

## RESOLUTION PC 22-\_\_\_\_

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENIFEE, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. PLN21-0326 VALLEY CHURCH OF CHRIST WIRELESS COMMUNICATION FACILITY LOCATED SOUTH OF SUN CITY BOULEVARD, NORTH OF POTOMAC DRIVE, EAST OF MURRIETA ROAD AND WEST OF BRADLEY ROAD AT 29035 DEL MONTE DRIVE, CITY OF MENIFEE (APN 338-024-032)**

**WHEREAS**, on November 1, 2021, AT&T Wireless applied to the City of Menifee for the approval of a Conditional Use Permit for the construction of a concealed wireless communications facility consisting of a 60-foot-high mono-broadleaf structure and a 900 square foot (30'X30') CMU block enclosure at 29035 Del Monte Drive; and

**WHEREAS**, on November 9, 2022, the Planning Commission of the City of Menifee held a public hearing on Conditional Use Permit No. PLN21-0326, considered all public testimony as well as materials in the staff report and accompanying documents, which a hearing was publicly noticed by a publication in the Press Enterprise, a newspaper of general circulation, an agenda posting, on-site posting, and notice to property owners within 300 feet of the project boundaries, and to persons requesting public notice; and,

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Menifee make the following Findings:

**Section 1:** *Consistency with the General Plan. The proposed design and location of the conditional use is consistent with the adopted General Plan and any applicable specific plan:*

#### Consistency with General Plan

The General Plan land use designation for the subject parcel and the adjacent parcels is 2.1-5 du/ac Residential (2.1-5R). The intent of this land use designation is for single-family detached and attached residences with a density range of 2 to 5 dwelling units per acre, as well as supporting uses. However, the project site has an existing church facility.

The proposed construction and operation of an unmanned wireless communication facility is allowed within a residential zone on properties that do not contain a residential use when concealed or disguised per the city's wireless communications facilities code section to the satisfaction of the Community Development Director. The property currently contains no residential use, and because the property does not contain a residential use and the facility will be disguised, it is an allowed use with approval of a Conditional Use Permit at the Planning Commission level.

The project proposes a 60-foot-tall mono-broadleaf wireless communication facility and 900 square foot (30'x30') equipment enclosure comprised of a 10.75-foot-tall split-face block wall. The proposed construction and operation of the unmanned telecommunications facility is consistent with the existing General Plan land use designation of 2.1-5R as said use is intended to support the surrounding residential land uses.

In addition, the project is consistent with the following City of Menifee General Plan policies:

**Goal: LU-3:** *A full range of public utilities and related services that provide for the immediate and long term needs of the community.*

- **LU-3.1** – *Work with utility providers in the planning, designing, and siting of distribution and support facilities to comply with the standards of the General Plan and Development Code.*

The proposed project has been designed and sited to comply with the development standards of the municipal code and General Plan guidelines.

- **LU-3.2** – *Work with utility providers to increase service capacity as demand increases.*

The propagation maps for the project demonstrated that implementation of the proposed wireless communication facility will fill the void in existing service coverage. Therefore, the wireless facility will provide an increase in coverage where lacking and will support growing demand.

- **CD-3.3** – *Minimize visual impacts of public and private facilities and support structures through sensitive site design and construction. This includes, but not limited to: appropriate placement of facilities; undergrounding, where possible; and aesthetic design (e.g., cell tower stealthing).*

The applicant has worked with staff to find the least intrusive location on-site (and off-site) for the construction of the wireless communication facility. The proposed “faux” tree is a mono-broadleaf which is generally indigenous to the area. Furthermore, the applicant is proposing three 24” box Pinus Canariensis (Canary Island Pines) and three 15-gallon Eucalyptus (Red-capped Gum) along with several 5-gallon shrubs and climbing vines to conceal the wall from adjacent properties and the right-of-way. The proposed equipment enclosure will be consistent in color and material to the existing stealth wireless communication bell tower consisting of a similar decorative wall cap/copping and stone wainscotting.

