



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. *VIII-C*
COMMISSION MEETING 11-28-12

November 28, 2012

FROM: MIKE SANCHEZ, Planning Manager
Development Services Division

THROUGH: SOPHIA PAGOULATOS, Supervising Planner
Development Services Division

BY: JACK VAN PATTEN, AICP, Planner II
Development Services Division

APPROVED BY
[Signature]
DEPARTMENT DIRECTOR *M-Scott*

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION NO. C-12-039
LOCATED ON THE SOUTHWEST CORNER OF WEST CLINTON AVENUE AND
NORTH FRUIT AVENUE (APN: 444-042-22)

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. APPROVE the finding of a Categorical Exemption for Environmental Assessment No. C-12-039 issued September 28, 2012.
2. DENY the appeals and UPHOLD the Director's Action approving Conditional Use Permit Application No. C-12-104 to install a 70-foot high slimline monopole consisting of three (two proposed for installation now, one future installation) 3 sector antenna arrays consisting of 1 panel antenna per sector (total of 3 antennas per array) enclosed within a radome. An on-site support ground cabinet is proposed to be located in an 16' 6"-foot by 32-foot lease area within a proposed 6-foot high concrete masonry wall. The proposed facility will meet with all FAA and FCC requirements, subject to the following conditions:
 - a. Development shall comply with the Conditions of Approval dated September 19, 2011.
 - b. Development shall comply with Exhibits A-1, A-2, A-3, A-4, E-1, E-2, E-3 and E-4 dated March 30, 2012.
 - c. Development shall comply with the operational statement for the project dated March 30, 2012.

EXECUTIVE SUMMARY

The applicant, Rebekah Anderson on behalf of Verizon Wireless, filed Conditional Use Permit Application No. C-12-039 requesting authorization to install a 70-foot high slimline monopole consisting of three (two proposed for installation now, one future installation) 3 sector antenna arrays consisting of 1 panel antenna per sector (total of 3 antennas per array) enclosed within a radome. An on-site support ground cabinet is proposed to be located in an 16' 6"-foot by 32-foot lease area within a proposed 6-foot high concrete masonry wall. The proposed facility will meet with all FAA and FCC requirements.

The project is located on the southwest corner of West Clinton Avenue and North Fruit Avenue .

Staff recommends that the Planning Commission approve Conditional Use Permit Application No. C-12-039, subject to the conditions of approval noted above. The conditional use permit is appropriate for the site and all findings required by Fresno Municipal Code (FMC) Section 12-405-A-2 can be

made. In addition, granting of the requested special permit would not result in a significant impact under the California Environmental Quality Act (CEQA).

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-12-039 has been filed by Rebekah Anderson on behalf of Verizon Wireless requesting authorization to install a 70-foot high slimline monopole consisting of three (two proposed for installation now, one future installation) 3 sector antenna arrays consisting of 1 panel antenna per sector (total of 3 antennas per array) enclosed within a radome. An on-site support ground cabinet is proposed to be located in an 16' 6"-foot by 32-foot lease area within a proposed 6-foot high concrete masonry wall. The proposed facility shall meet with all FAA and FCC requirements.		
APPLICANT	Rebekah Anderson		
LOCATION	525 West Clinton Avenue C/T, located on the southwest corner of West Clinton Avenue and North Fruit Avenue (APN: 444-042-22) (Council District 1, Councilmember Xiong)		
SITE SIZE	1.11-acres (528 square foot (16' 6" X 32') enclosed area)		
LAND USE	Existing	-	<i>Medium Density Residential & Neighbourhood Commercial</i> Planned Land Use
ZONING	Existing	-	<i>C-5, General Commercial District & P, Off-Street Parking District</i>
PLAN DESIGNATION AND CONSISTENCY	Conditional Use Permit Application No. C-12-039 is proposed in accordance with the <i>residential medium-density</i> land use identified in the Fresno High-Roeding Community Plan and the 2025 Fresno General Plan.		
ENVIRONMENTAL FINDING	Categorical Exemption, dated September 28, 2012		
PLAN COMMITTEE RECOMMENDATION	Council District 1 Implementation Committee has reviewed and approved this project.		
STAFF RECOMMENDATION	Approve Conditional Use Permit Application No. C-12-039		

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Neighbourhood Commercial & Medium Density Residential	C-1, <i>Neighborhood Shopping Center District</i> & R-2, <i>Low Density Multiple Family Residential District</i>	Neighbourhood Commercial & Single Family Residential
South	Medium Density Residential	R-1, <i>Single Family Residential District</i>	Single Family Residential
East	Neighborhood Commercial	R-2-A, <i>Low Density Multiple Family Residential, Single Storey District</i>	Single Family Residential
West	Medium Density Residential	R-P, <i>Residential and Professional Office District</i>	Child Care Center

ENVIRONMENTAL FINDING

The initial study prepared for Environmental Assessment No. C-12-039 considered potential environmental impacts associated with the conditional use permit application request. The California Environmental Quality Act (Public Resource Code Section 21000 et seq.) permits a public agency to determine whether a particular project is exempt from CEQA. A determination of a Categorical Exemption, Section 15303/Class 3 and Section 15332/Class 32 of California CEQA Guidelines was made and Environmental Assessment No. C-12-039 (Categorical Exemption) was completed for this project and filed on September 28, 2012.

The conditional use permit application is consistent with the general, community, and specific plan planned land use designation of *medium density residential & neighbourhood commercial* planned land use and conforms to all applicable policies. The site area is less than five acres, is completely surrounded by urban uses, and does not contain any significant value as habitat for endangered, rare, or threatened species. The subject site is adequately served by all required utilities and public services.

