

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT 07-007 (CLEARWIRE)
APN: 009-611-045

DATE: October 9, 2007

Needs: For the Planning Commission to consider the applicant's request to develop a new wireless communication facility located at the Paso Robles High School, 801 Niblick Road.

Facts:

1. The proposed facility would consist of 3 panel antennas on an existing 80' sport light/monopole and an equipment cabinet on a proposed concrete slab.
2. The existing sport light/monopole is located in the vicinity of the baseball fields (see vicinity map).
3. The property is zoned R1 (Single Family Residential) and the General Plan designation is PF (Public Facilities).
4. Section 21.16.200 of the Municipal Code requires approval of a Conditional Use Permit for transmission and receiving stations in the R1 zoning district.
5. Ordinance No. 934 amended the zoning code to allow cellular facilities in the R1 zoning district. The ordinance requires that cellular facilities be associated with public or quasi-public facilities such as schools and be camouflaged so that they are not noticeable from the street.
6. The 80' tall monopole is in the vicinity of the other baseball field lights and appears similar to the other light standards. The existing light poles at the high school vary in height from 75' to around 90' tall.
7. 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 on a preexisting monopole.

8. The Development Review Committee (DRC) reviewed this project at its meeting of September 17, 2007, Based on the proposed facility only having 3 panel antennas and being located on an existing sports light pole the Committee recommended that the Planning Commission approve the request.

Analysis
and

Conclusions: New telecommunication facilities in the City are required to be camouflaged. In this case the sports light standard will appear similar to other lights and will “blend in.” However, as can be seen from the photo-simulations (attached) the antennas will be visible. Given the remoteness of the site and the fact that there are tall sports lights in the area of the modified light pole will appear to blend in with the other tall light poles in the vicinity.

This telecommunication facility would be similar to Condition Use Permit 07-012 recently approved by the Planning Commission for Verizon on August 28, 2007 to install a sports light pole with cellular antennas in the vicinity of the same baseball field. The equipment cabinet and the fencing are also compatible with other buildings and fences in this area of the school.

