

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: WARREN FRACE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT 15-014 (VERIZON WIRELESS CELLULAR ANTENNA  
INSTALLATION ON EXISTING UTILITY POLE)  
(NORTH SIDE OF CRESTON ROAD RIGHT-OF-WAY - NEAR 615 CRESTON RD.)

DATE: MARCH 8, 2016

Needs: For the Planning Commission to consider the applicant's request to replace an existing utility pole and install a new utility pole in the right-of-way, that includes the installation of a new cellular antenna and accessory equipment.

Facts:

1. CUP 15-014 proposes to replace an existing 25.9-foot-tall utility pole with a new 32.3-foot-tall installation of a new utility pole and a cylindrical antenna with accessory equipment, to be mounted on the new pole, and wireless meter pedestal mounted to the ground in the public right-of-way located near 619 Creston Road. (See Attachment 1)
2. The surrounding properties are zoned C2. Table 21.16.200 of the General Plan allows transmission and receiving stations with the approval of a Conditional Use Permit (CUP) in the C2 zone.
3. California Public Utilities Code 7901 and 7901.1 allows telephone corporations such as Verizon Wireless to place telephone equipment in the public right-of-way with the stipulation that local regulation can control the time, place, and manner of such access. (See Attachments 2 & 3)
4. Verizon has negotiated with PG&E a Master License agreement to place their equipment on the proposed new PG&E pole. This agreement between PG&E and Verizon holds Verizon responsible for the removal and/or relocation of all equipment mounted to the pole in the event that the pole is required to be removed. (See Attachment 4)
5. City staff reviewed the project with the City attorney who confirmed Verizon's ability to make the request pursuant to its CPUC-issued CPCN as a telephone corporation, subject to the City's reasonable time, place, and manner regulations.
6. The Development Review Committee (DRC) reviewed this project on multiple occasions due to concerns regarding the height increase of the pole. It was determined that in order to reduce the proposed height increases, Verizon will be able to place a small meter pedestal on the ground in the right-of-way next to the utility pole.

Analysis  
and

Conclusions: This is one application of many that request access to utility poles within the public right-of-way to install “micro” cell antennas. The utility pole proposed for replacement by Verizon is located directly in front of the Kelly Moore Paint Store and other commercial uses.

The replacement pole proposed by Verizon will be a 4.1-foot, or 15%, increase in height. The height increase is necessary because of clearances required between the antenna and pole mounted equipment. The pole and all equipment will be painted brown due to the City’s camouflage requirements.

The City Engineer reviewed original designs for the project, which showed all equipment placed on the ground in the right-of-way, requiring the equipment be pole mounted or undergrounded to meet ADA access requirements. Due to substantial increases in pole height to meet clearances in previous proposals, Verizon worked with staff and DRC to move equipment onto the utility pole, while ground mounting a small meter pedestal next to the pole, which will allow for ease of access for pedestrians in the future when the sidewalk is completed. By ground mounting this box, the pole height will be significantly decreased from original proposals.

Policy

Reference: Zoning Code, General Plan, and California Public Utilities Code

Fiscal

Impact: None

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

- a) Determine that the proposed location and manner of access is appropriate, the design is considered camouflaged, and adopt the attached Draft Resolution A granting approval of Conditional Use Permit 15-014.
- b) Determine the proposed location and manner of access is not appropriate, deny the application, based on findings.
- c) Continue item and direct the applicant to present a location that complies with the intent of the City’s regulations.
- d) Amend the above noted options.

Attachments:

1. Vicinity Map
2. California Public Utilities Code 7901 & 7901.1
3. Verizon Wireless Reservation of Rights
4. Excerpt from Master Licensing agreement between Verizon and PG&E
5. Photo Simulations/Drawings
6. Resolution approving CUP 15-014
7. Newspaper notice and mail affidavits

# VICINITY MAP



**Attachment 1: Vicinity Map**

# CALIFORNIA PUBLIC UTILITIES CODE

## SECTION 7901-7912

7901. Telegraph or telephone corporations may construct lines of telegraph or telephone lines along and upon any public road or highway, along or across any of the waters or lands within this State, and may erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

7901.1. (a) It is the intent of the Legislature, consistent with Section 7901, that municipalities shall have the right to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed.

(b) The control, to be reasonable, shall, at a minimum, be applied to all entities in an equivalent manner.

(c) Nothing in this section shall add to or subtract from any existing authority with respect to the imposition of fees by municipalities.



