in area, and is presently occupied by a disposal service business operating from an office (itself converted from a residential dwelling), storage and various outbuildings. The disposal service use was approved by the County via Conditional Use Case (Permit) No. 2084-W in September 1978, and been in continuous operation (under varied ownership) since July 1980.

Project Approval and Continuence Summary

This project's Director's Hearing approval decision is being appealed. For reference, this is a summary of the previously scheduled public hearing dates:

- 1) December 6, 2023 – Director's Hearing (Action: Project Continued)
- 2) January 22, 2024 – Director's Hearing (Action: Project Approved)
- 3) April 30, 2024 – Board of Supervisors Appeal Hearing (Action: Project Continued)
- 4) June 4, 2024 – Board of Supervisors Appeal Hearing (Action: Project Continued)
- 5) June 25, 2024 – Board of Supervisors Appeal Hearing (Action: Project Continued)
- 6) July 9, 2024 – Board of Supervisors Appeal Hearing (Action: Project Continued)
- 7) August 27, 2024 – Board of Supervisors Appeal Hearing (Action: Continued)
- 8) November 5, 2024 – Board of Supervisors Appeal Hearing (Upcoming Hearing)

The project is being continued in order to provide the applicant and project appellant, additional time to coordinate a final agreement for a new cell tower location. Once both parties are in concurrence with the agreement, the County will prioritize the entitlement processing for the new location.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Background on Approval

On September 9, 2022, the Applicant, Smartlink LLC, representing AT&T, submitted PPW220007 for review. The item was initially heard at a publically noticed Director's Hearing conducted on December 6, 2023, continued (date certain) to the regular Director's Hearing of January 22, 2024 and, following staff presentation and receipt of public testimony, ultimately approved as proposed. In rendering his determination, the Planning Director determined that the Project met all legal requirements for Disguised Wireless Facilities (including location, design, and proposed operation), pursuant to Article XIXg of Ordinance No. 348 (Zoning), subject to adherence to prescribed conditions of approval and the following findings listed below.

1. The Project is consistent with the property's designated (General Plan) Foundation Component of Community Development (CD) and Land Use of Light Industrial (LI);
2. The Project is consistent with the property's zoning classification of M-M (Manufacturing Medium). Disguised Wireless Facilities (as defined in Section 19.402 [G] of Ordinance No. 348) may be located in any residential zone classification or non-residential zone classification;
3. The Project is consistent with the Cherry Valley Policy Area of The Pass Area Plan;
4. The Project meets the general findings for approval of all Wireless Facilities, requiring a Plot Plan pursuant to Section 19.404 (E)(1) of Ordinance No. 348;
5. The Project meets the findings for approval of a Disguised Wireless Facility as enumerated in Section 19.404 (E)(3) of Ordinance No. 348;
6. The Project meets the location and design standards for a Disguised Wireless facility as prescribed by Section 19.405 of Ordinance No. 348;
7. The Project meets the development standards for all Wireless Facilities as prescribed by Section 19.406 of Ordinance No. 348; and,
8. The Project meets the development standards for the M-M zone, as prescribed by Section 11.28 of Ordinance No. 348.

See Attachment "A" (Director's Hearing Staff Report Package) herein for the staff report, analysis and other documentation related to the Director's Hearing process and all findings supporting the determination.

Summary of Appeal

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

On February 2, 2024, Matthew Kearney (“Appellant”) submitted a timely appeal of the Planning Director’s determination to approve PPW220007. Pursuant to Section 18.30 (F)(1) of Ordinance No. 348, an appeal of a decision by the Planning Director to approve or deny a Plot Plan Wireless request shall be heard by the Board of Supervisors at a noticed public hearing.

The Appellant cites seven areas of dispute with the Planning Director’s determination to approve the project. Each of the Appellant’s areas of dispute are listed below in *italics* with staff’s response following.

1. *Appellant’s Issue: AT&T has failed to prove a need/significant gap in service.*

Staff’s Response: While this issue is not a required finding in Ordinance No. 348 for approval of a Wireless Facility, the Applicant provided sufficient information in response, including propagation maps (“LTE Justification Plots”) which both describe and illustrate an existing gap in wireless/data service area for the carrier (AT&T Mobility) – a documented “need” for placement of the Wireless Facility – and which would be demonstrably improved with placement of the proposed Wireless Facility. Submitted propagation maps are included herein as Attachment “A” (Director’s Hearing Staff Report Package, January 22, 2024).