Policy

Reference: Zoning Code, General Plan, Economic Strategy

Fiscal

Impact: None

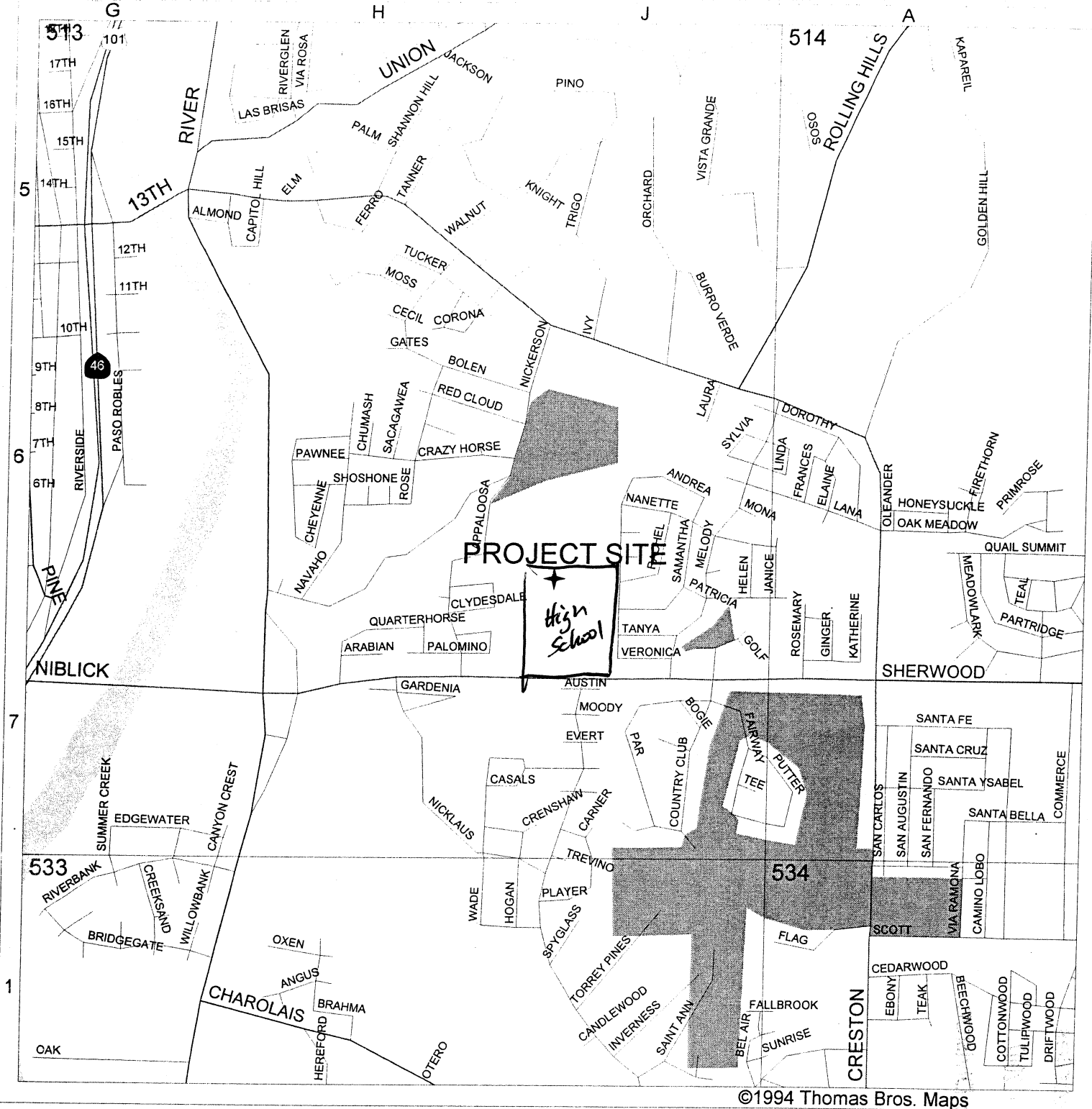
Options: After consideration of any public testimony, the Planning Commission should consider the following options:

- a). Determine that the proposed design is considered camouflaged and adopt the attached resolution granting approval of Conditional Use Permit 07-007.
- b). Determine the proposed design is not camouflaged, deny the application, and direct the applicant to present a design that complies with the intent of the City’s regulations.
- c). Amend, modify or alter the above noted options.

Attachments:

1. Location Map
2. Photo simulations of existing and proposed appearance of location
3. Resolution approving CUP 07-007
4. Newspaper notice and mail affidavits

