

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT 11-011 (T-MOBILE)
APN: 025-491-001

DATE: JANUARY 24, 2012

Needs: For the Planning Commission to consider a request by T-Mobile West Corporation, to bring the existing cellular facility located at 9000 E. Highway 46 (Paso Robles Landfill) into compliance with the Zoning Code.

Facts:

1. The Landfill is owned by the City, including the land where the cellular facility is located. See Location Map, Attachment 1.
2. The existing facility, except for the 6 panel antennas proposed with this CUP, is owned and leased by AT&T. T-Mobile leases 6-panel antennas that are co-located on the mono-pole. AT&T has a lease agreement with the City for this facility and the property on which the facility is located.
3. The lease between the City and AT&T, dated September 1, 2011, requires that the prior CUP be updated to reflect the current cellular facilities on the site. In addition, Table 21.16.200, requires the approval of a Conditional Use Permit (CUP) for cellular facilities.
4. In October of 2000, the Planning Commission approved CUP 00-008 allowing for the existing 120-foot tall mono-pole, with a total of 9 antennas (upper bank) to be installed at the landfill.
5. In 2002, 6 additional panel antennas were installed (lower bank). The antennas were installed with a Building Permit, and Planning Dept. approval, however the CUP should have been revised at that time. This CUP will bring the facility into compliance with the Zoning Code. See attached memo from the City Attorney (Attachment 2).
6. The Development Review Committee (DRC) reviewed this project at its meeting of December 19, 2011, where the Committee recommended that the Planning Commission approve the request.
7. The Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15303 of the State's Guidelines to Implement CEQA. Section 15303 exempts new construction of small structures. The monopole and equipment building would be small structures.

Analysis
and

Conclusions: The existing 120-foot tall mono-pole was previously approved by CUP 00-008 allowing for 9 panel antennas. In 2002, 6 additional panel antennas were installed without approval of a CUP. This application is to bring the facility into compliance with the Zoning Code by approving a CUP. Given the location of the site and the design of the existing facility, the addition of the 6 panel antennas would seem appropriate.