2. *Appellant’s Issue: The tower will not remedy a purported gap.*

Staff’s Response: While this issue is not a required finding in Ordinance No. 348 for approval of a Wireless Facility, the Applicant provided sufficient information in response. As stated above, submitted propagation maps demonstrate (both in writing and illustratively) that a gap exists in cellular and/or data service within the vicinity of the project site, and that a demonstrative improvement in cellular and/or data coverage/service would occur with placement of the proposed Wireless Facility.

3. *Appellant’s Issue: The tower is not the least intrusive means.*

Staff’s Response: The Project is a Disguised Wireless Facility that meets all design, location, and operational requirements prescribed in Article XIXg (Wireless Facilities) of Ordinance No. 348. Pursuant to Section 19.405 (A)(4), Disguised Wireless Facilities are a permitted use within non-residential zones, subject to approval of a Plot Plan Wireless (permit) and compliance with all standards of development cited in Article XIXg (Wireless Facilities). The proposed scope of work would construct one new Disguised Wireless Facility designed to appear as a monopine (faux pine tree), in conjunction with placement of ground-mounted accessory equipment, landscaping, and security fencing, on land zoned as M-M (Manufacturing - Medium). Section 19.405 (Location and Design Standards) (B)(3) prescribes that a “Disguised Wireless Facility, Faux Tree,” among other standards, be designed to appear as a type of tree compatible with those existing in the immediate area or, if no trees exist, that landscaping be created to integrate the facility within species of similar height and type. Antennas are required to be painted,

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

coated, or covered to match their background and shall not extend beyond the faux tree's branches or fronds. The proposed Wireless Facility would be located at the southeast corner of the subject property, in close proximity to several mature trees located at the lot's northeasterly extent, each standing between 26 and 34 feet in height. The Wireless Facility would contain "branches" and faux foliage colored and placed to mounted/projecting screen antennas and related equipment. A condition of approval was included with the initial approval to ensure that all branches and/or foliage, in perpetuity, must extend a minimum of two feet beyond the horizontal extent and five feet beyond the vertical extent of any antennas/equipment. Staff review of the proposed Disguised Wireless Facility finds that the structure has been designed in compliance with all location and design requirements – including specifically those cited herein intended to ensure that the structure is effectively screened and ultimately visually unobtrusive.

4. *Appellant's Issue:* *Not made meaningful inquiry as to only feasible alternative.*

Staff's Response: While this issue is not a required finding in Ordinance No. 348 for approval of a Wireless Facility, the Applicant provided sufficient information in response. The Applicant submitted an alternatives analysis (Attachment "E" - Project Justification Letter/Alternative Site Analysis) which stipulates that at least four locations and various iterations of the proposed project (including new-build Wireless Facilities as well as co-location on existing structures) were contemplated and analyzed for their potential to address the documented gap in area coverage. All were ultimately determined as inappropriate or otherwise unable to meet service criteria (for a variety of reasons as cited in the analysis) in favor of the proposed location and project design.

- 40700 Grand Avenue: Co-location with with existing Facility; determined to inadequetely fill the identified gap in coverage.
- 40715 Dutton Street: Development standards within property's residential (R-1-1) Zone limit maximum height of Wireless Facilities, resulting in a determination that a Facility at that location would inadequetely fill the identified gap in coverage.
- 10203 Bellflower Avenue: Development standards within property's residential (R-A-1) Zone limit maximum height of Wireless Facilities, resulting in a determination that a Facility at that location would inadequetely fill the identified gap in coverage.
- 10001 Bellflower Avenue: Development standards within property's residential (R-2) Zone limit maximum height of Wireless Facilities, resulting in a determination that a Wireless Facility at that location would inadequetely fill the identified gap in coverage.

5. *Appellant's Issue:* *Failed to present "hard data" that the tower is not in compliance with State, Federal, or local law, including zoning and General Plan provisions.*

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Staff's Response: The Applicant submitted documentation detailing compliance of the proposed Wireless Facility with applicable Federal Communication Commission (FCC) requirements – including specifically, Radio Frequency (RF) emissions and the potential for public exposure in excess of Federal limits. (Attachment "F" – RCIT/PSEC Cell Site Communications Planning Criteria).

