Regular Meeting
Thursday, January 9th, 2020 at 5:30 p.m.
Board Chambers, 981 “H” Street, Suite 100, Crescent City, CA

AGENDA

I. CALL TO ORDER:

ROLL CALL:

II. PUBLIC COMMENT: The public may address the Planning Commission on any item of interest that is within the Commission’s subject matter jurisdiction or that appears on the agenda. The Commission is not able to discuss extensively or act on any items that do not appear on the agenda. After receiving recognition by the Chairperson, please state your name and city or county residency for the record. Public comment is limited to three (3) minutes or other reasonable limitations specified by the Chairperson on particular topics or individual speakers (Gov’t Code §54954.3(b)).

III. CONSENT CALENDAR: None.

IV. APPROVAL OF MINUTES:

IV-A. Approval of the minutes of the October 10, 2019 regular meeting of the Crescent City Planning Commission and Architectural Review Committee.

IV-B. Approval of the minutes of the November 7, 2019 special meeting of the Crescent City Planning Commission and Architectural Review Committee.

V. ARCHITECTURAL REVIEW: None.

VI. CONTINUING BUSINESS: None

VII. NEW BUSINESS:

VII-A. Development of Small Cellular Sites Ordinance
To provide for the regulation of small wireless sites within city limits consistent with recently adopted Federal regulations, city staff seeks input to develop a draft ordinance to guide siting of
small wireless facilities in the public right-of-way and within utility easements in public and private properties.

**VII-B. Development of RV Long-term Parking Ordinance**

In October 2019, the City Council directed staff to work with the Planning Commission on Development of RV Long-term Residential Parking & Use Ordinance

**VII. REPORTS, CONCERNS, REFERRALS:** In accordance with Gov’t Code §54954.2(a)(2),

Planning Commissioners or staff may briefly respond to public comment, make brief announcements or reports, or ask questions for clarification. Planning Commissioners or the Commission may also direct staff to report back on any matter at a subsequent meeting or to place a matter of business on a future agenda.

**IX. ADJOURNMENT:** Adjourn to the regular meeting of the City of Crescent City Planning Commission and Architectural Review Committee. Next meeting scheduled for Thursday February 13th, 2020 at 5:30 p.m. at the Flynn Center, 981 H Street, Crescent City, CA 95531

**POSTED:**
January 6th, 2020
By: Heather Welton
Office Technician
MINUTES

I. CALL TO ORDER: Chairman Altman called the meeting to order at 5:30pm.

ROLL CALL: Commissioners Present: Chairman Raymond Altman, Vice-Chair Holly Green, Commissioner Kime, Commissioner Wendt and Commissioner Walp.
Staff Present: City Manager Eric Wier, Public Works Director Jonathan Olson, Recreational Director and Event Coordinator Holly Wendt, Office Technician/Planning Secretary Heather Welton.

II. PUBLIC COMMENT: There was no public comment.

III. CONSENT CALENDAR: There was no consent calendar items.

IV A. APPROVAL OF MINUTES: Approval of the minutes of the September 12th, 2019 regular meeting of the Crescent City Planning Commission and Architectural Review Committee.

On a motion by Vice Chair Greene seconded by Commissioner Kime and carried on a 4-0 vote, with commissioner Wendt abstaining, the Crescent City Planning Commission and Architectural Review Committee approved the minutes of the September 12th, 2019 regular meeting.

IV B. BEACHFRONT MASTER PLAN UPDATE: A presentation from Holly Wendt, Director of Recreation and Events Coordinator.

Holly Wendt, Recreational Director and Events Coordinator gave a PowerPoint presentation on the Beachfront Park Master Plan. She spoke about the Townhall meetings held on the master plan and the grants that the City have applied for.

V. ARCHITECTURAL REVIEW: There was nothing for Architectural Review.
VI. CONTINUING BUSINESS:

VI A. Based on the direction received from the Planning Commission at the August 8, 2019 meeting, a draft commercial cannabis ordinance has been developed by planning staff, which is attached along with a staff report.

Garry Rees with SHN thanked the Commission for working with him at the prior meetings putting together the draft cannabis ordinance. He gave a PowerPoint presentation on prior direction on the draft ordinance and the items that were requested to come back before the Commission.

Processing, cultivation, and potential zoning districts for commercial cannabis uses was discussed on a Commission level.

The following resident addressed the commission;

Blake Inscore, City resident- Stated he’s not opposed to expanding into more zoning areas. He said there would need to be an addressed cap on the number of licenses. He said C-1 Downtown Business District zoning would make sense to have commercial cannabis.

On a motion by Vice Chair Greene seconded by Commissioner Walp and carried unanimously on a 5-0 vote, the Crescent City Planning Commission and Architectural Review Committee approved to send the draft cannabis ordinance to the Council with the addition of zones CW and C-1 having all the same provisions as the other zones in the draft ordinance.

Commission requested that staff bring back information on cultivation within City limits for further discussion.

VI B. In August 2019, the City Council directed staff to work with the Planning Commission on updating the mobile or temporary vending operations ordinance (Chapter 5.44 CMCC). Over the last several years, the Planning Commission has considered an expansion of the mobile vending operations in the City and consulted with the City attorney who provided more specific direction to staff. At the September 12th, 2019 meeting, staff received additional direction regarding the ordinance. The Commission also requested that staff bring back some additional information so that the Commission could be more informed about certain topics.

Jonathan Olson, Director of Public Works gave a slideshow presentation on mobile and sidewalk vending direction staff had received previously for the draft ordinance. He asked for consensus on insurance and advertising.

Insurance and advertising were discussed on a Commission level.

Consensus from the Commission was to have staff come back with insurance information.

Consensus from the Commission was to follow the municipal code on advertising and sandwich boards.
VII. NEW BUSINESS: There was no new business.

VII. REPORTS, CONCERNS, REFERRALS: In accordance with Gov’t Code §54954.2(a)(2),

Planning Commissioners or staff may briefly respond to public comment, make brief announcements or reports, or ask questions for clarification. Planning Commissioners or the Commission may also direct staff to report back on any matter at a subsequent meeting or to place a matter of business on a future agenda.

