

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ZONING CODE AMENDMENT 07-001 & 07-003, REQUEST TO ESTABLISH CELLULAR FACILITIES WITHIN VARIOUS ZONING DISTRICTS CITY WIDE (APPLICANT: RIDGE COMMUNICATIONS & SPRINT WIRELESS)

DATE: JUNE 5, 2007

Needs: For the City Council to consider an amendment to the Zoning Ordinance to allow additional areas throughout the City to establish cellular facilities.

Facts:

1. The City Zoning Ordinance currently allows the establishment of cellular facilities in commercial and industrial zoning districts with the Planning Commission's approval of a Conditional Use Permit (CUP).
2. The City has received applications from Ridge Communications and Sprint Wireless requesting to amend Table 21.16.200 of the Zoning Code (Permitted Land Uses for All Zones) to expand the zones in which the City would allow cellular facilities.
3. Ridge Communications on behalf of the Paso Robles School District, would like to place a facility at the Paso Robles High School, which is zoned R-1 (Single Family Residential). Additionally, Sprint Wireless has submitted an application to put a facility at the Paso Robles Golf Course, which is zoned POS (Parks and Open Space).
4. In addition to the R-1 and POS zones, Staff has expanded the code amendment to allow facilities in all zoning districts with the approval of a CUP. See analysis below for further discussion on rationale for including all zoning districts.
5. On May 8, 2007, the Planning Commission made a unanimous recommendation to the City Council to approve the Code Amendment. The Commission was comfortable with the requested limited expansion of cellular facilities throughout the City, since each request would be subject to the Commission's review of a Conditional Use Permit to ensure the installation would be properly sited and camouflaged so as to not be visible to the general public (see the proposed findings in the analysis section below in this report).
6. An environmental review was conducted for this project, which is a legislative action, in accordance with the California Environmental Quality Act (CEQA), and a draft Negative Declaration has been prepared for consideration.

**Analysis
and
Conclusions:**

The Planning Commission (as recently as their meeting of April 24, 2007) has approved Conditional Use Permits for cellular facilities in commercial and manufacturing zones. The basis of the Commission's approval of each CUP, was the fact that the facilities were camouflaged (the antennas and equipment were incorporated into a building/structure or built into the existing environment in a manner that results in the antennas/equipment not being noticeable).

Camouflaged facilities work best when they can be incorporated into existing buildings or structures, such as tower elements of buildings and existing light/utility structures. Recent approved installations include antennas hidden behind the parapet of the reconstructed Acorn building and antennas located behind the vents of the existing Granary building (Cool Hand Luke's). Besides commercial and manufacturing zones, opportunities exist to incorporate similar installations in buildings such as schools, churches, parks, golf courses and community buildings. However, since many of these buildings are located in residential zones, an amendment to the Zoning Regulations will be required to consider these installations.

While it seems reasonable to expand the zones in which cellular facilities can be located, care needs to be taken to not create land use or visual incompatibility. Therefore, in order to accomplish the goals and objectives of the General Plan, which call for promoting architectural and design excellence by imposing stringent design and construction standards for commercial, industrial, mixed-use, and multi-family projects, as part of the CUP process, the following language is suggested:

- a. In the R, OP & POS districts, a facility may be permitted with the approval of a Conditional Use Permit by the Planning Commission. Installations are limited to public or quasi-public property/buildings such as a church, school, golf course, community building, or other building/site as determined appropriate by the Planning Commission.
- b. All facilities, regardless of the zone, shall be camouflaged (antennas and equipment are incorporated into a building/structure or built into the existing environment in a manner that results in the antennas/equipment not being noticeable as determined by the Planning Commission).

Projects that meet the above criteria and are designed to be camouflaged, would not only provide for expanded service to the citizens of the City, but be done in a manner that maintains the City's image/identity.

Expanding the areas in the City where cellular facilities could be established would help meet the principals of the Economic Strategy which states that "communities should use and invest in technology that supports the ability for local enterprises to succeed, improve civic life, and provides open access to information and resources.

Reference: Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, 2006 Paso Robles Economic Strategy and CEQA.

Fiscal Impact: None.

Options: After opening the public hearing and taking public testimony, the City Council is requested to take one of the actions listed below:

- a. By separate motions:
 - (1) Adopt the attached Resolution adopting a Negative Declaration for Zoning Code Amendment 07-001 & 07-003; and (2) adopt the attached Ordinance No. XX.
- b. Amend, modify, or reject the above-listed action.
- c. Request additional information and analysis.

Staff Report Prepared By: Darren Nash, Associate Planner

Attachments:

1. Letter from Dino Putrino on behalf of Ridge Communications
2. Letter from Gordon Bell on behalf of Spring/Nextel Corp.
3. Initial Study
4. Resolution to recommend approval of the Negative Declaration
5. Ordinance No. XX
6. Newspaper Notice



Paso Robles

JAN 04 2007

Planning Division

DARREN NASH, Planning Department
City of Paso Robles
1000 Spring Street
Paso Robles, 93446


**RE: ZONING CODE TEXT AMENDMENT
TRANSMISSION AND RECEIVING STATIONS**

Dear Mr. Nash:

This is a Zoning Code Text Amendment submittal for the modification of section 21.16.020 R Districts and 21.16.200 Permitted and Conditional Uses in Zoning Districts (see pages 3 - 5 exhibit below). It is proposed to modify the "D. Communications, 2. Transmission and Receiving Stations" land-use designation within residential zoning districts from not-permitted (N) to conditionally permitted (C). The intent is to reasonably consider a wireless facility (cell-site) land-use at a location plausibly suited for such use. The City of Paso Robles retains non-residential uses within residential zoning districts, such as schools, parks & open space, utilities, and other similar public uses that maintain appropriate logistical characteristics fitting for a wireless facility. Many California cities and counties, including Central Coast jurisdictions, have subscribed to this land-use management scheme. The wireless industry has many times found that the limitation of considering only non-residential zoned areas to site a facility significantly compromises the ability to provide service coverage due to lack of reasonable proximity of as well as structural height within non-residential zoned areas. All project site proposals however are not necessarily appropriate candidates in the eyes of the City. Establishing conditional-use-permit (CUP) parameters for the review process will ensure that the City of Paso Robles has the opportunity to determine land-use compatibility/appropriateness of a project proposal/site on a case by case basis.

This project involves the united collaboration of the property owner (Paso Robles Joint United School District), Verizon Wireless, and the City of Paso Robles jurisdiction. We look forward to a progressive means of working with the City through the proposed amendment review and adoption process.

Thank you for your consideration and the opportunity to share our input.

