TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT 07-006 (CLEARWIRE) APN 009-314-004

DATE: October 9, 2007

Needs: For the Planning Commission to consider the applicant's request to install a wireless communication facility located at 1635 Commerce Way.

Facts:

1. The antennas would be installed inside a new faux vent and the dish antennas would be installed behind radio frequency transparent screening wall of an existing warehouse building. The antennas would not be visible from a public street. The support equipment is proposed to be located adjacent to and fitting in with the warehouse building.

- 2. The property is zoned PM (Planned Industrial) and the General Plan designation is BP (Business Park).
- 3. Section 21.16.200 of the Municipal Code requires approval of a Conditional Use Permit for transmission and receiving stations in the PM zoning district.
- 4. The Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15301 of the State's Guidelines to Implement CEQA. Section 15301 exempts existing facilities and the equipment would be installed inside a preexisting building.
- 5. The Development Review Committee (DRC) reviewed this project at its meeting of September 17, 2007, and based on the antennas being located within the existing building and not being visible that the facility would be adequately camouflaged. The Committee recommended that the Planning Commission approve the request.

Analysis and

Conclusions:

Wireless telecommunications antennas and support equipment are allowed in the PM zoning district with a Conditional Use Permit. Chapter 21.16.200 of the Municipal Code requires that 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). Since the antennas and dishes would be incorporated into the existing building and would not be visible it could be considered camouflaged. The accompanying equipment cabinet would be on the backside of the warehouse building and not be visible from the street.

Policy

Reference: Zoning Code, General Plan, Economic Strategy

Fiscal

Impact: None

Options: After consideration of any public testimony, the Planning Commission should

consider the following options:

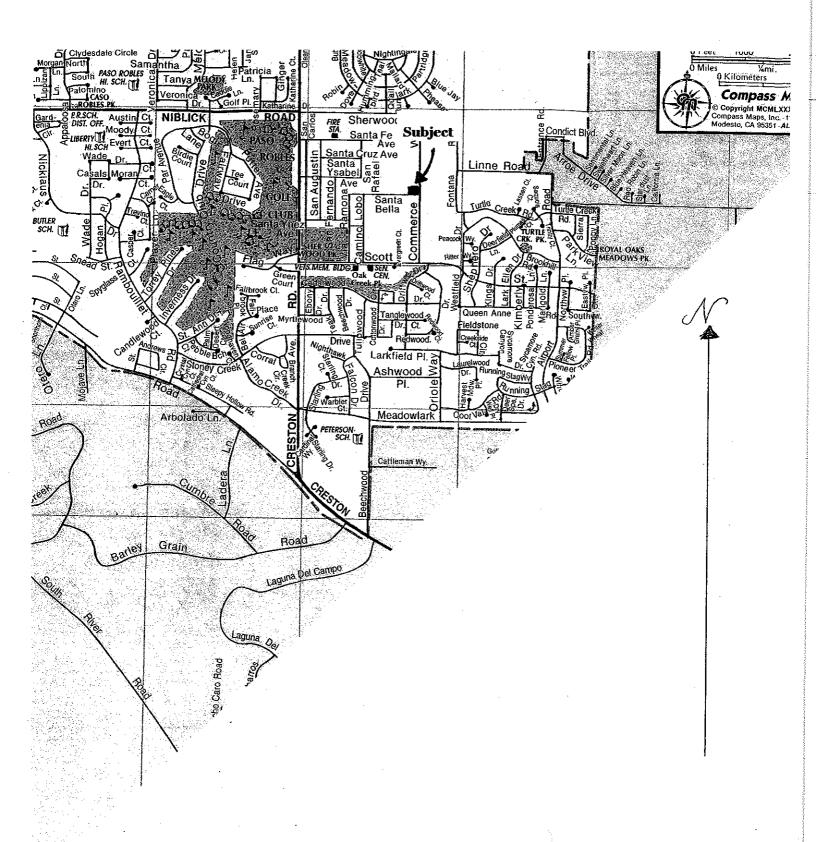
a). Adopt the attached resolution granting approval of Conditional Use Permit 07-006.

b). Amend, modify or alter the above noted options.

Attachments:

- 1. Location Map
- 2. Photosimulations of existing and proposed appearance of location
- 3. Resolution Approving CUP 07-006
- 4. Newspaper notice and mail affidavits

H:/darren/CUP/CUP07-015Clearwire/StaffReport



Vicinity Map

Photosimulation of view looking southwest from Fontana Road at Linne Road.



