

## RESOLUTION 020P-008

### A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING WITH CONDITIONS CONDITIONAL USE PERMIT APPLICATION NUMBER 20-02 AND A VARINACE FOR THE CONSTRUCTION OF A NEW 73' TELECOMMUNICATIONS MONOPOLE (MONOPINE) STRUCTURE TO BE LOCATED AT 117 TRUMAN STREET

**WHEREAS**, the City of Coalinga Community Development Department has received an application from the applicant, New Cingular Wireless PCS, LLC dba AT&T c/o Complete Wireless Consulting, for the construction of a new seventy-three-foot (73') Telecommunications Monopole (Monopine) at 117 Truman Street (071-134-18); and

**WHEREAS**, the Planning Commission held the scheduled and noticed public hearing on July 14, 2020 to take testimony with regard to the proposed applications, and;

**WHEREAS**, Public Hearing Notices were sent to all property owners within 300 feet of the site as required by Local and State law, and;

**WHEREAS**, the Planning Commission has determined that this project is exempt from further environmental review under CEQA Guidelines §15303 related to the construction or conversion of small structures, and;

**WHEREAS**, the Planning Commission completed its review of the proposed application and information contained in the staff report and has considered the testimony received during the public meeting process and comments provided via mail/email, and;

**WHEREAS**, the Planning Commission has made the following findings based on the development proposal:

**General Plan Consistency.** Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted;

**Neighborhood Compatibility.** The location, size, design, bulk, coverage, density, traffic generation and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties; and

**Asset for the Neighborhood.** The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.

**WHEREAS**, the Planning Commission has confirmed the following variance findings approving the increase in monopine height:

1. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of this title will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
2. Such special circumstances were not by the owner or applicants; and
3. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

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**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission approves the application for conditional use permit and variance for the construction of a new 73' monopine telecommunications facility with conditions (Exhibit A) and reports and exhibits associated with this project.

**PASSED AND ADOPTED**, by the City of Coalinga Planning Commission at their regular meeting held on the 14<sup>th</sup> day of July 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Planning Commission Chairman/Vice Chairman

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy City Clerk

## Exhibit A

### **General On-going Procedural and Operational Conditions of Approval – Conditional Use Permit 20-02 (117 Truman Street)**

1. *Revocation of approvals.* Any permit granted may be revoked or modified if any of the terms or conditions of approval are violated, or if any State law, statute and regulation, or City Ordinance is violated. The City Council and Planning Commission, by their own action, or following a recommendation from the Community Development Director, may initiate revocation or modification proceedings. A public hearing shall be held pursuant to Section 9-6.114.
2. The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable state and /or local statutes. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
3. Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant/Developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.
4. *Permit validity and renewal.* The Permit shall be valid for a period of ten (10) years. If the applicant fails to submit a renewal application at least ninety (90) days prior to expiration of the permit, the permit shall expire. Approval of the Community Development Director shall be required for permit renewal. In the event a timely submitted renewal application has not been acted upon, the permit shall extend beyond the ten (10) year period until the renewal permit has been acted upon. The renewal shall be valid for an additional five (5) years from renewal approval or the prior permit expiration, whichever is later.
5. The applicant shall maintain current radiofrequency reports and submit such reports when requested by the Community Development Director to demonstrate continued compliance with applicable FCC standards for public exposure and occupational limits.
6. This approval shall become null and void if all conditions have not been completed and the occupancy or use of 117 Truman Street has not taken place within one (1) year of the effective date of conditional approval.

7. All development on the Project Site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes and submitted plans. All applicable construction shall obtain a building permit and comply with the requirements of the Planning, Building, Public Works Police and Fire Departments.
8. An abandonment agreement, requiring removal of the facility if use is discontinued for more than one year shall be drafted and presented to the City for review and approval.
9. The monopine shall be developed and constructed to specifically allow co-location of other providers on the tower. A co-location agreement between the owner and applicant shall be drafted and reviewed and approved by the City Attorney for form and content.
10. A copy of the applicant's approved lease with the property owner shall be submitted to the Community Development Department prior to issuance of a building permit for the construction of the wireless communication facility. If the lease is extended or terminated, notice and evidence thereof shall be provided to the Community Development Director. Upon termination or expiration of the lease, the wireless communication facility shall be removed within 90 days.
11. Access to the wireless cellular facility shall be through the existing driveway on Forest Street or Via the Alley between Baker and Van Ness. The applicant shall adhere to the comments identified by the City Engineer.
12. The wireless cellular facility shall not block the existing drainage pattern. If construction of the Project results in substantive changes to existing drainage patterns, City review and approval of grading plans shall be required.
13. The Planning Division shall be notified immediately if any prehistoric, archaeological, or paleontological artifact is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action. A note stating the above shall be placed on the Building Plans.
14. All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed. A note stating the above shall be placed on the Building Plans
15. The Applicant shall submit plans for the generator diesel fuel tank to CCSF Fire for review and approval.