Sincerely,

Dino Putrino
Site Acquisition and Land Use Entitlement Manager

Attachment 1
Letter Dino Putrino - Ridge Comm.
Code Amendment 07-001/07-003
(Cellular Facilities)

CITY OF EL PASO DE ROBLES
COMMUNITY DEVELOPMENT DEPARTMENT

Title 21 ZONING*

Chapter 21.16 DISTRICT USE TABLES

21.16.010 R-A district.

Uses permitted by right and subject to approval of a conditional use permit in the R-A district shall be as listed in Section 21.16.200. Development and use of land within the R-A district shall be in conformance with the standards and regulations listed in Section 21.16.220. Additionally, the provisions of Chapters 21.20 and 21.21 shall apply to both the use and development of land within the R-A district. (Ord. 743 N.S. § 2, 1998; Ord. 703 N.S. § 4, 1995; Ord. 551 N.S. § 2, 1988; Ord. 405 N.S. § 2 (part), 1977)

21.16.020 R-1 district.

Uses permitted by right and subject to approval of a conditional use permit in the R-1 district shall be as listed in Section 21.16.200. Development and use of land within the R-1 district shall be in conformance with the standards and regulations listed in Chapter 21.16E. Additionally, the provisions of Chapters 21.20 and 21.21 shall apply to both the use and development of land within the R-1 district. (Ord. 743 N.S. § 3, 1998; Ord. 572 N.S. § 2 (part), 1989; Ord. 544 N.S. § 1, 1988; Ord. 512 N.S. § 1, 1986; Ord. 405 N.S. § 2 (part), 1977)

21.16.030 R-2 district.

Uses permitted by right and subject to approval of a conditional use permit in the R-2 district shall be as listed in Section 21.16.200. Development and use of land within the R-2 district shall be in conformance with the standards and regulations listed in Chapter 21.16I. Additionally, the provisions of Chapters 21.20 and 21.21 shall apply to both the use and development of land within the R-2 district. (Ord. 743 N.S. § 4, 1998; Ord. 690 N.S. § 1, 1995; Ord. 609 N.S. § 1, 1991; Ord. 509 N.S. § 2, 1985; Ord. 437 N.S. § 1, 1979; Ord. 405 N.S. § 2 (part), 1977)

21.16.050 R-3 district.

Uses permitted by right and subject to approval of a conditional use permit in the R-3 district shall be as listed in Section 21.16.200. Development and use of land within the R-3 district shall be in conformance with the standards and regulations listed in Chapter 21.16I. Additionally, the provisions of Chapters 21.20 and 21.21 shall apply to both the use and development of land within the R-3 district. (Ord. 743 N.S. § 5, 1998; Ord. 690 N.S. § 2, 1995; Ord. 551 N.S. § 3, 1988; Ord. 437 N.S. § 3, 1979; Ord. 405 N.S. § 2 (part), 1977)

21.16.060 R-3-O district.

Uses permitted by right and subject to approval of a conditional use permit in the R-3-O district shall be as listed in Section 21.16.200. Development and use of land within the R-3-O district shall be in conformance with the standards and regulations listed in Section 21.16.220.

CITY OF EL PASO DE ROBLES
COMMUNITY DEVELOPMENT DEPARTMENT

Additionally, the provisions of Chapters 21.20 and 21.21 shall apply to both the use and development of land within the R-3-O district. (Ord. 743 N.S. § 6, 1998; Ord. 703 N.S. § 5, 1995; Ord. 665 N.S. § 4 (A), 1993; Ord. 551 N.S. § 4, 1988; Ord. 437 N.S. § 4, 1979; Ord. 405 N.S. § 2 (part), 1977)

21.16.070 R-4 district.

Uses permitted by right and subject to approval of a conditional use permit in the R-4 district shall be as listed in Section 21.16.200. Development and use of land within the R-4 district shall be in conformance with the standards and regulations listed in Chapter 21.16I. Additionally, the provisions of Chapters 21.20 and 21.21 shall apply to both the use and development of land within the R-4 district. (Ord. 743 N.S. § 7, 1998; Ord. 690 N.S. § 3, 1995; Ord. 551 N.S. § 5, 1988; Ord. 437 N.S. § 5, 1979; Ord. 405 N.S. § 2 (part), 1977)

21.16.071 R-5 district.

Uses permitted by right and subject to approval of a conditional use permit in the R-5 district shall be as listed in Section 21.16.200. Development and use of land within the R-5 district shall be in conformance with the standards and regulations listed in Chapter 21.16I. Additionally, the provisions of Chapters 21.20 and 21.21 shall apply to both the use and development of land within the R-5 district. (Ord. 900 N.S. § 2, 2005)

21.16.200 Permitted and conditional uses in zoning districts.

TABLE 21.16.200
(As amended through Ordinance 900 N.S.)
PERMITTED LAND USES FOR ALL ZONING DISTRICTS

EXPLANATION OF CODES USED IN THIS CHART

P (permitted use) denotes a land use which is permitted.

C (*conditional use*) denotes a land use which requires approval of a conditional use permit (CUP).

N (*non-permitted use*) denotes a land use which is not permitted.

T (temporary use permit) denotes a land use which requires approval of a temporary use permit per Chapter 21.23C.

NOTES:

1. All uses are subject to compliance with the general regulations and performance standards contained within Chapters 21.20 and 21.21, and specific limits and/or restrictions contained in chapters for specific zoning districts. Additionally, there may be limits and restrictions within overlay zoning districts and specific plan areas.

CITY OF EL PASO DE ROBLES
COMMUNITY DEVELOPMENT DEPARTMENT

2. Any use not specifically listed below is not permitted unless the planning commission determines a particular land use to be similar to another permitted, conditional or temporary use within a particular zoning district.

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
D. Communications																			
1. Broadcasting studios.	C	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
2. Transmission and receiving stations (not including ham operators, private microwave and radio dispatch).	P	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	N

REZONE (ORDINANCE AMENDMENT) REQUEST

The proposed project consists of a request by the Gordon Bell, agent for the applicant, Sprint/Nextel Corporation, for ordinance amendment to allow for Communications Facilities in the POS (Parks & Open Space) zone district with a conditional use permit. Currently, such facilities are not allowed in the POS zone district.

It is the applicant's contention that the ordinance as currently written is outdated and does not take into consideration the advent of wireless communications technology in the form of "cell phones". The ordinance itself speaks to transmission and receiving stations, which more closely addresses AM, FM, and TV broadcast and receiving facilities, which tend to generate higher radiofrequency emissions. The ordinance should be updated to consider technologies such as the low power Cellular and PCS facilities that are currently an integral part of our personal and business means of communication. Technically speaking, a "cellular or wireless communications facility" installation is a transmission and receiving station, so the ordinance definition need not necessarily be modified. **However, it is our contention and proposal to modify the ordinance to allow for such low power "transmission & receiving" stations in the POS, Parks & Open Space zone district with a Conditional Use Permit.** We believe it would be appropriate to allow such facilities in the POS zone district for the following reasons:

- Such facilities are compatible in said zone districts because they are unmanned facilities, and are considered a passive use.
- The facilities typically generate no noise, odors, smoke or ash, or other typical nuisances.
- The facilities are generally vandalism resistant, and require no public services.
- The facilities provide valuable communications services in the event of an emergency, which are often common in our parks and open space areas.
- The facilities generate revenue for jurisdictions, relieving the public tax burden.
- The facilities are considered low-power RF emitters, and do not generally create a hazard to the general public in terms of radiofrequency radiation.
- The facilities can generally be camouflaged with other elements in parks so that they are generally unnoticeable by the general populace.