**RETURN JURISDICTION DATE  
STAMPED COPY TO:**

Paul Albritton  
Mackenzie & Albritton LLP  
220 Sansome Street, 14<sup>th</sup> Floor  
San Francisco, CA 94104

**JURISDICTION TO DATE STAMP TOGETHER WITH  
VERIZON WIRELESS APPLICATION**

**Verizon Wireless  
Reservation of Rights**

We have attached Verizon Wireless's permit application to install a wireless facility in the public right-of-way as more particularly described in the application. Please be advised that Verizon Wireless reserves all of its rights under California Public Utilities Code § 7901, the federal Telecommunications Act, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. § 1455(a)), the Federal Communications Commission ("FCC") declaratory ruling *In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc.*, FCC 09-99 (FCC November 18, 2009), and the FCC rules adopted in *In Re: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Etc.*, FCC 14-153 (FCC October 17, 2014), the licenses granted to it by the FCC, and all of its other rights that arise under any federal or state statute, regulation, or other legal authority (collectively, "Federal and State Rights"). Among other Federal and State Rights, we note that California Public Utilities Code § 7901 grants a statewide franchise to telephone corporations such as Verizon Wireless to place telephone equipment in the public rights-of-way and that use of the rights-of-way by telephone corporations is a matter of statewide concern that is not subject to local regulation except for limited regulation of the time, place, and manner of such use. In addition, the Telecommunications Act limits the authority of local jurisdictions by, among other restrictions, requiring approval within a reasonable period of time. In submitting this application, Verizon Wireless expressly reserves all of its Federal and State Rights, including, without limitation, its rights under federal and state law to challenge the requirement for a discretionary permit for its proposed installation in the public right-of-way. Neither the act of submitting the application nor anything contained therein shall be construed as a waiver of any such rights.

## Section of Master License Agreement with PG&E & Verizon

Received Via email from Tricia Knight

**9.6 Removal for PG&E Work.** PG&E shall have the right to require LICENSEE to temporarily or permanently remove or relocate its Communications Equipment and/or any other equipment located on the PG&E Facilities or other PG&E property if the removal or relocation is necessary, either (i) upon order of the CPUC, or (ii) upon PG&E's own decision to commence or resume the use of the property in question whenever, in the interest of PG&E's core utility service to its patrons or customers, it shall appear necessary or desirable to do so, or (iii) to accommodate the construction, completion, repair, relocation or maintenance of a PG&E project, or (iv) in the event PG&E replaces, repairs, or alters the PG&E Facilities on which LICENSEE has placed Communications Equipment. PG&E shall notify LICENSEE thirty (30) days before the date on which removal or relocation is required to commence, and shall provide a longer notice period where PG&E reasonably determines that a longer notice period is necessary or appropriate for the work required. LICENSEE shall complete such removal or relocation, at LICENSEE's sole cost and expense, after written notice from PG&E and within a period of time reasonably determined by PG&E, which shall be at least thirty (30) days. If LICENSEE does not comply with this Section 9.6, PG&E may remove or relocate the Communications Equipment or other equipment at LICENSEE's expense. If LICENSEE is directed, under this Section 9.6, to remove its Communications Equipment from the PG&E Facilities it is authorized to use, LICENSEE may elect to relocate, replace, or transfer some or all of the Communications Equipment to replacement PG&E Facilities, at LICENSEE's cost and subject to PG&E issuing SLAs, if required by PG&E, for the proposed replacement PG&E Facilities.