Policy

Reference: Zoning Code, General Plan, Economic Strategy

Fiscal




Impact: None

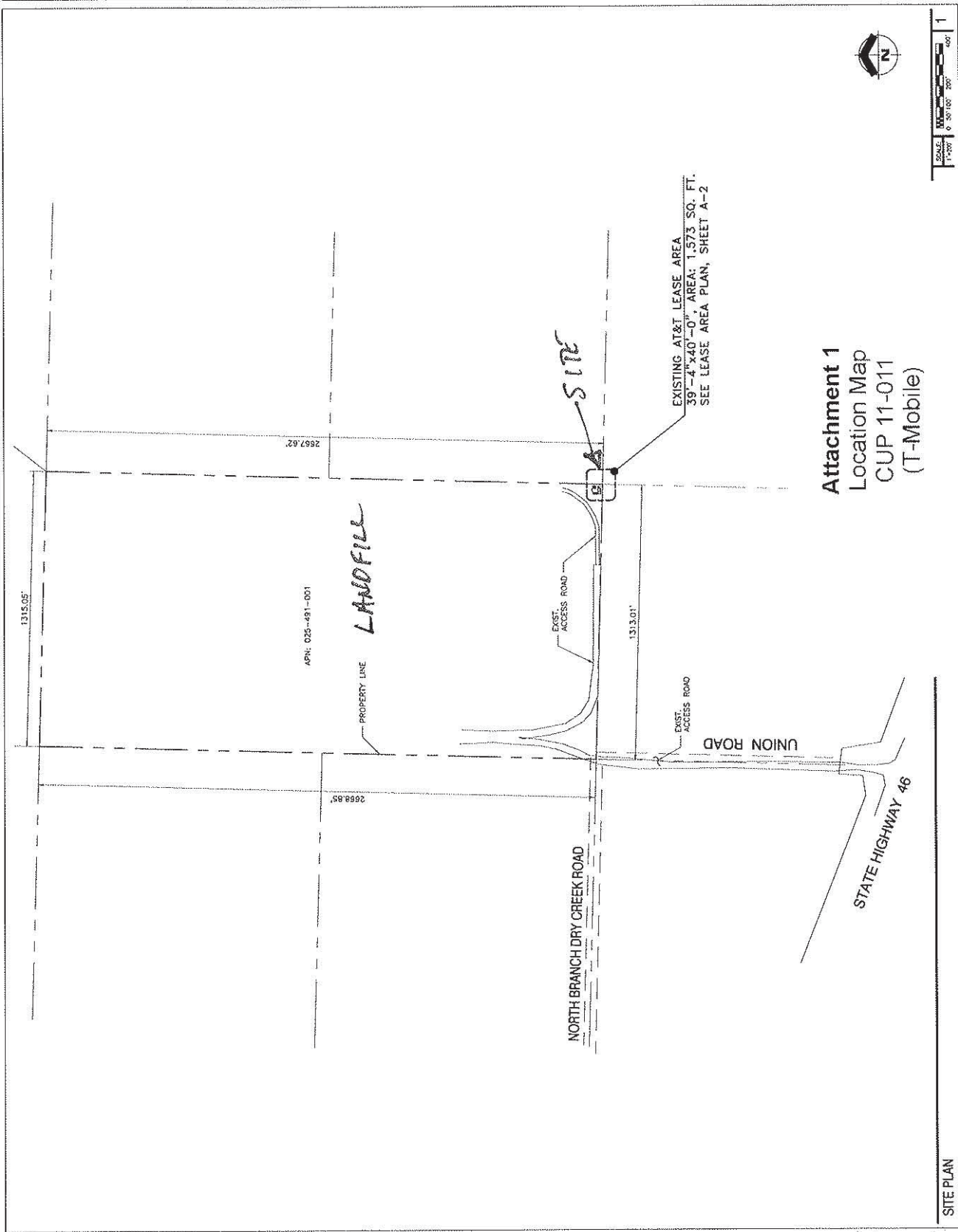
Options: After consideration of any public testimony, the Planning Commission should consider the following options:

- a). Determine that the addition of the 6 panel antennas to the existing cellular facility is reasonable, given the existing facility design and location, and adopt the attached resolution granting approval of Conditional Use Permit 11-011.
- b). Amend, modify or alter the above noted options.

Attachments:

1. Location Map
2. City Attorney Memo
3. Resolution approving CUP 11-011
4. Newspaper notice and mail affidavits

 <p>Get more from life. 4100 GARDEN ST., SUITE 101 SAN VALLEY, CA 95051</p>	
PROJECT INFORMATION: SV00536A PAGO ROBLES LANDELL 9000 E. HIGHWAY 46 PAGO ROBLES, CA 93446	
CURRENT ISSUE DATE: 11-23-11	
ISSUED FOR: ZONING	
REV. DATE DESCRIPTION BY: 11-06-11 PRELIM. 90% ZON. BK 100% ZON. BK	PLANS PREPARED BY:  Synergy Development Services, Inc. 11111 W. 15th Street, Suite 100 Overland Park, KS 66207
CONSULTANT:  Synergy Development Services, Inc. 11111 W. 15th Street, Suite 100 Overland Park, KS 66207	DESIGNED BY: CHK: SPY CAD: SPY BK: BK
LICENSE NUMBER:	
SHEET TITLE: SITE PLAN	
SHEET NUMBER: A-1 REVISION: 1 SV00536A	



Darren Nash

From: Iris Yang <Iris.Yang@bbklaw.com>
Sent: Wednesday, October 19, 2011 4:14 PM
To: 'Jesse Gilholm'; Darren Nash
Cc: Sam Cha
Subject: RE: T-Mobile @ Paso Land Fill Site SV00536

Hi Jesse,

I am the City Attorney for Paso Robles. As you probably know, New Cingular Wireless PCS, LLC ("ATT") recently entered into a new lease with the City for the site at the City landfill. As the tenant, ATT is the holder of the existing CUP permit, which was issued in 2000, which is an exhibit to the Lease, and which has not been updated to reflect the additional antennae that were installed by T-Mobile or its predecessor several years ago. For whatever reason, the CUP was not amended at that time. We believe the CUP should be amended now to accurately reflect not only the number of antennae that are present, but also who owns which ones (which is important to the City under the terms of the Lease). I think this CUP amendment will be administrative in nature, and the City has no intention of claiming that the T-Mobile antennae were installed illegally. As it is ATT that is the tenant, however, we will need to have ATT sign a consent and acknowledgement to the CUP amendment, which I don't anticipate will be a problem either. If you have any other questions, please let me know.