Such a modification would be consistent with many other jurisdictions which allow for such facilities in the Parks and Open Space zone districts. These jurisdictions have had no trouble making findings that the proposed use is compatible with uses in said zone district. These jurisdictions have also found that these installations are typically exempt from CEQA review, as they represent no

Attachment 2

Letter Gordon Bell - Sprint/Nextel Corp.
Code Amendment 07-001/07-003
(Cellular Facilities)

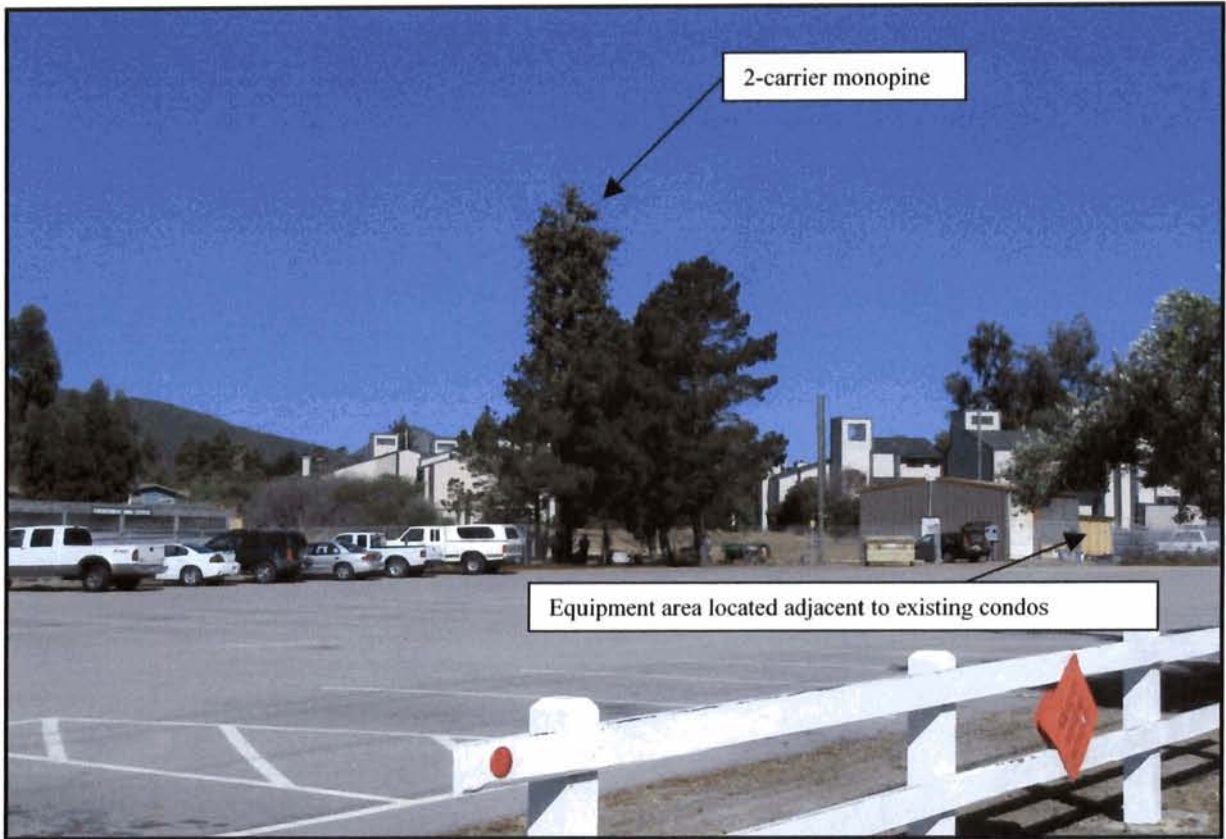
significant environmental impact. Examples of local jurisdictions that allow for such uses in the Parks and Open Space zone district include the following:

- City of San Luis Obispo
- City of Arroyo Grande
- County of San Luis Obispo
- County of Santa Barbara
- City of Santa Maria
- City of Atascadero

Examples of installations within these jurisdictions can be found at the following locations:

- Santa Rosa Park – City of San Luis Obispo
- Laguna Lakes Golf Course – City of San Luis Obispo
- Soto Sports Complex – City of Arroyo Grande
- Reservoir No. 1 & No. 2 – City of Arroyo Grande
- Tuckers Grove Park – County of Santa Barbara
- Eilings Park – County of Santa Barbara
- St. Joseph's High School Ball Field – City of Santa Maria

Photo examples of such installations have been provided with this request. More will be presented during the hearing process.



Laguna Lakes Golf Course/Park (City of SLO-owned)



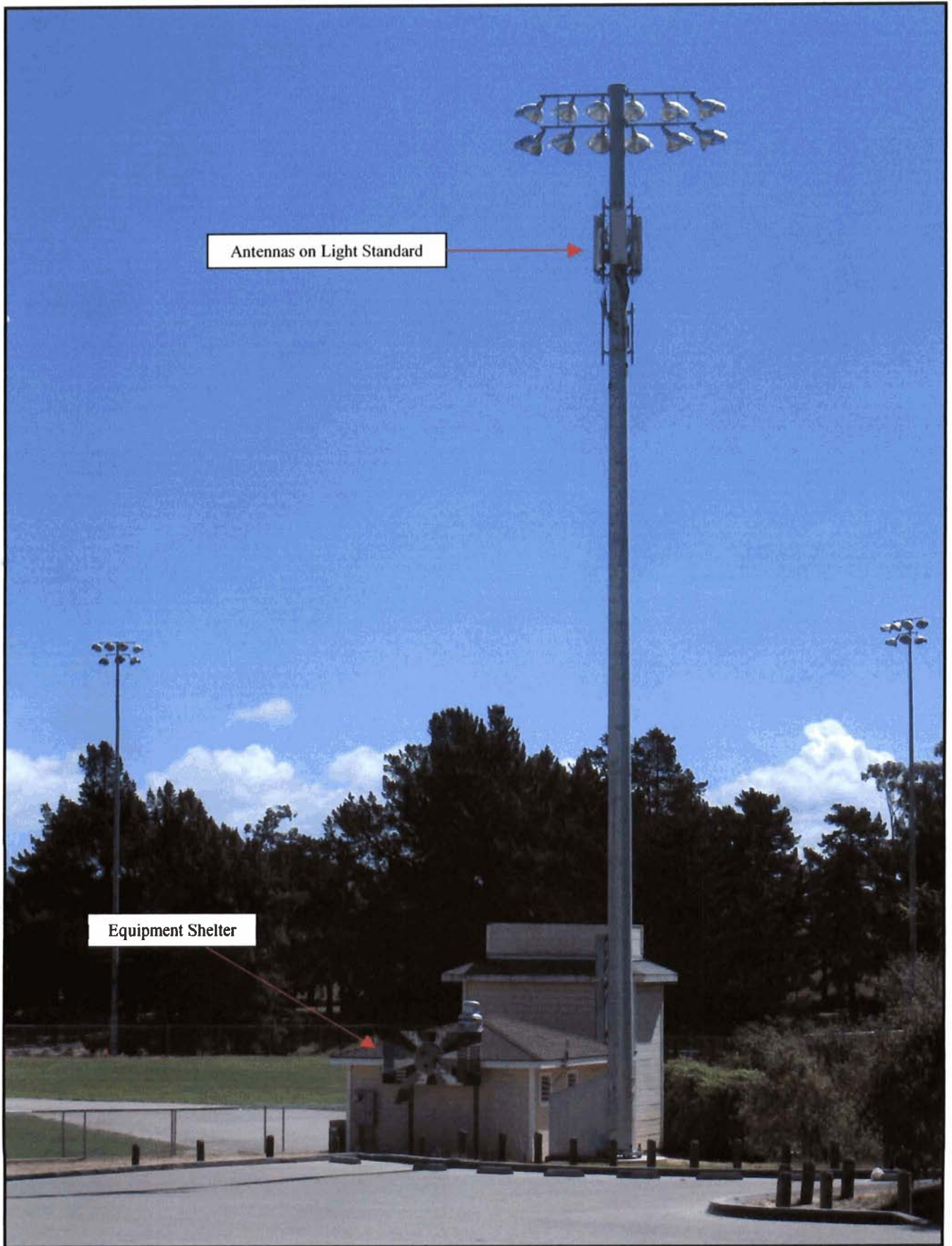
Laguna Lakes Golf Course Showing Proximity to Residences



