

### PLANNING COMMISSION

George A Marquez, Chairman Kevan Hutchinson, Vice-Chairman

Eugene Bumbera

Jay Goyal

Eric M. Reyes

Ramon M. Sagredo

Darren Smith

### **AGENDA**

PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, OCTOBER 2, 2013 AT 5:30 P.M.
CITY COUNCIL CHAMBERS
383 MAIN STREET
BRAWLEY, CALIFORNIA

- 1. CALL TO ORDER / ROLL CALL
- 2. APPROVE AGENDA
- 3. APPROVE MINUTES OF SEPTEMBER 4, 2013
- 4. PUBLIC APPEARANCES

The Planning Commission encourages citizen participation on all matters presented for their consideration. Members of the public who wish to speak on an issue that is not on the agenda may do so during the "Public Appearances" section at any meeting. The Planning Commission does not take action on items presented under Public Appearances.

### **PUBLIC HEARING**

5. An appeal of Planning Director's approval of a conditional use permit (CUP13-02) allowing the demolition of an existing water tower and construction of a communications tower disguised as a water tower or bell tower in a P-F (Public Facilities) zone.

Appelant:

Eric Reves

541 Main Street

Brawley, CA 92227

Applicant:

DePratti, Incorporated for

AT&T Mobility 1264 Basswood Ave Carlsbad, CA 92008

Location:

901 East I Street (Hinojosa Park), more particularly described as that Portion of Block

111, Townsite of Brawley, City of Brawley, County of Imperial, State of California,

APN 049-101-001

# **COMMISSION ACTION**

- 6. ZONING CODE ENFORCEMENT
- 7. NEXT MEETING DATE
- 8. ADJOURNMENT

Supporting documents are available for public review in the Planning Department, 400 Main Street, Suite 2, Brawley, Monday through Friday, during regular posted business hours. Individuals who require special accommodations are requested to give 24-hour prior notice.

Contact: Alma Benavides, City Clerk, 760-351-3080

## PLANNING COMMISSION STAFF REPORT

Conditional Use Permit #:

CUP13-02 Appeal

Property Owner:

City of Brawley

Applicant/Representative:

AT&T Mobility, Tim Henion, Agent, DePratti Inc.

Legal Description:

Portion of Block 111, Townsite of Brawley, City of Brawley, County of Imperial, State of California, APN

049-101-001

Location:

901 | Street

Area:

0.60 Acres

Zoning:

Public Facilities (P-F)

Existing Use:

**Abandoned Water Tower** 

Proposed Use:

Stealth Wireless Communication Tower

Surrounding Land Uses:

North - R-3 (Residential Medium Density) / Single Family Dwellings

**South -** R (Recreation) / Hinojosa Park **East -** R (Recreation) / Hinojosa Park

West- R-1 (Residential Single Family) / Single Family Dwellings

General Plan Designation:

**Public Facilities** 

PLANNING COMMISSION HEARING, OCTOBER 2, 2013, 5:30 P.M., CITY COUNCIL CHAMBERS, 383 MAIN STREET, BRAWLEY, CALIFORNIA PLANNING DIRECTOR'S PUBLIC HEARING, JULY 11, 2013 9:00 A.M., CITY COUNCIL CHAMBERS 383 MAIN STREET, BRAWLEY, CALIFORNIA

Conditional Use Permit: CUP13-02

#### **General Information:**

The applicant is requesting a conditional use permit to allow for the demolition of a 150-foot existing abandoned water tower and the construction of an 85-foot stealth wireless communication tower which will be disguised as a bell tower or water tower. The property is currently zoned Public Facilities (P-F) and is 0.60 acres in size. There are no zoning conditions currently imposed on this property. An approval was granted at the Planning Director's Hearing held on July 11, 2013. An appeal of that decision has been filed.

