



City of Paso Robles Planning Commission Agenda Report

From: Darcy Delgado, Assistant Planner

Subject: Conditional Use Permit (CUP) 17-006
Adjacent to 3200 Spring Street / APN 008-042-016
Applicant – Verizon Wireless
Representative – Sequoia Deployment Services
A request to install a new Wireless Telecommunication Facility (WCF) on an existing utility pole located within the right-of-way, with corresponding ground-mounted equipment, located at the northeast corner of 32nd Street and Spring Street.

Date: August 8, 2017

Facts

1. 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 (See California Public Utilities Code, Attachment 1).
2. Chapter 21.20B of the Municipal Code provides regulations for wireless communications facilities (WCFs) and requires approval of a permit for WCFs located in the public right-of-way.
3. Verizon Wireless has filed a conditional use permit (CUP) application proposing to install a new WCF on an existing utility pole with corresponding ground-mounted equipment. The utility pole is located in the public right-of-way on the northeast corner of 32nd Street and Spring Street (See Vicinity Map, Attachment 2).
4. The facility would consist of installing one 3'-7" antenna with accessory equipment mounted to the existing utility pole, and ground mounting of a wireless communication cabinet and meter pedestal (See Site Plan/Antenna & Equipment Layout and Project Elevations, Exhibits B and C to Attachment 3).
5. The Development Review Committee (DRC) reviewed this project at their meeting on June 26, 2017. The main issue discussed was the method of screening for the accessory ground-mounted utility cabinets and consistency with the Wireless Communications Facilities Ordinance (Chapter 21.20B). The DRC requested the applicant provide the Planning Commission with an option showing the screening of the cabinet equipment versus what the equipment would look like unscreened.
6. This application is Categorically Exempt from environmental review per Section 15301 (existing facilities) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

Options

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

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1. Approve Draft Resolution A (Attachment 3); approving Conditional Use Permit 17-006, subject to site specific conditions of approval.
2. Approve Draft Resolution A (Attachment 3), with amended conditions such as requiring additional screening techniques to the utility cabinets such as the use of landscaping.
3. Refer the project back to staff for additional analysis on specific issues identified, and continue the public hearing to a date-certain.
4. Amend the above noted options.

Analysis and Conclusions

Project Summary

For the Planning Commission to consider a request to install a new wireless telecommunication facility on an existing utility pole located within the public right-of-way, with corresponding ground-mounted equipment, located at the northeast corner of 32nd Street and Spring Street.

General Plan / Zoning Consistency

The proposed WCF is located in the public right-of-way. WCFs are allowed in the public right-of-way subject to the regulations of the Wireless Communications Facilities Ordinance, Chapter 21.20B of the Zoning Code.

Chapter 21.20B provides standards for wireless communications facilities (WCFs) regarding the placement, design, and screening criteria to regulate the establishment of wireless communication facilities to protect the public health, safety, general welfare, and quality of life in the City consistent with applicable federal and state requirements. Additionally, the regulations make wireless communications reasonably available while preserving the visual aesthetics of the community through the promotion of stealthing techniques that architecturally integrate or camouflage WCFs with their surroundings.

The Planning Commission will need to review this CUP request to determine if the proposed WCF has been designed to be integrated with the surrounding area. The CUP gives the Planning Commission the ability to require special conditions of approval to insure that the WCF is compatible with surrounding uses, such as requiring the use of landscaping, walls, or other decorative features. In this case, a special condition of approval has been applied to the applicant's request to prohibit the use of parking bollards.