BACKGROUND / ANALYSIS

Conditional Use Permit Application No. C-12-039 has been filed by Rebekah Anderson on behalf of Verizon Wireless requesting authorization to install a 70-foot high slimline monopole consisting of three (two proposed for installation now, one future installation) 3 sector antenna arrays consisting of 1 panel antenna per sector (total of 3 antennas per array) enclosed within a radome. An on-site support ground cabinet is proposed to be located in an 16' 6"-foot by 32-foot lease area within a proposed 6-foot high concrete masonry wall. The proposed facility will meet with all FAA and FCC requirements.

The subject property, 525 West Clinton Avenue C/T is approximately 1.11-acres in size and is located on the southwest corner of West Clinton Avenue and North Fruit Avenue. The property is currently zoned C-5, *General Commercial District & P, Off-Street Parking District*. The Fresno High-Roeding Community Plan and the 2025 Fresno General Plan designate the land use of the site as *neighbourhood commercial* and *medium-density residential*.

Pursuant to Section 12-304-B-11 of the Fresno Municipal Code (FMC), public utilities and public service structures, uses, and buildings are permitted in any zone district, unless expressly prohibited. Sections 12-221.4 and 12-229.4 of the FMC do not expressly prohibit telecommunication facilities in the C-5, *General Commercial District & P, Off-Street Parking District*.

City of Fresno Development and Resource Management Department Policies and Procedures, Issue No. 33, specify conditions applicable to Wireless Telecommunications Facilities. Therefore, this project must comply with the aforementioned Policies and Procedures No. 33.

The appropriateness of the proposed project has been examined with respect to its consistency with the goals and policies of the 2025 Fresno General Plan and the Fresno High-Roeding Community Plan; its compatibility with surrounding existing or proposed uses; and, its avoidance or mitigation of potentially significant adverse environmental impacts. Conditional Use Permit Application No. C-12-039 shall comply with all applicable codes, including parking, landscaping, walls, etc.

LAND USE PLANS AND POLICIES

2025 Fresno General Plan

The 2025 Fresno General Plan designates the subject site for *neighbourhood commercial* and *medium-density residential* planned land uses and provides objectives to guide in the development of these projects. Conditional Use Permit Application No. C-12-039 meets all policies and objectives of the 2025 Fresno General Plan. The following are excerpts of such objectives.

Policy C-12-a C-14-a of the 2025 Fresno General Plan is to ensure that all commercial and public facilities land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services.

Objective C-14 of the 2025 Fresno General Plan states the city will support establishment of public facilities and institutions to meet needs for services and administration in a manner consistent with general plan policies and provision of adequate access and utility services. Policy-14-a of the 2025 Fresno General Plan states these facilities [public facilities and institutions] will be sited and developed in a manner which protects the integrity of surrounding neighborhoods.

DIRECTOR'S ACTION ON CONDITIONAL USE PERMIT

The Development and Resource Management Department Director took action on September 28, 2012. In accordance with Government Code Section 65091 (Planning and Zoning Law) and the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to surrounding property owner with 350 feet of the subject property (Noticing Map attached as Exhibit C). The special permit does not become effective until 15 days from the date the special permit is granted, in order to allow time for any interested parties to file an appeal. One appeal (dated June 6, 2011) was received during the 15-day appeal period from Jose Lara, dated October 5, 2012. This appeal is attached as Exhibit J.

APPEAL AND ANALYSIS OF THE APPEAL

The appellant raises two issues:

- (1) These cellular towers are an eye-sore in the community.
- (2) These cellular towers degrade the neighborhoods in which they are placed.

RESPONSE:

- (a) Due to changing technology, competition among license purveyors, and the geography of the Fresno-Clovis Metropolitan Area, the City of Fresno has received numerous conditional use permit applications for installation of wireless communications facilities at various locations *throughout the city*. The City of Fresno has established a policy to promote quality, clarity, and consistency in applying the requirements and guidelines for the acceptance, processing, and approval of these applications, while maximizing the use of existing, and future, wireless telecommunications facilities. This policy was approved by the City Council on June 20, 2006.
- (b) The Department has followed these policies in the design review, analysis, and processing of wireless telecommunications facility conditional use permit applications, in order to preserve the integrity of local aesthetics, attractive external appearances, and an appealing environment, including property values.

DISTRICT 1 PLAN IMPLEMENTATION COMMITTEE

The District 1 Plan Implementation Committee reviewed and approved the subject application at their meeting on May 22, 2012.

NOTICE OF PLANNING COMMISSION MEETING

The Development and Resource Management Department mailed notices of this Planning Commission hearing to all surrounding property owners within 350 feet of the site, pursuant to Section 12-326-G-2 of the FMC. No appeals or correspondence has been received to date.

CONDITIONS OF APPROVAL

Conditions of approval for this project, in addition to those given in paragraph 2, a, b, and c, above, are contained in the Conditions of Approval, dated September 28, 2012, which is attached as Attachment H.

