

PLANNING COMMISSION MINUTES OF NOVEMBER 9, 2009

2009-0728 - Clearwire LLC [Applicant] Pastoria Land And Building Corp [Owner]: Application for a Use Permit to allow three antennas and three microwave dishes on an existing 100' tall monopole with associated ground equipment for a project located at **375 North Pastoria Avenue** in an M-S (Industrial and Service) Zoning District (APN: 165-30-019). – SL

Andrew Miner, Principal Planner, presented the staff report. He said Staff recommends approval of the Use Permit subject to the conditions of approval (COAs).

Comm. Klein commented that the fence screening the ground equipment is about 12 feet high and the equipment looms about 17 feet high. He said the equipment is painted white, the fence is dark colored wood, and the pole is green, expressing his concerns about the aesthetics and excessive height of the ground equipment. Staff discussed the equipment enclosure with Comm. Klein commenting that staff could work with the owner of the pole during their next review to see if the ground equipment could be painted to match better.

Comm. Hungerford asked staff if tonight's proposal is consistent with what the Planning Commission decided for a similar project at the October 12, 2009 meeting regarding making the microwave dishes and brackets as close as possible to the tower. **Trudi Ryan**, Planning Officer, said she thinks the microwave dishes are designed to be as close to the poles as possible and that the Commission could make that a specific condition. Comm. Hungerford referred to Attachment B, COA E, confirming with staff that the condition requires certification that includes test data that backs up the certification that the pole is meeting noise and RF (Radio Frequency) emission standards.

Comm. Rowe referred to Attachment B, COA F and confirmed with staff that a tickler file is used by the City to know when a renewal application needs to be filed, at least every ten years, by an owner or operator of a wireless telecommunication facility. Comm. Rowe discussed further with staff the ground equipment. Ms. Ryan referred to Attachment B, page 4 and said the Commission could add to COA 6 the word "enclosure" at the end of the condition to assure the new equipment not exceed the height of the equipment enclosure.

Vice Chair Travis opened the public hearing.

Gordon Bell, representing the applicant, said that the applicant agrees with the COAs. He said that the Clearwire ground equipment is one cabinet, is 54" tall, is

on the ground, and does not exceed the height of the enclosure. He said the owner of the pole is Crown Castle and that they would probably be the most appropriate entity to discuss the painting scheme of the equipment. Mr. Bell provided a picture of the microwave profiles to show how the microwave dishes have changed (in a previous similar application) to blend in better.

Vice Chair Travis closed the public hearing.

Comm. Klein moved for Alternative 2, to approve the Use Permit with modified conditions: to modify COA 6 to read that, "All new equipment inside the ground enclosure shall not exceed the height of the ground enclosure fence". Comm. Rowe seconded the motion.

Comm. Klein said this is a fairly standard approval. He said the Commission has seen this pole a few times, that the pole is in the middle of an industrial area, and not as bad aesthetically in this location as it might be in another location. He said the more use of this pole the better. He said the white ground equipment is stark and could be improved aesthetically going forward. He said he is happy to see the applicant has come up with a solution for the improvement of the look of the microwave dishes.

Comm. Rowe thanked the applicant for coming up with a good substitute for the suggested vertical brackets, which improved the aesthetics of the brackets.

ACTION: Comm. Klein made a motion on 2009-0728 to approve the Use Permit with modified conditions: to modify COA 6 that, "All new equipment inside the ground enclosure shall not exceed the height of the ground enclosure fence". Comm. Rowe seconded. Motion carried, 6-0, with Chair Chang absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than November 24, 2009.