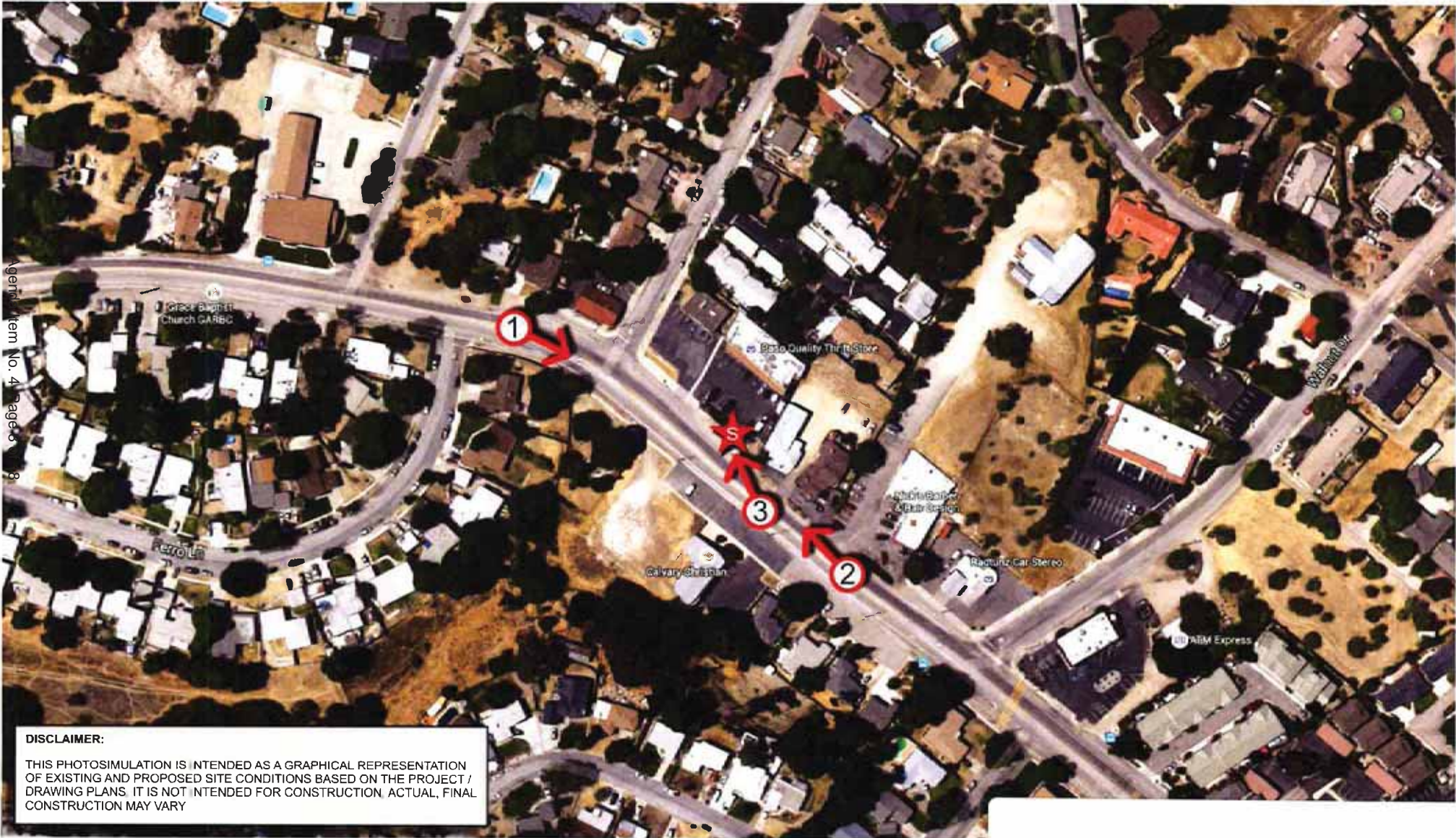


**VICINITY MAP  
PHOTOSIMULATION VIEWPOINTS**

**verizon**<sup>v</sup>

WEST CRESTON  
PSL # 297055  
N.E. RIGHT-OF-WAY OF CRESTON ROAD  
PASO ROBLES, CA 93446  
LATITUDE: 35° 37' 42.01" N  
LONGITUDE: 120° 40' 30.43" W

SD  
WIRELESS  
ARCHITECTURAL CONSULTANTS  
5015 SHOREHAM PLACE, SUITE 150  
SAN DIEGO, CA 92122  
OFFICE: (619) 735-3766



**DISCLAIMER:**

THIS PHOTOSIMULATION IS INTENDED AS A GRAPHICAL REPRESENTATION OF EXISTING AND PROPOSED SITE CONDITIONS BASED ON THE PROJECT / DRAWING PLANS. IT IS NOT INTENDED FOR CONSTRUCTION. ACTUAL, FINAL CONSTRUCTION MAY VARY

**Attachment 5:  
Photo Simulations/Drawings**





WEST CRESTON  
PSL # 297055  
N.E. RIGHT-OF-WAY OF CRESTON ROAD  
PASO ROBLES, CA 93446  
LATITUDE: 35° 37' 42.01" N  
LONGITUDE: 120° 40' 30.43" W



# PHOTOSIMULATION VIEW 1

## NEW

### NOTE:

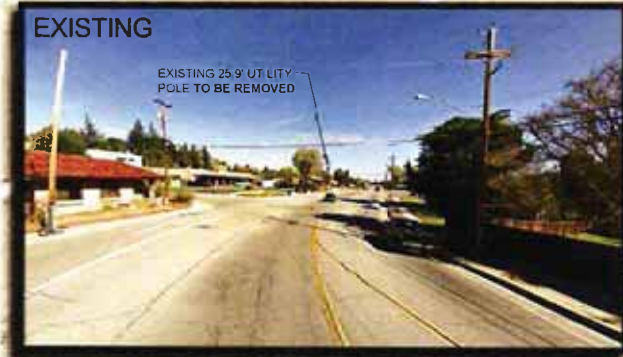
NEW VERIZON WIRELESS CABINET, (2) RRU'S, (2) DIPLEXERS, AND NEW PG&E SHUT-DOWN SWITCH MOUNTED ON NEW UTILITY POLE (ALL EQUIPMENT TO BE PAINTED MESA BROWN)

NEW VERIZON WIRELESS ANTENNA, MOUNTED TO NEW 30' UTILITY POLE

Agenda Item No. 4, Page 10 of 18

## EXISTING

EXISTING 25.9' UTILITY POLE TO BE REMOVED







WEST CRESTON  
 PSL # 297055  
 N.E. RIGHT-OF-WAY OF CRESTON ROAD  
 PASO ROBLES, CA 93446  
 LATITUDE: 35° 37' 42.01" N  
 LONGITUDE: 120° 40' 30.43" W