FINDINGS

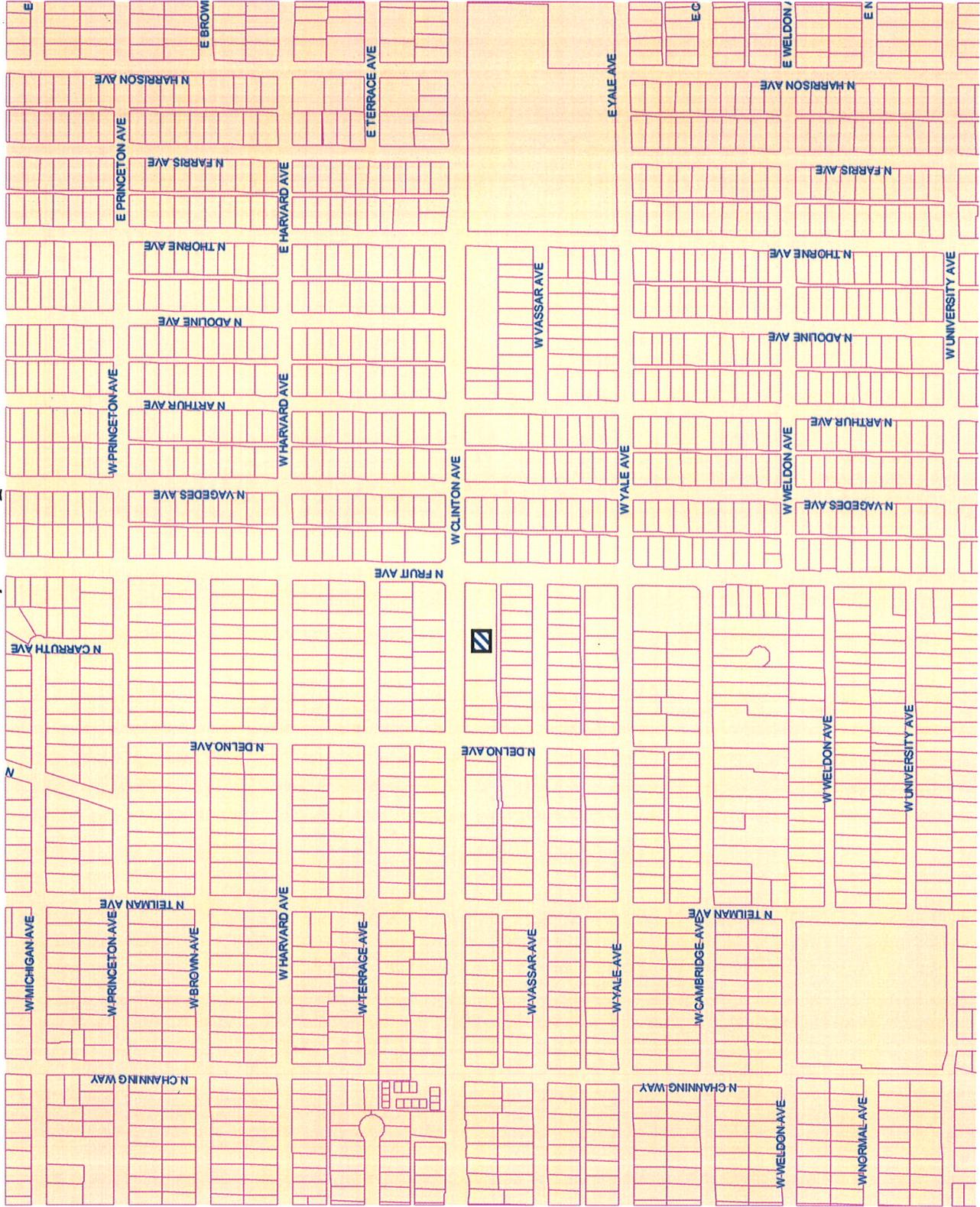
No special permit may be issued unless it is found that the privilege exercised under the permit, conforms to the findings of 12-405-A-2 of the FMC. Based upon analysis of the conditional use permit application, staff concludes that all of the required findings can be made for Conditional Use Permit Application No. C-12-039.

Findings per Fresno Municipal Code Section 12-405-A-2	
<p>a. <i>All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i></p>	
<p>Finding a:</p>	<p>Conditional Use Permit Application No. C-12-039 will comply with all applicable codes, including parking, landscaping, walls, etc., given that the special conditions of project approval will ensure that all conditions are met prior to the proposed tower becoming operational. Furthermore, once the telecommunications communication facility is operational a minimum number of parking spaces/open space/landscape setbacks, etc, will be subject to compliance with the conditions of approval for this project.</p>
<p>b. <i>The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i></p>	
<p>Finding b:</p>	<p>The proposed project is not expected to generate high volumes of traffic given that it will be an unmanned telecommunications facility. During its construction, the project may generate some vehicle trips. Upon completion, the only trips that will be generated will be those required for maintenance, which are infrequent. The Public Works Department -Traffic Engineering has also reviewed the proposed project and assessed the adjacent streets to ensure that the proposal would not have significant impacts on traffic and the surrounding community.</p>
<p>c. <i>The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of the FMC.</i></p>	
<p>Finding c:</p>	<p>The proposed use, an unmanned telecommunications facility, will not have a negative impact on either the subject site, or neighboring properties given that it will generate minimal noise and traffic, and require only seasonal maintenance.</p> <p>The facility complies with all provisions of Policy No. 33 relating to siting, and aesthetics, etc.</p> <p>Approval of the special permit would be in accordance with applicable provisions of the Fresno Municipal Code, including the determination that all findings have been made relative to the issuance of a conditional use permit for the proposed project.</p>

- Attachments:
- A Vicinity Map
 - B 2008 Aerial Photograph of site
 - C Noticing Map (350 foot radius)
 - D Exhibit A, Site Plan, dated March 30, 2012
 - E Exhibit E, Elevations, dated March 30, 2012
 - F Exhibit F, Floor Plan, dated March 30, 2012
 - G Operational Statement dated March 30, 2012
 - H Conditions of Approval dated September 28, 2012
 - I Environmental Assessment No. C-12-039 dated September 28, 2012
 - J Jose Lara Appeal Letter dated October 5, 2012

A. Vicinity Map

Vicinity Map



C-12-039 || 525 West Clinton Avenue

B. Aerial Photograph

Aerial Photograph



C-12-039 || 525 West Clinton Avenue

C. Noticing Map



Request ID: C-12-039

350

W TERRACE AVE

W CLINTON AVE

W VASSAR AVE

W YALE AVE

N FRUIT AVE

N VAGEDES AVE

44328109	44328112	44328111	44328201	44328202	44328203	44328204	44328205	44328206	44328207	44328208	44328209	44328210
	44328112	44328111	44328220	44328219	44328218	44328217	44328216	44328215	44328214	44328213	44328212	44328211