H:/darren/CUP/CUP07-012Clearwire/StaffReport

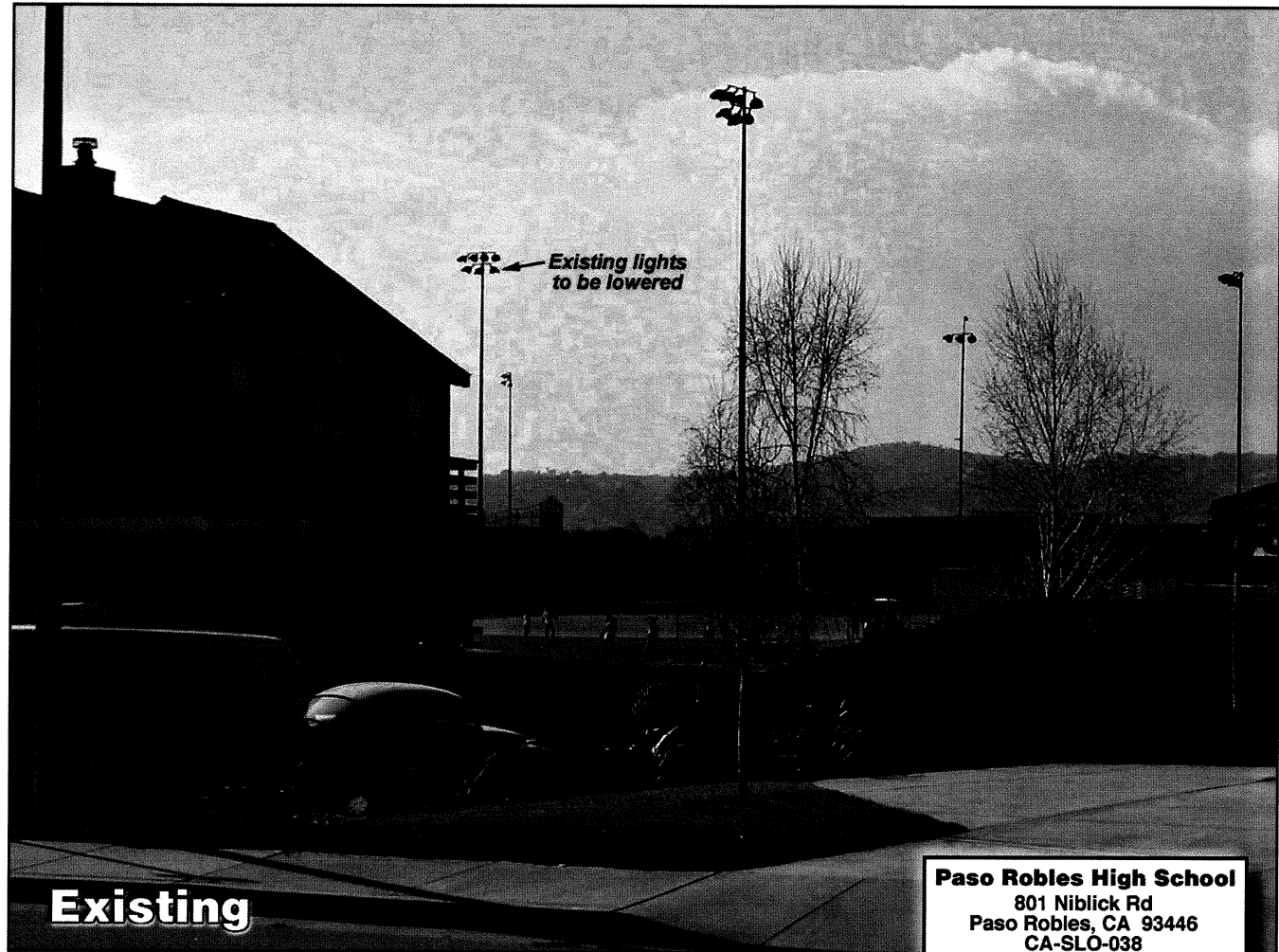


VICINITY MAP

SITE : 801 NIBLICK RD. - CA-SL0038

GC MAPPING SERVICE
 711 MISSION STREET, SUITE D
 SOUTH PASADENA CA 91030
 (626) 441-1080, FAX (626) 441-8850
GCMAPPING@RADIUSMAPS.COM

