



**CITY OF HERCULES  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Chair Galieva and Members of the Planning Commission

**FROM:** Robert Reber, Community Development Director  
Robert Ross, Technical Expert/Consultant (The Center for Municipal Solutions)  
Larissa Alchin, Planning Intern

**FOR:** The Regular Planning Commission Meeting of October 5, 2020

**SUBJECT:** **SPECIAL USE PERMIT (SUP) NO. 20-01**, a request by Crown Castle (tower owner) and AT&T (operator) for site modification and tower replacement at 3519 Franklin Canyon Road/Fernandez Ranch, open space land owned by the John Muir Land Trust, south of Highway 4 and the Franklin Canyon Golf Course.

**Location:** 3519 Franklin Canyon Rd.  
(Assessor Parcel Number 362-020-022-4)  
Hercules, California 94547

**Applicant:** AT&T Wireless  
5001 Executive Pkwy.  
San Ramon, California 94583

Crown Castle  
1 Park Plaza, Suite 300  
Dublin, California 94568

As represented by Bob Gundermann (Beacon Development Group)  
489 McLeod St.  
Livermore, California 94550

**1. RECOMMENDATION**

Staff recommends that the Planning Commission:

- a. Request City staff present the staff report;
- b. Open the public hearing and receive testimony;
- c. Request clarification, if necessary, from staff or the applicant on any issues related to Special Use Permit No. 20-01;

- d. Close the public hearing; and
- e. Adopt resolution (Attachment 1) approving Special Use Permit No. 20-01, based on the attached findings with facts (Exhibit A) and subject to conditions of approval (Exhibit B)

## **2. SITE & PROJECT DESCRIPTION**

The project site is an approximately 20 ft. x 35 ft. compound, leased from the John Muir Land Trust on the 472.33-acre Fernandez Ranch property, located at 3519 Franklin Canyon Rd. (Assessor Parcel Number 362-020-022-4) south of Highway 4 and the Franklin Canyon Golf Course.

AT&T is the carrier for the existing wireless site at 3519 Franklin Canyon Rd originally approved Use Permit No. 10-93 and Design Review Permit 11-93 in 1993. Within the 8-ft.-tall barbed wire-topped chain-link fence is a 9-ft. x 9-ft. equipment shelter. Antennas are mounted on three (3) existing 11-ft.-tall poles and a tree outside the compound fence. There are an additional three (3) antenna attached to the compound fence. The proposed project would construct a new 35-ft.-tall monopole, relocate the existing antennas and associated equipment to the new tower, remove the existing antenna supports as needed, and rework the compound fencing to the appropriate height. The monopole is to be camouflaged to blend in with the existing surrounding trees so that the site will be minimally visible.

The proposed communications facility would operate 24 hours per day, seven days per week, to receive and transmit phone calls, text messages, email, and data. The most prominent feature of the facility would be the 35-ft.-tall monopole tower (See Attachment 2). Per the draft Conditions of Approval (Exhibit B), camouflage design of the monopole (e.g., disguised as a faux evergreen tree) is subject to subsequent ministerial approval of the Community Development Director, though the Planning Commission can revise the conditions of approval to require that final design be reviewed and approved by the Commission. The tower would be bolted to a concrete pad within the existing chain link fence on the project site. Six (6) 55.1- inch-tall AT&T antennas will be mounted to the monopole, two (2) each at heights of 18 feet, 25 feet, and 32 feet above ground level. AT&T's related ground-based equipment (e.g., remote radio units, utility racks, telecommunications equipment, etc.) would be housed within the existing equipment shelter located on a concrete pad at the base of the proposed antenna. The three (3) existing 11-ft.-tall poles will be removed.

The proposed modifications are necessary to improve the coverage and capacity of the existing 4G LTE (4<sup>th</sup> Generation—Long-Term Evolution) network in the region. 4G LTE can deliver speeds up to 10 times faster than industry-average 3G speeds. LTE technology also offers lower latency, i.e., the processing time it takes to move data through a network, such as the time to start downloading a webpage or file once a date request is sent. Also, LTE uses radio frequency (RF) spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better

overall network experience. AT&T designs, builds, and expands its wireless network as necessary to satisfy its customer service standards. Currently the project site is configured as a One LTE carrier (channel) base station. This means that the potential performance of the 4G LTE network is currently not fully realized, which is impactful for those who rely on the AT&T network for broadband data services, use mobile phones as their primary communication device (landlines to residences have decreased significantly), and rely on mobile phones to do more (e.g., emergency 911, GPS, web access, text, etc.). The proposed modification will provide substantial improvement in high speed 4G LTE service to residents and travelers in the area (see Attachment 4).