*Jon Olson, Public Works Director, gave an official introduction of two new Commissioners. He introduced Commissioner John Wendt and Commissioner Ray Walp. He went over the expiring terms of the current Commissioners. By Consensus, Commissioner Wendt’s term is approved to end in 2023.*

*With this change, Walp’s and Kime’s term are set to expire in 2023; all others in 2021.*

IX. ADJOURNMENT: There being no further business to come before the Planning Commission, Chairman Altman adjourned the meeting at 7:22pm to the regular meeting of the City of Crescent City Planning Commission and Architectural Review Committee. Next meeting scheduled for Thursday, November 14th, 2019 at 5:30 p.m. at the Flynn Center, 981 H Street, Crescent City, CA 95531

**ATTEST:**

_______________________
Heather Welton, Planning Secretary/Office Technician
Special Meeting  
Thursday, November 14th, 2019 at 6:00 p.m.  
Board Chambers, 981 “H” Street, Suite 100, Crescent City, CA

MINUTES

I. CALL TO ORDER: Chairman Altman called the meeting to order at 6:00PM

ROLL CALL: Commissioners Present: Chairman Raymond Altman, Vice-Chair Holly Green, Commissioner Kime, Commissioner John Wendt and Commissioner Ray Walp. Staff Present: Public Works Director Jonathan Olson, Office Technician/Planning Secretary Heather Welton.

II. PUBLIC COMMENT: There was no public comment

III. CONSENT CALENDAR: There was no consent calendar items.

IV. APPROVAL OF MINUTES: There were no minutes.

V. ARCHITECTURAL REVIEW: There was nothing for Architectural Review.

VI. CONTINUING BUSINESS:

VI A. At the October 10, 2019 Planning Commission meeting, the Commission reviewed the draft revisions to the City’s Municipal Code to include regulations for commercial cannabis uses. At the meeting, the Commission directed staff to research and bring back information and recommendations for regulating small cannabis cultivation operations.

Garry Rees with SHN gave a slideshow presentation on regulating small cannabis cultivation operations with definitions, size limitations, and operating standards.

Taxes and waste locations for cultivation facilities were discussed on a Commission level.

There was no public comment.

Consensus from the Planning Commission was to follow the staff recommendations, which include the following:
1) Only one use permit for commercial cannabis cultivation may be possessed or used by a person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.

2) Only one use permit will be issued per legal parcel for commercial cannabis cultivation.

3) All cannabis cultivation activity shall exclusively occur within a fully enclosed and secure structure.

4) Outdoor cultivation is prohibited.

5) Entrance to any cultivation area, and any cannabis storage areas, shall be locked at all times, and under the control of the facility's staff.

6) Cannabis cultivation must be concealed from public view at all stages of growth and there shall be no visual or auditory evidence of cultivation occurring at the premises from a public right-of-way or from an adjacent parcel.

7) Indoor lighting used for the cultivation process shall not be visible from outside the building.

8) Cannabis cultivation areas shall be adequately secured to prevent unauthorized entry and shall not be accessible to persons under 21 years of age.

9) Areas of the licensed premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use.

10) Odor from the planting, cultivation, harvesting, drying, and processing of cannabis shall not be detectable from beyond the property boundaries. To achieve this, the cannabis cultivation area shall be, at a minimum, mechanically ventilated with a carbon filter or other method to prevent the odor of cannabis from escaping the indoor cultivation area and negatively impacting neighbors and the surrounding community. The ventilation and filtration system must be approved by the building official and installed prior to commencing cannabis cultivation within the structure. Failure to adequately control odors shall be declared a public nuisance and as such shall be subject to abatement procedures found in Title 8 of the Crescent City Municipal Code. Odor control issues may also be grounds for revocation of the Use Permit allowing commercial cannabis activity.

11) No effluent, including but not limited to waste products, chemical fertilizers or pesticides, shall be discharged into drains, public sewer system, septic systems, water systems, or other drainage systems including those that lead to rivers and streams.

12) All waste cannabis material generated by cannabis cultivation activity shall be stored in a secure location in the facility and disposed of at a permitted disposal facility.

13) All areas recorded by the security cameras shall at all times have adequate lighting to allow the surveillance cameras to effectively record images, except when lighting would interfere with the indoor cultivation cycle.

14) Applications for a use permit for cannabis cultivation shall contain an energy calculator quantifying the expected electricity usage and greenhouse gas emissions, a list of energy efficiency measures, best practices, and proposed greenhouse gas emission offsets.

15) The indoor cultivation of cannabis must comply with all applicable state, county, and local regulations, including fire and building codes.

The Commission recommended that there be an encouragement, as opposed to a requirement, of having 50% emissions offset or equivalent in efficiency measures for indoor cannabis cultivation.
VII. NEW BUSINESS: There was no new business.

VII. REPORTS, CONCERNS, REFERRALS: In accordance with Gov’t Code §54954.2(a)(2),

Planning Commissioners or staff may briefly respond to public comment, make brief announcements or reports, or ask questions for clarification. Planning Commissioners or the Commission may also direct staff to report back on any matter at a subsequent meeting or to place a matter of business on a future agenda.

IX. ADJOURNMENT: There being no further business to come before the Planning Commission, Chairman Altman adjourned the meeting at 6:49pm to the special meeting of the City of Crescent City Planning Commission and Architectural Review Committee. Next meeting scheduled for Thursday, December 12th, 2019 at 5:30 p.m. at the Flynn Center, 981 H Street, Crescent City, CA 95531

ATTEST:

Heather Welton, Planning Secretary/Office Technician
Crescent City Planning Commission
January 9, 2020
Staff Report

Agenda Item# VII-A

Project: Development of Small Cellular Sites Ordinance

Overview
To provide for the regulation of small wireless sites within city limits consistent with recently adopted Federal regulations, city staff seeks input to develop a draft ordinance to guide siting of small wireless facilities in the public right-of-way and within utility easements in public and private properties. Today, the Commission will review, discuss, and provide staff with direction regarding drafting a proposed ordinance, which will be brought back before the Commission for consideration at a subsequent meeting date.

