

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: NOVEMBER 9, 2020

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
BRENDA WISNESKI, DIRECTOR
DANNY GIOMETTI, ASSOCIATE PLANNER

SUBJECT: RATIFY RESOLUTION DENYING REQUEST FOR A MAJOR ANTENNA USE PERMIT TO INSTALL A COMMERCIAL WIRELESS TELECOMMUNICATION ANTENNA ON A UTILITY POLE LOCATED WITHIN 100-FEET OF RESIDENTIAL PROPERTY AT 27093CS CALLE REAL.

RECOMMENDATION: That the Planning Commission ratify the attached, draft Resolution denying Major Antenna Use Permit AUP20-0001.

APPLICANT: Eukon Group on behalf of Verizon

OWNER: San Diego Gas and Electric

REQUEST: Memorialization of a previous denial of an Antenna Use Permit (AUP) which proposed the light standard right-of-way installation of a commercial wireless telecommunication antenna facility on a San Diego Gas and Electric (SDGE) utility pole, located within 100-feet of a residential property.

LOCATION: **27093CS Calle Real (AUP20-0001):** existing utility pole located northeast of the intersection of Calle Real and Camino El Molino.

NOTICE: Public notification is not required for the ratification of the resolution. Notice of the Public Hearing conducted on September 22, 2020, was originally mailed to property owners within a 500-foot radius of the subject site, published within a newspaper of general circulation on September 4, 2020, and posted at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, and the Dana Point Library on September 4, 2020.

ISSUES:

- A. Is the proposal consistent with the Dana Point General Plan and the Dana Point Zoning Code (DPZC)?
- B. Does the proposal satisfy all findings required pursuant to the DPZC for approval of an AUP?
- C. Is the projects compatible with and an enhancement to the site and surrounding neighborhoods?

BACKGROUND: The site (27093CS Calle Real) is an existing 24'-10" SDGE wood utility pole that is located within the City's ROW, northeast of the intersection of Calle Real and Camino El Molino. The site is located within the City's ROW, which is zoned Transportation Corridor (TC) on the City's Zoning Map. It is also within close proximity to existing single-family dwellings (SFD), other SDGE utility and light poles, sidewalks and streets.

On September 14, 2020, following receipt of the staff presentation, public comment and dialogue, the Planning Commission determined that the subject project was not consistent with the policies and provisions of the City of Dana Point General Plan and the DPZC. Findings supporting denial of the AUP were verbalized by the Planning Commission at the September 14, 2020 meeting in the course of making the formal motion to deny the AUP. The findings detailed in the attached draft resolution are consistent with the findings stated by the Planning Commission. Therefore, it is recommended that the Planning Commission ratify the resolution denying AUP20-0001.



Danny Giometti
Associate Planner



Brenda Wisneski, Director
Community Development Department

ACTION DOCUMENTS:

- 1. Draft PC Resolution 20-11-09-XX

ACTION DOCUMENT 1: Draft PC Resolution 20-11-09-XX

RESOLUTION NO. 20-11-09-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, DENYING MAJOR ANTENNA USE PERMIT AUP20-0001 TO ALLOW THE INSTALLATION OF A CANISTER STYLE, LIGHT STANDARD-MOUNTED COMMERCIAL WIRELESS TELECOMMUNICATION ANTENNA FACILITY ON A REPLACED SAN DIEGO GAS AND ELECTRIC WOOD UTILITY LOCATED WITHIN 100-FEET OF A RESIDENTIAL PROPERTY LINE

The Planning Commission for the City of Dana Point does hereby resolve as follows:

WHEREAS, San Diego Gas and Electric (SDGE) (the "Owner"), owns the existing utility pole located at 27093CS Calle Real (the "Property"); and

WHEREAS, the Owner authorized Eukon Group, on behalf of Verizon, (the "Applicant") and the Applicant caused to be filed a verified application for Major Antenna Use Permit AUP20-0001 to allow the light standard right of way (ROW) installation of a commercial antenna mounted on a SDGE wood utility pole within 100-feet of a residential property line, in the Transportation Corridor (TC) zoning district; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, the Planning Commission did, on the 14th day of September, 2020, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said Planning Commission review, upon considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Antenna Use Permit AUP20-0001.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows:

- A) The above recitations are true and correct and incorporated herein by this reference.

Findings:

- B) Based on the evidence presented, the Planning Commission adopts the following findings and denies major Antenna Use Permit AUP20-0001 :
1. That the proposed antenna facility will create significant and/or meaningful blockage to public views **since the existing SDGE utility pole would be replaced with a new, taller, and wider utility pole that increases the overall height by an additional 10 feet in a location that blocks ocean views. The new pole will also include an additional 6-foot wide extension cross arm that further increases the overall width of the structure. Therefore, the proposed**

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improvement would likely result in significant and/or meaningful blockage of public views as seen from the streets of Calle Real and Camino El Molino.

2. That the proposed antenna facility will not be a significant enhancement to the City due to its inability to provide additional communication capabilities. **The Applicant was unable to adequately demonstrate that the proposed wireless facility is publicly needed to fill a significant gap in coverage and capacity. The Applicant only provided coverage maps which did not show a noticeable or significant increase in coverage. No further documentation showing a significant increase in coverage facilitated by the installation of the proposed antenna facility was provided by the Applicant.**
3. That the proposed antenna facility will not be aesthetically integrated into its surrounding environment **since the existing SDGE utility pole currently contains a large amount of bulky transmission equipment and replacing it with a 10 foot taller pole which includes a 6 foot wide by 3 foot high cross-arm commercial antenna design, would not be aesthetically integrated into the surrounding environment when compared to other similar sites.**
4. That the proposed antenna facility will not interfere with the reception or transmission of other wireless telecommunication signals within the surrounding community **such that the proposed antenna is designed to work on a stand-alone radio frequency designated for the subject carrier. The facility must also conform to the Federal Communication Commission (FCC) regulations regarding non-interference.**
5. That the proposed antenna facility will operate in compliance with all applicable Federal safety regulations for such facilities **such that if approved, the proposed light standard ROW commercial wireless telecommunication antenna facility would be tested to demonstrate that the facility complies with all current FCC safety standards prior to final building sign off.**
6. That the public need for the use of the antenna facility has not been adequately documented **in that the provided coverage maps – do not demonstrate a significant or meaningful increase in coverage – and thus the proposed light standard ROW commercial wireless telecommunication antenna facility did not sufficiently demonstrate a need to fill an existing coverage gap within the Capistrano Beach community using line-of-sight technology to**

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communicate with other commercial antennas within the Verizon network. The Planning Commissioners agreed that more documented evidence as it relates to accommodating increased cellular capacity in the area would be needed to determine if there is an actual public need for the use of this proposed facility.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 9th day of November 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Opel, Chairwoman
Planning Commission

ATTEST:

Brenda Wisneski, Director
Community Development Department