**PHOTOSIMULATION VIEW 2**

**NEW**

NOTE:  
 NEW VERIZON WIRELESS CABINET,  
 (2) RRUS, (2) DIPLEXERS, AND NEW  
 PG&E SHUT-DOWN SWITCH  
 MOUNTED ON NEW UTILITY POLE  
 (ALL EQUIPMENT TO BE PAINTED  
 MESA BROWN)

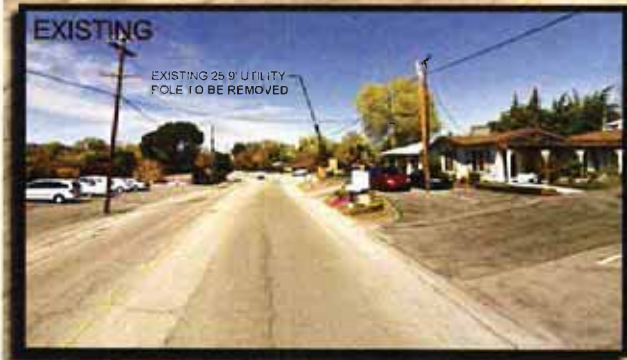
NEW VERIZON WIRELESS  
 ANTENNA, MOUNTED TO  
 NEW 30' UTILITY POLE

Agenda Item No. 4, Page 10 of 8



**EXISTING**

EXISTING 25' UTILITY  
 POLE TO BE REMOVED







WEST CRESTON  
 PSL # 297055  
 N.E. RIGHT-OF-WAY OF CRESTON ROAD  
 PASO ROBLES, CA 93446  
 LATITUDE: 35° 37' 42.01" N  
 LONGITUDE: 120° 40' 30.43" W



**PHOTOSIMULATION VIEW 3**

**NEW**

NOTE:

NEW VERIZON WIRELESS CABINET,  
 (2) RRUS, (2) DIPLEXERS, AND NEW  
 PG&E SHUT-DOWN SWITCH  
 MOUNTED ON NEW UTILITY POLE  
 (ALL EQUIPMENT TO BE PAINTED  
 MESA BROWN)