Background
- **Description of Technology.** A new network of telecommunications infrastructure known as a small wireless facility has emerged as a result of growing capacity demands. Small wireless facility networks are comprised of a series of small low-powered wireless antenna facilities that have much smaller coverage areas than typical larger wireless facilities. Small wireless facility networks provide increased capacity and data transfer rates to existing coverage areas as well as improved service to areas with weak or limited coverage.

  Small wireless facilities are installed on poles within the public right-of-way and utility easements in public and private properties. The small wireless facilities are typically located on existing poles such as utility poles, streetlights, or traffic signals. Small wireless facility equipment will usually consist of a 1 to 4-foot tall antenna at the top of the pole, an electric meter, compact transmitters, receivers and other components that are also attached to the pole. Some facilities also include a ground-mounted battery back-up cabinet. See Attachment A (Tilson Materials) for additional information on small cellular facilities and figures depicting common small wireless facility configurations.

- **FCC Ruling and Guidance.** In September 2018, the Federal Communications Commission (FCC) adopted a ruling ([FCC-18-133](#)) geared toward speeding up the deployment of small wireless facilities in the public right-of-way and public utility easements. The FCC ruling, which went into effect in January 2019, sets forth limitations on state and local government regulation of small wireless facilities that are placed on existing or new utility poles and streetlight standards located in the public right-of-way and public utility easements. The FCC ruling clarifies and more specifically restricts the authority of state and local governments to regulate small wireless facilities in the public right-of-way and public utility easements. The ruling also provides for the expedited processing of small wireless facility applications, limits the fees that can be assessed by municipalities on the review of these applications, and places limitations on discretionary aesthetic considerations.

- **City Inquiries.** The city has received inquiries from a wireless network construction company conveying interest in developing small cellular facility sites in Crescent City. Given that the City has no codified small cellular facility regulations, oversight over current applications is limited. In this interim before the city develops regulations, city staff have developed a draft agreement, see
Attachment C. This draft agreement could serve as the Standard Agreement for future small cellular facility sites. City staff requests review and input from the Planning Commission regarding this draft agreement (Attachment B, Rights-of-Way Use Agreement).

- **Sites on City Property.** Placement of a small cellular facility on a piece of property such as a utility pole is subject to approval from the property owner, as well as to federal, state, and local regulations. The city cannot disallow placement within city limits, but it can regulate placement within certain parameters. With regards to city-owned mounting structures, the placement would be subject to city approval as the property owner in addition to the City’s siting regulations.

**City Regulation Considerations**

- **Standard Agreement.** As discussed above, city staff have developed several recommended agreement standards for Commission review, which may be viewed in Attachment B (Rights-of-Way Use Agreement). Other considerations staff request feedback on are included below.

- **Process.** The City will need to consider the type of approval process it wants to have for Small cellular facilities. Based on the research conducted by staff, the FCC ruling discussed above implemented a review “shot clock” of 60 days for placement on an existing structure and 90 days for the installation of a new structure. Based on this, staff recommends an administrative ministerial review process to ensure timely review. Staff would review applications for compliance with established criteria, and if found in compliance, approve the application. Appeals would go to the Planning Commission or City Council.

- **Compensation Structure.** Staff recommends a max fee of $270 per a small wireless facility per year as compensation for utilizing Crescent City’s public right-of-way. Staff also recommends that this fee automatically adjust annually in accordance with the percentage increase, if any, in the Consumer Price Index (CPI) as published by the Bureau of Labor Statistics.

- **Design.** Staff reviewed the regulations and standards that are applied to small cellular facilities, as well as the policies of a variety of local jurisdictions in the State. In accordance with state Public Utilities Code section 7901, telephone companies, which include wireless telecommunications service providers, have a statutory right to place equipment (i.e. small wireless facility) in the public right-of-way and utility easements. However, cities have the statutory right to regulate the design, location, and placement of the equipment. The requirements must be (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance. The requirements do not need to prescribe every detail and specification for each type of structure in each individual neighborhood, rather, they need to set forth objective standards and criteria that can enable providers to design and propose their deployments in a manner that complies with those standards.

In most cases the new sites will be pole mounted. For pole mounted configurations staff is recommending that the poles be comparable in type, height, and architectural features to the City’s existing poles. City’s poles vary by location, but staff is of the opinion that similarity of poles can be evaluated at a staff level.

To minimize the potential intrusive visual impacts of small cellular facilities and to preserve the City’s aesthetic character, below are some recommended standards to guide facility placement and installation:

- The facility and all attachments should not exceed the height of the preexisting mounting
structure by 10%.

- All facility components shall be of a "camouflaged" or "stealth" design, including concealment, screening, and other techniques to hide or blend the antenna and other facility components.

- All facility components shall maximize the use of building materials, colors and textures designed to blend with the support structure and the character of the surrounding streetscape.

- The facility owner shall be responsible for maintenance of the facility’s exterior. Facility paint shall be maintained regularly and shall be repainted if necessary, to match changes in City pole color standards.

**Potential stealth design considerations:**

- Should multiple antennas be allowed at a facility? Should multiple facilities be allowed on a structure?

- How much equipment should be permitted on the pole and what are its dimensions?

- How should equipment be mounted to the pole?

- Should ground-mounted equipment be allowed?

- Should there be a spacing requirement between facilities? For instance, the city could require that facilities should be no closer than 300 feet away, radially, from another small wireless facility.

- Are there particular locations of existing poles that would be more problematic if they had antennas and associated equipment on them?

**Recommended Actions:**

Staff recommends the Planning Commission take the following actions:

1. Receive a staff report from planning staff.
2. Open the item for public comment.
3. Close the item for public comment.
4. Provide additional direction on how you want to move forward with regulating small cell wireless facilities given the current regulatory framework surrounding this type of technology so that staff can begin drafting an ordinance.
What is a small network node or small cell installation?