### **3. GENERAL PLAN DESIGNATION AND EXISTING LAND USE**

The project property's land use designation is Franklin Canyon Area. The adjacent areas within Hercules are also zoned Franklin Canyon Area and Public Open Space (P/QP-O). The property is also adjacent to unincorporated Contra Costa County land zoned as Agricultural Preserves. The Franklin Canyon Area land use designation and regulations were approved by Hercules voters on November 2, 2004, as Measure M (*Protect Franklin Canyon Area Initiative*), subsequently adopted by the City Council on December 14, 2004, as Ordinance No. 401 (*Hercules General Plan Amendment and Land Use Designation for the Franklin Canyon Area*). The primary purpose of the Ordinance is "maintain[ing] existing use of the Canyon and surrounding areas for agriculture, outdoor recreation, very low-density residential, and open space uses." The existing wireless site was in place at the time of the ordinance's approval, and as such, would be a legal existing use. Furthermore, although the wireless site is privately owned and operated, telecommunications facilities are generally considered legally as public utilities, even when they are privately-owned/operated commercial facilities. Public utilities are allowed uses under the Franklin Canyon Area regulations:

#### ***SECTION 9. Uses***

*The following uses and their normal and appropriate accessory uses and non-residential structures (as well as uses preemptively authorized by Federal and State law) are permitted in the Franklin Canyon Area, if they comply with all of the provisions of the Plan and with other City prohibitions, restrictions, regulations, conditions and requirements that further the Plan:...*

- (g) City and other government facilities and uses, and public utility facilities, that are limited to meeting the needs created by uses permitted in the Franklin Canyon Area, unless the Planning Commission reasonably finds more extensive public need that cannot practicably be met outside the Franklin Canyon Area. However, this exception for more extensive public need shall not apply to waste treatment and disposal or commercial electrical power generating facilities. Publicly provided outdoor recreation and nature observation and enjoyment and ancillary accommodations are permitted whenever like for-profit uses would be allowed.*

#### **4. ENVIRONMENTAL DETERMINATION**

The proposed installation of a 35-ft.-tall monopole and antennas to replace three existing 11-ft.-tall poles and antennas within an existing 20-foot by 35-foot telecommunications compound is considered categorically exempt under the provisions of the California Environmental Quality Act (CEQA), specifically:

- Class 1, Section 15301, Existing Facilities, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of an existing or former use, including existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services; and
- Class 3, Section 15303, New Construction or Conversion of Small Structures, which consists of the construction and location of limited numbers of new, small facilities or structures including water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

#### **5. GENERAL PLAN AND MUNICIPAL CODE CONFORMANCE**

Special Use Permit No. 20-01 proposes to modify an existing unstaffed wireless telecommunications facilities consistent with the General Plan in that:

- Improved telecommunication service meets Objective 3 of the Land Use Element on page II-13 of the adopted General Plan: “Ensure the provision of public facilities and services needed to support growth that balances jobs, commercial, and housing opportunities and also protects the quality of life in the community.”
- Improved telecommunication services will also meet Objective 9 of the Economic Development Element on page IX-12 of the General Plan: “Retain and support existing businesses through creation of a positive business environment and through programs to strengthen and promote development of existing businesses.”

Special Use Permit No. 20-01 is also consistent with the Hercules “Wireless Telecommunications Facilities” Ordinance (Section 10-16.101 of the Hercules Municipal Code), whose purpose and intent are to:

- “...provide for the safe and efficient integration of facilities necessary for the provision of advanced wireless telecommunications services throughout the community and to ensure the ready availability of reliable wireless services to the public, government agencies and first responders, with the intention of furthering the public safety and general welfare;”
- “...minimize the physical impact of wireless telecommunications facilities on the community, protect the character of the community to the extent reasonably possible, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Hercules”;

- “...minimize the physical and visual impact on the community, including but not limited to the use of stealth or camouflaging siting techniques, so as to make the facility substantially invisible, or as nearly so as is reasonably possible”;
- “...assure the protection of the public health and safety... [through] compliance with the FCC’s regulations regarding RF emissions, either for individually owned equipment or cumulatively for all equipment at the site”;
- “...place and construct and operate such [wireless telecommunications] facilities in accordance with all applicable technical, safety, fire, building codes, zoning codes, laws, ordinances and regulations and conditions..., including but not limited to general maintenance requirements to items such as fencing, landscape, blight abatement, graffiti abatement and nuisance abatement”;
- “[limit] the maximum permitted total height of a new tower or support structure [to] thirty-five (35) feet above pre-construction ground level.”