Iris P. Yang

Best Best & Krieger LLP
400 Capitol Mall, Suite 1650
Sacramento, CA 95814

Phone: 916.551.2826
Fax: 916.325.4010
Mobile: 916.496.0578
iris.yang@bbklaw.com

From: Jesse Gilholm [mailto:JGilholm@synergy.cc]
Sent: Wednesday, October 19, 2011 3:45 PM
To: Darren Nash
Cc: Sam Cha; Iris Yang
Subject: RE: T-Mobile @ Paso Land Fill Site SV00536

Hi Darren,

Can you please elaborate and explain why the existing permits including Building Permit 01-0895 is not valid?

Does the city issue building permits without planning approval?

I need to be able to explain to T-Mobile legal why the existing permit is not valid, and why they now need a new CUP for an existing facility which had a valid building permit.

Thanks,
Jesse Gilholm
Synergy Development Services, Inc.

Attachment 2
City Attorney Memo
CUP 11-011
(T-Mobile)

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 11-011
(T-MOBILE)
APN: 025-491-001

WHEREAS, the City has leased a portion of its property (the "Site") at the City landfill to allow for the installation and operation of a cellular facility; and

WHEREAS, a new lease for the Site was entered into between the City and New Cingular Wireless PCS, LLC, a Delaware limited liability company ("AT&T"), dated September 1, 2011; and

WHEREAS, the lease requires that the existing conditional use permit for the facility be updated to reflect the correct number and configuration of antenna on the facility; and

WHEREAS, pursuant to an agreement between T-Mobile and AT&T, T-Mobile was permitted to install certain antenna on the existing monopole at the facility; and

WHEREAS, Resolution 00-075 was approved by the Planning Commission on October 24, 2000, allowing the upgrade of an existing cellular facility to the existing 120-foot tall mono-pole, including the existing 9-panel antennas (upper bank); and

WHEREAS, in 2002 6 additional panel antennas (lower bank) were installed without an update to the Conditional Use Permit (CUP); and

WHEREAS, the applicant, T-Mobile, has filed a Conditional Use Permit application to bring the existing facility/antennas into compliance with the Zoning Code; and

WHEREAS, a public hearing was conducted by the Planning Commission on January 24, 2012, 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 11-011 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 Photo of Existing Facility
B Equipment and Antenna Plan

2. This Conditional Use Permit (CUP) authorizes the construction and operation of a wireless communication facility at 9000 East Highway 46, Paso Robles Landfill, allowing a total of 15 panel antennas on the existing 120-foot mono pole, as shown in Exhibit B. Resolution 00-075 shall remain in effect.
3. This project approval shall expire on January 24, 2013, 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 24th day of January, 2012 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN, AL GARCIA

ATTEST:

ED GALLAGHER, SECRETARY OF THE PLANNING COMMISSION

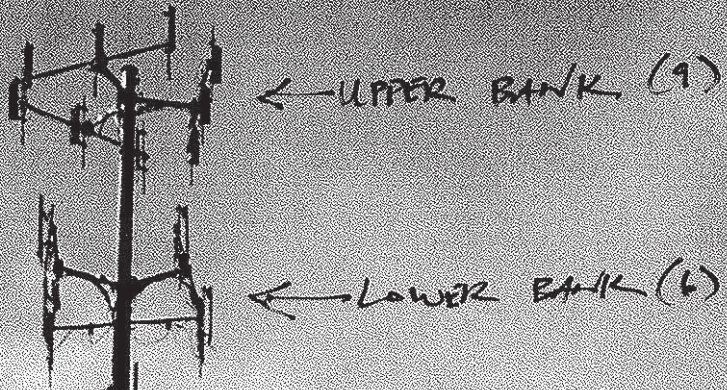


Exhibit A
Photo Cell Facility
CUP 11-011
(T-Mobile)

