

PLANNING COMMISSION MINUTES OF NOVEMBER 23, 2009

2009-0510 - BCI Sites for Clearwire [Applicant] Pacific Gas And Electric Co [Owner]: Application for a Use Permit to allow the installation of three panel antennas and three microwave dishes on existing lattice tower and cabinets, and a Variance application to allow an extension to the top of the existing lattice tower (approximately 6' extension) for a site located at **602 Weddell Drive** (APN: 110-15-019) SL

Andrew Miner, Principal Planner, presented the staff report. He said this application requires a Variance for the height. He said staff was able to make the findings and recommends approval with conditions.

Comm. Klein discussed with staff the number of PG&E (Pacific Gas and Electric Company) towers that are taller than 100 feet in the City with staff saying that there are not many towers that are taller than 100 feet. Comm. Klein confirmed with staff that there are two towers on the site, one with an existing extension and one without. Comm. Klein said the proposed extension causes the tower to exceed the height allowed and requires a Variance. Comm. Klein commented that the proposed extension affects the aesthetics and draws attention to the pole. Mr. Miner said that staff felt that the extension was a relatively insignificant change to the tower. **Trudi Ryan**, Planning Officer, commented regarding the findings, and agreed that a Variance should not be approved without meeting the findings.

Comm. Rowe asked staff why some of the PG&E towers exceed the City height limits. Ms. Ryan said that PG&E probably installed many of the towers before local regulations were established, that the towers are regulated by the Public Utilities Commission, and that PG&E tower heights are not subject to our local zoning standards. Comm. Rowe discussed with staff the proposed increase in height of the tower as the staff recommendation is to approve the Variance. Staff said that approving or not approving the Variance is a judgment and the Commission can deny the Variance if they cannot make the findings.

Comm. McKenna said she had the same question about the height as Comm. Rowe commenting that she would have a tough time granting the Variance considering the City regulation 100-foot height limit.

Chair Chang opened the public hearing.

Gordon Bell, representative for Clearwire, discussed the reasoning for selecting the proposed tower for the site rather than the tower next to it. He said the proposed tower is further away from residential areas, and Clearwire can share

the existing ground shelter with Sprint Nextel rather than adding to the compound. He said PG&E constructs any extensions on their towers. He said the applicant's primary goal in a community is to co-locate on existing structures. He discussed the reasoning for requesting the Variance to add height to the tower and said he does not think special privileges would be granted if the Variance were approved as he thinks the majority of PG&E towers in the community are probably between 90 and 120 feet tall. Mr. Bell explained the disadvantages of using the pole next to the proposed site including the need for trenching, and the need for distance between towers.

Comm. Klein discussed with Mr. Bell the need for distance between the poles, trenching, and that Clearwire would be pulling the power from Sprint Nextel.

Chair Chang discussed with Mr. Bell if Clearwire could place the microwaves on the pole next to the proposed site, with Mr. Bell saying that the other pole would probably be tall enough.

Mr. Miner commented that the tower for the proposed site is a 92 foot tower and the pole next to the proposed site is a 91.7 foot tower.

Chair Chang closed the public hearing.

Comm. Rowe discussed with staff previous actions for this site with staff saying that Sprint came later and added six feet to the tower.

Comm. Klein moved for Alternative 3, to deny the Use Permit and Variance. Comm. Sulser seconded the motion.

Comm. Klein said that the requirements for granting a Variance are restrictive. He said adding height to this tower would draw attention to the tower, that cost to the applicant is not adequate reason for approving this Variance, and that there are alternatives. He said from a City standpoint co-location is encouraged and he hopes an alternative can be found that will work for Clearwire.

Comm. Sulser said he agrees with Comm. Klein, and said he cannot make the findings to approve the Variance.

ACTION: Comm. Klein made a motion on 2009-0510 to deny the Use Permit and Variance. Comm. Sulser seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than December 8, 2009.