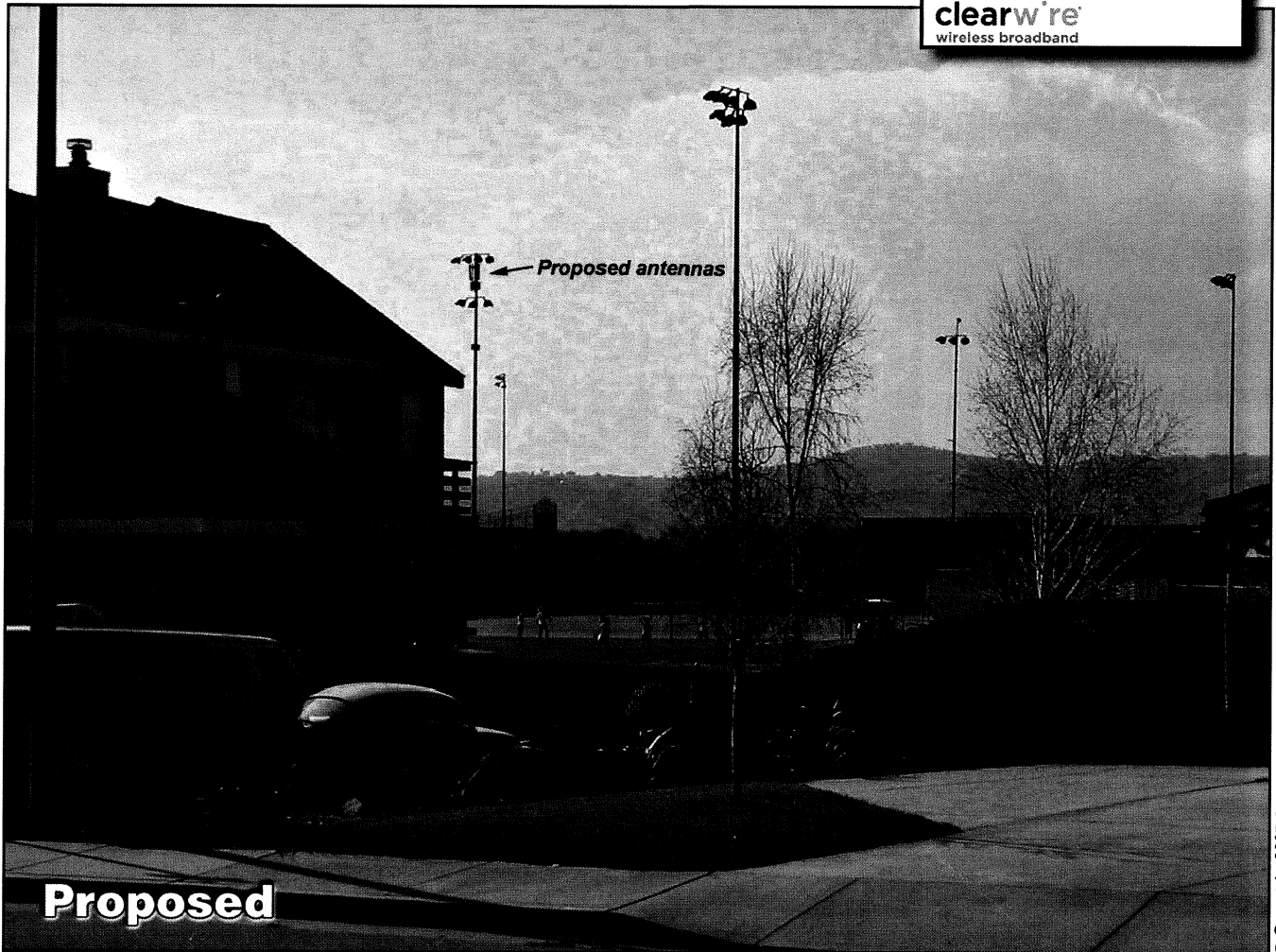
Photosimulation of view looking west from Veronica Drive at Nanette Lane.



Existing

Paso Robles High School
 801 Niblick Rd
 Paso Robles, CA 93446
 CA-SLO-038

clearwire
 wireless broadband



Proposed

Photosimulation of view looking south from the bleachers at the ag building turnaround area.



Existing lights to be lowered →



Proposed antennas →

Paso Robles High School
 801 Niblick Rd
 Paso Robles, CA 93446
 CA-SLO-038

clearwire
 wireless broadband

Existing

Proposed

RESOLUTION NO.: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 07-007
(CLEARWIRE)
APN: 009-611-045

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 R1 zoning district; and

WHEREAS, the applicant, Clearwire, has filed a Conditional Use Permit application to construct a wireless communication facility as a sports light standard located at 801 Niblick Road; and

WHEREAS, the school installation meets the Zoning Regulations requiring that the site be public or quasi-public; and

WHEREAS, the facility will have a camouflaged design, consisting of an existing 80'-tall sport light/monopole blending with other similarly designed poles at the school; and

WHEREAS, separate equipment would be located inside of an equipment cabinet on a proposed concrete slab; and

WHEREAS, and since the antennas will be attached to a sports field light pole and blend with other similar "utility structures," 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 07-007 subject to the following conditions:

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

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Title Sheet
B	Site, Equipment, and Antenna Layouts
C	Elevations
D	Lease Area Detail, Site/Boundary Plans
F	Boundary Plan

2. This Conditional Use Permit (CUP) authorizes the construction of a wireless communication facility at 801 Niblick Road, where the antenna panels would be attached to an existing 80'-tall sport light pole, in a manner described in attached exhibits.
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.