- A. If the initial approval is upheld, structural and civil plans for the Wireless Facility would complete plan-check for review against final materials, conditions of approval, and applicable standards of the California Building Code, to the end of issuance of a Building Permit for construction. Moreover, to confirm that the final design and eventual operation of the Wireless Facility would continue to comply in perpetuity, the following condition was included with the item's initial approval at Director's Hearing (Attachment "B" - Combined Condition of Approval and Advisory Notification Documents).

Planning – Series 15:

All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC OET Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.

6. Appellant's Issue: *Will inflict severe negative aesthetic impact.*

Staff's Response: Section 19.405 (B)(3) of Ordinance No. 348 prescribes the design standards intended to ensure that Wireless Facilities designed to appear as faux trees provide various, specific facets of design – including branches, foliage and coloring in addition to placement of new landscaping – to ensure that all proposed equipment is effectively integrated into its surroundings, screened from view (to the greatest extent feasible), and that the Facility would broadly reflect its intended form. The proposed project would construct one, new Wireless Facility designed to appear as a pine tree. The structure would be constructed near several existing, mature trees (standing between 21 and 36 feet in height), a location that, in conjunction with placement of three new trees and myriad shrubs, is intended to provide screening and broadly integrate the new Wireless Facility into its surroundings. Staff analysis finds that construction of the Wireless Facility would result in a change to the existing aesthetic of the immediate area, however, as all development has been designed in compliance with prescribed standards of design and location within Ordinance No. 348, the proposed Project would not result in adverse impacts.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

7. Appellant's Issue: Will cause decrease in property values.

Staff's Response: The County's various regulatory documents (General Plan, The Pass Area Plan, Ordinance No. 348 and location-applicable Design Guidelines) do not prescribe standards or guidelines related to property values. As stated, the proposed project - construction of one new Wireless Facility – has been reviewed against standards of development (including location, design, and materials) as enumerated in Ordinance No. 348 and been found compliant.

Impact on Residents and Businesses

The subject Project has been analyzed in accordance with requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and determined to be Categorically Exempt from review pursuant to Section 15303 (Class 3 – New Construction or Conversion of Small Structures) of the State CEQA Guidelines. Moreover, none of the Exceptions to the use of the Categorical Exemption pursuant to Section 15300.2 are applicable.

Additional Fiscal Information

All project fees are paid by the Applicant; there is no General Fund obligation.

EXHIBITS:

- A. Director's Hearing Staff Report Package, January 22, 2024
- B. Combined Condition of Approval and Advisory Notification Documents
- C. Plot Plan Wireless No. 220007 Exhibits
- D. Request for Appeal Application
- E. Project Justification Letter/Alternative Site Analysis
- F. RCIT/PSEC Cell Site Communications Planning Criteria


Jason Farin, Principal Management Analyst 10/30/2024


Aaron Gettis, Chief of Deputy County Counsel 10/25/2024

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



AGENDA NO.
21.2
(MT 25567)

MEETING DATE:
August 27, 2024

10:00 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding the Public Hearing on PLOT PLAN WIRELESS No. 220007 – Categorically Exempt (Section 15303 - Class 3 - New Construction or Conversion of Small Structures) – Applicant: Smart Link Group, LLC – Engineer/Representative: Tyne Allaman – Fifth Supervisorial District – Cherry Valley Zoning District – The Pass Area Plan – (General Plan) Land Use: Community Development: Light Industrial (CD:LI) – Zoning: M-M (Manufacturing - Medium) – APN: 402-130-009 – Location: North of High Street, east of Winesap Avenue, west of Bellflower Avenue, and south of Dutton Street, specifically 40590 High Street - REQUEST: Appeal of the January 22, 2024 Director's Hearing approval decision for the construction of a new, 70-foot tall disguised wireless communication facility and accompanying ground-mounted accessory equipment, including cabinets, and a backup generator, along with new landscaping and security enclosure. District 5.

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, November 5, 2024, at 10:00 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on August 27, 2024 of Supervisors Minutes.

(seal)

WITNESS my hand and the seal of the Board of Supervisors
Dated: August 27, 2024
Kimberly A. Rector, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: *Maomy J.* Deputy

AGENDA NO.
21.2

xc: Planning, COB