

Resolution No. **2018-07-26-0501**

STOCKTON PLANNING COMMISSION

RESOLUTION APPROVING THE USE PERMIT AND DESIGN REVIEW TO ALLOW A PROPOSED 75-FOOT HIGH STEALTH TELECOMMUNICATION TOWER WITH ABOVE GROUND EQUIPMENT IN THE CHANNEL AREA LOCATED AT 2050 W. FREMONT STREET (P18-0334)

The applicant, T-Mobile West, LLC (T-Mobile), submitted a Use Permit and Design Review application to construct a 75-foot high quad-pole stealth telecommunication tower with above ground equipment in the Channel Area located at 2050 W. Fremont Street, zoned Industrial, General (IG); and

The subject stealth tower is approximately 75 feet in height. The subject site is currently being used by an advertising company at the corner of West Fremont Street and Carlton Ave. The subject stealth tower and above ground equipment will be located on the south east portion of the site, adjacent to Melbourne Avenue and perpendicular to Interstate-5; and

The subject stealth tower complies with the provisions of Stockton Municipal Code (SMC) Section 16.44.020, Criteria for Minor and Major Communication Facilities; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON, AS FOLLOWS:

A. The Planning Commission approves Use Permit to construct a 75-foot high quad-pole stealth telecommunication tower with above ground equipment in the Channel Area (Exhibit 1 - Site Plan and Elevation), based on the following General Findings of Fact and Conditions of Approval:

General Findings

1. The subject stealth tower is allowed within the Stockton Channel Area Overlay District, subject to the approval of a Use Permit by the Planning Commission. The subject stealth tower complies with all applicable provisions of the Stockton Municipal Code, particularly the Communication Facilities for Criteria for Minor and Major Communication Facilities in Section 16.44.020.

2. The subject stealth tower would maintain the integrity and character of the surrounding neighborhood, because the subject stealth tower complements the surrounding uses and industrial character of the Stockton Channel Area.

3. The subject stealth tower is consistent with applicable general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan related to the subject stealth tower, because it expands the use of information and allows for better-informed citizenry and is consistent with the following General Plan Policy:

Public Facilities & Services, PFS-10.7, Visual Impact to minimize the visual impacts of wireless communication facilities, the City shall encourage that they meet the following conditions:

- a. Are located away from residential and open space areas;
- b. Are not visible from public right-of-way;
- c. When possible, are located on existing buildings, existing poles, or other existing support structures; and
- d. Are painted, camouflaged, or textured.

The subject stealth tower complies with the above General Plan Policy because it will minimize visual impacts of wireless communication facilities in the Stockton Channel Area District. The subject stealth tower will complement the surrounding neighborhood, by serving businesses, residents, and the commuters from Interstate-5.

4. The subject site would be physically suitable for the type and density/intensity of use being proposed including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.), because the existing use already has services and there are no known physical constraints.

5. The establishment, maintenance, or operation of the subject stealth tower at the location proposed and for the time period(s) identified, if applicable, is not expected to endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use, because the Conditions of Approval adequately address potential public health and safety issues that may be associated with the subject stealth tower by requiring the stealth tower to meet all applicable Federal, State, County, and City codes, regulations, and adopted standards.

6. The design, location, size, and operating characteristics of the subject stealth tower are expected to be compatible with existing and future land uses on the site and in the vicinity of the subject property, because the subject stealth tower will support industrial uses permitted in the IG zone, in accordance with Table 2-2 (Allowable Land Uses and Permit Requirements) of the Stockton Municipal Code, and is expected to be compatible with existing and future uses in the surrounding industrial zones.

7. The proposed action is a Categorically Exempt use, in accordance with the provisions of section 15303, Class 3, of the California Environmental Quality Act (CEQA), because it constitutes new construction of a small structure.

Conditions of Approval

1. The business operator shall comply with all applicable Federal, State, County and City codes, regulations, and adopted Standards and pay all applicable fees.
2. Compliance with these conditions of Approval is mandatory. Failure to comply with these Conditions of Approval is unlawful and constitutes a public nuisance, and is subject to the remedies and penalties identified in the Stockton Municipal Code, including, but not limited to, monetary fines and revocation or modification of said Use Permit.
3. The Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.
4. In the event the operation of this stealth tower should prove detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification, as provided in the Development Code.
5. The owners, developers and/or successors-in-interest (ODS) shall be responsible for the City's legal and administrative costs associated with defending any legal challenge of the approvals for this project or its related environmental document.
6. The Use Permit shall become valid ten days after approval, unless the action is appealed.