#### Consistency with the Multiple Species Habitat Conservation Plan (MSHCP)

The City of Menifee has two active conservation plans within the City’s boundary, the Western Riverside County MSHCP, and the Stephens’ Kangaroo Rat Habitat Conservation Plan (SKR-HCP). The subject site is within the jurisdiction of the SKR-HCP and the Western Riverside County MSHCP. The SKR mitigation fee was paid for the entire site in 2016 when the existing stealth wireless communications facility was constructed. The proposed project is located within the boundaries of the Western Riverside County Multiple Species Habitat Conservation Plan; however, the project is not located with a Criteria Cell or Cell Group. The project is subject to payment of the MSHCP mitigation fee as determined by the Regional Conservation Authority based on the project area. Therefore, the project

would not conflict with the provisions of the adopted HCP, Natural Conservation Community Plan, or other approved local, regional, or State conservation plan and the impact is considered less than significant.

Therefore, the project is consistent with the General Plan, and applicable General Plan objectives, policies, and programs.

**Section 2:** *Consistency with the Zoning Code.*

The zoning of the site is LDR-2 (Low Density Residential). According to Table 9.130.030-1, wireless communication facilities may be allowed within the LDR-2 Zone with the approval of a Conditional Use Permit and subject to the wireless communication facility requirements set forth in Chapter 9.295 – Special Use Standards - Wireless Communication Facilities. The approval of a Major Conditional Use Permit under the zoning code requires Planning Commission approval. The surrounding zoning classifications are the same as the subject site under the current zoning code (LDR-2).

Wireless communication facilities are not allowed in residential zones when a residence exists on-site, however, they may be permitted on properties containing churches or other non-residential uses when concealed and disguised to the satisfaction of the Community Development Director. Furthermore, wireless communication facilities must be located so as to avoid precluding the future development of the property, as was the case in choosing the location of the proposed wireless facility for this project.

The project proposes a 60-foot-tall mono-broadleaf wireless communication facility and 900 square foot (30'x30') equipment enclosure comprised of a 10.75-foot-tall split-face block wall. The project meets/exceeds the minimum development standards of the LDR-2 Zone (Chapter 9.135), including but not limited to, minimum setbacks, maximum height, and lot coverage. Furthermore, the proposed wireless communication facility is consistent with the development standards of Chapter 9.295 – “Wireless Communication Facilities,” including, but not limited to, siting, height limitations, stealth/concealment, and landscape screening.

The facility has strategically been placed in an area of the site to limit the impacts to the surrounding neighbors. The proposed design and landscaping of the facility will enhance the area. Therefore, the project would not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the project vicinity.

**Section 3:** *Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.*

The proposed project has been determined to be Categorically Exempt under the California Environmental Quality Act (CEQA) and CEQA Guidelines, Section 15303 (“New Construction or Conversion of Small Structures”). This section consists of construction and location of limited numbers of new, small facilities or structures; installation of small new

equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to... (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive (d) water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

The proposed project is for a new wireless communication facility concealed as a 60-foot-tall mono-broadleaf and associated mechanical equipment and equipment enclosure. The project falls under 2,500 square feet and does not involve significant amounts of hazardous substances while all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. Therefore, the project is exempt per Section 15303, "New Construction or Conversion of Small Structures," of the CEQA Guidelines and no further CEQA analysis is required.

**THEREFORE, BE IT FURTHER RESOLVED**, the Planning Commission of the City of Menifee hereby approves Conditional Use Permit No. PLN21-0326 subject to the following:

1. The Findings set out above are true and correct.
2. Conditional Use Permit No. PLN21-0326 is hereby approved subject to the Conditions of Approval set forth in Exhibit "1" to this resolution.

**PASSED, APPROVED AND ADOPTED** this the 9th day of NOVEMBER, 2022.

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David White, Chairman

Attest:

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Rachel Valencia, Acting Deputy City Clerk

Approved as to form:

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Thai Phan, Assistant City Attorney