Architecture and Appearance

The wireless communication facility is proposed to be mounted to an existing 25' tall utility pole. The antenna is approximately 3'-7" and would be mounted on top of the pole, increasing the pole's overall height to 28'-7". Additional accessory equipment consisting of Diplexers and Radio Remote Units (RRUs) would be mounted onto the top half of the pole (See Site Plan/Antenna & Equipment Layout and Project Elevations, Exhibits B and C to Attachment 3). Both the antenna and the accessory equipment would be painted to match the pole color and would therefore be considered camouflaged and consistent with the stealthing techniques required by Chapter 21.20B of the Zoning Code. The project also proposes installation of a ground mounted wireless communication cabinet and meter pedestal that would be located behind the back of sidewalk and adjacent to an existing utility box. The proposed cabinets would also subject to stealthing techniques required by Chapter 21.20B of the Zoning Code and are further discussed in the following section.

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Neighborhood Compatibility / Site Design Issues

The main issue discussed by the Development Review Committee (DRC) at their June 26, 2017 meeting was the method of screening for the accessory ground-mounted utility cabinets and consistency with the Wireless Communications Facilities Ordinance (Chapter 21.20B). At this meeting, the applicant's representative discussed the unfeasibility of undergrounding the utility cabinets due to vaulting requirements and additional noise that would result from fans and cooling vents needed to keep the equipment cool. With the equipment being proposed aboveground, the DRC requested the Planning Commission be given the opportunity to see what the utility cabinets would look like if left unscreened versus if there was screening proposed (See Photos 1 and 2 below).

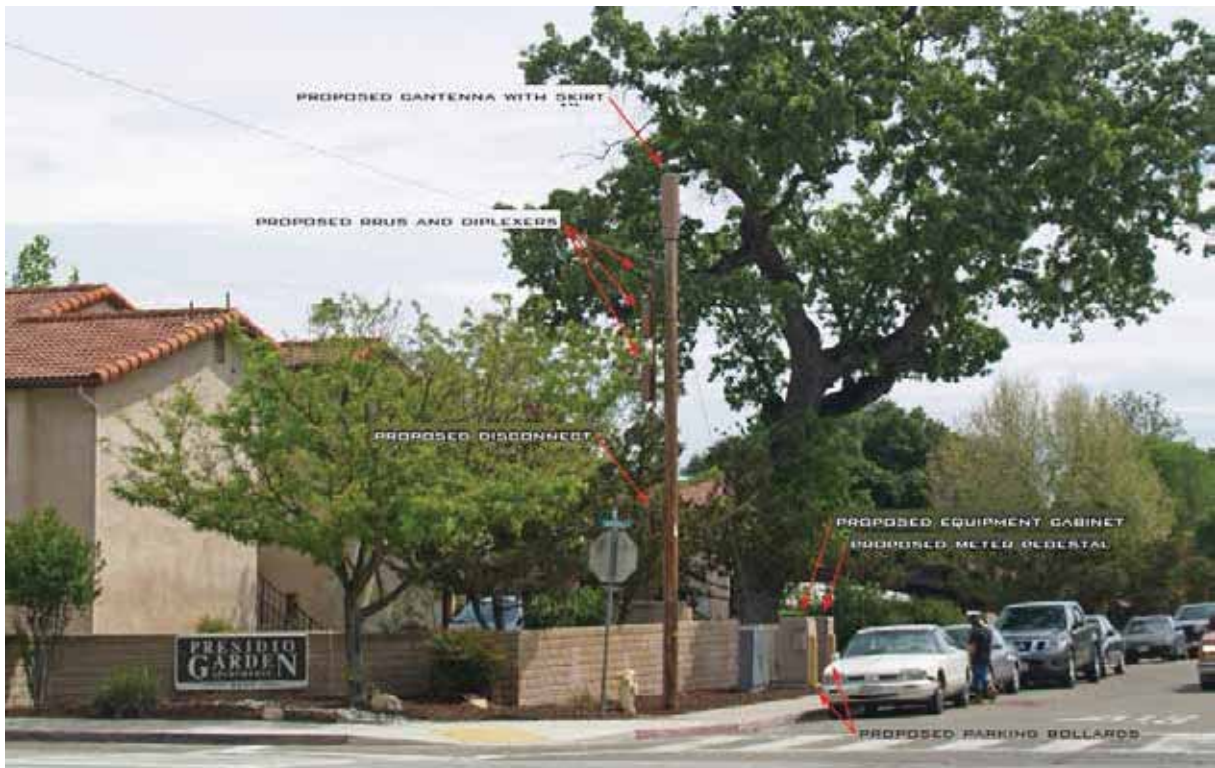


Photo 1: Looking east from Spring Street. Cabinets are not enclosed.