Design Review

The Planning Commission approves the Design Review based on the following findings:

1. The proposed stealth tower is consistent with all applicable provisions of this Development Code and other applicable City ordinances, because the proposed stealth tower is consistent with the design criteria for communication facilities outlined in the SMC section 16.44.020.C.
2. The general design considerations, including the character, quality and scale of design are consistent with the purpose/intent of this chapter and the Guidelines and other design guidelines that may be adopted by the City, because the Architectural Review Committee (ARC) has reviewed the elevations, photo simulations, and architectural design in a comprehensive

7. The building design and related site plans, including on-site parking and loading, has been designed and integrated to ensure the intended use will best serve the potential uses and patrons of the site, because the City staff has reviewed the site plan to ensure that the plans comply with the City Codes and provide the best way to serve the patrons of the site.

PASSED, APPROVED, and ADOPTED: July 26, 2018.

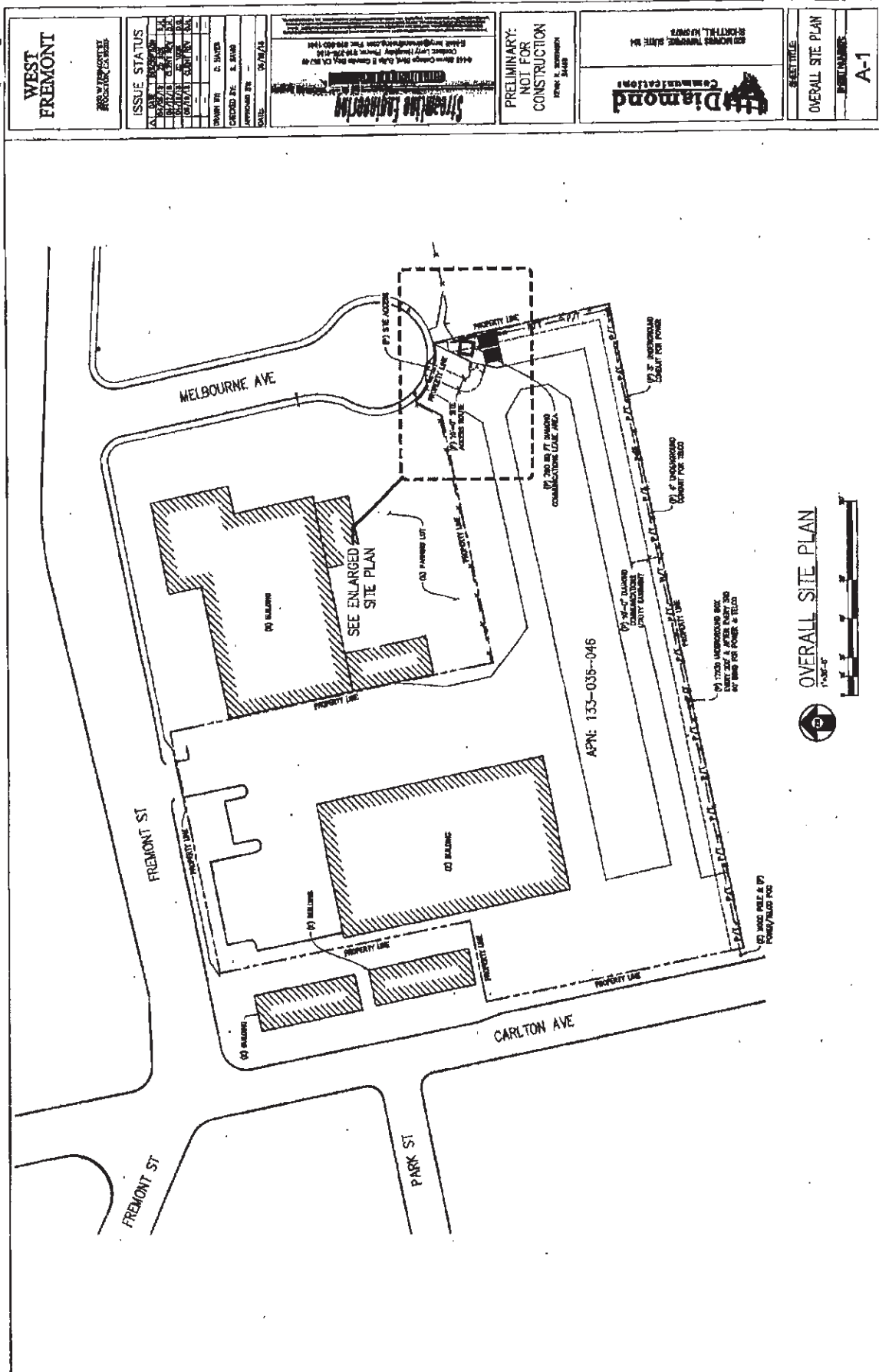


DON M. AGUILLARD, CHAIR
City of Stockton Planning Commission

ATTEST:



DAVID W. KWONG, SECRETARY
City of Stockton Community Development



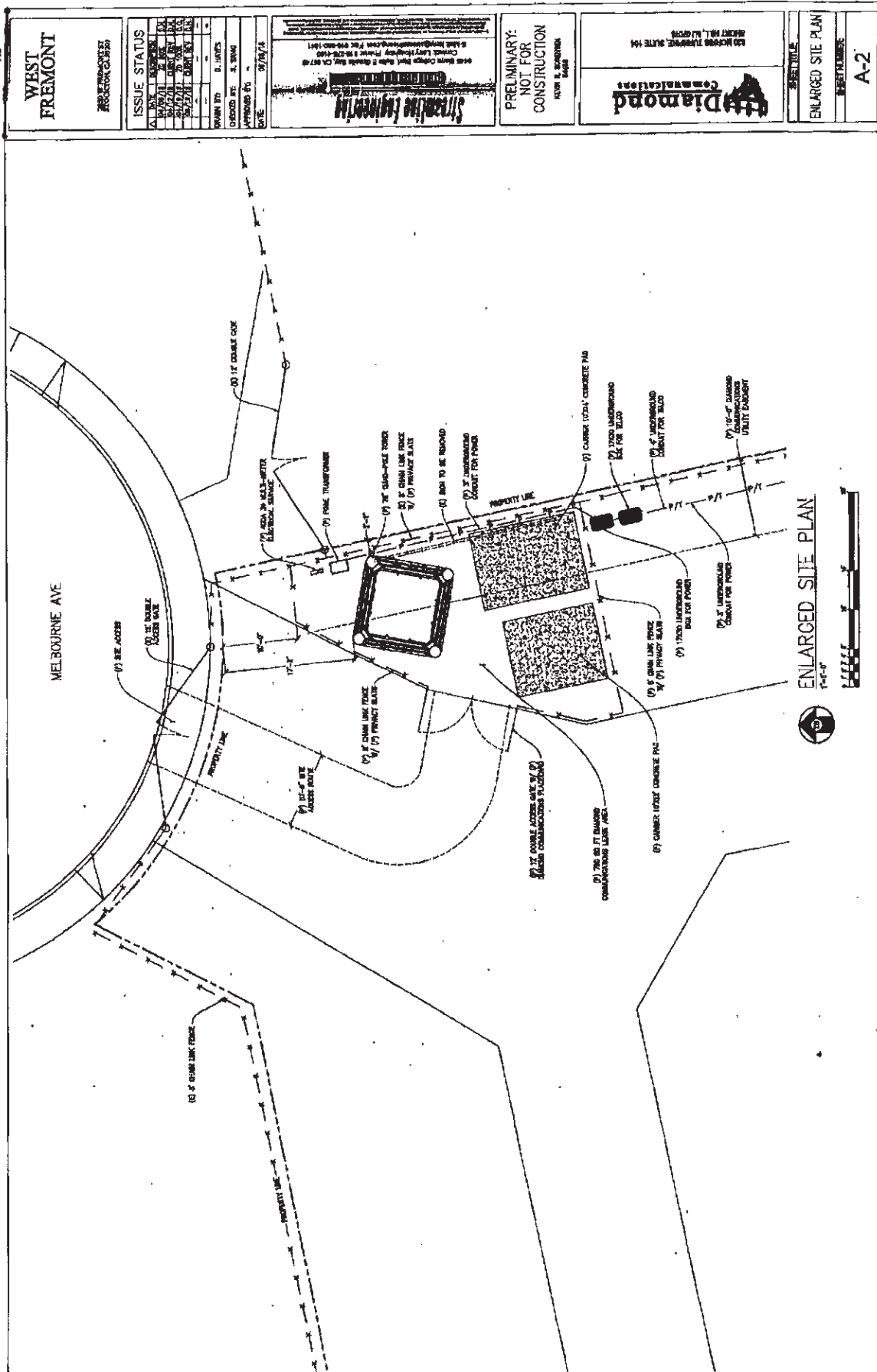


Exhibit 1