#### Staff Recommendation:

The CUP was approved with the following conditions:

- 1. The applicants shall pay any and all amounts as determined by the city to defray all costs for the review of reports, field investigations, or other activities related to compliance with this permit/approval, city ordinance and/or any other laws that apply.
- 2. The applicants shall comply with all local, state and/or federal laws, rules, regulations and/or standards as they may pertain to this project, whether specified herein or not.
- 3. Applicants shall, to the fullest extent permitted by law, indemnify and save the City of Brawley and its respective agents, officers, and employees, free and harmless of and from all claims, demands, losses and liability, including costs and legal fees arising directly or indirectly out of the process associated with issuance of this permit or activities undertaken in connection with issuance of this permit, excepting only claims arising from the solo negligence or misconduct.
- 4. Any person or party who succeeds to the interest of the present owner by sale, assignment, transfer, conveyance, exchange or other means shall be bound by the conditions of approval.
- 5. Any flashing lights for night and/or white strobe high intensity beacon for daytime shall be required per FAA Regulations.
- 6. Emergency power is to be provided by the applicants.
- 7. Lights, if required shall be replaced as necessary within 24 hours.
- 8. Tower shall be camouflaged as a bell/clock tower.
- 9. At the applicant's expense, the Building Official may require periodic inspections of the facility to ensure the structural stability of the tower. The applicant shall ensure the tower is maintained and structurally stable and abide by the recommendations of the Building Official.
- 10. The facility shall not cause electrical interference with aircraft communications or navigation.
- 11. Any modifications to the structure or use of the structure shall require approval from the Planning Director.
- 12. Tower shall not exceed a height of the existing water tower (150 feet).
- 13. The Conditional Use Permit shall expire on July 31, 2063.
- 14. The applicant shall disaseemble and remove the tower from the site within 60 days after the facility ceases to operate, unless an extension is granted by the Planning Director.
- 15. The applicant shall notify the Planning Director within 30 days if any person or party succeeds to the interest of the present owner by sale, assignment, transfer, conveyance, exchange or other means.
- The applicant is permitted to use the facility as stated on the application; no other use is allowed.
- 17. As a requirement of Article XIV Section 8C.15 of the Brawley Municipal Code regarding Public Benefit of Communications Facilities, the applicant shall allow all public entities to use the tower for communications purposes at their request. Fees will not be assessed by the applicant for these public entity users.
- 18. A lease agreement shall be established with negotiations with the City Manager and the City Council. An agreement shall be signed prior to construction of the facility with input from the public on the design of the tower.
- 19. An FCC compliant radiation study shall be submitted for review prior to construction of the facility.

#### Conditional Use Permit: CUP13-02

The approval was based on the following findings:

- The proposal is exempt from CEQA pursuant to Section 153302 Replacement Construction and 15332 In-Fill Development.
  - (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations
  - (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
  - (c) The project site has no value as habitat for endangered, rare or threatened species.
  - (d) Approval of the project would not result in any significant effects relating to traffic noise, air quality, or water quality.
  - (e) The site can be adequately served by all required utilities and public services.
- The location of the project and surrounding land uses make it unlikely the project will cause significant environmental impacts
- 3. Granting of the conditional use permit will not be detrimental to the public welfare or detrimental to the health and safety of the residents of the City of Brawley.
- 4. The conditional use permit is consistent with the General Plan and the character of the area for that type of land use.

The Brawley General Land Use Map designates this property for Public Facilities land uses.

Public Facilities (P-F) zoning permits Wireless Communication Tower by Planning Director Conditional Use Permit only.

The Planning Director has determined the following:

- A. The conditional use permit for Wireless Communication Tower protects the best interest, health, safety and welfare of the public in general.
- B. The conditional use permit for Wireless Communication Tower complies with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.
- C. This conditional use permit for Wireless Communication Tower is in accordance with and in furtherance of the Brawley General Plan, any special neighborhood plans or policies adopted by the City regarding the development area, or any approved concept plan.
- D. The proposed Wireless Communication Tower is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity.
- E. Any impacts created by the proposed Wireless Communication Tower on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.