PASSED AND ADOPTED THIS 9th day of October, 2007 by the following Roll Call
Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN, MARGARET HOLSTINE

ATTEST:

RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

H:\darren\CUP07-012\Clearwire\resolution

DATE: 07/27/07
ARCHITECT: I. REAY
DRAWN BY: RNA
CHECKED BY: S. ANDERSON
SHEETWORK: D. MARCHELLO
REV # DATE DESCRIPTION BY
1 12/14/06 REVISIONS
2 12/14/06 REVISIONS
3 12/14/06 REVISIONS
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Project Office:
2000 North 19th Street
Effort, WA 98033



ARCHITECT: I. REAY
PROJECT NUMBER: 07-0710
SHEET NUMBER: A-1
DATE: 07/27/07
LOCATION: PASO ROBLES HIGH SCHOOL PASO ROBLES, CA 93446
DATE: 1008, 1009, 1010, 1011
SHEET NUMBER: A-1

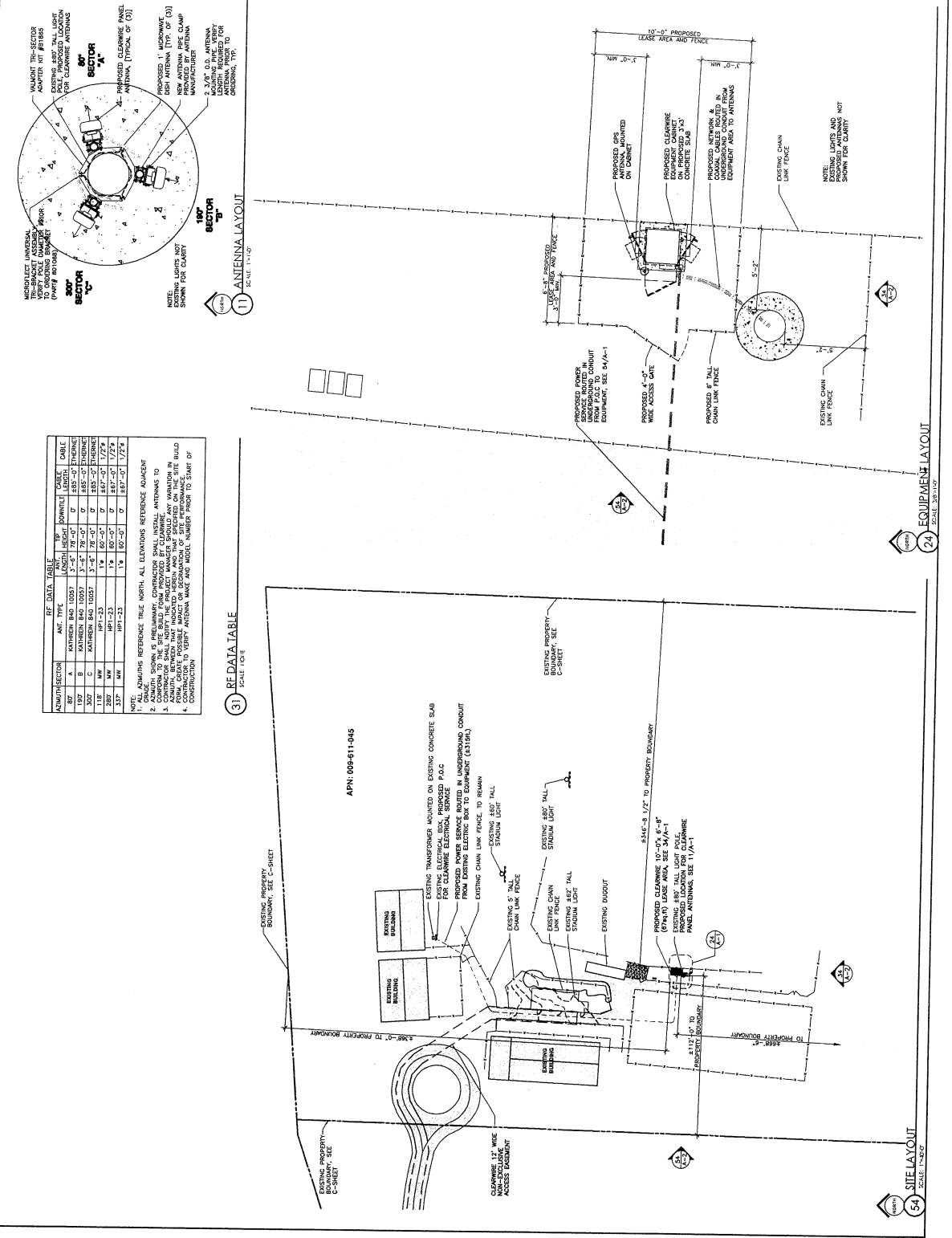
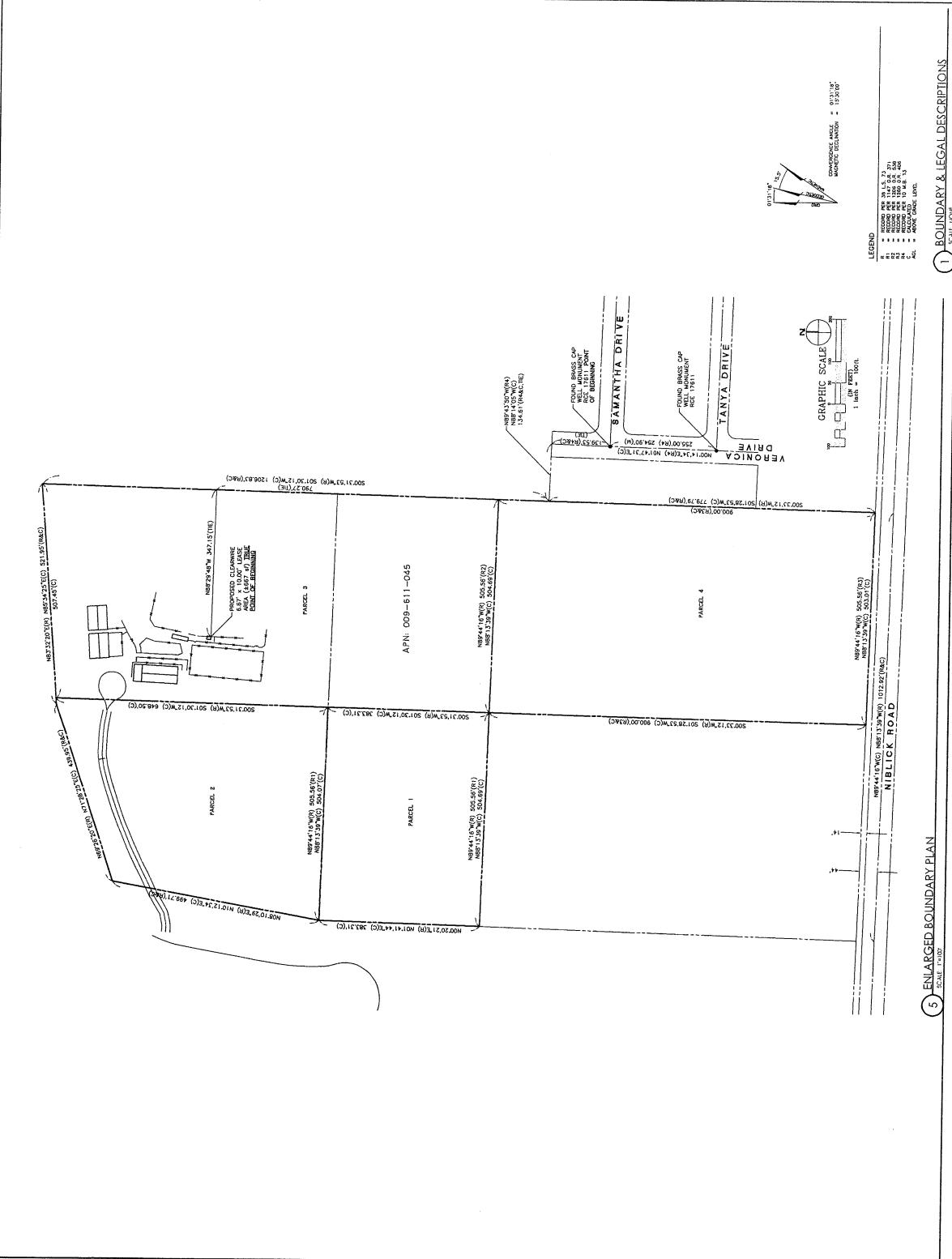


