

RESOLUTION NO. 5178

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING CONDITIONAL USE PERMIT NO. CUP-534-01 FOR A PARCEL OF LAND LOCATED ON THE SOUTH SIDE OF KATELLA AVENUE, EAST OF FAYE AVENUE, AT 10418 KATELLA AVENUE, PARCEL NO. 089-542-26.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on January 18, 2001, does hereby adopt a Negative Declaration, find a de minimis impact on fish and wildlife resources, and approve Conditional Use Permit No. CUP-534-01.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-534-01, the Planning Commission of the City of Garden Grove does report as follows:

1. The subject case was initiated by Sprint PCS.
2. The applicant requests approval of a Conditional Use Permit to allow the construction of a 63 foot tall cellular tower. The cellular tower has been designed within a church steeple.
3. The project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The property has a General Plan designation of Low Density Residential and has a zoning designation of R-1 (Single Family Residential). The site is currently improved with St. Marks Lutheran Church.
5. Existing Land Use, Zoning, and General Plan designation of property in the vicinity of the property have been reviewed.
6. Staff report submitted by staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on January 18, 2001, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of January 18, 2001.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030, are as follows:

FACTS:

The site is approximately two acres and is currently improved with St. Marks Lutheran Church.

Currently, a 60 foot tall steeple exists on the northern portion of the site. The applicant will remove the existing steeple and replace it with a new 63 foot tall steeple. The new steeple will contain cellular antennas.

Communication antennas, public utility stations, and equipment buildings are conditionally permitted uses in the R-1 (Single Family Residential) zone.

FINDINGS AND REASONS:

CONDITIONAL USE PERMIT:

1. The use is consistent with Title 9 zoning regulations, the City's adopted General Plan. The site is zoned R-1 (Single Family Residential) which permits the antennas with the approval of a Conditional Use Permit. The proposed use is in conformance with the goals and policies of the General Plan as they pertain to the protection of the public's health, safety, and welfare.
2. The antennas will not adversely affect the health, peace, comfort or welfare of persons residing or working in the vicinity provided the conditions of approval are adhered to for the life of the project.
3. The antennas will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site. Through the recommended conditions of approval, the use will be compatible with the surrounding area.
4. The location of the antennas and the equipment will not jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare. The conditions of approval placed on the project will ensure that the general welfare is protected.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT:

In addition to the forgoing, the Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

Conditional Use Permit No. CUP-534-01 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Land Use Actions).

In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval shall apply to Conditional Use Permit No. CUP-534-01.

CONDITIONS OF APPROVAL:

- A. All below listed conditions of approval are required to be recorded. Recordation of said conditions is the responsibility of the applicant, and proof of such recordation is required prior to issuance of building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval of the Planning Commission.
- B. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all other requirements of the Garden Grove Municipal Code shall apply.
- C. All modifications shall be approved by the Community Development Department. If other than minor changes are proposed, a new Conditional Use Permit, containing all proposed revisions, shall be required.
- D. The existing steeple shall be removed from the site prior to the issuance of building permits for the new steeple, and cellular equipment.
- E. In the event that the communication system creates any disturbance or other transmission or health problems, the operator shall immediately remedy the problem to the satisfaction of those affected. If the problems cannot be remedied, then the cellular equipment and antennas shall be removed without the necessity of revocation of the Conditional Use Permit.
- F. The applicant/property owner shall be responsible for maintaining free from graffiti, debris, and litter those areas of the site which are adjacent to the premises over which he/she has control. Graffiti shall be removed within 120 hours of application.
- G. The applicant/property owner shall be responsible for maintenance and up-keep of the communication facility.

- H. This Conditional Use Permit (CUP) grants the right to the applicant to use a communications facility on the premises. The City, however, has concerns about the potential adverse aesthetic and other health and safety impacts of the 63 foot tower, antennas, and utility and/or mechanical equipment on the surrounding community. Because the full extent of possible adverse impacts is not fully known and because there is a possibility that future technological improvements, unknown at this time, may make the cellular equipment and antennas unnecessary, those particular structures are authorized for a maximum of ten years.

The Planning Commission reserves the right to periodically reevaluate the tower, antennas, and utility and/or mechanical equipment in terms of the continued need for these structures in their current size, height, and configuration and the actual impacts on the neighborhood, community, and environment.

Prior to the end of the fifth year, there will be an administrative review for compliance with the conditions of approval. Nothing in this condition shall be construed to require the removal of the church steeple, only the cellular equipment and antennas.

- I. In the event that the communication facility is abandoned or its use is discontinued, the applicant/property owner shall remove all cellular equipment and antennas within sixty days of abandonment or discontinuance of the use, whichever occurs first.
- J. All construction shall comply with the California Uniform Building Code, as adopted by the City of Garden Grove.
- K. During construction the applicant shall comply with the following measures to contain fugitive dust as required by the General Plan EIR:
- 1) Adherence to SCAQMD Rule 403, Fugitive Dust, as revised, which includes dust minimization measures such as daily watering of soils, application of non-toxic soils stabilizers, replacement of ground cover in disturbed areas as soon as possible, suspension of excavating and grading operations when wind speeds (or instantaneous gusts) exceed 25 miles per hour, and maintenance of a minimum two feet of freeboard on all trucks hauling dirt, sand, soil, or other loose material.
  - 2) Sweeping of streets near construction area.
  - 3) Rinsing of wheels on construction vehicles prior to leaving construction area.