44329101	44329102
44329120	44329103
44329119	44329104
44329118	44329105
44329117T	44329106
44329116	44329107
44329124	44329108
	44329109
44329123	44329110
	44329111

44328309	44328310	44328401	44328402	44328403	44328404	44328405	44328406	44328407	44328408	44328409	44328410
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44404109		44404219	44404218	44404217	44404216	44404215	44404214	44404213	44404212	44404211	44404210	44404209

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44405118	44405104
44405123	44405105
	44405106
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44405114	44405109
44405113	44405110
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44404309	44404310	44404401	44404402	44404403	44404404	44404405	44404406	44404407	44404408	44404409	44404410	44404411
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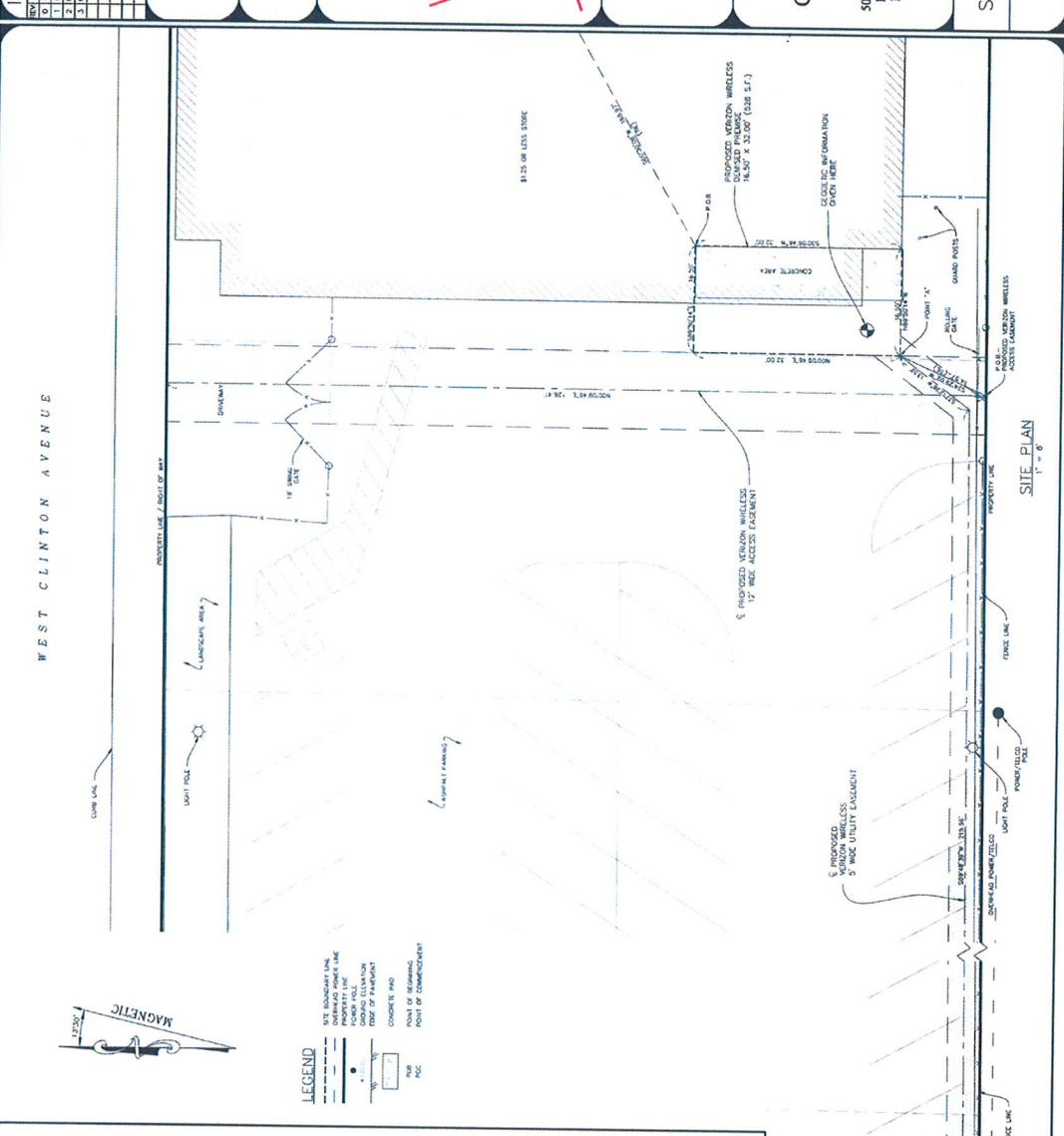
44412121	44412101
44412120	44412102
	44412103
44412119	

D. Exhibits A1 through A-4 to C-12-039
Site Plan

PROPOSED WIRELESS ACCESS FACILITY DESCRIPTION:
 ALL THAT PORTION OF THE ABOVE DESCRIBED LESSOR'S PROPERTY, SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINS AT THE POINT OF BEGINNING, THENCE S 60°20'41" W, A DISTANCE OF 145.57 FEET TO THE POINT OF BEGINNING;
 THENCE S 60°20'41" W, A DISTANCE OF 145.57 FEET TO A POINT "A";
 THENCE N 89°20'14" W, A DISTANCE OF 16.50 FEET TO A POINT "B";
 THENCE S 89°20'14" W, A DISTANCE OF 16.50 FEET TO A POINT "C";
 THENCE S 89°20'14" W, A DISTANCE OF 16.50 FEET TO THE TRUE POINT OF BEGINNING,
 CONTAINING 528 SQUARE FEET, MORE OR LESS.