## 6. ANALYSIS

- General Discussion.** The applicants, Crown Castle and AT&T Wireless, as represented by Bob Gundermann of Beacon Development Group, are requesting Planning Commission approval to install and operate one (1) 35-ft.-tall monopole with multiple attached wireless communications antennas and associated ground equipment. Municipla Code Section 10-16, Telecommunications Wireless Facilities (first adopted by the Hercules City Council in 1997 and updated in 2015), requires that the installation of telecommunications antennas be reviewed and approved by the Planning Commission.
- Property History or Permits.** The project site is a 472.33-acre property, formerly known as Franklin Canyon, which was acquired by John Muir Land Trust and added to the larger Fernandez Ranch open space in 2010. On November 2, 2004, a majority of Hercules voters approved Measure M (*Protect Franklin Canyon Area Initiative*). The existing wireless site at 3519 Franklin Canyon Rd was approved in 1993 and was in use at the time Measure M was approved. In 2018 the (6) six existing AT&T antennas were replaced and new related ground-based equipment was installed.
- Circulation, Access, and Parking.** As currently performed for the existing facility, maintenance crews would continue to access the telecommunications facility via the existing private road from the Franklin Golf Course. The site also contains a gated compound, with parking inside and in front of the compound.
- Maintenance.** The monopole tower, antennas, and associated equipment cabinets are completely self-operating and thus unstaffed. Once constructed, AT&T Wireless technicians will visit the site approximately once per month for maintenance during normal operations, and more often if any equipment malfunctions.

- e. **Zoning Compliance.** The proposed telecommunications facility is classified as a utility facility. The project site is within the Franklin Canyon Area zone, for which public utility facilities are subject to a special use permit.
- f. **Site Design Analysis.** The antenna configuration and enclosure design and placement maximize the utility's effective range while minimizing potential visual impacts to what is currently open space, as stipulated in aesthetic rules of the Franklin Canyon Area Ordinance:

***Section 13. Visual Safeguards***

- (b) To the extent practicable, structures shall be located, including by setbacks from parcel boundaries, on that part of a parcel that minimizes visibility from public places, except agricultural structures essential for agricultural purposes may be located in more visible areas if necessary.*
- (c) Development shall be subordinate to and blend with the natural and open space qualities of the area where located, so as to be as unobtrusive as possible, and not to impair those qualities. Consistent with that end, alteration of topography by grading, excavating, filling or other development activity shall be minimized. In all cases, appropriate landscaping, preservation of vegetation, screening, and building materials shall be required by the City to minimize the visual impact of development. To the maximum extent practicable, exterior lighting must be located, designed, and shielded so as to confine direct rays to the parcel where the lighting is located and to protect the darkness of the night sky.*
- (d) The height of buildings shall not exceed 35 feet.*

The top of the proposed tower would be at 35 feet above grade. The site is at an approximate ground elevation of 413 feet, with the ground elevation of the nearest ridge line at approximately 560 feet, thus placing the site approximately 147 feet below the ridge line. With the addition of the new 35-ft.-tall tower, the top of the tower would be more than 100 feet below the ridge line, as required by Hercules Municipal Code Section 10-16.103(b)(6) (Location of Wireless Telecommunications Facilities).

Photo simulations showing before and after views of the proposed project are shown in Attachment 2. Because the photo simulations from the access road are taken from below the site and angled up, the project site appears to be on the ridgeline when in fact it is nearly 150 feet below the ridge line. The photo simulations show a bare, non-camouflaged monopole so that the facility can be easily located on the photos.

- g. **Technical Analysis.** Technical experts at The Center for Municipal Solutions (CMS), serving as consultants to the City, reviewed the radio frequency (RF) coverage maps (Attachment 4) and project data sheets (Attachment 5) and found them to be accurate.

CMS consultants also reviewed the full set of construction drawings (Attachment 3) and found them to be complete.

## **7. ISSUES FOR COMMISSION CONSIDERATION**

Planning Commission should decide if the applicants' request to install and operate one (1) 35-ft.-tall monopole and associated antennas and ground equipment is appropriate and consistent with the surrounding area. Planning Commission should also consider is (a) the monopole should be a camouflage design (e.g., faux tree), and (b) if so, then whether the design should be subject to administrative staff approval or Planning Commission approval.

## **8. ATTACHED EXHIBITS**

- Attachment 1: Draft Resolution (SUP 20-01)
  - Exhibit A: Findings with Facts (SUP 20-01)
  - Exhibit B: Conditions of Approval (SUP 20-01)
- Attachment 2: Site Map & Photo Simulations
- Attachment 3: Design Plans
- Attachment 4: LTE 4G Service Coverage Maps
- Attachment 5: RF-EME Compliance Report