- 4) Use of electricity from power poles rather than temporary diesel or gasoline powered generators.
  - 5) Use of methanol, natural gas, propane or butane-powered on-site mobile equipment rather than diesel or gasoline powered equipment.
- L. The antennas shall be located within the steeple, and shall not be visible from anywhere on or off site. The maximum height of the steeple shall not exceed 63 feet. The steeple shall be of an earth tone color to match the existing church. The color shall be submitted to the Community Development Department, Planning Services Division for approval, prior to the issuance of building permits.
- M. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010, referred to as the County Noise Ordinance as adopted:
- 1) Mondays through Saturdays: not before 7:00 a.m. and not after 8:00 p.m. (of the same day).
  - 2) Sundays and Federal Holidays may work the same hours subject to the noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
- N. The applicant/property owner shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-534-01, and his/her agreement with all conditions of approval.
- O. The lease area for the equipment shall be fully enclosed with an eight foot high block wall, in a design and material/color to match the existing church walls.
- P. The applicant shall submit a complete and detailed landscape plan for the area surrounding the equipment area. The plan shall be submitted to, and be approved by, the Community Development Department prior to the issuance of building permits. Said plan shall include type, size, location, and quantity of all plant material. It shall include staking and planting specifications. The landscape plan shall also include the following:
- 1) A complete, permanent, and automatic remote control irrigation system shall be provided for all landscape areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - 2) The applicant is responsible for all installation and maintenance of all landscaping on the property. Said responsibility shall extend to the sidewalk curb and pavement of the site.

- Q. Prior to the issuance of permits for the new sign proposed to be mounted to the block wall located on the north side of the equipment area, the existing monument sign shall be removed. The new sign shall be limited to church use only.
- R. The bells in the new steeple shall be non-functioning. However, the steeple may emit an electronic chime, provided that the following conditions are met at all times.
- 1) Chiming shall be limited to once an hour between the hours of 8:00 a.m. to 5:00 p.m., seven (7) days a week. Chimes shall not exceed a period of one minute in length. There shall be no other noise emitted from the tower at any time.
  - 2) The electronic chime shall not exceed the allowable decibel level stated in the City of Garden Grove Municipal Code, as measured from the property line.
  - 3) If it is determined by the City that the electronic chime is a public nuisance, then the chimes shall be turned off.
- S. In order to address concerns regarding radio emissions, the following conditions shall be complied with:
- 1) Radio frequency emissions shall not exceed the radio frequency emission guidelines of the Federal Communication Commission (FCC), as such guidelines may be amended from time to time.
  - 2) Prior to July 1, 2002, and each July 1, thereafter, the operator shall file with the City of Garden Grove Community Development Department for approval, a certification of compliance prepared by an independent third party, qualified to measure radio frequency emissions.
- T. All lighting for the lease area shall be directed, positioned, and/or shielded as not to unreasonably illuminate adjacent properties.

ADOPTED this 18th day of January 2001.

/s/ LEE BUTTERFIELD  
CHAIRMAN

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on January 18, 2001, by the following votes:

AYES: COMMISSIONERS: BUTTERFIELD, BARRY, CALLAHAN, FREZE,  
HUTCHINSON, JONES, NGUYEN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

/s/ TERESA POMEROY  
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is February 8, 2001.

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> c.3.	<b>SITE LOCATION:</b> South side of Katella Avenue, east of Faye Avenue, at 10418 Katella Avenue.
<b>HEARING DATE:</b> January 18, 2001	<b>GENERAL PLAN:</b> Low Density Residential
<b>CASE NO.:</b> Conditional Use Permit No. CUP-534-01	<b>ZONE:</b> R-1 (Single Family Residential)
<b>APPLICANT:</b> Sprint PCS	
<b>OWNER:</b> St. Marks Lutheran Church	<b>CEQA DETERMINATION:</b> Negative Declaration

## **REQUEST:**

The applicant is requesting to construct and operate a 63 foot tall cellular tower that is contained within a church steeple.

## **BACKGROUND:**

The subject site is approximately two acres and is improved with St. Marks Lutheran Church. Currently, a 60 foot tall steeple exists on the north side of the site, adjacent to Katella Avenue. On the steeple is a message sign that reads "GOD IS LOVE." Additionally, a six foot tall monument sign exists adjacent to the steeple.

## **DISCUSSION:**

The applicant is proposing to remove the existing steeple, and install the new 63 foot tall steeple in the same location. The new steeple will contain the cellular antennas, thus the antennas will not be visible from the exterior of the steeple. The site will have three sectors, with four antennas per sector, at a height of 58 feet.

In addition to the antennas the steeple will contain five non-functioning bells. However, the church is requesting to install an electronic chime that rings on the hour. Staff has conditioned that the chime be limited to ringing on the hour between the hours of 8:00 a.m. and 5:00 p.m. Additionally, the project has been conditioned that the noise from the chime, as measured at the property line, does not exceed noise levels as allowed under the Municipal Code. If the City determines, however, that the chime creates a public nuisance, then the chime will be required to be turned off.

On the north face of the steeple, facing Katella Avenue, the applicant has requested to again place the message "GOD IS LOVE." The applicant is proposing to use 18 inch



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letters in a vertical manner. Allowing this message sign on the new steeple, may set a precedent for allowing permanent message signs at churches in the City. If the Planning Commission determines that they do not support the sign, however, then a condition needs to be added to prohibit signage on the steeple.

The equipment for the cellular tower will be located in an existing landscape planter on the northwest section of the parking lot. The applicant has proposed to surround the equipment with an eight foot tall block wall. The applicant has proposed to remove the existing six foot tall monument sign, and replace it with a new sign mounted to the north side of the block wall. The proposed wall sign will be 6.5' x 10', for a total sign area of 65 square feet and contain a changeable message board. Conditions on the project would limit this sign to church usage only.

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt the Negative Declaration and approve Conditional Use Permit No. CUP-534-01, subject to the recommended conditions of approval.

GLEN KRIEGER   
Planning Services Manager

  
By: Dave Blumenthal  
Assistant Planner

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