PROPOSED WIRELESS ACCESS FACILITY DESCRIPTION:
 ALL THAT PORTION OF THE ABOVE DESCRIBED LESSOR'S PROPERTY, SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINS AT THE POINT OF BEGINNING, THENCE S 24°39'22" W, A DISTANCE OF 145.57 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE S 24°39'22" W, A DISTANCE OF 145.57 FEET TO A POINT "A";
 THENCE N 89°20'14" W, A DISTANCE OF 16.50 FEET TO A POINT "B";
 THENCE S 89°20'14" W, A DISTANCE OF 16.50 FEET TO A POINT "C";
 THENCE S 89°20'14" W, A DISTANCE OF 16.50 FEET TO THE TRUE POINT OF BEGINNING,
 CONTAINING 528 SQUARE FEET, MORE OR LESS.

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 THENCE S 24°39'22" W, A DISTANCE OF 145.57 FEET TO A POINT "A";
 THENCE N 89°20'14" W, A DISTANCE OF 16.50 FEET TO A POINT "B";
 THENCE S 89°20'14" W, A DISTANCE OF 16.50 FEET TO A POINT "C";
 THENCE S 89°20'14" W, A DISTANCE OF 16.50 FEET TO THE TRUE POINT OF BEGINNING,
 CONTAINING 528 SQUARE FEET, MORE OR LESS.



ISSUE STATUS		
NO.	DESCRIPTION	
1	06/02/11	ISSUE FOR PERMIT
2	07/29/12	REVISED PERMIT
3	07/29/12	REVISED PERMIT

WIRELESS ACCESS FACILITY
 PROPOSED WIRELESS ACCESS FACILITY
 ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.



250326
 CLINTON & FRUIT
 505 W. CLINTON AVE
 FRESNO, CA 93705
 FRESNO COUNTY

SHEET TITLE:
 SITE SURVEY
 C-2

APPL. NO. C-12-039 EXHIBIT A-4 DATE 3-30-12
 PROJ. ENG. DATE
 TRAFFIC ENG. DATE
 COND. APPROVED BY DATE
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

SMITHCO
 SURVEYING ENGINEERING
 115 N. MARKET STREET, SUITE 100
 FRESNO, CA 93702
 PHONE: 409-242-2227 FAX: 409-242-2228

E. Exhibits E1 through E-4 to C-12-039
Elevations

NO.	DATE	DESCRIPTION	BY
0	8/20/11	REV. CORRECT	DM
1	8/20/11	REV. CORRECT	JE
2	8/22/11	100% CORRECT	DM
3	8/22/11	REVISION	DM
4	10/27/12	100% CORRECT	JE



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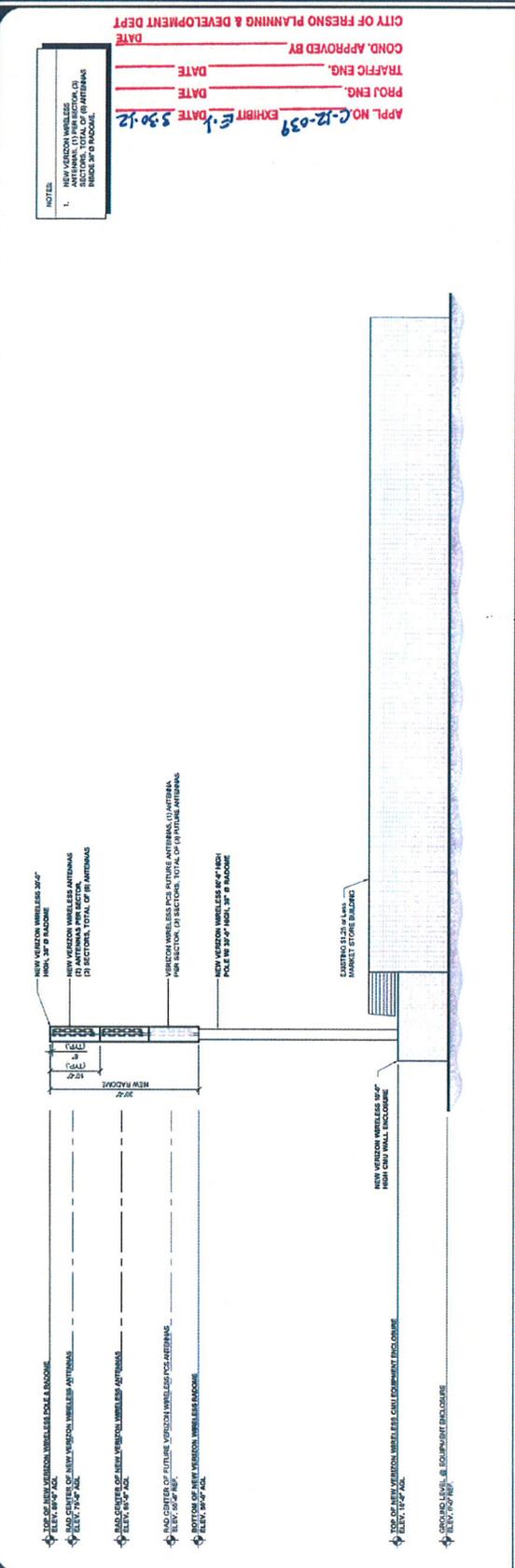