RESOLUTION NO: ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES TO APPROVE CONDITIONAL USE PERMIT 07-006 (CLEARWIRE)

APN: 009-314-004

WHEREAS, section 21.16.200 of the Municipal Code of the City of El Paso de Robles requires approval of a Conditional Use Permit for transmission and receiving stations in the PM zoning district; and

WHEREAS, the applicant, Clearwire, has filed a Conditional Use Permit application to construct a wireless communication facility within the existing building located at 1635 Commerce Way; and

WHEREAS, the facility would have a camouflaged design, consisting of 3 panel antennas, 3 dish antennas, and 3 base transceiver station (BTS) units, that would be integrated into the building and not be visible; and

WHEREAS, one equipment cabinet on a concrete pad on ground level adjacent to the existing building; and

WHEREAS, and since the antennas and equipment will not be visible, the project would be consistent with Land Use Element Policy 2B, relating to visual identity, including utility infrastructure; and

WHEREAS, a public hearing was conducted by the Planning Commission on October 9, 2007, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit request; and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance and operation for the requested use and building would be consistent with the General Plan and not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of

El Paso de Robles does hereby approve Conditional Use Permit 07-006 subject to the following conditions:

1. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

EXHIBIT	DESCRIPTION .
A	Site Photos, Project Information
В	Overall Site Plan
C	Enlarged Roof Plan, Equipment Cabinet Plan
D	South/North Building Elevation
E	West/East Building Elevation
F	Antenna Details, Equipment Details

- 2. This Conditional Use Permit (CUP) authorizes the construction of a wireless communication facility within the building located at 1635 Commerce Way, where the antenna panels would be architecturally integrated into the building and the equipment would be located within the building, in a manner described in attached exhibits and as required by the conditions contained within this resolution.
- 3. This project approval shall expire on October 9, 2009, unless a building permit is issued for the project, or unless a time extension request is filed with the Community Development Department prior to expiration.
- 4. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Conditional Use Permit process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- 5. Prior to occupancy, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- 6. Any site specific condition imposed by the Planning Commission in approving this project may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the approval of this project. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use for this approval.

Vote:	October, 2007 by the following Roll Call
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
ATTEST:	CHAIRMAN, MARGARET HOLSTINE
RON WHISENAND, SECRETARY OF THE	E PLANNING COMMISSION