Exhibit B
CUP 07-007
Site, Equipment, and Antenna Layouts

DATE: 07/27/07	ARCHITECT: I REAY
DRAWN BY: DKS	CHECKED BY: E ANDERSON
SUPERVISOR: D MARCHIELL	REGION: BERKELEY
REV: DATE DESCRIPTION	ID
PROPOSED WIRELESS BROADBAND THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.	
Project # 1148 400 Carbon Road Kirkland WA 98033 PROJECT NUMBER	
CONTACT: 206.835.9600 206.835.9601 206.835.9602 206.835.9603 206.835.9604 206.835.9605 206.835.9606 206.835.9607 206.835.9608 206.835.9609 206.835.9610 206.835.9611 206.835.9612 206.835.9613 206.835.9614 206.835.9615 206.835.9616 206.835.9617 206.835.9618 206.835.9619 206.835.9620 206.835.9621 206.835.9622 206.835.9623 206.835.9624 206.835.9625 206.835.9626 206.835.9627 206.835.9628 206.835.9629 206.835.9630 206.835.9631 206.835.9632 206.835.9633 206.835.9634 206.835.9635 206.835.9636 206.835.9637 206.835.9638 206.835.9639 206.835.9640 206.835.9641 206.835.9642 206.835.9643 206.835.9644 206.835.9645 206.835.9646 206.835.9647 206.835.9648 206.835.9649 206.835.9650 206.835.9651 206.835.9652 206.835.9653 206.835.9654 206.835.9655 206.835.9656 206.835.9657 206.835.9658 206.835.9659 206.835.9660 206.835.9661 206.835.9662 206.835.9663 206.835.9664 206.835.9665 206.835.9666 206.835.9667 206.835.9668 206.835.9669 206.835.9670 206.835.9671 206.835.9672 206.835.9673 206.835.9674 206.835.9675 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1 BOUNDARY & LEGAL DESCRIPTIONS
 5 ENLARGED BOUNDARY PLAN
 SCALE: 1"=50'

Exhibit E
 CUP 07-007
 Boundary Plan

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

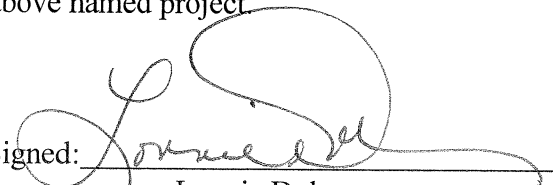
Newspaper: Tribune

Date of Publication: September 29, 2007

Meeting Date: October 9, 2007
(Planning Commission)

Project: Conditional Use Permit 07-007
(T. Knight/Clearwire LLC/
801 Niblick Road)

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

CORRECTED
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 07-007, an application submitted by Tricia Knight on behalf of Clearwire, LLC, requesting to install a wireless communication facility within the existing property located at 801 Niblick Road (Paso Robles High School).

The project would consist of installing 3 panel antennas on one of the existing sports lighting poles in the area of the existing baseball fields.

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.

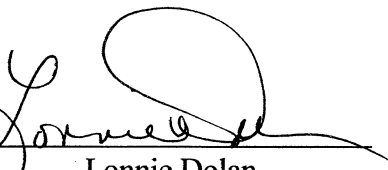
Darren R. Nash, Associate Planner
September 29, 2007 6644317

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Conditional Use Permit 07-007 (Clearwire – 801 Niblick Road) on this 25th day of September 2007.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan

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