A Small Network Node, also sometimes referred to as a Small Wireless Facility, Small Cell or Outdoor Distributed Antenna system ("oDAS"), is a low-powered wireless technology that involves the use of small antennas mounted on existing or new utility poles or light poles, generally in the public right-of-way. They are usually located near street level where they can serve high traffic areas such as outdoor recreation facilities, homes, heavily-traveled roadways and intersections. Small Wireless Facilities augment or even replace the coverage of tower and rooftop sites, providing signal in dense urban areas, as well as more rural, dispersed or terrain challenged areas.

What is the range of the small network nodes?

Like any cellular technology, there are several factors that determine the range of any given node. Line of sight and obstructions (like buildings and trees) are factors that impact the range. With good line of sight and no significant obstructions, the signal from a small network node can propagate approximately 1000 feet.

Why does this installation need to use a new utility pole?

We always first look to use existing utility poles. However, the ability of us or our clients to use any pole is governed by the standards set by the pole owner. Utility pole owners set restrictions that, in many cases preclude us from attaching, such as the existence of primary power on an existing pole. When this occurs, we will ask the utility company to place a new pole following the procedures outlined in their franchise agreement with the municipality. We must follow the standards set forth by each utility company and do not receive preferential treatment. We are committed to maintaining each municipality’s unique streetscape and will not have any new poles placed that are outside of the character of the existing streetscape. New poles will be of similar height and material as those currently in the area.

Why would you have a new utility pole placed on the opposite side of the street?

The restrictions on the use of a utility pole, established by the utility pole owners, are usually related to the existing wires and other attachments on the poles. If the utility company places another pole in line with the existing pole line, all the attachments on the existing pole line must be transferred to that new pole. In other words, we cannot simply ask the utility company to place another pole in line with the existing pole line to make that new pole usable. Indeed, transferring those attachments would render the new pole unusable, for the same reasons that the existing poles were unusable.

What if there aren’t above ground utility poles where you want to place a small network node?

In areas that do not have existing above-ground utilities, we will not seek to place wooden utility poles. In those locations, we would approach the municipality with a separate proposal that would include some type of stealth structure that would be a design approved by the municipality.

Will small network nodes improve Wi-Fi?

The small network nodes are cellular technology and provide cellular signal to wireless customers and those using the network. Wi-Fi is a different technology, unrelated to cellular service. However, if someone is accessing the internet with a mobile hotspot connected to the wireless network, then their signal would be improved.

Will small network nodes improve 911 calls?

Small network nodes improve the overall functioning of the wireless network, including calls made to 911 over a specific carrier’s wireless network. Missed calls are possible in areas where the network performance is decreased due to sector exhaust caused by overuse. Small network nodes are designed to remedy exhaust and supplement existing infrastructure and enhance network performance.

Do you have agreements with the utility pole owners?

In some cases, we have utility pole attachment agreements with the telephone companies and electric service providers in the state. Those agreements contain confidentiality clauses and cannot be distributed.

Can more than one small network node be placed on the same pole?

It depends. A wireless carrier does not own the utility poles that it attaches to. The poles are owned by either the telephone company, the electric company, or both. The standards for attachment are set by the pole owner, not by a wireless company, and the ability to co-locate will be entirely up to the pole owner(s). There is no technical reason that multiple wireless providers could not locate on the same pole, the same way that multiple carriers can locate on the same tower. However, for safety and structural reasons, and to maintain the climbability of poles, co-location is not always possible. In general, if a new pole is set for one wireless carrier’s use, it is likely that the pole could be used to accommodate more than one carrier.
Are these safe?
Yes. Small network nodes are a very low powered cellular technology, and the radio frequency emitted from a node is far below the maximum permissible exposure set by the FCC. Wireless carriers can provide compliance letters evidencing this to the municipalities upon request.

Will small network nodes improve service in “dead zones?”
Small network nodes will improve wireless service where they are located.

Can small network nodes be placed on streetlights or street signs instead of utility poles?
Small network nodes cannot be placed on existing street lights or street signs due to the structural limitations of those existing structures. We can utilize replacement light fixtures that can be designed to look similar to the existing light fixtures. The radio equipment would be placed inside of the base of the light fixture, and the antenna would be placed above the lights.

It is usually not practical to utilize a replacement street sign, unless it is the type typically used for highway overpasses. The infrastructure required to house the wireless equipment is significantly larger than the support structure required for a street sign and would look incongruous in most settings.

Can small network nodes be placed on rooftops instead of utility poles?
Wireless carriers evaluate all options for placement of small network nodes. Building rooftops are well suited for full cellular arrays, and for multiple small cells, but are not generally applicable for small network nodes. The small network nodes are very low powered and need to be close to the users. Additionally, small network nodes usually need 180-degree line of sight parallel to a road. Utility poles are the structures best suited for this application.

Could the wireless carrier construct a tower instead of utilizing multiple small network nodes?
Small network nodes provide coverage and capacity to very specific areas that cannot be reached by antennas on a tower or on a high rooftop. The precise coverage provided by a small network node cannot be replicated by a large tower further away.

Will wireless carriers still need towers?
Yes, towers will continue to be an important part of the wireless networks. Small network nodes work with the existing infrastructure to enhance coverage and capacity in areas with heavy network use.

What happens if a car hits the utility pole with small network node equipment on it?
If the equipment is damaged by a pole strike, the network outage center will be notified that the node is offline and will dispatch technicians. Additionally, the wireless carrier is granted a pole license for each site that it is on by the pole owner, so in the event a pole is damaged the pole owner will notify carrier. The equipment can be turned off at the service disconnect switch and be safely put to the side until technicians arrive.

How are they installed and how long does it take?
Installation is completed using a bucket truck. If a sidewalk or lane needs to be closed, we will work with the municipality to obtain all necessary permits and police details as required. Installation can be completed in one day.