2785 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

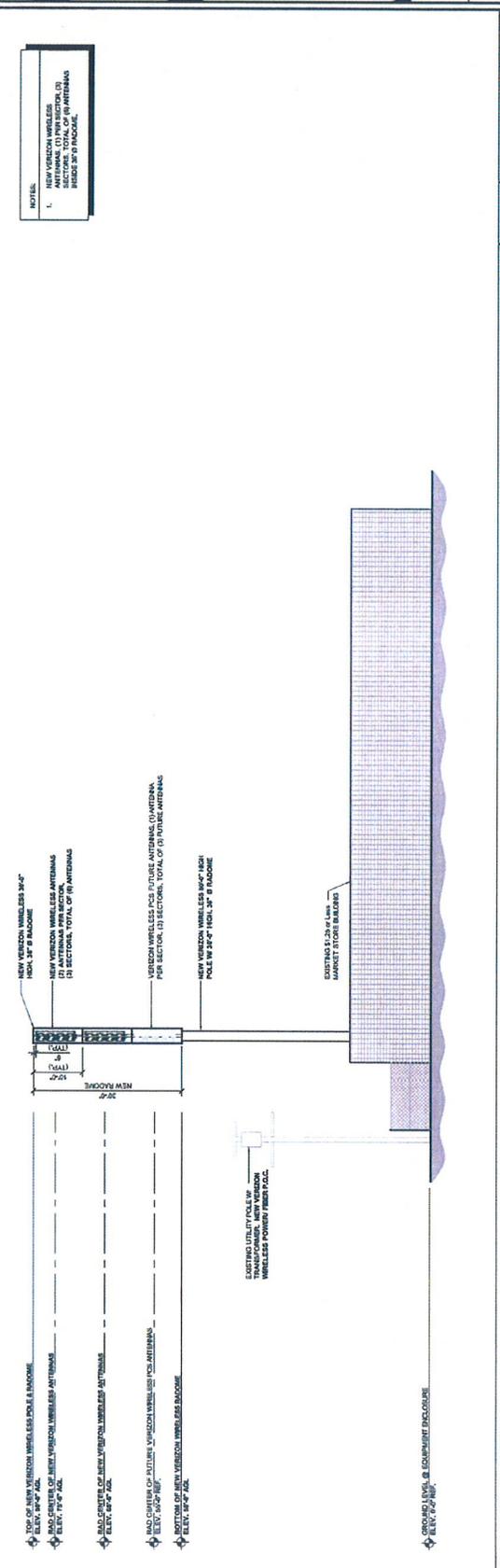
PSL # 250326
CLINTON & FRUIT
 505 W. CLINTON AVE.
 FRESNO, CA 93705

SHEET TITLE:
SOUTH & EAST ELEVATION

A-3



SOUTH ELEVATION



EAST ELEVATION

NO.	DATE	DESCRIPTION	BY
0	8/20/11	REV. CORRECT	DM
1	8/20/11	REV. CORRECT	JE
2	8/22/11	100% CORRECT	DM
3	8/22/11	REVISION	DM
4	10/27/12	100% CORRECT	JE

APPL. NO. **C-12-031** EXHIBIT **E-1** DATE **3-30-12**
 COND. APPROVED BY _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 PROJ. ENG. _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.

NO.	DATE	DESCRIPTION	BY
1	02/27/11	REVISED	W
2	02/27/11	REVISED	W
3	03/13/12	REVISED	W
4	03/13/12	REVISED	W



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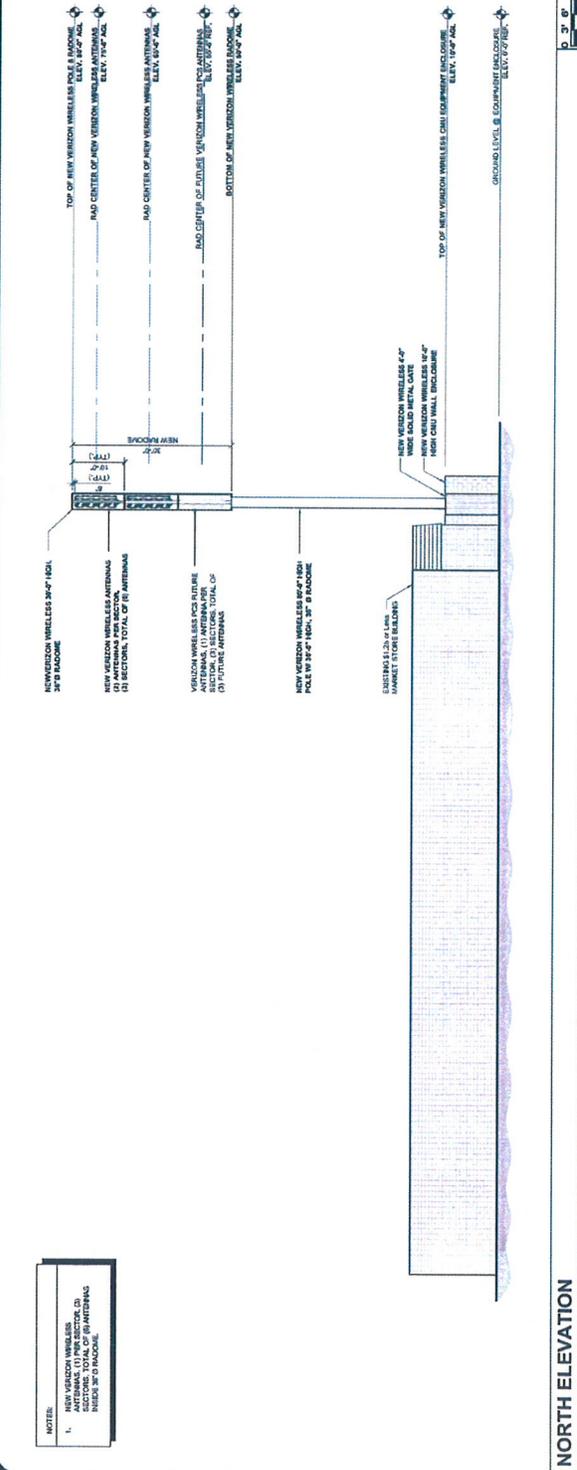
Verizon Wireless
 2785 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