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Photo 2: Looking east from Spring Street. Cabinets are enclosed behind a wooden fence.

When left unscreened, the proposed utility cabinets look similar in both placement and size as the existing utility cabinet with regard to being located in the public right-of-way. If screened, the applicant proposes to install a 6-foot tall wooden fence that would be open on one side for maintenance and painted a neutral color to blend in with the existing block wall.

Due to concerns by the City Engineer regarding the installation of additional structures within the public right-of-way which the City may be liable for and require additional maintenance including graffiti abatement, it is recommended the project be conditioned not to install either parking bollards or a screening fence. Per the City's Engineer's recommendation, a condition of approval has been added that would prohibit the use of the bollards in the design of the WCF and would apply whether the facility is screened or unscreened.

CEQA issues

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

Options

Option 1. Option 1 takes into account the applicant has demonstrated the proposed facility's design is well integrated into its surroundings. Approval of the CUP would be based on the finding that the wireless communications facility meets the development and design standards of Chapter 21.20B (Wireless Communications Facilities) of the Zoning Code, as conditioned.

Option 2. Option 2 takes into account that the proposed ground mounted equipment may be more compatible with the surrounding uses if additional screening is provided, such as through the use of landscaping. However, it is unlikely the landscaping would be successfully retained without an agreement

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from the adjoining apartment complex to extend irrigation to the project site. Prior arrangements would need to be made in order for landscaping to be integrated into the stealthing of the equipment.

Option 3. Continuing the item to a future Planning Commission meeting would allow staff to work with the applicant and further review the compatibility of the use as it is proposed.

Fiscal Impact

None identified at this time.

Recommendation

Option 1. Approve Draft Resolution A, approving the proposed Conditional Use Permit 17-006, subject to site specific conditions of approval.

Attachments

1. California Public Utilities Code
2. Vicinity Map
3. Draft Resolution A
4. Alternative Elevations with Fencing Option
5. Mail affidavit
6. Newspaper affidavit

**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.

Attachment 2

Vicinity Map



Utility Pole Location
NE corner of 32nd Street
and Spring Street

Attachment 3

Draft Resolution A

RESOLUTION NO: PC 17-XXX

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 17-006
ALLOWING A VERIZON WIRELESS CELLULAR ANTENNA INSTALLATION
ON AN EXISTING UTILITY POLE IN THE RIGHT-OF-WAY
(NORTHEAST CORNER OF 32ND STREET AND SPRING STREET)**

**(Near 3200 Spring Street – Verizon Wireless)
APN: 008-042-016**

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, Chapter 21.20B of the Zoning Code provides regulations for wireless communications facilities (WCFs) and requires approval of a permit for WCFs located in the public right-of-way; and

WHEREAS, the applicant, Verizon Wireless, has filed a Conditional Use Permit (CUP) application proposing to install a new wireless telecommunication facility on an existing utility pole with corresponding ground-mounted equipment; and

WHEREAS, the facility is proposed to be mounted to an existing utility pole in the public right-of-way on the northeast corner of 32nd Street and Spring Street; and

WHEREAS, the facility would consist of installing one 3'-7" antenna with accessory equipment mounted to the utility pole, and ground mounting of a wireless communication cabinet and meter pedestal; and

WHEREAS, the Planning Commission finds that since the antenna and equipment would be mounted to a utility pole and painted to match the pole color, and the ground mounted equipment would be painted a neutral color to match the existing surroundings, the facility would be considered camouflaged, therefore, the project would be consistent with Chapter 21.20B of the Municipal Code relating to visual aesthetics and stealthing techniques; and