Still have questions? Email:

hcarlisle@tilsontech.com
For Your Health:

Resources to Learn About RF Energy

CTIA – The Wireless Association®:

- www.ctia.org

FCC:


FDA:


World Health Organization:


The National Cancer Institute:

JMA ANTENNA DETAILS
M/N: CYL-X7CAP-2-P-0
ORIENTATION: 135°
MECHANICAL TILT: 0°
NOT TO SCALE.

NOKIA RRH FRU
23.1"H x 12.6"W x 4.84"D
NOT TO SCALE.

NOTE: POWER AND FIBER TO BE EXTENDED UNDERGROUND TO POLE BY LOCAL UTILITIES.

PROPOSED CONCEALED STREETLIGHT ELEVATION
NOT TO SCALE.

COMMUNICATIONS INTERIOR

INTERNAL MOUNTING SPACE FOR ACCESSORY COMBINATION CPE / 4G
INTERNAL MOUNTING SPACE FOR ELECTRIC WATER VICE TO TRANSFER DEVICES ...
GROUND FURNITURE

FLEXIBLE MOUNTING SPACE FOR ACCESSORY COMMUNICATIONS INTERIOR (CPE)

FUNDAMENTAL DESIGN BY OTHERS

GENERAL NOTES

1. SITE NAME: REDWAY OSC
2. SITE LOCATION: 3254 REDWOOD DR
   REDWAY, CA 95560
   HUMBOLDT COUNTY
3. STRUCTURE OWNER: SOF, LLC
4. PROJECT MAN: 10332, 10335, 10336
5. APPLICANT: U.S. COMMUNICATIONS, LLC
6. SITE LOCATION: LONGITUDE: 122°58'54"W / 122.98204°W
   GROUND POLE: 105°1"E
7. POLE MATERIAL: SOF CA 3000
8. POLE OWNER: U.S. COMMUNICATIONS, LLC
9. C/N: 8845648006450
10. STRUCTURE TYPE: PROPOSED STEEL POLE

LEASE EXHIBIT

This lease, in conjunction with the purchase contracts, is intended to provide for the establishment of a cellular communication facility. The terms listed in this exhibit may be modified upon completion of a site survey and product design.

PREPARED FOR:

U.S. Cellular

SUBMITTALS

PREPARED BY: JAT

PLAN NO.

Sheet No.

TILSON

500 E 1st Avenue, Suite 135
Portland, OR 97232
info@tilson.com: tilson.com

REDWAY OSC

3254 REDWOOD DR
REDWAY, CA 95560
HUMBOLDT COUNTY

POLE ELEVATION

DRAWN BY: JAT

REV.

ETA

LE-2

0
REDWAY OSC
PROPOSED RADIO EQUIPMENT
CABINET AND ANTENNA
3254 REDWOOD DR
REDWAY, CA 95560
LAT: 40°07'08.17" (N) / 40.118936° (N)
LONG: 123°49'17.39" (W) / 123.821498° (W)

PROJECT LOCATION

SATELLITE IMAGE

PROJECT LOCATION

STREET MAP

Possibility of 7 sites in the City
ConcealFab Deployments

Savannah, GA

Florham Park, NJ
ConcealFab Deployments

Los Angeles, CA

Nashville, TN
ConcealFab Deployments

Nashville, TN

San Diego, CA
ConcealFab Deployments

University of Alabama, AL

Nashville, TN
ConcealFab Deployments

San Francisco, CA

Boston, MA
ConcealFab Deployments

North Carolina

San Diego, CA
RIGHTS-OF-WAY USE AGREEMENT

THIS RIGHTS-OF-WAY USE AGREEMENT (“Use Agreement”) is dated the ___ day of ______________, 20__ (The “Effective Date”), and entered into by and between the City of Crescent City (“Crescent City”), A California municipal corporation having its address at 377 J Street, Crescent City, CA 95531 and SQF, LLC (“SQF”), a Maine limited liability company with principal offices located at 16 Middle Street, 4th Floor, Portland, ME 04101.

RECITALS

WHEREAS, SQF is a public utility authorized to provide services by the California Public Utilities Commission (“PUC”); and

WHEREAS, SQF has requested that Crescent City grant it permission to install new or replacement street light fixtures and utility poles to accommodate Small Wireless Facilities including antennas and all associated equipment within the public rights-of-way for the purpose of installing, operating, repairing, and maintaining a telecommunications system; and

WHEREAS, SQF agrees to execute this twenty (20) year Use Agreement as set forth in Section 8 of this Use Agreement; and

WHEREAS, SQF agrees to pay Crescent City $270.00 per Small Wireless Facility per year as compensation for utilizing Crescent City’s public right-of-way; and

WHEREAS, California Streets and Highways Code Chapter 1, Section 5101 authorizes Crescent City to allow for the installation of public utility structures in its rights-of-way; and

WHEREAS, it is deemed to be in the best interest of Crescent City and its citizenry, including the commercial and industrial citizens, for Crescent City to grant permission for SQF to occupy said public rights-of-way within Crescent City for this purpose; and

WHEREAS, the granting of such permission is and shall be conditioned upon SQF’s continued compliance with all existing and future applicable ordinances of Crescent City and its entering into this Use Agreement with Crescent City; and

WHEREAS, SQF agrees to indemnify, defend and hold Crescent City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications facilities within certain public rights-of-way as set forth in Section 9 of this Use Agreement, and provide liability insurance coverage for personal injury and property damage as set forth in Section 11 of this Use Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, Crescent City and SQF hereby agree as follows:

Section 1: Definitions

a. “PUC” is the California Public Utility Commission.
b. “SQF” is the grantee of rights under this Use Agreement and is known as SQF, LLC, its successors and assigns.

c. “Crescent City” is the grantor of rights under this Use Agreement and is known as the City of Crescent City, County of Del Norte, State of California.

d. “Public Utility” means any public utility defined in the California Public Utilities Code, Section 216(a).

e. “Rights-of-Way” means the areas devoted to passing under, over on or through lands with public utility facilities.

f. “Small Wireless Facilities” means telecommunications facilities where each antenna associated with the deployment, excluding associated antenna equipment is not more than three (3) cubic feet in volume.

g. “Underground Conduit” means, in addition to its commonly accepted meaning, any wires or cable placed therein and any replacement thereof which are similar in constructions and use.

h. “Utility Poles” means poles with associated anchors and supports, if any, owned by SQF.

i. “Street Light Fixture” means any pole or similar structure and the associated anchors and supports used to support a lighting fixture located in the right-of-way.