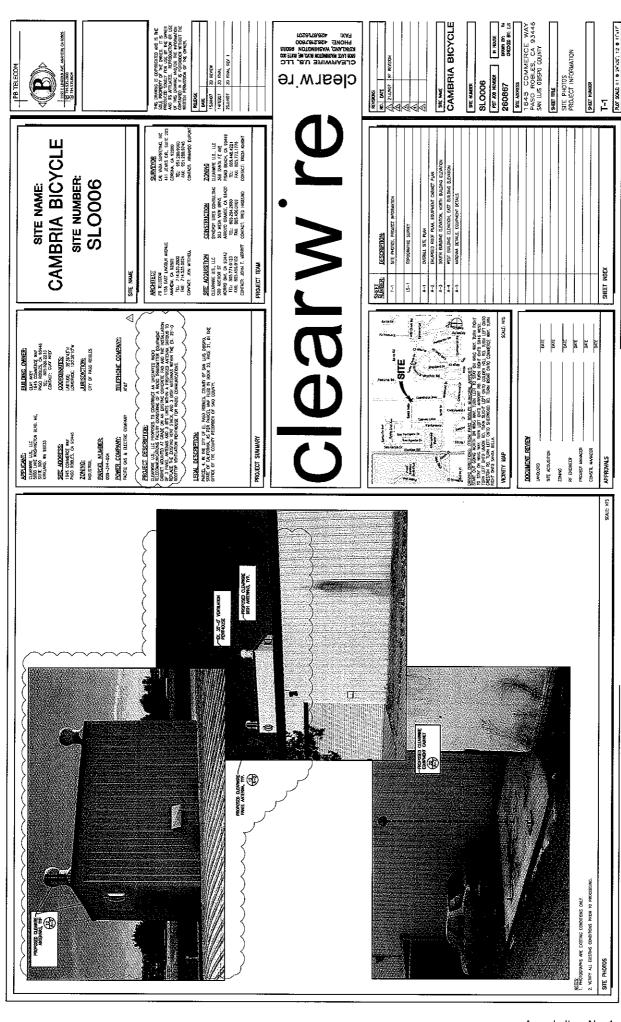
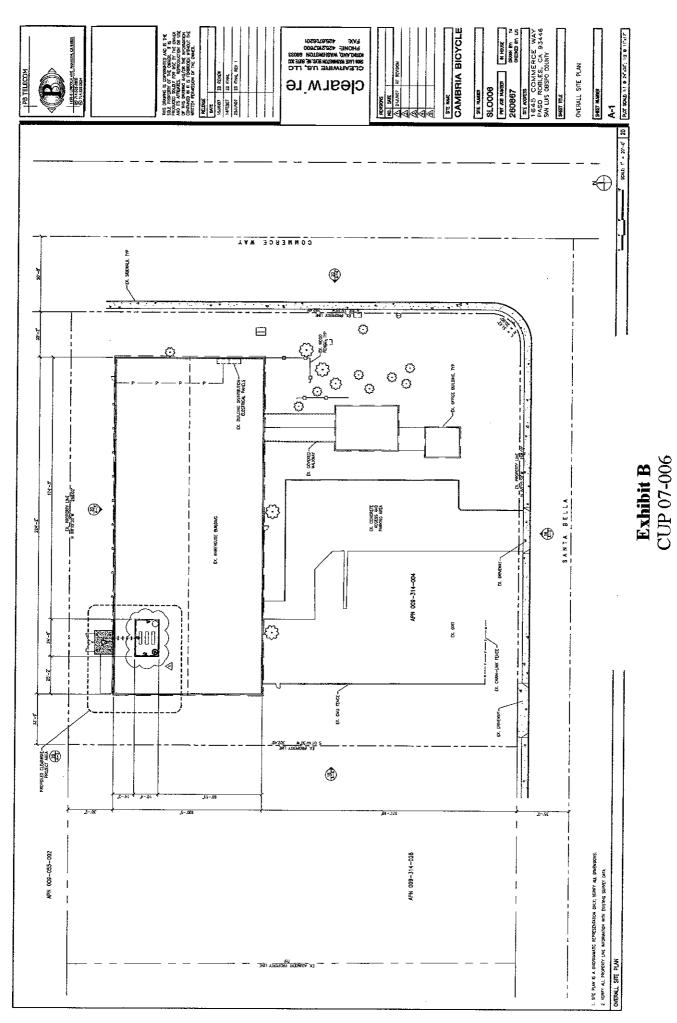
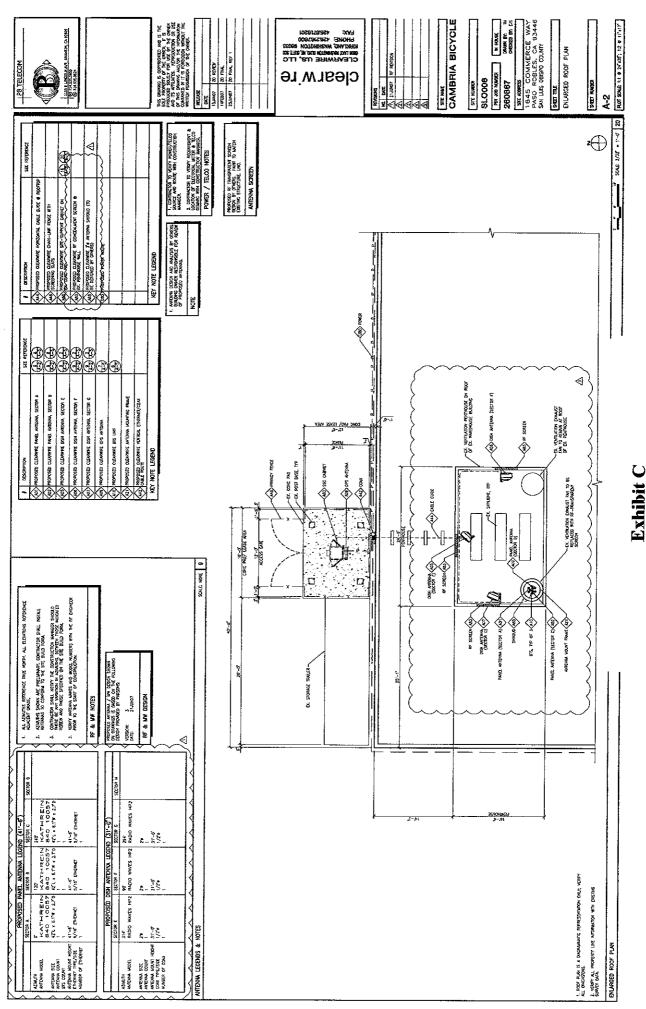