NEW VERIZON WIRELESS  
 ANTENNA, MOUNTED TO  
 NEW 30' UTILITY POLE

NEW 30' UTILITY POLE

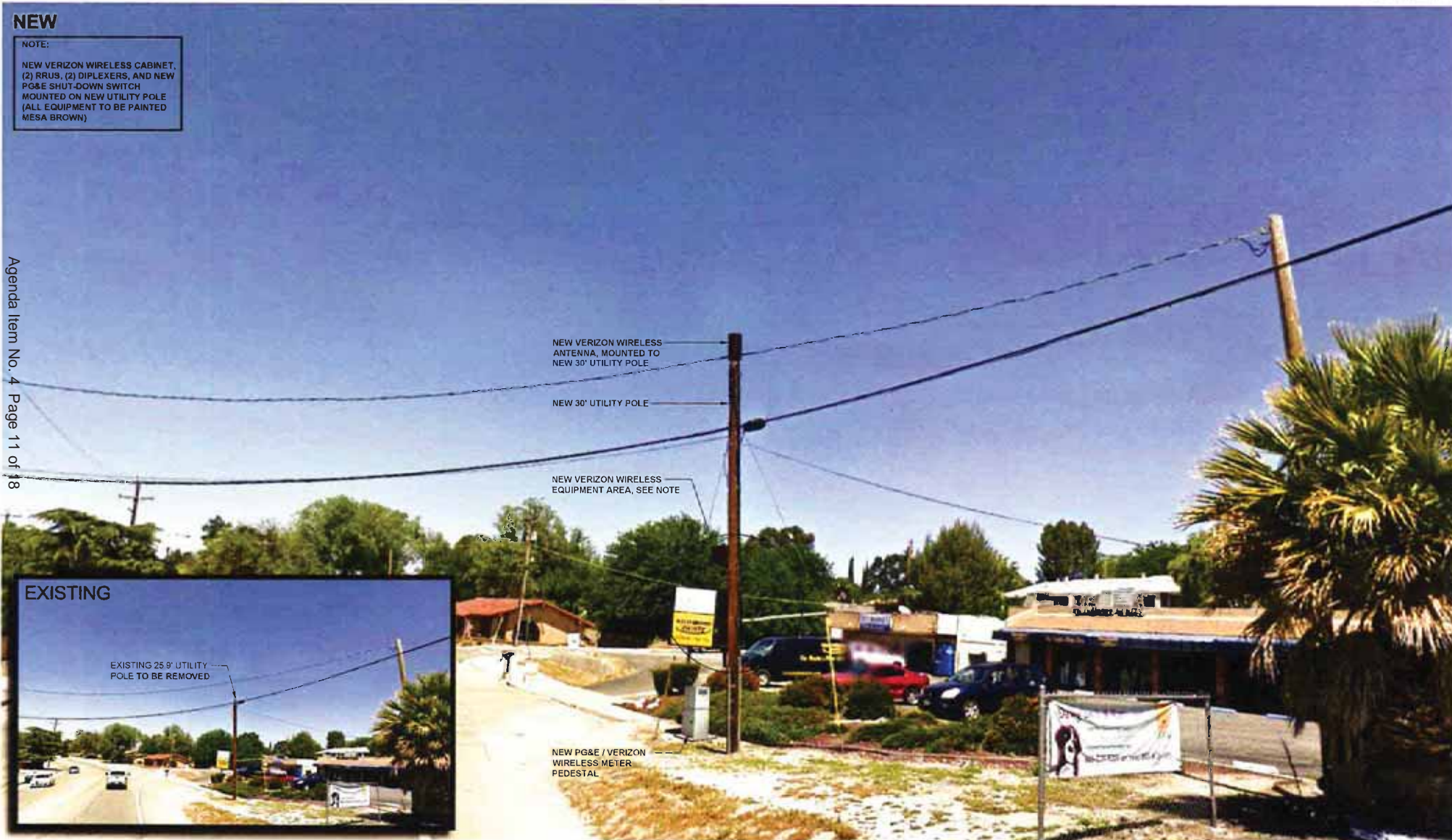
NEW VERIZON WIRELESS  
 EQUIPMENT AREA, SEE NOTE

NEW PG&E / VERIZON  
 WIRELESS METER  
 PEDESTAL

**EXISTING**

EXISTING 25' 9" UTILITY  
 POLE TO BE REMOVED

Agenda Item No. 4 Page 11 of 18





DRAFT RESOLUTION A

RESOLUTION NO: \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 15-014  
(VERIZON WIRELESS CELLULAR ANTENNA INSTALLATION  
ON EXISTING UTILITY POLE)  
NORTH SIDE OF CRESTON ROAD RIGHT-OF-WAY –  
NEAR 615 CRESTON ROAD

WHEREAS, California Public Utilities Code Sections 7901 & 7901.1 allow for the possibility of telephone corporations to place telephone equipment in the public right-of-way in the time, place and manner as stipulated by local municipalities; and

WHEREAS, Verizon is proposing access to the existing utility pole through a Master License agreement with PG&E, which holds Verizon responsible for removal of all equipment mounted to the pole; and

WHEREAS, Table 21.16.200 of the General Plan requires approval of a Conditional Use Permit for transmission and receiving stations in all zones; and

WHEREAS, the facility is proposed to be mounted to a new utility pole, replacing an existing utility pole, in the public right-of-way on the north side of Creston Road, near 615 Creston Road; and

WHEREAS, the facility would consist of installing one bi-directional antenna and accessory equipment mounted to the new utility pole, and ground mounting of a meter pedestal; and

WHEREAS, this application is Categorical Exempt from environmental review per Section 15301 of the State's Guidelines to Implement CEQA; and

WHEREAS, a public hearing was conducted by the Planning Commission on February 9, 2016, 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, the PC finds since the antenna and equipment would be mounted to a utility pole and on the ground in the public right-of-way and painted to match the pole color, the facility would be considered camouflaged, therefore, the project would be consistent with Land Use Element Policy 2B, relating to visual identity, including utility infrastructure; 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 would be consistent with the General Plan, State Regulations, 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 15-014 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:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Site Plan / Antenna & Equipment Layout
B	Southwest & Northwest Elevations

2. This Conditional Use Permit (CUP) authorizes the replacement of the existing utility pole and mounting of one bi-directional antenna and supporting equipment on the pole and the installation of (1) meter pedestal on the ground located adjacent to 619 Creston Road, (Near APN: 009-424-009) in a manner described in attached exhibits.
3. This project approval shall expire on February 9, 2018, 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. An encroachment permit is required before a building permit can be issued.
5. 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 regulations.
6. Prior to operation, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
7. 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.
8. This facility and all equipment shall be removed at the applicant's cost if and when the City requests removal related to any street right-of-way improvement project.