Tuckers Grove (Showing Proximity of Playground to Site)



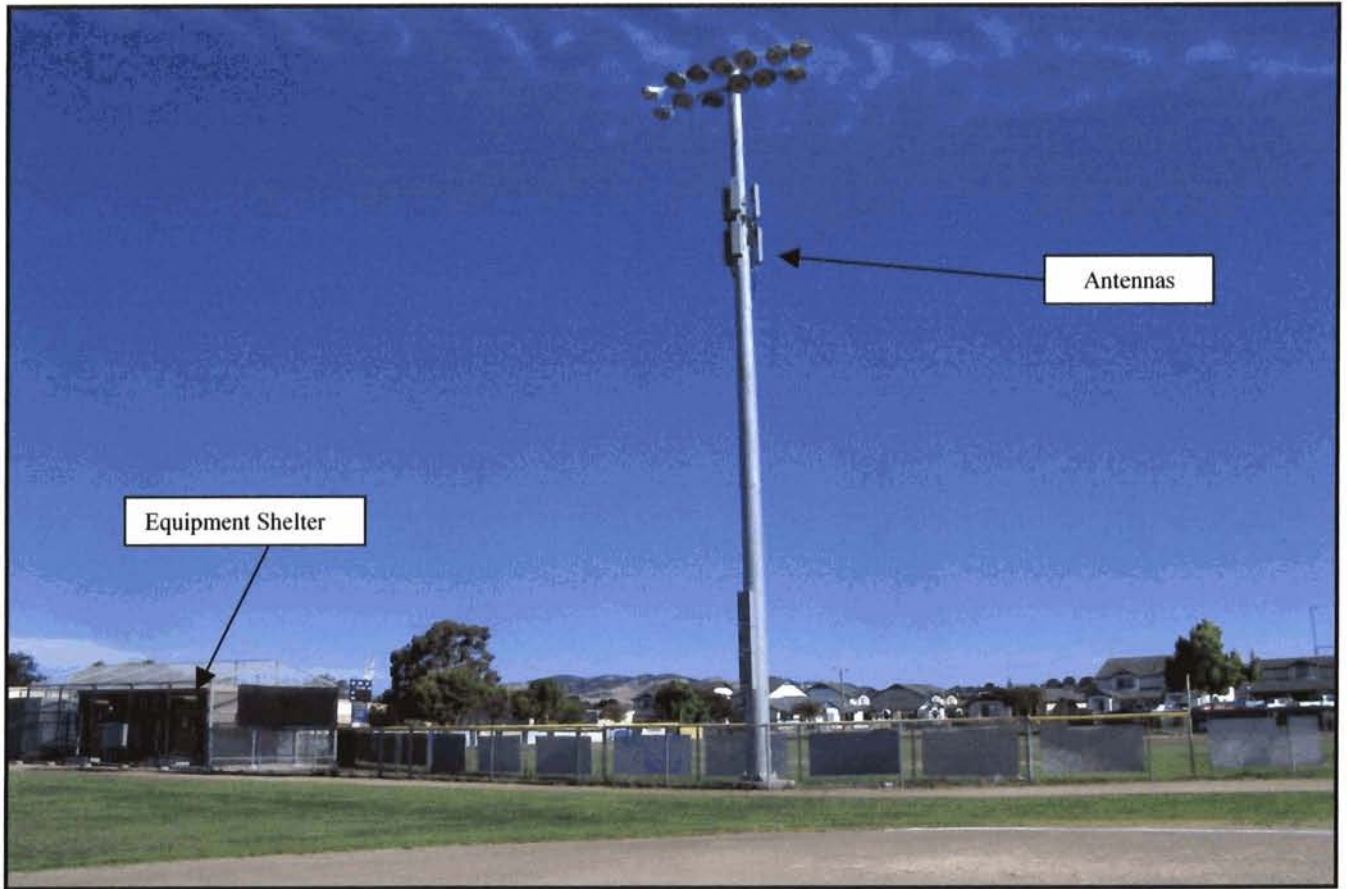
Tuckers Grove as Seen from Turnpike (Antennas in Radome on Top of Pole)