PSL # 250326
 CLINTON & FRUIT
 505 W. CLINTON AVE.
 FRESNO, CA 93705

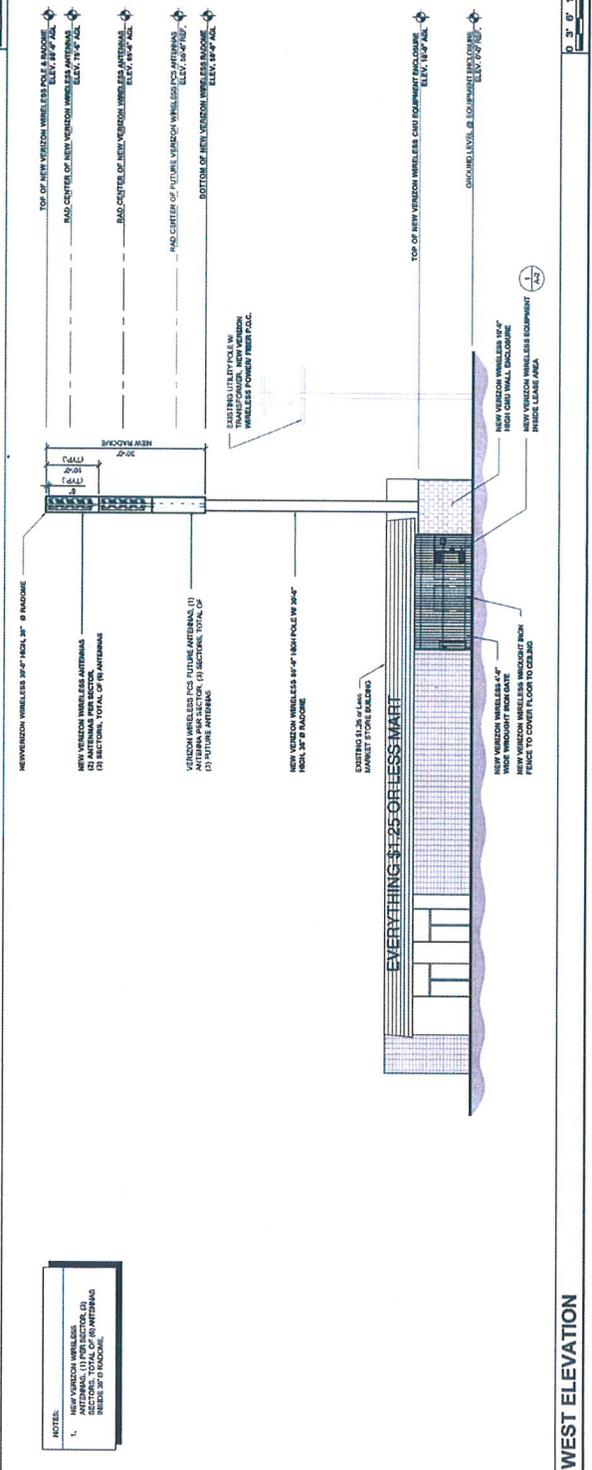
SHEET TITLE:
**NORTH & WEST
 ELEVATION**

A-4

APPL. NO. **C-12-031** EXHIBIT **E-2** DATE **3-30-12**
 PROJ. ENG. _____ DATE _____
 TRAFFIC ENG. _____ DATE _____
 COND. APPROVED BY _____ DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT



NORTH ELEVATION



WEST ELEVATION

ISSUE STATUS	NO.	DATE	DESCRIPTION
1	08/20/11	08/20/11	ISSUE FOR PERMITS
2	08/20/11	08/20/11	ISSUE FOR PERMITS
3	08/20/11	08/20/11	ISSUE FOR PERMITS
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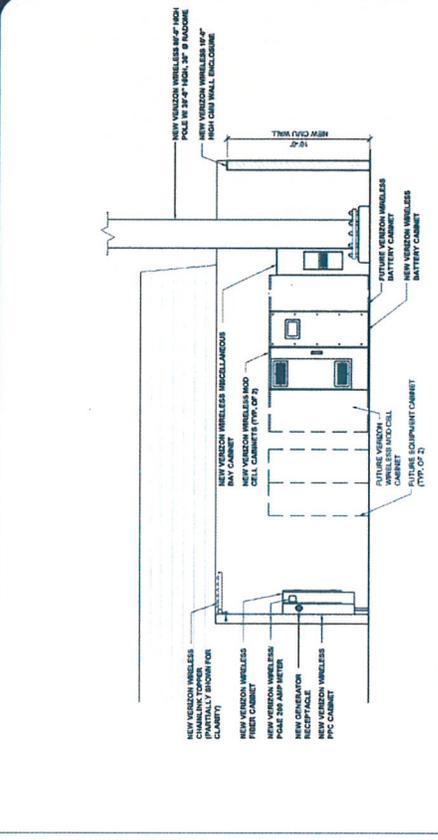