Conditional Use Permit: CUP13-02

- F. The design of the Wireless Communication Tower mitigates substantial environmental problems.
- G. The Wireless Communication Tower provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses.
- H. The Wireless Communication Tower is compatible with adjacent structures and uses.
- I. The proposed Wireless Communication Tower is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.

ATTACHMENTS: Appeal Letter, Location Maps, Plot Plan, Alternative Renditions.

**NOTE TO THE PROPERTY OWNER**: PLANNING COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (760) 344-8822.

July 24, 2013

To: City of Brawley; Planning Director

From: Eric M. Reyes

RE: Appeal of Conditional Use Permit for the AT&T Telecommunications tower proposal.

I, Eric M. Reyes, an individual residing at 699 n 7<sup>th</sup> st, Brawley, CA 92227 enter this appeal of the planning director's granting of a conditional use permit for the AT&T Telecommunications tower at Hinojosa Park. As Per Section 27.287 of Brawley Zoning Ordinance, the appeal is entered as to my dissatisfaction of the action and request a hearing before the planning commission.

The appeal is based on the tower not being the best use of the property at Hinojosa Park and the community surrounding the park and the frequent users of the park not being consulted as to their ideas and preferences for the space currently occupied by the water tower. A public space should have public input when changes are to occur to understand the needs and desires of the public regarding that public space; and this did not happen in a proactive manner on this issue.

The community surrounding the park and frequent users of the park had a vision for that section of the park that included a stage, dance floor and shaded seating areas in a miniamphitheater type structure to accommodate and enhance the many activities held at the park; which is the most used public park for family gatherings/parties, benefit charity events, community fundraisers, cultural events, religious gatherings and music within the City of Brawley.

If the vision for the mini amphitheater and or stage and shade can not be met, we feel the opening of the area currently occupied by the water tank is still better used as open space to accommodate the many activities currently going on. The open space will also allow for more horseshoe pits and other opportunities to enhance the park that the proposed communication tower will prohibit from happening and denying the community the opportunity to maximize the potential of the space available.

Among the groups that use the park and are in agreement with the vision of that section of the park include the Frankie Chavez Scholarship Foundation that has used the park for its annual fundraiser for twenty years, the Anthony Garcia Foundation and The Hidalgo Society; which has used the park for cultural events since the park was made with the Hidalgo Society being in existence for 91 years. The park is also used for car shows, youth sports and a multitude of other events that the mini-amphitheater would enhance.

I understand the City of Brawley is looking for a solution to bringing down the abandoned water tower currently in the space being considered and the AT&T Tower is a financial solution to that end. We feel (and hope we are wrong) that the City of Brawley is looking at this issue in a very narrow scope and we ask that the community be heard on this issue. The greater good of the community is not being met with this solution and the community was not asked as to what they wanted in that space in place of the water tower. I also know there are other properties owned by the city that could meet the needs of AT&T; and the park will be left as an opportunity to meet the community's needs without having to choose the needs of AT&T over the community. I look forward to the planning commission hearing and hope we may come to a solution to the issue in a fair and equitable manner. Feel free to contact me at (760) 550-5153 or by email at e.reyes@earthlink.net.

Respectfully submitted,

Lie M. Keyss Eric M. Reyes





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BRAWLEY, CA 92227 IC0737

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PROPRIETARY INFORMATION

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PROJECT INFORMATION

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APPLICANT: AT&T MOBILITY 7337 TRADE STREET, 3E, RM 3684 SAN DIECO, CA 92121

CODE INFORMATION: ZONING CLASSIFICATION: R (F CONSTRUCTION TYPE: #8

PROJECT MANAGER:
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COUNTY, TRAN BECKE
DOMACH, TRAN BECKE
FRAME, KBOS PECKE
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PROPERTY OWNER;

LEASING & PLANNING; DEPRATT, INC 1894 CALLE BUEND MANUL, CA 91935 CONTACT: THE VENION PH: (502) 518-8591 EMRL: THENION DEPRATTING, COM.