PASSED AND ADOPTED THIS 8th day of March, 2016 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

CHAIRMAN, BOB ROLLINS

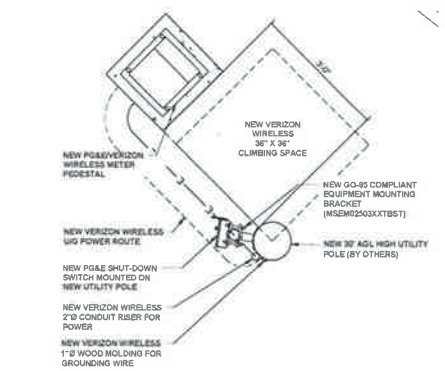
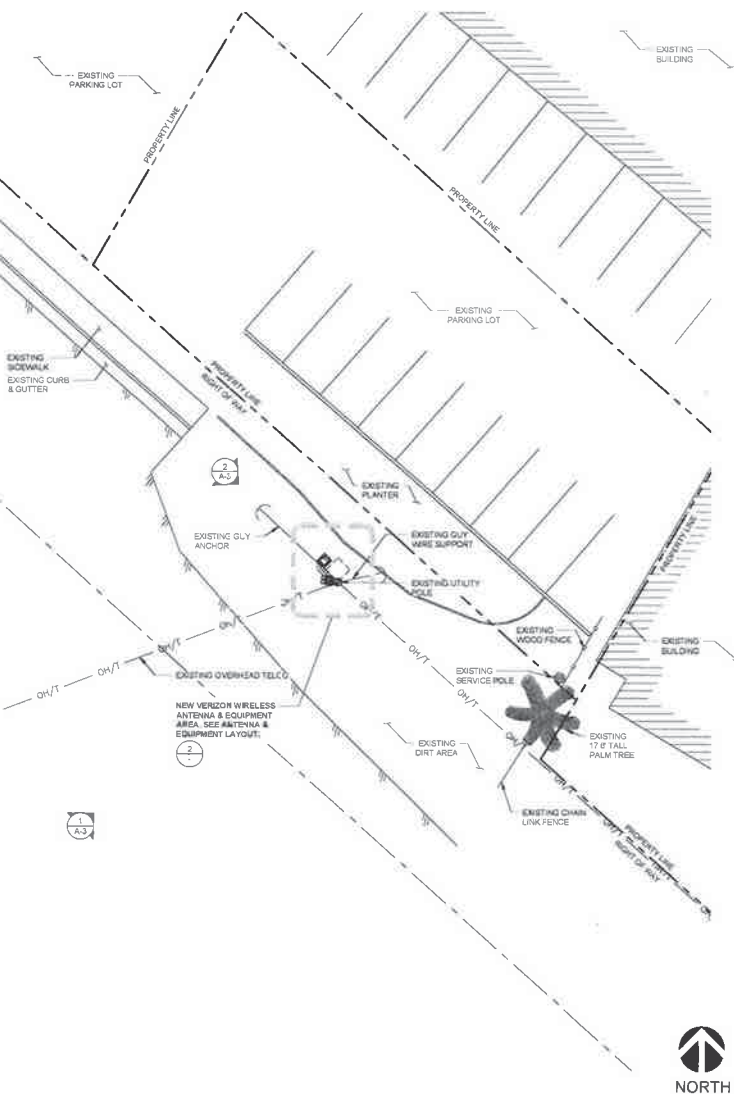
ATTEST:

---

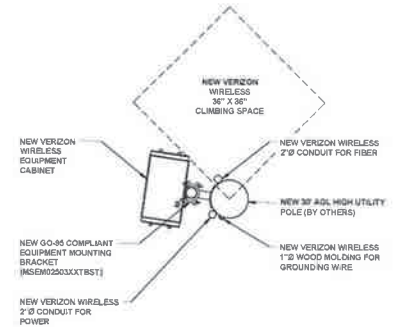
WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION



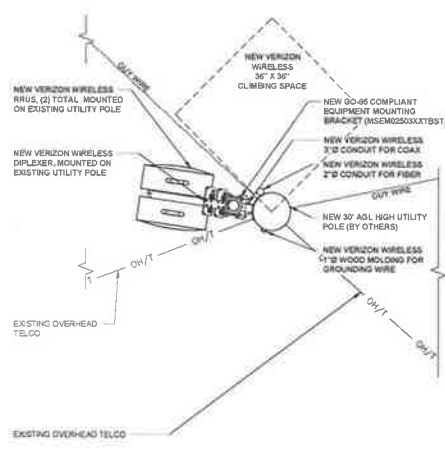
**NOTE:**  
POWER PLAN: POLE DESIGN TO BE DETERMINED  
TRANSPORT SOLUTION: DARK FIBER PROVIDED BY EXTENET



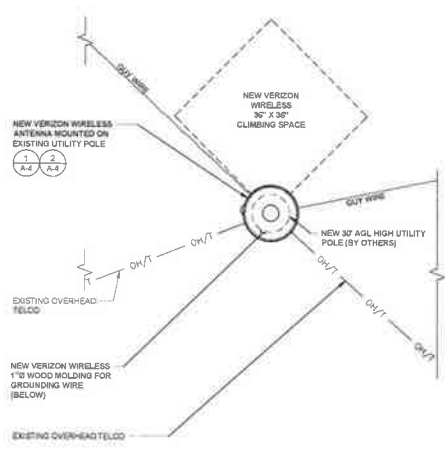
**NEW METER  
AT 7.0' AGL**



**NEW CABINET  
AT 9.0' AGL**



**NEW RRUS  
AT 15.2' AGL**



**NEW ANTENNA  
AT 31.3' AGL**



**ENLARGED SITE PLAN**

SCALE: 3/32" = 1'-0" (24X36)  
(OR) 3/64" = 1'-0" (11X17)