Section 2: Grant of Permission.

Crescent City hereby grants SQF its permission for the non-exclusive use of the public rights-of-way within Crescent City for the purpose of owning, constructing, installing, operating and maintaining telecommunications facilities, subject to the mutual covenants and obligations as set forth in this Use Agreement.

Section 3: Public Purpose.

It is deemed to be in the best interests of Crescent City and its citizenry, for Crescent City to grant permission to SQF to occupy said public rights-of-way within Crescent City for this purpose.

Section 4: Project Description and Notice to and Approval of Crescent City

SQF will be installing Small Wireless Facility antennas and related telecommunications equipment on new utility poles and street light fixtures. Any construction to be undertaken for the purposes described herein shall require prior notice by SQF to Crescent City. SQF shall fully describe the construction to be undertaken in plans and specifications submitted to Crescent City, and shall obtain approval from, coordinate and work with the appropriate Crescent City Department(s) before scheduling and commencing any construction.
Section 5: Scope of Use Agreement.

Any and all rights expressly granted to SQF under this Use Agreement, which shall be exercised at SQF’s sole cost and expense, shall be subject to the prior and continuing right of Crescent City under applicable laws to use any and all parts of the municipal rights-of-way exclusively or concurrently with any other person or persons on a non-discriminatory basis. Nothing in this Use Agreement shall be deemed to grant, convey, create or vest in SQF a real property interest in land, including any fee, leasehold interest, easement or any other form of interest or ownership.

Subject to the approval of Crescent City as described in Section 4 herein, Crescent City hereby authorizes and permits SQF to enter upon the municipal rights-of-way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its telecommunications facilities, in or on Street Light Fixtures, Utility Poles or Underground Conduit owned by public utility companies or to be constructed by SQF located within Crescent City’s rights-of-way, and as may be permitted by the public utility company or property owner, as the case may be.

Section 6: Compliance with Ordinances

SQF shall comply with all existing ordinances of Crescent City as may be amended from time to time and with all future ordinances as may be enacted.

Section 7: Municipal Costs

SQF agrees to pay Crescent City $270.00 per Small Wireless Facility per year as compensation for utilizing Crescent City’s public right-of-way. This fee will automatically adjust annually on July 1st in accordance with the percentage increase, if any, in the Consumer Price Index for the previous 12 months ending with May of the current year as published by the Bureau of Labor Statistics (utilizing CPI-U, U.S. City Average). In no event, will the annual fee decrease from the previous year.

Section 8: Duration of Permission and Termination of Agreement

The non-exclusive permission granted herein shall expire twenty (20) years from the Effective Date of this Use Agreement. Upon expiration of such permission, or at such earlier date that SQF ceases to maintain its facilities, it shall remove the facilities at its cost and expense.

Crescent City may terminate this Use Agreement, or require modification hereof, upon notice and opportunity of SQF to be heard, where it is shown that the scope of use hereunder is compromising the health, safety and welfare of the citizenry.

Section 9: Indemnification

SQF, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless Crescent City, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities
claiming to be or being harmed as a result of SQF’s actions under this Use Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys’ fees, court costs and any other expenses that may be incurred by Crescent City in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with SQF’s activities pursuant to the rights granted in this Use Agreement.

Other than in connection with the foregoing third-party claims indemnification, neither Crescent City nor SQF shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to the permissions granted hereby.

**Section 10: Notices**

All notices or other correspondence required or permitted to be given in connection with this Use Agreement shall be in writing and delivered personally, by telecopy, by overnight carrier service or by registered or certified mail to the parties at the following addresses:

To SQF at:  
SQF, LLC  
ATTN: Joshua Broder  
16 Middle Street, 4th Floor  
Portland, ME 04101

To Crescent City:  
City of Crescent City  
Attn: Jon Olson, PW Director  
377 J Street  
Crescent City, CA 95531

**Section 11: Liability Insurance**

SQF shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million Dollars ($1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or “umbrella”) policy in the amount of Five Million Dollars ($5,000,000.00).

Prior to the commencement of any work pursuant to this Use Agreement, SQF shall file Certificates of Insurance with the Crescent City with endorsements evidencing the coverage provided by said liability and excess liability policies.

Crescent City shall notify SQF within fifteen days (15) days after the presentation of any claim or demand to Crescent City, either by suit or otherwise, made against Crescent City on account of any of SQF’s or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Use Agreement.
Section 12: Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 13: Governing Law.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of California.

Section 14: Incorporation of Prior Agreements.

This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

Section 15: Modification of Agreement.

This Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modification or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

Section 16: Invalidity.

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

Section 17: Counterparts.

This Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.
IN WITNESS WHEREOF, this Use Agreement has been executed as of the date set forth below.

SQF, LLC

Witness

__________________________  ____________________________
By: ______________________  ____________________________
Title: _____________________  Date: ______________________

City of Crescent City

Witness/Attest

__________________________  ____________________________
By: Eric Wier, City Manager  Robin Patch, City Clerk
Date: ______________________
Crescent City Planning Commission
January 9, 2020
Staff Report

Agenda Item# VII-B

Project: Development of RV Long-term Residential Parking & Use Ordinance

Prior Direction from City Council:
In March 2019, the City Council directed staff to expand on Recreational Vehicle (RV) use through development of a RV long-term parking ordinance on private property (for numerous reasons, not limited to: displacements due to disasters, mishaps, financial hardships, domestic violence, etc.). This policy should be separate from the oversized vehicle parking regulations outlined in Chapter 12.40 “PARKING REGULATIONS” of the municipal code. Council has considered the permitting of RV parking and use on private property in the City, and provided some specific direction to staff, which is summarized below:

- **Purpose**
  - Council reached a consensus that allowing RV’s to be used for residential use for a brief period of time, 7 to 30, days without a use permit should be allowed.
  - Directed staff to develop a review process for longer stays.