OCCUPANCY: S2

JURISDICTION: CITY OF BRAINLEY
CURRENT USE: CITY PARK / WATER TOWER
PROPOSED USE: TELECOMMUNICATIONS FACULTY

SITE LOCATION: (BASED ON NAD 83): UMINDE: 32 58' 34.05" N (22.976117) TOP OF STRUCTURE ALL 65.0" BASE OF STRUCTURE ANSL -104.5'\*

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CONSTRUCTION MANAGER: DEPART, INC.
1594 CALLE BUEFO ANDLE.
CA 91935
CONFACT: TM HENDA PP: (503) 518-559
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PARCEL NUMBER(S): 049-101-001-001

POWER COMPANY: IMPERIAL IRRIGATION DISTRICT

TELCO COMPANY:

GENERAL INFORMATION:

1. PARRING REDUIEMENTS ARE UNCHANGED.

2. TRAFFIC IS UNAFFECTED.

PROJECT TEAM

PROJECT ARCHITECT
HOMAS R. HOLLMD, AN
PAGET CREECON SEWICE, LLC
GOSTA, MESA, CA 8282
PH; (Se2) 239-319
PH; (Se2) 230-319

PROJECT CONSULTANT
DEPRATT, INC
13948 CALE BUENO
JANUIL CA 91935
CONTACT: DEBRA DEPARTI
PH: (619) 726–8110

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901 I STREET BRAWLEY, CA 92227