**1 ANTENNA & EQUIPMENT LAYOUT**

**ISSUE STATUS**

REV	DATE	DESCRIPTION	BY
0	11/24/14	50% ZONING	SR
1	12/28/14	90% ZONING	AD
2	02/04/15	100% ZONING	NS
3	08/26/15	REVISED 100% ZD	NS
4	09/15/15	REVISED 100% ZD	FR
5	12/14/15	REVISED 100% ZD	FR
6	03/04/16	REVISED 100% ZD	FR



3015 SHOREHAM PL. SUITE 100  
SAN DIEGO, CA 92122  
www.verizon.com  
619.726.3768

**PROPRIETARY INFORMATION**  
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS.  
ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED.

**verizon wireless**

2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

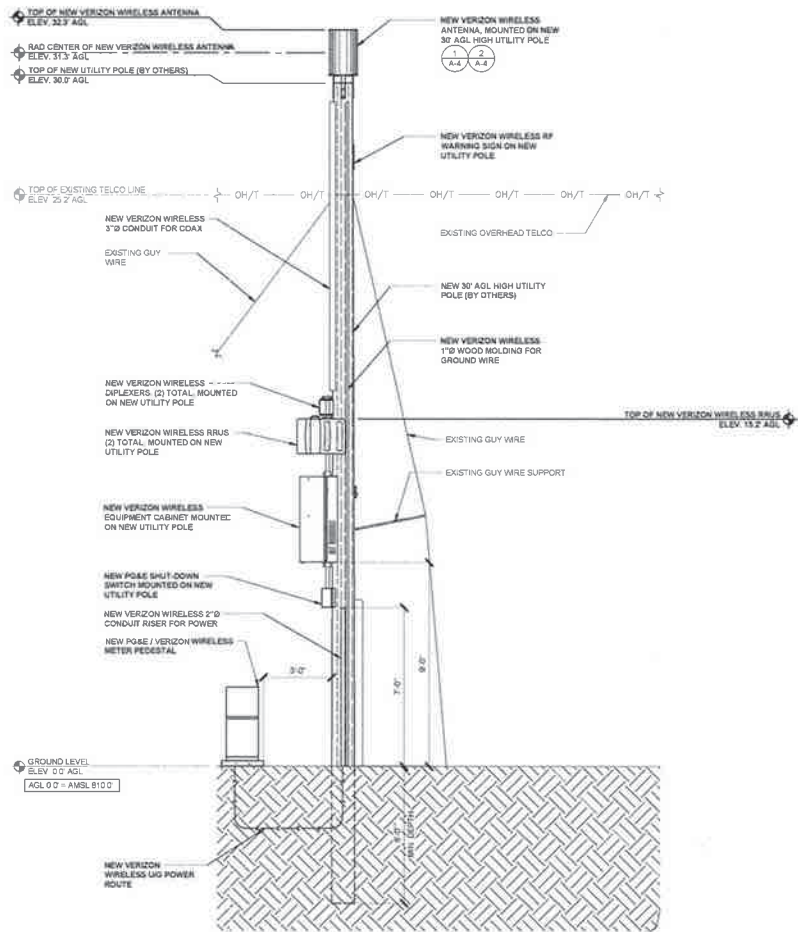
SMALL CELL PROJECT

**WEST CRESTON  
PSL # 297055**  
N.E. RIGHT-OF-WAY OF  
CRESTON ROAD  
PASO ROBLES, CA 95446  
LAT: 36° 37' 42.01" N  
LONG: 120° 40' 30.43" W