- **Residential Use of Recreational Vehicles**
  - Council suggested removal of language limiting the number of RV’s.
  - Generally, the Council was open to allowing RV use in residential zones.

- **Permits**
  - Staff recommends requiring a use permit should and installation of permanent facilities (electrical, water, sewer) prior to occupancy of RV’s for long-term residential use.

Based on the above, below is a discussion of additional direction that is needed from the Planning Commission to develop a draft RV long-term use ordinance.

Amendment
Amending the Current Ordinance would be subject to Chapter 17.58:

**17.58.010 Permitted When**
Whenever the public health, safety and general welfare warrants, the city council may by ordinance after report thereon by the planning commission and subject to the procedures provided in this chapter, amend, supplement, or change the regulations for zoning of property now or hereafter established by this title. An amendment or rezoning may be initiated by the planning commission, the city council, or by a petition of property owners or authorized agents of such owners. (Prior code § 30-505)

**Current Ordinance Section to Amend**
If the Planning Commission desires to permit RV Long-term use, the current ordinance below would need revision (i.e. words in red letters):

**9.15.040 Residential parking areas.**
All property within the city designated as a “residential parking area” specifically allows the occupancy of a trailer as defined in this chapter pursuant to all of the following requirements:

A. No more than one such trailer may be placed, kept or maintained on private property.
B. In no case shall the trailer be parked within ten feet of the street curb face, nor within the
restricted sight zone on a corner lot as set forth in Section 17.08.080.

C. The trailer shall be used for sleeping quarters and none of the sanitary and cooking facilities in, or part of, such trailer shall be used.

D. The trailer coach shall not be kept or maintained for sleeping purposes as permitted in this section for more than three successive nights in any successive ninety days. (Ord. 626 (Exh. A), 1988)

Ordinance Number

The new ordinance cannot be grouped with Chapter 17.42 Off-Street Parking, as the purpose indicates (17.42.010) that, “It is unlawful for any person, firm or corporation who owns, leases or controls a building or structure to fail, neglect or refuse to provide and maintain off-street parking and loading facilities as required in this chapter. (Ord. 640 § 5, 1990)”

Since providing this RV space is not required, it is therefore recommended that the next available number be selected, in this case Chapter 17.55, which is currently vacant.

Purpose

The Planning Commission direction is needed in drafting a purpose for the RV Long-term Parking Ordinance, below is a draft version for discussion:

The purpose of the recreational vehicle (RV) regulation is to clearly define what is considered a recreational vehicle; to identity locations and standards for storage of recreational vehicles in residential zones; to identify requirements for temporary parking and use of recreational vehicles in order to protect the integrity, value and character of residential neighborhoods and public health and safety concerns.

Definitions

Below are definitions from existing ordinance sections:

9.15.010 Definitions.

“Residential parking areas” means all property located within the city designed as zones R-1, R-2, R-3, RP, CZ-R1, and CZ-R1B in Title 17 of this Code.

“RV” or “recreational vehicle” means a vehicle with or without motive power, designed or utilized for camping, sleeping, eating or resting and for carrying persons or property on its own structure, whether being drawn by motor power or other means and includes, but is not limited to, travel trailers, campers, motorhomes, campervans, truck campers or tent trailers.

Council recomended on March 4, 2019 that the definition of recreational vehicle does not include “housecar” but staff has added motorhomes, campervans, and truck campers to the list of examples in the definition. (Draft Ordinance 806)

“Trailer” means a vehicle with or without motive power, designed or utilized for camping, sleeping, eating or resting and for carrying persons or property on its own structure, whether being drawn by motor power or other means and includes, but is not limited to, travel trailers, campers, tent trailers, house cars or recreational vehicles.

“Vehicle” means any device by which any person or property may be propelled, moved or drawn upon a street or highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. (Ord. 626, 1988)

Vehicle was added back in the definitions by Council on March 4, 2019, slightly modified from its original form. (Draft Ordinance 806)
12.40.020 Definitions.
“Oversized vehicle” means any motor vehicle that either exceeds twenty-two feet in length or exceeds seven feet (eighty-four inches) tall and seven feet (eighty-four inches) wide, including motor vehicles towing trailers which shall be measured as one unit.
“Public property” means any city-owned or city-controlled real property.
“Trailer” means any type of trailer that is not capable of moving under its own power and instead is intended to be towed by a motor vehicle, including, but not limited to, boat trailers, recreational trailers, cargo trailers and the like.
“Unhitched trailer” means any trailer that is not attached to a motor vehicle capable of moving the trailer in a lawful manner upon the street. (Ord. 807 § 2, 2019)

17.04.010 Accessory building.
“Accessory building” means the building or the part of the building, the use of which is subordinate or incidental to that of the main building on the lot. Construction of said structure may only commence upon the completion of construction of certain portions of the main building as prescribed in Sections 17.10.040, 17.14.040, and 17.16.040. (Ord. 558 § 2, 1980; prior code § 30-700 (2))

17.04.015 Accessory living quarters.
“Accessory living quarters” means living quarters within an accessory building for the sole use of persons employed on the premises, having no kitchen or cooking facilities and not rented or used as a separate dwelling. (Prior code § 30-700 (3))

17.04.020 Accessory use.
“Accessory use” means a use incidental and subordinate to the principal use of a lot or building located upon the same lot. (Prior code § 30-700 (4))

Residential Parking Areas
Direction is needed from the Planning Commission about the RV use in Specific Zoning Districts, below is the list of principally and conditionally permitted residential uses.