BRAWLEY (

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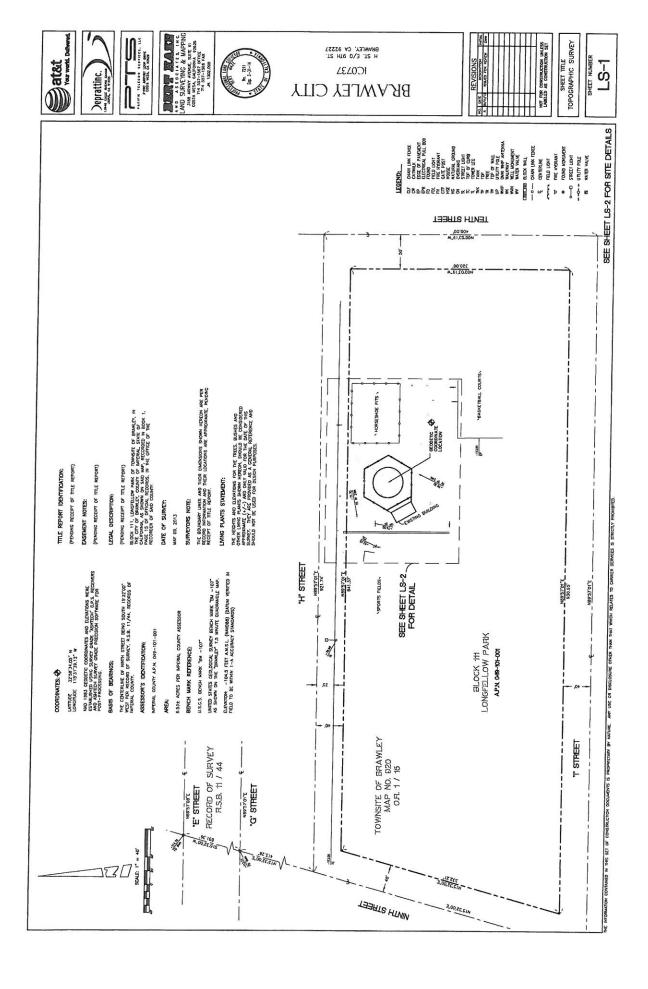
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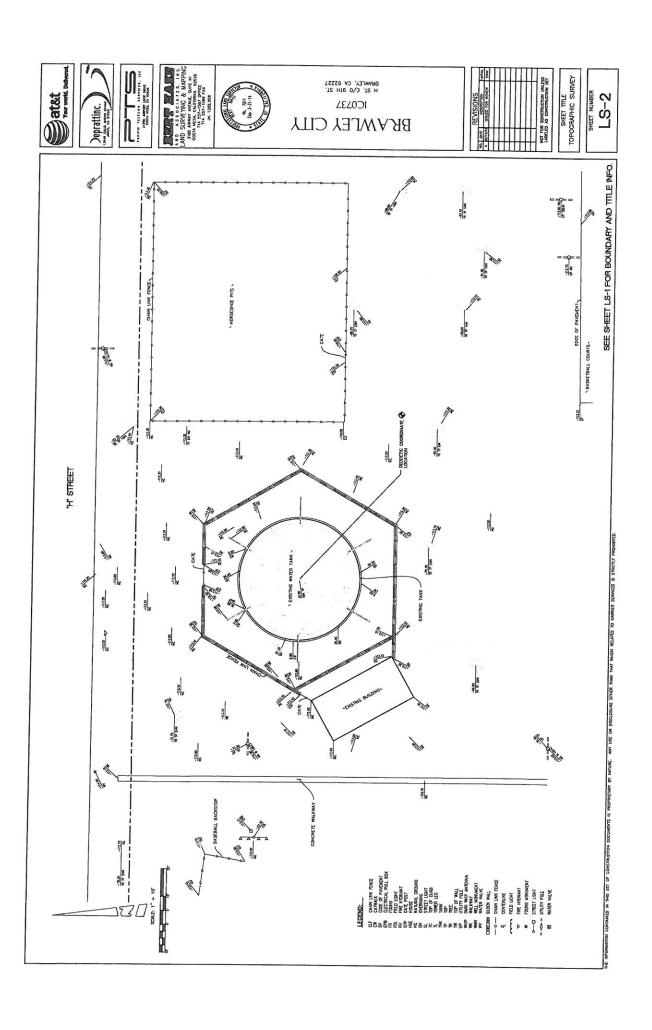
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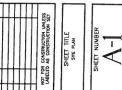
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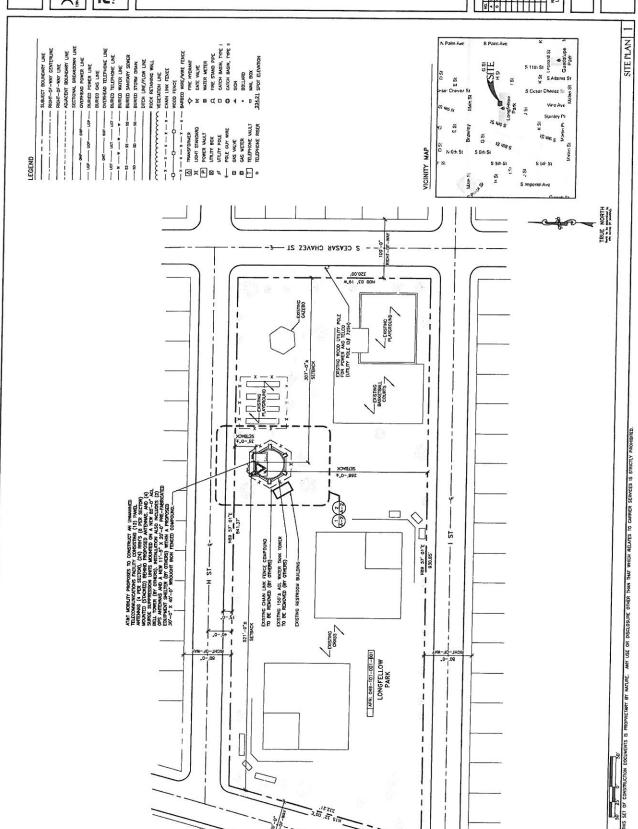