Antennas on Light Standard

Equipment Shelter

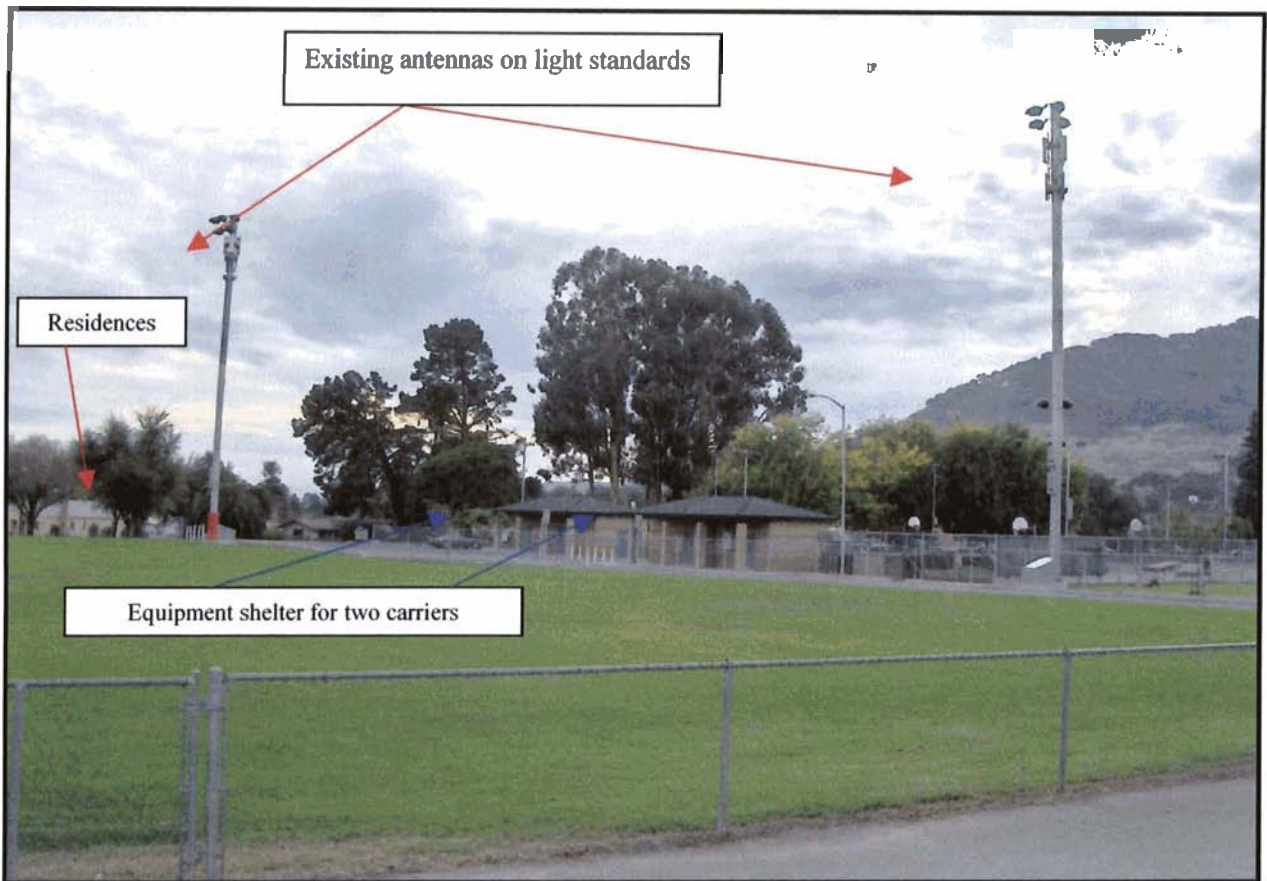
Nipomo Community Park



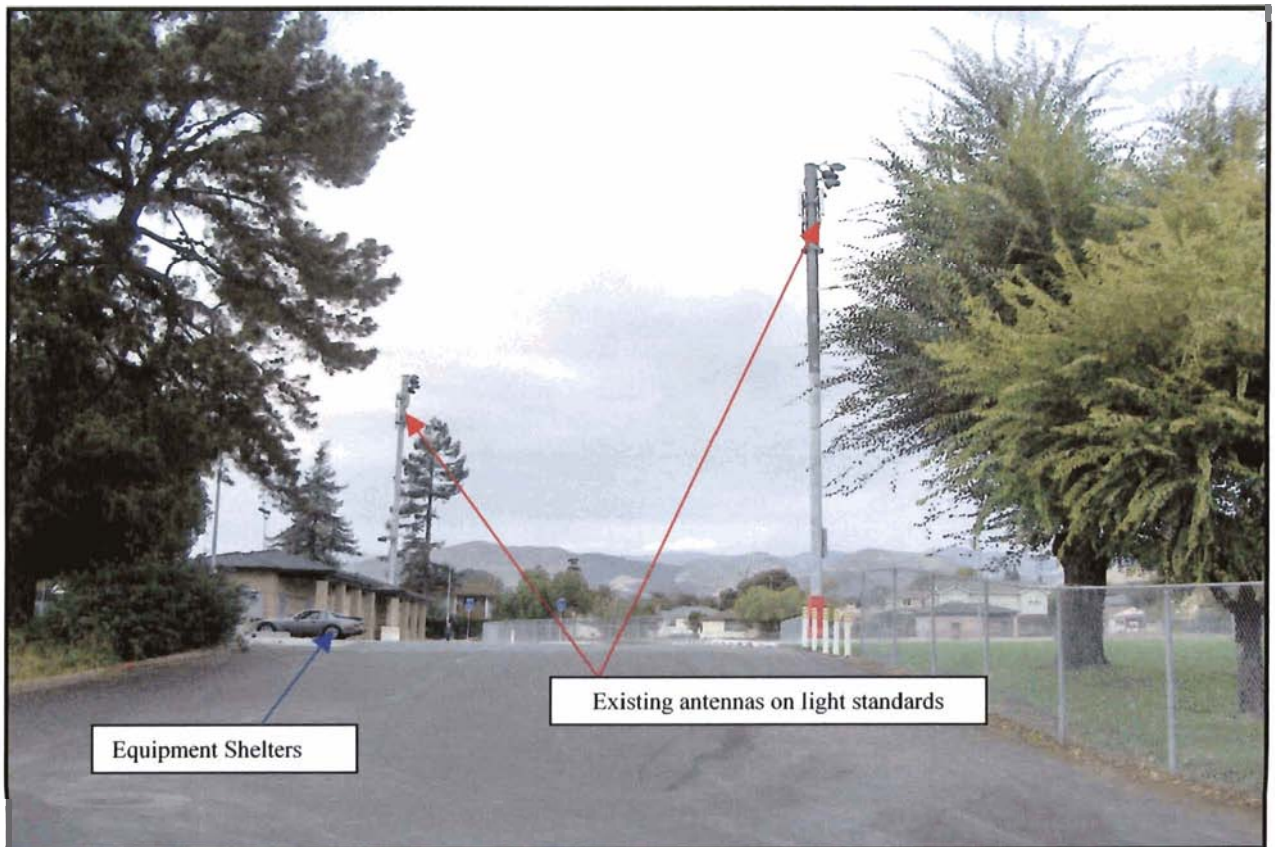
Soto Sports Complex in Arroyo Grande- Photo Showing Proximity to Residences (Approx. 250 ft.)



Soto Sports Complex



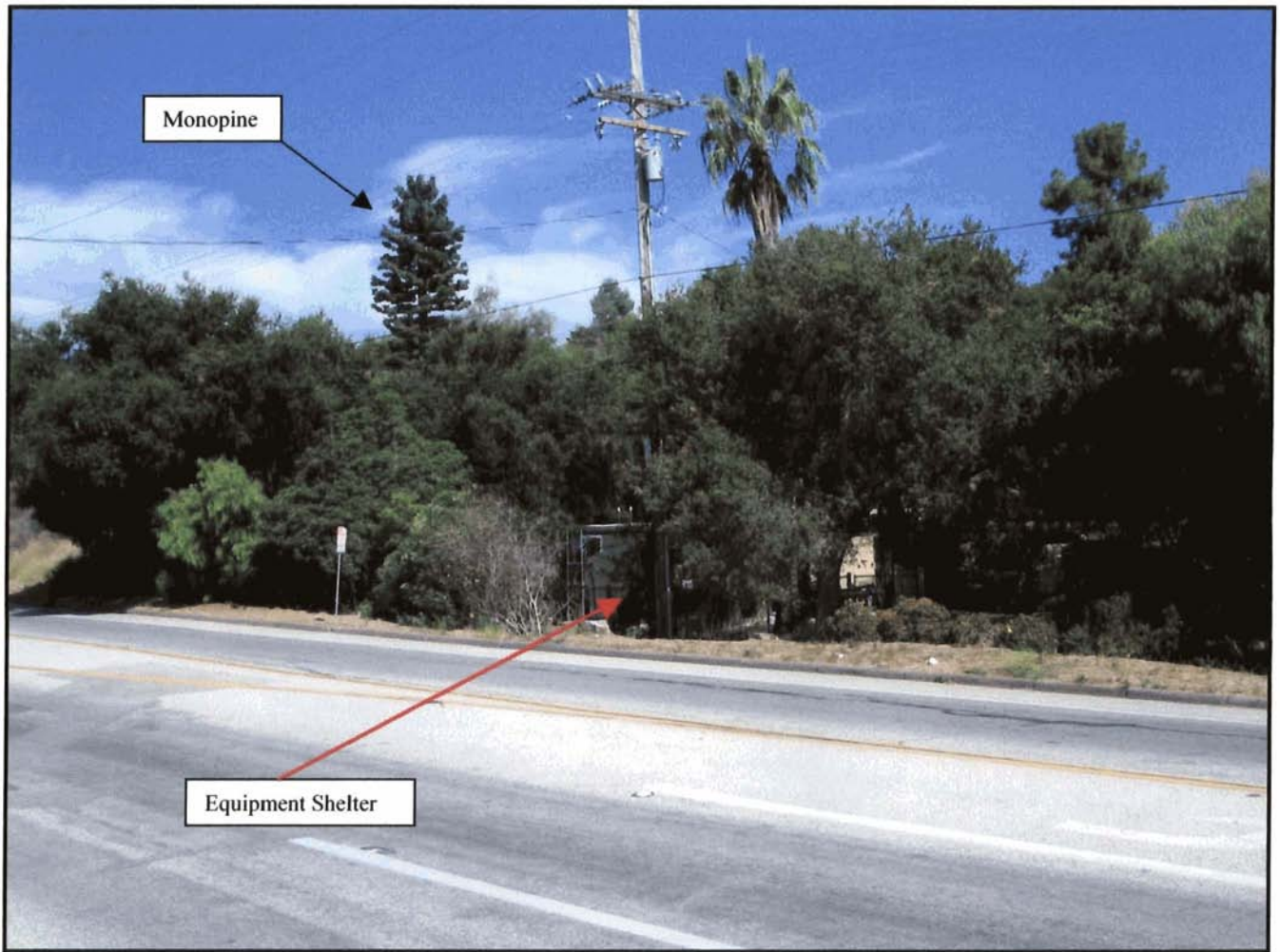
Santa Rosa Park in San Luis Obispo (existing 2 carrier site, one additional carrier to be added)