WHEREAS, this application is Categorically Exempt from environmental review per Section 15301 (existing facilities) of the State's Guidelines to Implement CEQA; and

WHEREAS, a duly noticed public hearing was conducted by the Planning Commission on August 8, 2017, 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

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

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Section 2 - Findings: based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the Planning Commission makes the following findings:

1. The proposed use is consistent with the General Plan and Uptown / Town Center Specific Plan; and
2. The proposed use satisfies the applicable provisions of this Paso Robles Zoning Ordinance as it relates to compliance with the design and development standards, and stealth techniques for where the WCF is proposed to be located; and
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and
4. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development due to the quality and compatibility of stealth design and screening and non-impact on the public views and visual quality of the surrounding areas; and
5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood; and

Section 3 - Environmental Determination: This application is Categorically Exempt from environmental review per Section 15301 (existing facilities) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

Section 3 - Approval: Conditional Use Permit 17-006 is approved subject to the following:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Project Conditions
B	Site Plan/Antenna & Layout Plan
C	Project Elevations

PASSED AND ADOPTED THIS 8th Day of August 2017 by the following Roll Call Vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIRMAN JOHN DONALDSON

ATTEST:

WARREN FRACE,
PLANNING COMMISSION SECRETARY

Exhibit A

Project Conditions (CUP 17-006 – Verizon Wireless)

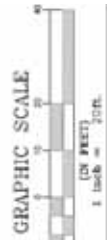
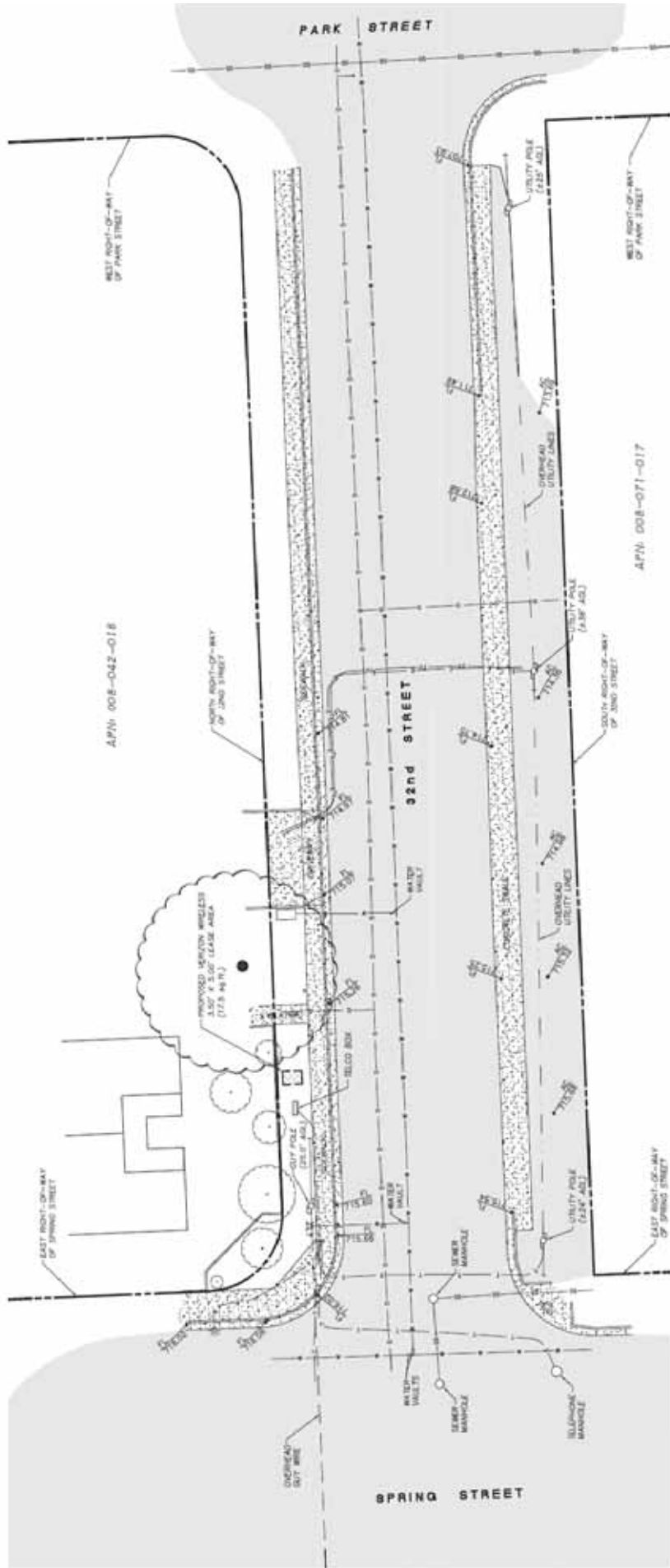
1. This Conditional Use Permit (CUP) authorizes the installation of a new wireless telecommunication facility on an existing utility pole located within the right-of-way, with corresponding ground-mounted equipment, located at the northeast corner of 32nd Street and Spring Street, in a manner described in attached Exhibits B and C attached to this Resolution.
2. The use of permanent structures including parking bollards around the equipment will not be permitted.
3. This project approval shall expire on August 9, 2019, unless the use has not been executed, 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. Any condition imposed by the Planning Commission in granting this Conditional Use Permit 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 granting of the original permit. 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 under the Conditional Use Permit.

