

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA, DENYING MAJOR WIRELESS COMMUNICATION FACILITY PERMIT (WIRE 13283-2020) TO ALLOW THE ESTABLISHMENT OF A NEW FREESTANDING WIRELESS COMMUNICATION FACILITY DESIGNED AS A EUCALYPTUS TREE ON A VACANT PARCEL LOCATED AT 1748 ALAMEDA STREET IN THE POMONA CORRIDORS SPECIFIC PLAN - WORKPLACE GATEWAY SEGMENT

WHEREAS, Dino Romeo of Smartlink LLC, on behalf of AT&T Mobility, has submitted an application for a Major Wireless Communication Facility Permit (WIRE 13283-2020) to allow the installation of a new freestanding 46-foot high wireless communication facility designed as a eucalyptus tree within the vacant parcel located at 1748 Alameda Street (Assessor's Parcel Number 8359-014-011) in the Workplace Gateway segment of the Pomona Corridors Specific Plan;

WHEREAS, the City of Pomona has processed Major Wireless Communication Facility Permit (WIRE 13283-2020) application in accordance with the Telecommunications Act of 1996 (TCA), including taking action on the application within the "presumptively reasonable periods" established by the TCA.

WHEREAS, Section .5809-15 of the City Zoning Ordinance regulates the location of wireless communications facilities and establishes development standards for the installation and construction of wireless communications facilities;

WHEREAS, the Planning Commission has determined that the proposed wireless communication facility does not meet the "Minimum Distance from Residential uses in a Residential Zone" and "Complimentary Design" development standard as required by Zoning Ordinance Section .5809-15-E.1 for the reasons set forth in this Resolution;

WHEREAS, the decision by the Planning Commission to deny the request has been provided to the applicant in writing and supported by substantial evidence presented during the public hearing and made a part of the finding of this Resolution, in accordance with the TCA.

WHEREAS, Section .5809-15 of the City Zoning Ordinance requires a Major Wireless Communications Facility Permit for new freestanding concealed wireless communication facilities in the Workplace Gateway Segment of the Pomona Corridors Specific Plan;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 22, 2020, concerning the requested Major Wireless Communications Facility Permit (WIRE 13283-2020); and

WHEREAS, the Planning Commission of the City of Pomona has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

SECTION 1. In accordance of CEQA guidelines Section 15270, the Planning Commission hereby determines that CEQA does not apply to projects that are not approved.

SECTION 2. If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

SECTION 3. In accordance with Section .5809-15-G of the Zoning Ordinance, the Planning Commission must make findings in order to deny a Major Wireless Communication Facility Permit (WIRE 13283-2020). Based on consideration of the whole record before it, including but not limited to, the public hearing report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. The design and placement of the antenna and support equipment will adversely impact the surrounding area and neighborhood.

The proposed installation and support equipment will adversely impact the surrounding area and neighborhood by causing a negative aesthetic impact. The height of the proposed 46' tall wireless facility, in its proposed location and proximity to residential uses in a residential zone, will have visual impacts to the adjacent residential uses as the facility would be approximately 25 feet from the nearest residential structure and 10 feet from the adjacent residential property line. Public testimony given at the public hearing on April 22, 2020 by local residents, including the residents of the nearest residential structure, expressed concerns that the proposed tower installation and support equipment (diesel backup generator) would have an adverse impact on them personally and the surrounding area and neighborhood.

Further, the height of the currently proposed 46' tall wireless facility, in its proposed location and proximity to residential uses in a residential zone, also has visual impacts to the adjacent residential uses as views of the San Gabriel Mountains would be blocked, particularly from the backyard of the nearest residential property.

2. The antenna and support equipment as proposed are not consistent with the intent of the required findings and do not comply with the operational standards or any applicable special standards.

The proposed installation and support equipment does not meet the "Minimum Distance from Residential uses in a Residential Zone" and "Complimentary Design" development standards as required in Section .5809-15-E- (Wireless Facilities); which require a

freestanding facility to have a minimum of 250 feet from such uses and a facility to be compatible with the surrounding environment, respectively. The height of the proposed 46' tall wireless facility, in its proposed location and proximity to residential uses in a residential zone, will have visual and other negative impacts to the adjacent residential uses as the facility would be approximately 25 feet from the nearest residential structure and there are no other structures or natural features in the immediate area with a similar height that would lend themselves to helping screen or blend the facility into the built environment.

3. The applicant has not demonstrated that the wireless communications facility will have the least possible visual impact on the environment taking into account technical, engineering, economic and other relevant factors.

The applicant has not demonstrated that the proposed wireless communication facility would have the least possible visual impact. During the public hearing, the applicant indicated that they had evaluated the potential placement of the antenna tower on at least three alternate sites. While the applicant indicated that the three alternate sites were dismissed for various reasons, the coverage map submitted by the applicant shows that many more alternate sites are available for consideration. Thus, it appears that there are several alternate sites with similar coverage as the subject site but with minimized visual impacts to the surrounding area.

Given the existence of additional alternate sites that can similarly close the coverage gap presented by the applicant, denial of this application does not have the effect of prohibiting the provision of personal wireless services. Further, the evidence in the record suggests that the applicant has not evaluated less intrusive alternatives as only three alternate sites were presented.

4. The decision does not unreasonable discriminate among providers of functionally equivalent services.

The City of Pomona has approved several cell antenna tower applications, including applications that have reduced distance from residential properties. In 2017 and 2018, the City approved similar applications that included distances of 130 feet (WIRE 4071-2016) and 240 feet (WIRE 10534-2018), respectively, from the cell antenna towers to nearby residential properties. However, none of these applications were located as close to residential property as the subject application, which is proposed to be 10 feet from the tower to the adjacent residential property line.

SECTION 4. Based on the above findings and the evidence presented during the public hearing, the Planning Commission hereby denies Major Wireless Communication Facility Permit (WIRE 13283-2020) for a freestanding wireless communication facility with equipment cabinets without prejudice so that the applicant may revisit Planning Commission with a modified proposal of an alternate site

PC Resolution No.
1748 Alameda Street – WIRE 13283-2020
Page 4 of 4

SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 13th DAY OF MAY, 2020.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:

GUSTAVO N. GONZALEZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
DEPUTY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES:
NOES:
ABSTAIN:
ABSENT:

"Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."