PROJECT INFORMATION:
SV00536A

PASO ROBLES LANDFILL
9000 E. HIGHWAY 46
PASO ROBLES, CA 93446

CURRENT ISSUE DATE:
11-23-11

ISSUED FOR:

ZONING

REV. DATE DESCRIPTION BY:
 Δ 11-08-11 PRELIM. 90% ZONING
 ISSUED FOR GRN BK
 Δ 11-23-11 ISSUED FOR ZD BK

PLANS PREPARED BY:



CONSULTANT:



DRAWN BY: CJK
 CHECKED BY: SYNERGY BK
 LICENSE NUMBER:

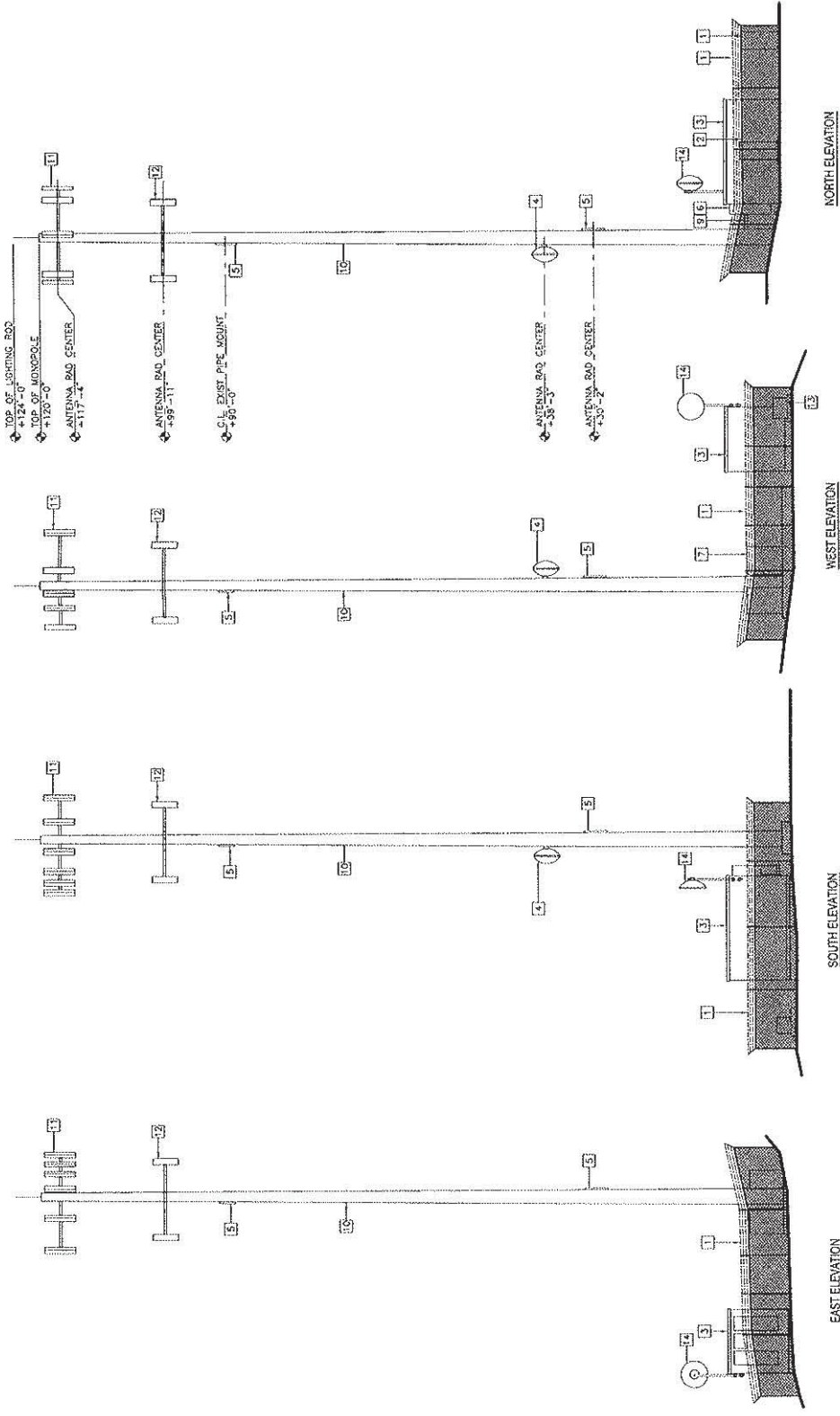
SHEET TITLE:

EXTERIOR ELEVATIONS

SHEET NUMBER: REVISION:

A-3 1

SV00536A



KEY NOTES

1. EXISTING CHAIN LINK ○ COMPOUND W/ BAREED WIRES ● TOP.
2. EXISTING PR. 8060 CHAIN LINK GATES W/ LOCKING HASP.
3. EXISTING AT&T PRE-FABRICATED, STATE APPROVED EQUIPMENT SHELTER.
4. EXISTING T-MOBILE POLE MOUNTED MICROWAVE DSH.
5. EXISTING EMPTY PIPE MOUNT ● POLE.
6. EXISTING AT&T WALL MOUNTED AIR CONDITIONING UNITS, PROVIDED BY SHELTER MANUF.
7. EXISTING T-MOBILE RACK EQUIPMENT CABINETS MOUNTED TO CONCRETE SLAB.
8. EXISTING CONCRETE EQUIPMENT SUPPORT SLAB.
9. EXISTING AT&T COAXIAL CABLE BRIDGE FROM COAX PORT AND SHELTER TO PORT ● MONOPOLE.
10. EXISTING GALV. STEEL MONOPOLE AND CONCRETE FOUNDATION.
11. EXISTING AT&T PANEL ANTENNAS MOUNTED TO EXISTING POLE.
12. EXISTING T-MOBILE PANEL ANTENNAS MOUNTED TO EXISTING POLE.
13. EXISTING T-MOBILE ELECTRICAL TRANSFORMER & PAD.
14. EXISTING AT&T MICROWAVE ANTENNA MOUNTED TO SHELTER.

EXTERIOR ELEVATIONS



Exhibit B
Elevations
CUP 11-011
(T-Mobile)

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING


Newspaper: Tribune

Date of
Publication: January 12, 2012

Hearing
Date: January 24, 2012
(Planning Commission)

Project: Conditional Use Permit 11-011
(T-Mobile West/Knight)

I, Theresa Variano, 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: 
Theresa Variano

forms\newsaffi.691

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 11-011, a request filed by T-Mobile West, to bring the existing T-Mobile antennas and equipment into compliance with the Zoning Code with the approval of a Conditional Use Permit. The antennas are located on the existing mono-pole at the Paso Robles Landfill, located at 9000 East Highway 46. APN: 025-491-001.

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, January 24, 2012, at which time all interested parties may appear and be heard.

Questions about this application may be directed to the Community Development Department at (805) 237-3970 or via email at planning@prcity.com. Comments on the proposed Conditional Use Permit may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to planning@prcity.com provided that such comments are received prior to the time of the hearing.

This application is Categorically Exempt from environmental review per Section 15301 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

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 Nash, Associate Planner
January 12, 2012 6972277

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

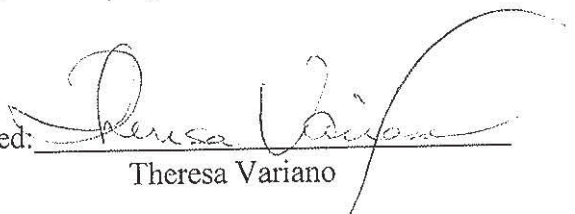
Newspaper: Tribune

Date of
Publication: January 9, 2012

Hearing
Date: January 24, 2012
(Planning Commission)

Project: Conditional Use Permit 11-011
(T-Mobile/Knight)

I, Theresa Variano, 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: 
Theresa Variano

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