ENGINEERING SITE SPECIFIC CONDITIONS

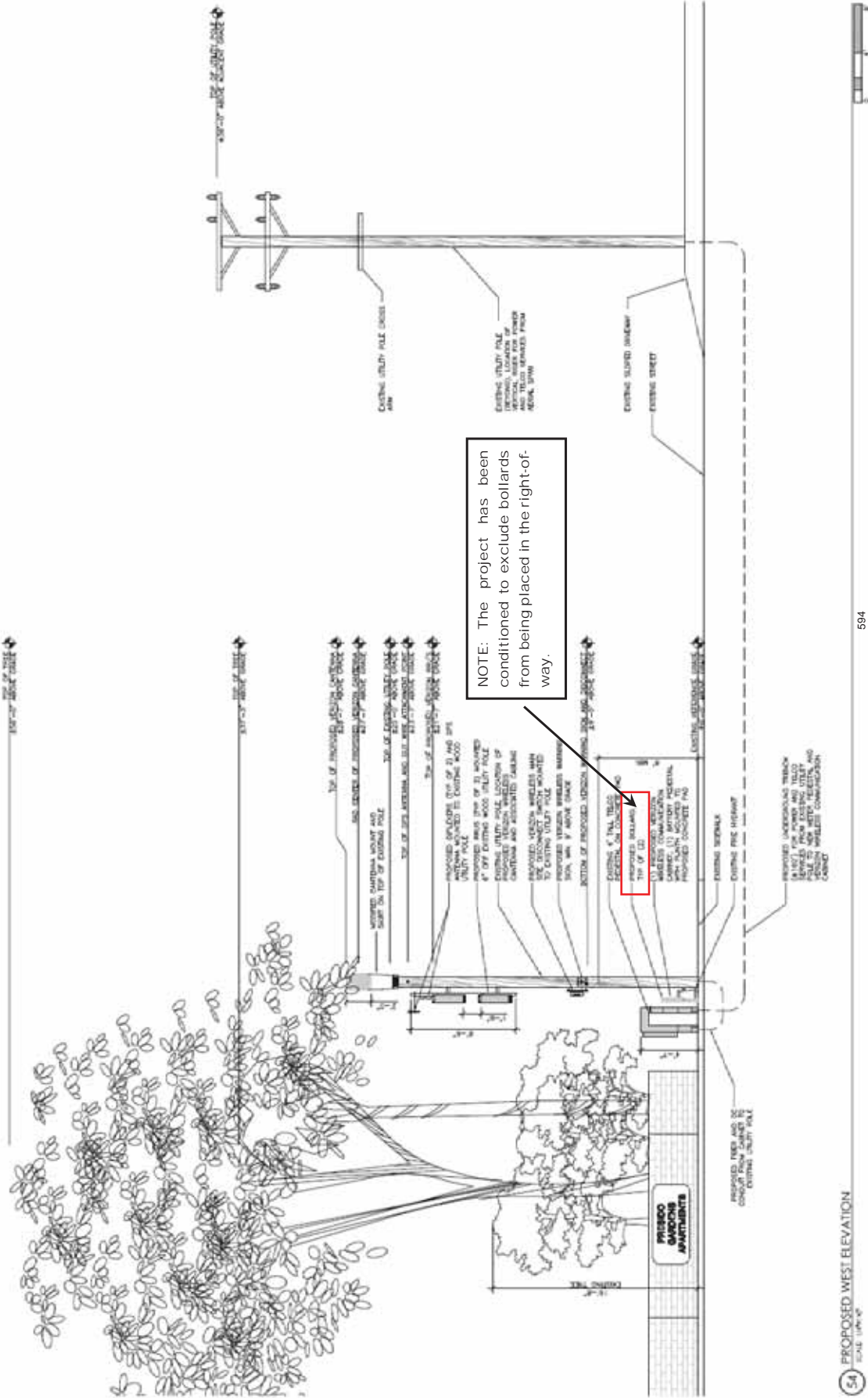
6. An encroachment permit shall be issued prior to installation of the wireless communication facility.
7. This facility and all equipment shall be removed at the applicant's cost if and when the City requests removal related to any street right-of-way improvement project.