- **Residential Principally Permitted:**
  - R-1 Low Density Residential District (17.10)
  - R-2 Moderate Density Residential District (17.14)
  - R-3 High Density Residential District (17.16)
  - R-P Residential-Professional District (17.18)

- **Residential allowed by Conditional Use Permit:**
  - C-1 Downtown Business District (17.20)
  - C-2 General Commercial District (17.22)
  - CW Waterfront Commercial District (17.23)
  - C-M Commercial Manufacturing District (17.26) -Mixed

Direction is needed from the Planning Commission regarding additional items listed below:

**Permit Duration**
On March 4, 2019, Council recommended adding language to clarify that any single RV can only be occupied on private property for a limited number of nights, seven, in any 30-day period. The reason for this limitation is that one could get around this provision by staying seven nights, leaving one night, and returning for seven more nights, and so on and end up essentially living there. The intent of this regulation is to allow guests a temporary stay, but not to allow someone to set up residence in an RV (Draft Ordinance 806).
Site Plan Review & Architectural/Design Review

Per CCMC Chapter 17.46.010 Purposes and application: A. The purposes of a site plan and architectural review are to permit the city to evaluate site plans and designs of structures to assure compatibility, harmony in appearance in neighborhoods, reduce negative impacts on adjacent properties, reduce the unnecessary destruction of the environment and ground cover to avoid the creation of hazardous conditions and drainage problems, to avoid monotonous and otherwise non-aesthetic development injurious to the overall community; to provide a vehicle to encourage full development of streets servicing the properties, and to assure full installation of all public utilities necessary to serve such properties.

B. Site plan review and architectural review provisions of this title shall apply to all permitted uses in the R-3, R-P, C-1, C-2, CM, CW, M, and the HS districts and shall be required of all uses subject to use permit. (Ord. 695 § 2, 2003). Commission may consider whether to require (or encourage) a yard for the RV resident, and whether the RV footprint is considered in the lot coverage of covered development. Commission may discuss considering an aesthetic age restriction; rv model year requirement.

Standards

All residential use of temporary dwellings shall meet the following standards:

A) At all times, the property owner or the property owner’s authorized agent shall obtain all City permits for all temporary dwellings that are hooked-up to utilities. Written consent of the property owner is required in all cases.

B) At all times, residential use of temporary dwellings is limited to recreational vehicles and movable tiny houses not on a permanent foundation.

C) For water hook-ups, the temporary dwelling shall be connected to an approved source of water meeting one of the following criteria:
   a. Public water supply.

D) For sewage disposal hook-ups, the temporary dwelling shall be connected to an approved sewage disposal system meeting one of the following criteria;
   a. Public sewer system.

E) For electricity hook-ups, the temporary dwelling shall be connected to an approved source of electricity meeting one of the following criteria:
   a. Permitted electrical service hook-up; or
   b. Other power source approved by the Public Works Department.

F) Fees for water and sewer fees shall be per Ordinance Resolution 2019-57B.

Violations

It is recommended that the Planning Commission consider a similar Penalty consistent with current CCMC Chapter 9.15.050 Penalty. A. Any individual guilty of an activity prohibited under Section 9.15.020 shall be fined a minimum of seventy-five dollars and a maximum of three hundred dollars for each offense; provided, however, that a willful violation of Section 9.15.020 is a misdemeanor and punishable by a fine of not more than five hundred dollars or by imprisonment not to exceed sixty days, or by both such fine and imprisonment. B. Any individual guilty of violating the requirements of Section 9.15.040 shall be subject to a fine of fifty dollars for violation of each requirement; provided, however, that a willful violation of each requirement of Section 9.15.040 is punishable by a fine of one hundred dollars for each violation. (Ord. 626 (Exh. A), 1988) This was determined by Council on March 4, 2019 in draft ordinance 806.

Curb Appeal

On March 4, 2019, Council recommended that “In no case shall the RV be parked within the restricted sight zone on a corner lot as set forth in Title 17 nor in the front yard of any property” CCMC 9.15.04(2),
(draft Ordinance 806). Should a screen or fence be considered? Example: Acceptable screening is considered a wall or solid fence structure that has obtained all required approvals and permits from the city. Materials for screen fencing shall be masonry, wood or wrought iron with view-obscuring material. In no case shall an RV screening, wall, or fence along the side yard or rear yard be higher or lower than six feet as measured to the highest finish grade. Recreational vehicle storage in a side yard area shall be screened from view from the public right of way as provided by this section. A gate is not required.

**Temporary Coverings**

Commission may consider regulating coverings. Example: *No temporary coverings such as tarps or cloth screens are permitted. Fitted covers and permanent canopies are permitted and may be used as long as they are specifically designed for a recreational vehicle. All fitted covers and permanent canopies shall be maintained in good condition. Permanent canopies are structures which are permanently fixed to the ground and shall comply with all required building codes and Crescent City Code Ord. 558 § 2, 1980; prior code § 30-700 (2)).*

**Limit Amount of RV’s**

Council discussed on March 4, 2019 possible provisions limiting the number of RV’s used or stored on a property and any one time. The recommendation is to allow more than one RV on the property, but limit the number that can be used for human occupancy at a time. It is recommended that the Commission recommend a maximum number of RV’s that can be parked and a maximum number of RV’s that could be used for long-term occupancy.

**Parking Surface**

Council recommended on March 4, 2019, during the draft ordinance 806 discussion, that “*the RV must be parked on a paved or gravel surface.*” This only applies to single family residential parcels; the Commission may consider a similar determination that applies to all residential parcels. Commission should consider whether existing parking spaces may be encumbered by an RV for long-term occupancy or if additional parking spaces will be required.

**Recommended Actions:**

Staff recommends the Planning Commission take the following actions:

1. Receive a staff report from planning staff.
2. Open the item for public comment.
3. Close the item for public comment.
4. Provide additional direction to Planning Staff concerning development of a RV long-term residential parking ordinance.