



Distributed at hearing

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#2

# COMMUNITY DEVELOPMENT SERVICES

2 pages

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TO: Planning Commission Agenda of: May 23, 2019

FROM: Emma Carrico, Assistant Planner Legistar / Item No.: 19-0803/2

DATE: May 20, 2019

RE: Minor Edits to Staff Report  
CUP19-0001/Pat Dorado Co-location

Discussion:

Staff recommends the following minor edits to sections of the staff report involving the Recommendation, Environmental Review and Finding 1.1. Staff's original determination for the project environmental review was that the project be deemed exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. Upon recommendation of County Counsel, Staff recommends that the project be found categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) as it more appropriately aligns with the project description and that existing case law (*Don't Cell Our Parks v. City of San Diego (2018) 21 Cal.App.5th 338, 345.*) has set precedent for this exemption to be applicable for telecommunications equipment/facilities. All proposed edits to the staff report are made in the ~~strikeout~~/underline format:

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

- Find that the project to be Categorically Exempt pursuant to Section ~~15301 (Existing Facilities)~~ 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act Guidelines; and

**CONSISTENCY**

**Environmental Review:** This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section ~~15301(b)~~15303 of the CEQA Guidelines stating that Class ~~13~~ exemptions consist "~~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 use beyond that existing at the time of the lead agency's determination~~ 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." All antennas and associated equipment would be within the stealth enclosure on the existing tower or within the 12' X 11' 2" lease area, thus the installation of the communication facility is consistent with this exemption classification under CEQA.

## FINDINGS

### 1.0 CEQA FINDINGS

- 1.1 The proposed communication facility is Categorical Exempt from CEQA pursuant to Section 15304.3 of the CEQA Guidelines. Class 13 exemptions consist “~~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 use beyond that existing at the time of the lead agency’s determination~~ 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.” All antennas and associated equipment would be within the stealth enclosure on the existing tower or within the 12’ X 11’ 2” lease area, thus the installation of the communication facility is consistent with this exemption classification under CEQA.