Exhibit B

Site Plan / Antenna & Equipment Layout



3 SITE PLAN
SCALE: 1"=30'





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 Conditional Use Permit 17-006, on this 28th day of July, 2017.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: Monica C Hollenbeck
Monica Hollenbeck

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AUG 01 2017

City of Paso Robles
Community Development Dept

THE Newspaper of the Central Coast
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In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD #3196662
CITY OF PASO ROBLES

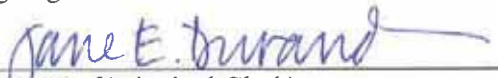
STATE OF CALIFORNIA

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; JULY 28, 2017 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


(Signature of Principal Clerk)

DATE: JULY 28, 2017
AD COST: \$217.80

CITY OF PASO ROBLES
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission will hold a Public Hearing to consider the following project:

APPLICATION: Conditional Use Permit (CUP 17-006), a request to install a new wireless telecommunication facility on an existing utility pole located within the right-of-way, with corresponding ground-mounted equipment, located at the northeast corner of 32nd Street and Spring Street.

APPLICANT: Verizon Wireless c/o Sequoia Deployment Services

LOCATION: Adjacent to 3200 Spring Street; Assessor's Parcel Number 008-042-016

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

HEARING: The Planning Commission will hold a Public Hearing on Tuesday, August 8, 2017, at 6:30 p.m. at the Library Conference Center, 1000 Spring Street, Paso Robles, California.

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 application may be mailed to the Community Development Department, or emailed to planning@prcity.com provided that such comments are received prior to the time of the hearing.

If you challenge the application in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the Planning Commission or City Council at, or prior to, the public hearings.

Copies of the staff report pertaining to this project will be available for review at the Community Development Department on the Thursday preceding each hearing (copies are available for purchase for the cost of reproduction). If you have any questions, please contact the Community Development Department at (805) 237-3970.

Darcy Delgado
Assistant Planner
July 28, 2017

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