Exhibit ACUP 07-006
Site Photos, Project Information



Overall Site Plan

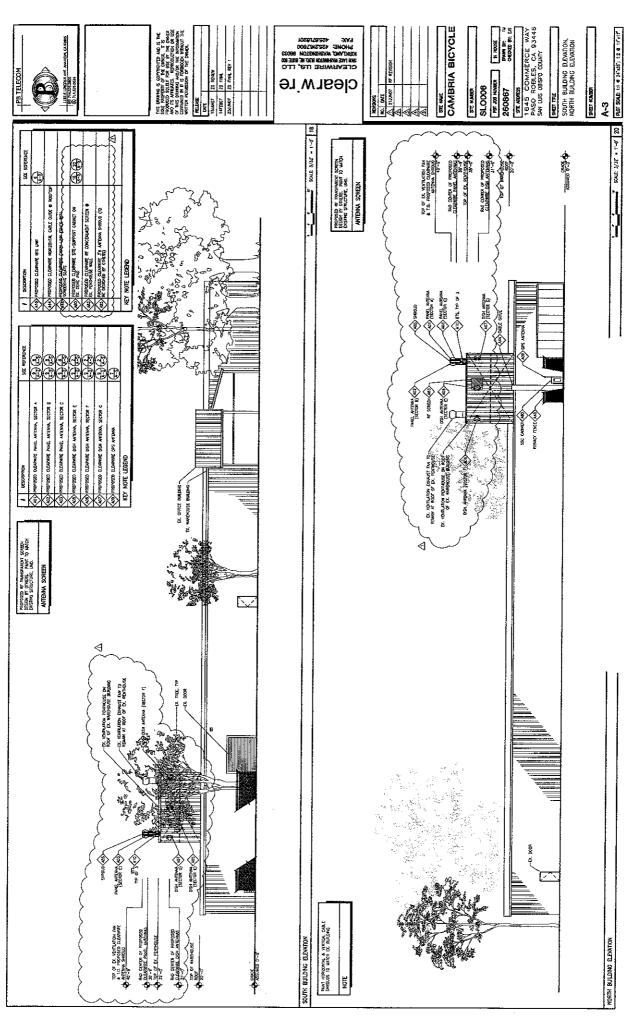
Agenda Item No. 1 - Page 10 of 16



Agenda Item No. 1 - Page 11 of 16

Roof Plan, Equipment Cabinet Plan

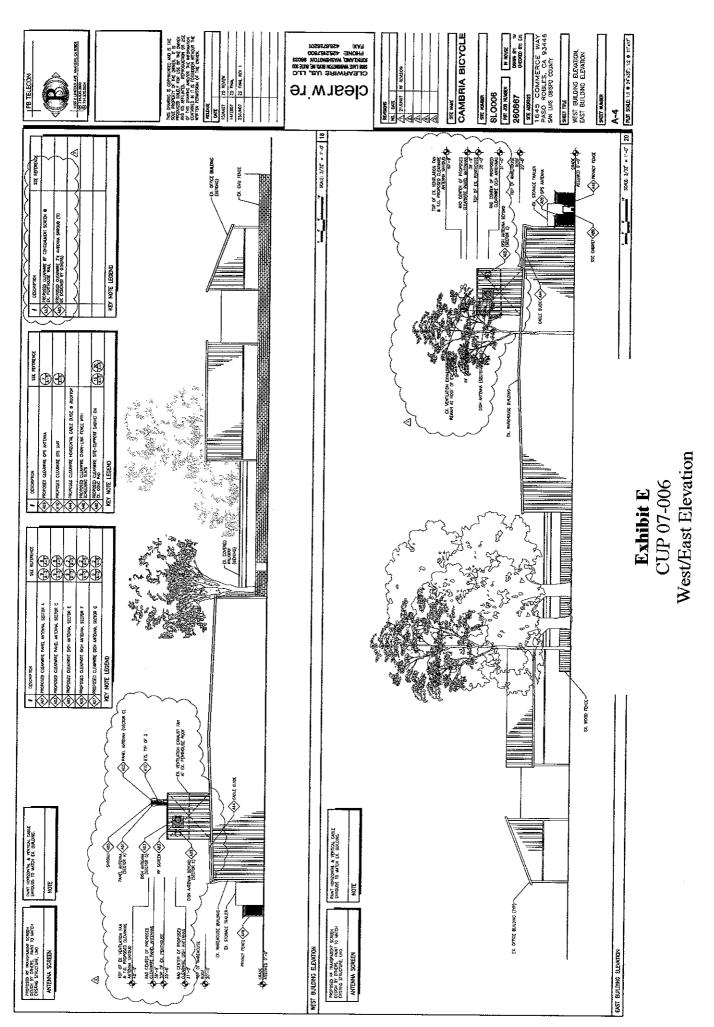
CUP 07-006



CUP 07-006 South/North Elevation

Exhibit D

Agenda Item No. 1 - Page 12 of 16



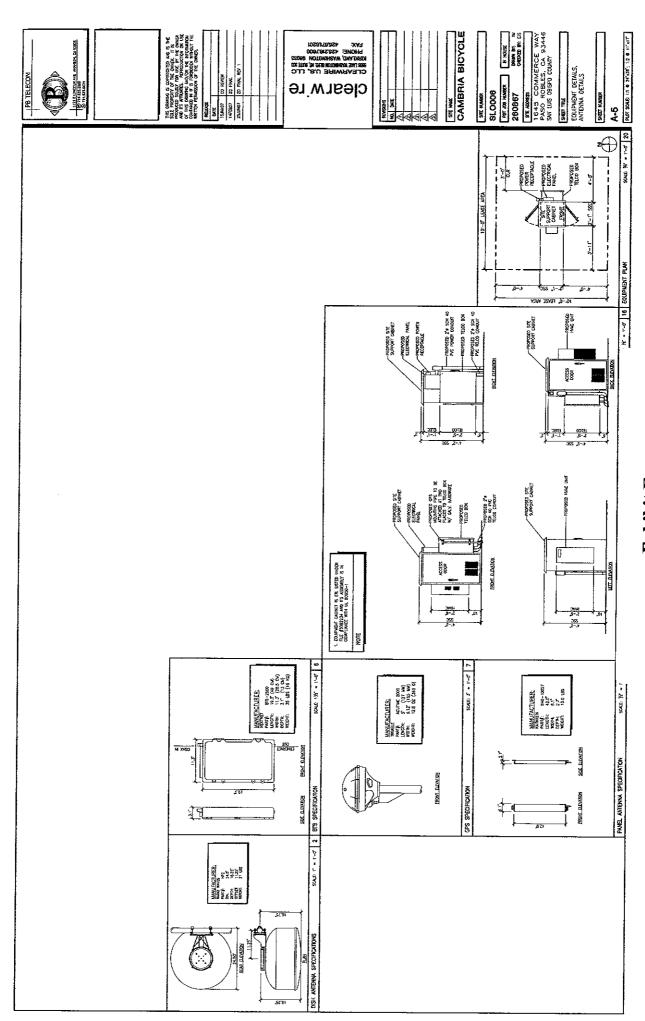


Exhibit FCUP 07-006
Antenna Details, Equipment Details

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

Newspaper:	Tribune
Date of Publication:	September 26, 2007
Meeting Date:	October 9, 2007 (Planning Commission)
Project:	Conditional Use Permit 07-006 (T. Knight/Clearwire LLC/ 1635 Commerce Way)
I, <u>Lonnie Dolan</u>	, employee of the Community
Development Departm	nent, Planning Division, of the City
of El Paso de Robles, o	do hereby certify that this notice is
a true copy of a publish	ned legal newspaper notice for the
above named project.	
Signed: VOV-V-L	A XI

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider Conditional Use Permit 07-006, an application submitted by Tricia Knight on behalf of Clearwire LLC, requesting to install a wireless communication, facility within the existing building located at 1635 Commerce Way.

This hearing will take place in the City Hall/ Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, October 9, 2007, at which time all interested parties may appear and be heard.

This application is Categorically Exempt from environmental review per Section 15303 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

Comments on the proposed Conditional Use Permit 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 hearing.

If you challenge the Conditional Use Permit application 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 at, or prior to the public hearing.

Darren R. Nash, Associate Planner September 26, 2007

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Lonnie Dolan

AFFIDAVIT

OF MAIL NOTICES

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, <u>Lonnie Dolan</u>, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for <u>Conditional Use Permit 07-006 (Clearwire – 1635 Commerce Way)</u> on this <u>26th</u> day of <u>September 2007</u>.

City of El Paso de Robles Community Development Department Planning Division

Signed: \(\)

Lonnie Dolan

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