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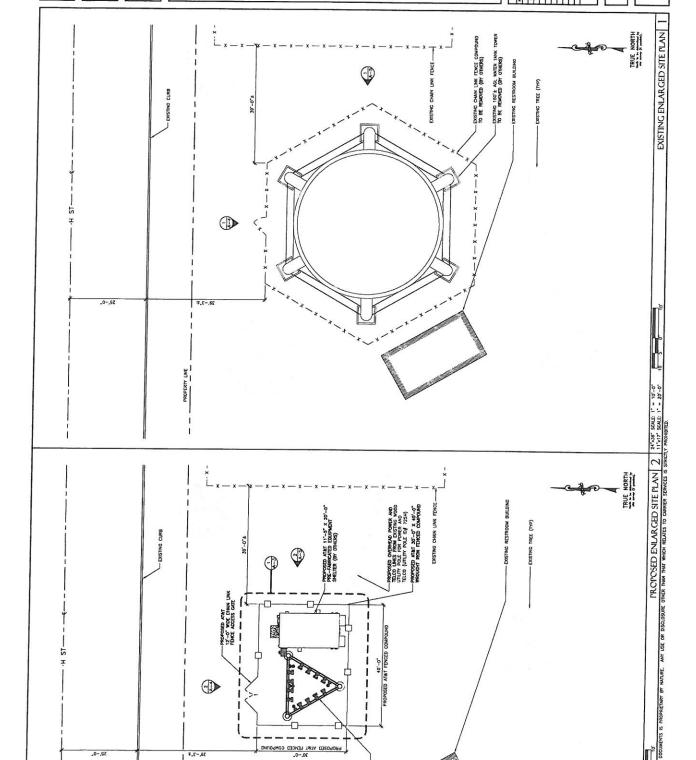
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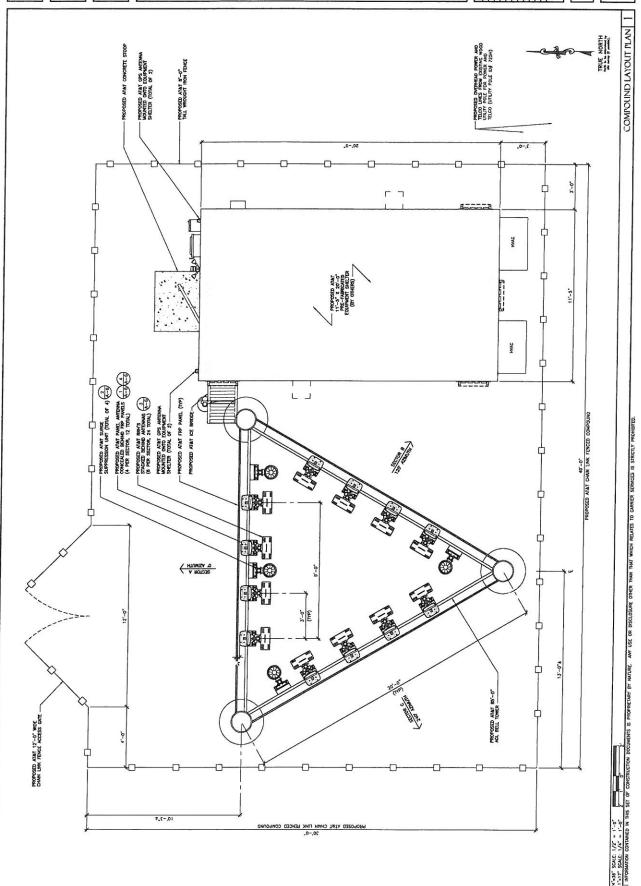












at&t Seprattinc.







SHEET TITLE EXSTING & PROPOSED NORTH ELEVATION



EXISTING NORTH ELEVATION