Santa Rosa Park in SLO (Photo taken from front yard of adjacent residence)



Pleasant Valley Park in Camarillo (Underground Vault)



Tucker's Grove Park – Santa Barbara County

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION
FOR A ZONING ORDINANCE AMENDMENT
TO ALLOW FOR THE EXPANSION OF THE ZONING DISTRICTS THAT
CELLULAR FACILITIES CAN BE ESTABLISHED

WHEREAS, the City Council of the City of El Paso de Robles adopted an updated General Plan in December 2003; and

WHEREAS, this Zoning Ordinance Amendment is consistent with the General Plan; and

WHEREAS, the General Plan Environmental Impact Report (EIR) considered and evaluated programmatically potential impacts that may result from implementation of the General Plan, and includes mitigation measures as appropriate; and

WHEREAS, an Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) to evaluate whether this project would result in environmental impacts, and the City has determined that this project will not result in significant environmental impacts; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study and a Draft Negative Declaration was prepared and circulated for public review and comment; and

WHEREAS, no public comments or responses were received in regard to the Draft Negative Declaration and Initial Study; and

WHEREAS, Public Notice of the proposed Negative Declaration was posted as required by Section 21092 of the Public Resources Code; and

WHEREAS, a public hearing was conducted by the Planning Commission on May 8, 2007 and City Council on June 5, 2007 to consider the Initial Study, the proposed Negative Declaration prepared for the proposed project, and to accept public testimony on the Zoning Ordinance Amendments and environmental determination; and

WHEREAS, based on the information and analysis contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds that there is no substantial evidence that there would be a significant impact on the environment as a result of the proposed project. This finding is based on the Mitigation Monitoring Program included in the General Plan Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, based on its independent judgment, that it does hereby recommend adoption of a Negative Declaration and in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA.

PASSED AND ADOPTED THIS 5th day of June, 2007 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk

CITY OF PASO ROBLES – PLANNING DIVISION INITIAL STUDY

1. GENERAL PROJECT INFORMATION

PROJECT TITLE: Code Amendment 07-001 & 07-003

LEAD AGENCY: City of Paso Robles - 1000 Spring Street, Paso Robles, CA 93446

Contact: Darren Nash, Associate Planner
Telephone: (805) 237-3970

PROJECT LOCATION: City-wide

PROJECT PROPONENT: Ridge Communications, Sprint/Nextel Corp.

**LEAD AGENCY CONTACT/
INITIAL STUDY PREPARED BY:** Darren Nash, Associate Planner

Telephone: (805) 237-3970
Facsimile: (805) 237-3904
E-Mail: dnash@prcity.com

GENERAL PLAN DESIGNATION: Not applicable.

ZONING: Not applicable.

2. PROJECT DESCRIPTION

The proposed project is an amendment to the City of Paso Robles Zoning Ordinance to: amend Section 21.16.200 Use Table, to allow the ability to establish cellular facilities in residential, office professional and parks and open space zoning districts.

3. **OTHER AGENCIES WHOSE APPROVAL MAY BE REQUIRED (For example, issuance of permits, financing approval, or participation agreement):**

None.

4. **EARLIER ENVIRONMENTAL ANALYSIS AND RELATED ENVIRONMENTAL DOCUMENTATION:**

This Initial Study incorporates by reference the City of El Paso de Robles General Plan Environmental Impact Report (EIR) (SCH#2003011123).

5. CONTEXT OF ENVIRONMENTAL ANALYSIS FOR THE PROJECT:

This Initial Study relies on expert opinion supported by the facts, technical studies, and technical appendices of the City of El Paso de Robles General Plan EIR. These documents are incorporated herein by reference. They provide substantial evidence to document the basis upon which the City has arrived at its environmental determination regarding various resources.

6. PURPOSES OF AN INITIAL STUDY

The purposes of an Initial Study for a Development Project Application are:

- A. To provide the City with sufficient information and analysis to use as the basis for deciding whether to prepare an Environmental Impact Report, a Mitigated Negative Declaration, or a Negative Declaration for a site specific development project proposal;
- B. To enable the Applicant of a site specific development project proposal or the City as the lead agency to modify a project, mitigating adverse impacts before an Environmental Impact Report is required to be prepared, thereby enabling the proposed Project to qualify for issuance of a Negative Declaration or a Mitigated Negative Declaration;
- C. To facilitate environmental assessment early in the design of a project;
- D. To eliminate unnecessary EIRs;
- E. To explain the reasons for determining that potentially significant effects would not be significant;
- F. To determine if a previously prepared EIR could be used for the project;
- G. To assist in the preparation of an Environmental Impact Report if one is required; and
- H. To provide documentation of the factual basis for the finding of no significant effect as set forth in a Negative Declaration or a Mitigated Negative Declaration prepared for the a project.

7. EXPLANATION OF ANSWERS FOUND ON THE ENVIRONMENTAL CHECKLIST FORM

A. Scope of Environmental Review

This Initial Study evaluates potential impacts identified in the following checklist.

B. Evaluation of Environmental Impacts

1. A brief explanation is required for all answers to the questions presented on the following Environmental Checklist Form, except where the answer is that the proposed project will have “No Impact.” The “No Impact” answers are to be adequately supported by the information sources cited in the parentheses following each question or as otherwise explained in the introductory remarks. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A “No Impact” answer should be explained where it is based on project-specific factors and/or general standards. The basis for the “No Impact” answers on the following Environmental Checklist Form is explained in further detail in this Initial Study in Section 9 (Earlier Environmental Analysis and Related Environmental Documentation) and Section 10 (Context of Environmental Analysis for the Project).
2. All answers on the following Environmental Checklist Form must take into account the whole action involved with the project, including implementation. Answers should address off-site as well as on-

site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. “Potentially Significant Impact” is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more “Potentially Significant Impact” entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. “Potentially Significant Impact Unless Mitigated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level. Mitigation Measures from Section 9 (Earlier Environmental Analysis and Related Environmental Documentation) may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). See Section 4 (Earlier Environmental Analysis and Related Environmental Documentation) and Section 11 (Earlier Analysis and Background Materials) of this Initial Study.
6. References to the information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the Environmental Checklist Form. See Section 11 (Earlier Analysis and Related Environmental Documentation). Other sources used or individuals contacted are cited where appropriate.
7. The following Environmental Checklist Form generally is the same as the one contained in Title 14, California Code of Regulations; with some modifications to reflect the City’s needs and requirements.
8. Standard Conditions of Approval: The City imposes standard conditions of approval on Projects. These conditions are considered to be components of and/or modifications to the Project and some reduce or minimize environmental impacts to a level of insignificance. Because they are considered part of the Project, they have not been identified as mitigation measures. For the readers’ information, the standard conditions identified in this Initial Study are available for review at the Community Development Department.
9. Certification Statement: The statements made in this Initial Study and those made in the documents referenced herein present the data and information that are required to satisfy the provisions of the California Environmental Quality Act (CEQA) – Statutes and Guidelines, as well as the City’s Procedures for Implementing CEQA. Further, the facts, statements, information, and analysis presented are true and correct in accordance with standard business practices of qualified professionals with expertise in the development review process, including building, planning, and engineering.

8. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The proposed project may potentially affect the environmental factors checked below, and may involve at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," if so indicated on the following Environmental Checklist Form (Pages 8 to.15)

- Land Use & Planning
- Transportation/Circulation
- Public Services
- Population & Housing
- Biological Resources
- Utilities & Service Systems
- Geological Problems
- Energy & Mineral Resources
- Aesthetics
- Water
- Hazards
- Cultural Resources
- Air Quality
- Noise
- Recreation
- Mandatory Findings of Significance

9. ENVIRONMENTAL DETERMINATION: On the basis of this initial evaluation: I find that:

The proposed project could not have a significant effect on the environment; and, therefore, a **NEGATIVE DECLARATION** will be prepared.

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. Therefore, a **MITIGATED NEGATIVE DECLARATION** will be prepared.

The proposed project may have a significant effect on the environment; and, therefore an **ENVIRONMENTAL IMPACT REPORT** is required.

The proposed project may have a significant effect(s) on the environment, but one or more effects (1) have been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) have been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or is "potentially significant unless mitigated."

Therefore, an **ENVIRONMENTAL IMPACT REPORT** is required, but it will analyze only the effect or effects that remain to be addressed.

Signature:

Date:

April 19, 2007

Darren Nash, Associate Planner

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

I. LAND USE AND PLANNING. Would the Proposal:

- a) Conflict with general plan designation or zoning? (Sources: 1 & 8)

Discussion: The proposed code amendment would not conflict with the general plan or zoning, since it does not apply to a specific property. Cellular facilities are already regulated by the Zoning Ordinance in specific zoning districts. This amendment would expand the districts where the facilities could be placed with the approval of a Conditional Use Permit by the Planning Commission..

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? (Sources: 1 & 3)

Discussion: The proposed project complies with the EIR recently certified for the City General Plan Update, 2003.

- c) Be incompatible with existing land uses in the vicinity? (Sources: 1 & 3)

Discussion: The code amendment does not apply to specific properties and therefore would not incompatible with existing land uses..

- d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses)?

Discussion: The code amendment does not apply to specific properties and therefore could not affect agricultural resources.

- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (Sources: 1 & 3)

Discussion: The code amendment does not apply to specific properties and therefore the project will not disrupt or divide the arrangement of land uses in the community.

II. POPULATION AND HOUSING. Would the proposal:

- a) Cumulatively exceed official regional or local population projections? (Sources: 1 & 3)

Discussion: The code amendment would not affect population projections..

- b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? (Sources: 1 & 3)

Discussion: This project will not induce substantial growth.

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace existing housing, especially affordable housing?
(Sources: 1, 3, & 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: This project will not displace existing housing since it is a vacant site.

III. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fault rupture? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The potential for and mitigation of impacts that may result from fault rupture in the project area are identified and addressed in the General Plan EIR, pg. 4.5-8. There are two known fault zones on either side of this valley. The Rinconada Fault system runs on the west side of the valley. The San Andreas Fault is on the east side of the valley and runs through the community of Parkfield east of Paso Robles. The City of Paso Robles recognizes these geologic influences in the application of the Uniform Building Code to all new development within the City. Review of available information and examinations indicate that neither of these faults is active with respect to ground rupture in Paso Robles. Soils reports and structural engineering in accordance with local seismic influences would be applied in conjunction with any new development proposal. Based on standard conditions of approval, the potential for fault rupture and exposure of persons or property to seismic hazards is not considered significant. In addition, per requirements of the Alquist-Priolo Earthquake Fault Zones, only structures for human habitation need to be setback a minimum of 50 feet of a known active trace fault. The proposed structures are not intended for human habitation.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Seismic ground shaking? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The City is located within an active earthquake area that could experience seismic ground shaking from the Rinconada and San Andreas Faults. The proposed structure will be constructed to current UBC codes. The General Plan EIR identified impacts resulting from ground shaking as less than significant and provided mitigation measures that will be incorporated into the design of this project including adequate structural design and not constructing over active or potentially active faults.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Seismic ground failure, including liquefaction?
(Sources: 1, 2 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See a. & b.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Seiche, tsunami, or volcanic hazard? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: There are no water or volcanic hazards that could affect this property, thus potential impacts are less than significant.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Landslides or Mudflows? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: There are no landslide or mudflow hazards that could affect this property, thus potential impacts are less than significant.

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: 1, 2, 3, & 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: There are no erosion or soil conditions that could affect this property, thus potential impacts are less than significant.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Subsidence of the land? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Refer to a. above.

- | | | | | |
|----------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Expansive soils? (Sources: 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Refer to a. above.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Unique geologic or physical features? (Sources:1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Refer to a. above.

IV. WATER. Would the proposal result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (Sources:1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Items a – i) As a rezone for plan consistency purposes, this project could not affect water resources.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exposure of people or property to water related hazards such as flooding? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See above.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Changes in the amount of surface water in any water body? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Changes in currents, or the course or direction of water | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

movement? (Sources: 1, 3, & 7)

Discussion: See above.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? (Sources: 1,3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Altered direction or rate of flow of groundwater? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Impacts to groundwater quality? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See above.

V. AIR QUALITY. Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any air quality standard or contribute to an existing or projected air quality violation? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Items a –d) As a rezone for plan consistency purposes, this project could not affect air quality or resources.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Expose sensitive receptors to pollutants? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Alter air movement, moisture, or temperature? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See above.

- | | | | | |
|--------------------------------|--|--|--|--|
| d) Create objectionable odors? | | | | |
|--------------------------------|--|--|--|--|

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: See above.

VI. TRANSPORTATION/CIRCULATION. Would the proposal result in:

a) Increased vehicle trips or traffic congestion? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: Items a –g) As a rezone for plan consistency purposes, this project could not affect transportation or circulation.

b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: See above.

c) Inadequate emergency access or inadequate access to nearby uses? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: See above.

d) Insufficient parking capacity on-site or off-site? (Sources: 1, 3, 7, & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: See above.

e) Hazards or barriers for pedestrians or bicyclists? (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: See above.

f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Sources: 1 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: See above.

g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: See above.

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

BIOLOGICAL RESOURCES. Would the proposal result in impacts to:

Endangered, threatened or rare species or their habitats (including but not limited to: plants, fish, insects, animals, and birds)?

Discussion: a-e) This code amendment does not pertain to these resources.

b) Locally designated species (e.g., heritage trees)?

Discussion: See above.

c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?

Discussion: See above.

d) Wetland habitat (e.g., marsh, riparian and vernal pool)?

Discussion: See above.

e) Wildlife dispersal or migration corridors?

Discussion: See above.

VIII. ENERGY AND MINERAL RESOURCES. Would the proposal:

a) Conflict with adopted energy conservation plans? (Sources: 1 & 7)

Discussion: This project could not affect or conflict with energy conservation plans.

b) Use non-renewable resources in a wasteful and inefficient manner? (Sources: 1 & 7)

Discussion: The project will not use non-renewable resource in a wasteful and inefficient manner.

c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? (Sources: 1 & 7)

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Potentially Significant No Impact
--	--------------------------------------	--	------------------------------------	---

Discussion: The project is not located in an area of a known mineral resources that would be of future value to the region and the residents of the State.

IX. HAZARDS. Would the proposal involve:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: No development is proposed with this project therefore it could not result in hazard related impacts.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Possible interference with an emergency response plan or emergency evacuation plan? (Sources: 1 & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Refer to item a.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) The creation of any health hazard or potential hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Refer to item a.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Refer to item a.