SHEET TITLE  
**ENLARGED SITE  
PLAN, EQUIPMENT &  
ANTENNA LAYOUT**



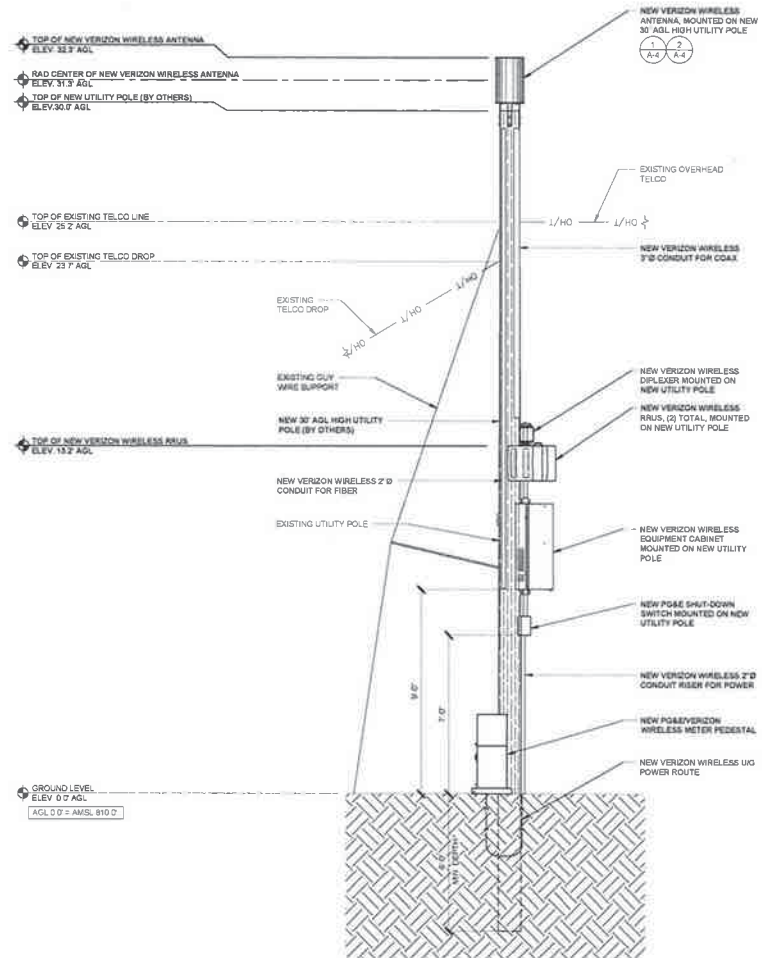
**Exhibit A:  
Site Plan / Antenna & Equipment Layout**



**SOUTHWEST ELEVATION**

SCALE: 3/8" = 1'-0" (AS SHOWN)  
 (200) 3/16" = 1'-0" (1 to 17)

**1**



**NORTHWEST ELEVATION**

**ISSUE STATUS**

REV	DATE	DESCRIPTION	BY
5	11/24/14	96% ZONING	SK
1	12/08/14	96% ZONING	AP
2	02/04/15	100% ZONING	SK
3	08/26/15	REVISED 100% ZD	TK
4	09/15/15	REVISED 100% ZD	TK
5	12/14/15	REVISED 100% ZD	TK
6	02/04/16	REVISED 100% ZD	TK



5015 SHORHAM PL. SUITE 150  
 SAN DIEGO, CA 92122  
 619 260 0200  
 619 736 3766

**PROPRIETARY INFORMATION**  
 THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS.

NO USE OR DISCLOSURE OTHER THAN AS IF RELATING TO VERIZON WIRELESS IS STRICTLY PROHIBITED.

**verizon wireless**

2785 MITCHELL DRIVE, BLDG 9  
 WALNUT CREEK, CA 94598

SMALL CELL PROJECT

**WEST CRESTON**  
**PSL # 297055**  
 N.E. RIGHT-OF-WAY OF  
 CRESTON ROAD  
 PASO ROBLES, CA 93446  
 LAT: 35° 37' 42.01" N  
 LONG: 120° 40' 30.43" W

SHEET TITLE:  
**SOUTHWEST & NORTHWEST ELEVATION**

**Exhibit B:  
 Southwest & Northwest Elevations**

**AFFIDAVIT  
OF MAIL NOTICES**

**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Monica Hollenbeck, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for the Conditional Use Permit 15-014 to replace an existing utility pole with a new utility pole, in the right-of-way, including the installation of a new cellular antenna and accessory equipment to be mounted to the pole, located near 615 Creston Road, on this 25th day of February, 2016.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed:   
Monica Hollenbeck



PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION  
PROJECT NOTICING

Newspaper: The Tribune

Date of Publication: 02/26/16

Meeting Date: 03/08/16  
Planning Commission

Project: Verizon CUP 15-014

I, Monica C Hollenbeck, employee of the Community Development Department, Engineering 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: *Monica C Hollenbeck*  
Monica C Hollenbeck

CITY OF EL PASO DE ROBLES

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 on Tuesday, March 8, 2016, at 6:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following project:

Conditional Use Permit (CUP 15-014), a request filed by Tricia Knight on behalf of Verizon replace an existing utility pole with a new utility pole, in the right-of-way, including the installation of a new cellular antenna and accessory equipment mounted to the pole located on the north side of Creston Rd., 150 ft. east of the intersection of Creston Rd. and Tanner Dr. (Near 615 Creston Rd. - APN: 009-424-009).

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

The application and staff report 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 project may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to [planning@prcity.com](mailto:planning@prcity.com), provided that the 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 Amanda Ross at (805) 237-3970 or by email at [aross@prcity.com](mailto:aross@prcity.com).

If you challenge the project 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.

Amanda Ross  
Planning Intern  
February 26, 2016

2290743