X. NOISE. Would the proposal result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increases in existing noise levels? (Sources: 1, 7, & 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: No development is proposed with this project, therefore it could not result in noise related impacts.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exposure of people to severe noise levels? (Source: 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

See item a.

XI. PUBLIC SERVICES. Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection? (Sources: 1, 3, 6, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Police Protection? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

- | | | | | |
|----------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Schools? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Maintenance of public facilities, including roads? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other governmental services? (Sources: 1,3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: a.-e) No development is proposed with this project, therefore it could not result in public service related impacts.

XII. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

a) Power or natural gas? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communication systems? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: The project will allow for the ability to establish new cellular facilities throughout the City, it would not impact existing facilities..</i>				
c) Local or regional water treatment or distribution facilities? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks? (Sources: 1, 3, 7, & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: a.-g. The project will not result in the need for new systems or supplies, or result in substantial alterations to utilities and service systems.

XIII. AESTHETICS. Would the proposal:

a) Affect a scenic vista or scenic highway? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: a – c) The Zoning Code currently allow for the establishment of cellular facilities in commercial and manufacturing zoning districts with the approval of a Conditional Use Permit (CUP). This code amendment would expand the zoning in which facilities could be built into residential, office professional and parks & open spaces zoning districts with the approval of a CUP by the Planning Commission. The General Plan has a goals/objectives which promote architectural and design excellence. Through the CUP process, there will be requirements that the proposed facilities are camouflaged, so that they are not noticeable.</i>				
b) Have a demonstrable negative aesthetic effect? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

Discussion: see a. above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Create light or glare? (Sources: 1, 3, 7, & 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: a-c.

XIV. CULTURAL RESOURCES. Would the proposal:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Disturb paleontological resources? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: There are no known paleontological or other cultural resources on site and the project does not proposed new development; therefore these resources could not be impacted.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Disturb archaeological resources? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Refer to item a.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Affect historical resources? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: see item a. above..

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Have the potential to cause a physical change which would affect unique ethnic cultural values? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Refer to item a.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Restrict existing religious or sacred uses within the potential impact area? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Refer to item a.

XV. RECREATION. Would the proposal:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: This project does not include development thus it could not result in impacts related to recreation resources.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Affect existing recreational opportunities? (Sources 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project will not affect existing recreational opportunities.

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

XVI.MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: This project does not include development and it could not result in impacts that would degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important history or prehistory.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals? (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: This project will not result in significant environmental impacts and therefore will not result in short term or long term environmental goals.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: This project will not result in cumulative environmental impacts.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: This project does not have the potential to result in substantial adverse effects on human beings either directly or indirectly.

11. EARLIER ANALYSIS AND BACKGROUND MATERIALS

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). The earlier documents that have been used in this Initial Study are listed below.

Reference Number	Document Title	Available for Review At
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
2	Seismic Safety Element for City of Paso Robles	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
3	Final Environmental Impact Report City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
4	Soil Survey of San Luis Obispo County, California Paso Robles Area	USDA-NRCS, 65 Main Street-Suite 108 Templeton, CA 93465
5	Uniform Building Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
6	City of Paso Robles Standard Conditions of Approval For New Development	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
7	City of Paso Robles Zoning Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
8	City of Paso Robles, Water Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
9	City of Paso Robles, Sewer Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
10	Federal Emergency Management Agency Flood Insurance Rate Map	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TABLE 21.16.200, PERMITTED LAND USE MATRIX
OF THE MUNICIPAL CODE, EXPANDING THE ZONING DISTRICTS THAT
CELLULAR FACILITIES COULD BE ESTABLISHED

WHEREAS, the City's Economic Strategy suggests that communities should use and invest in technology that supports the ability of local enterprises to succeed, improves civic life, and provides access to information and resources; and

WHEREAS, a Code Amendment 07-001 & 07-003 have been filed by Ridge Communications and Sprint/Nextel Corporation requesting that the City expand the zoning districts in which cellular facilities can be located with a Conditional Use Permit; and

WHEREAS, this Zoning Ordinance Amendment would expand the zoning districts that allow for cellular facilities into the residential and parks and open space districts with a Conditional Use Permit and only when the facilities are camouflaged; and

WHEREAS, at its meeting of May 8, 2007, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, based on consideration of information received at its meeting of June 5, 2007, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's May 8, 2007 public meeting;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on June 19, 2007, the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. Council Findings.

The Council finds that:

- a. by expanding the areas in the City where cellular facilities could be established would help meet the principals of the Economic Strategy which states that “communities should use and invest in technology that supports the ability for local enterprises to succeed, improve civic life, and provides open access to information and resources”;
- b. that the proposed code amendment would meet the General Plan policy to promote architectural and design excellence, by requiring that cellular facilities be camouflaged and not be noticeable from the general public.

SECTION 2. Exhibits. The zoning ordinance amendment is hereby established in the Zoning Ordinance as shown in Exhibit A.

SECTION 3. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 5. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on June 5, 2007, and passed and adopted by the City Council of the City of El Paso de Robles on the 19th day of June, 2007 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
D. Communications																			
1. Broadcasting studios	C	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	
2. Transmission & receiving stations (not including ham operators, private microwave and radio dispatch)	P	N C*	N C*	N C*	N C*	N C*	N C*	N C*	N C*	N C*	C	C	C	C	C	C	C	N C*	
<p>* In the R, OP & POS districts, a facility may be permitted with the approval of a CUP by the Planning Commission for a site located in a public or quasi-public property/building such as a church, school, golf course, community building, or other building/site as determined appropriate by the Planning Commission.</p> <p>NOTE: All facilities, regardless of the zone, shall be camouflaged (antennas and equipment are incorporated into a building/structure or built into the existing environment in a manner that results in the antennas /equipment not being noticeable as determined by the Planning Commission.</p>																			

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

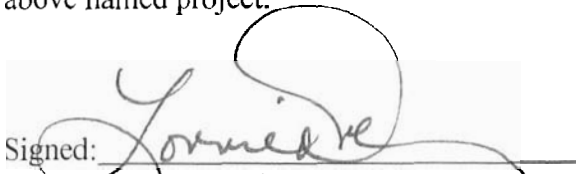
Newspaper: Tribune

Date of Publication: April 19, 2007

Meeting Date: May 8, 2007
(Planning Commission)
June 5, 2007
(City Council)

Project: Code Amendments 07-001 & 07-003 (Ridge Communications and Sprint/Nextel)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

forms\newsaffi.691

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARINGS;
NOTICE OF INTENT TO ADOPT A
NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold Public Hearings to consider adoption of a Negative Declaration (statement that there will be no significant environmental effects) in accordance with the provisions of the California Environmental Quality Act (CEQA), for the following project:

Code Amendment 07-001 & 07-003: requests by Ridge Communications and Sprint/Nextel Wireless to amend Table 21.16.200 to allow the placement of cellular facilities within the Parks and Open Space (POS) and Residential zoning districts, with the approval of a Conditional Use Permit.

The public review period for the Draft Negative Declaration commences on April 19, 2007, and ends at the Public Hearing, which is scheduled for the Planning Commission on Tuesday, May 8, 2007.

NOTICE IS ALSO HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold Public Hearings to consider Code Amendment 07-001 & 07-002 as described above, at their meeting on June 5, 2007.

Both the Planning Commission and the City Council meetings will begin at the hour of 7:30 pm in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. All interested parties may appear and be heard at this hearing.

The proposed Negative Declarations may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the proposed code amendment and negative declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970.

If you challenge the code amendment and negative declaration in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council at or prior to, their respective public hearings.

Darren Nash, Associate Planner
April 19, 2007

6568963