Verizon Wireless
785 MITCHELL DRIVE, BLDG 9
WALNUT CREEK, CA 94598

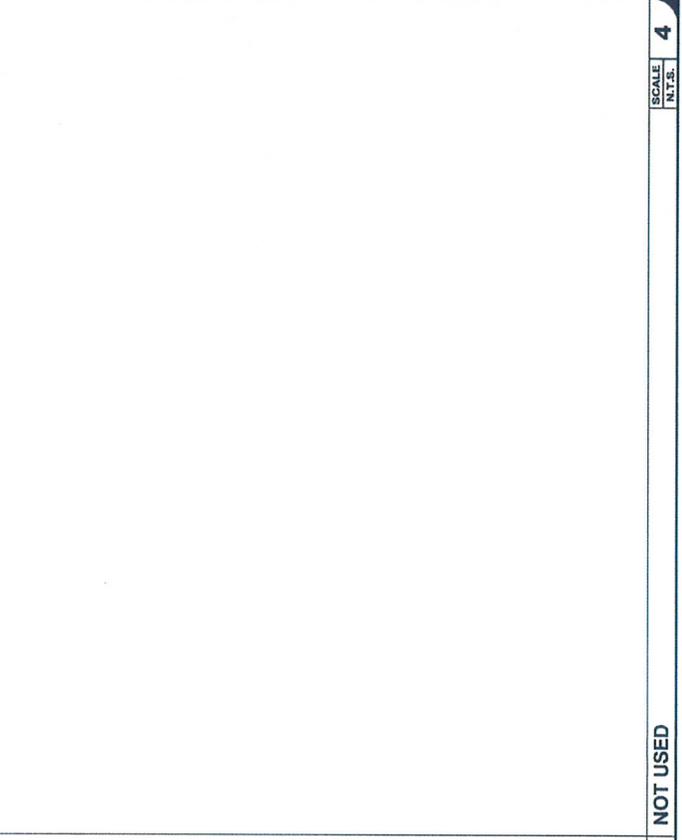
PSL # 250326
CLINTON & FRUIT
505 W. CLINTON AVE.
FRESNO, CA 93705

SHEET TITLE:
ANTENNA LAYOUT & ELEVATION DETAILS

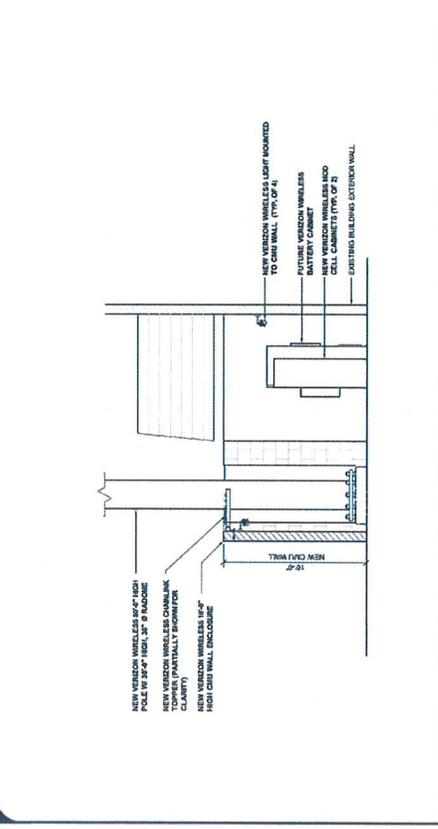
A-5



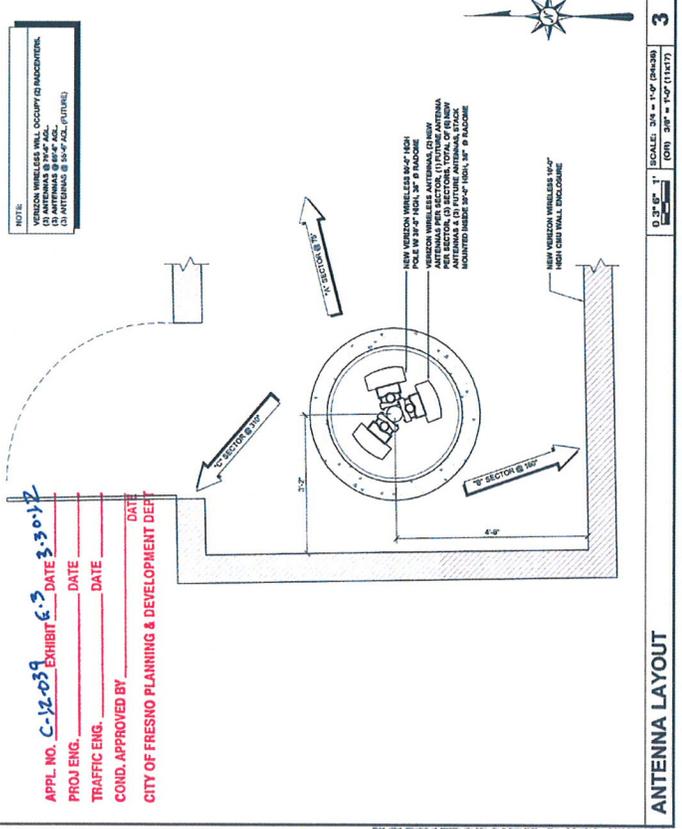
1 SOUTH EQUIPMENT ELEVATION DETAIL
SCALE: 1/4" = 1'-0" (R438)
(CON. 1/8" = 1'-0" (T1417))



2 WEST EQUIPMENT ELEVATION DETAIL
SCALE: 1/4" = 1'-0" (R438)
(CON. 1/8" = 1'-0" (T1417))



3 SOUTH ANTENNA LAYOUT
SCALE: 3/4" = 1'-0" (R438)
(CON. 3/8" = 1'-0" (T1417))



4 WEST ANTENNA LAYOUT
SCALE: 3/4" = 1'-0" (R438)
(CON. 3/8" = 1'-0" (T1417))

APPL. NO. **C-12-039** EXHIBIT **6.3** DATE **3.30.12**
TRAFFIC ENG. _____ DATE _____
COND. APPROVED BY _____ DATE _____
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

ANTENNA LAYOUT

NOT USED

REV#	DATE	DESCRIPTION	BY
1	08/21/11	ISSUE FOR PERMITS	DM
2	08/21/11	ISSUE FOR PERMITS	DM
3	08/21/11	ISSUE FOR PERMITS	DM
4	08/21/11	ISSUE FOR PERMITS	DM
5	08/21/11	ISSUE FOR PERMITS	DM



PROPRIETARY INFORMATION
 NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

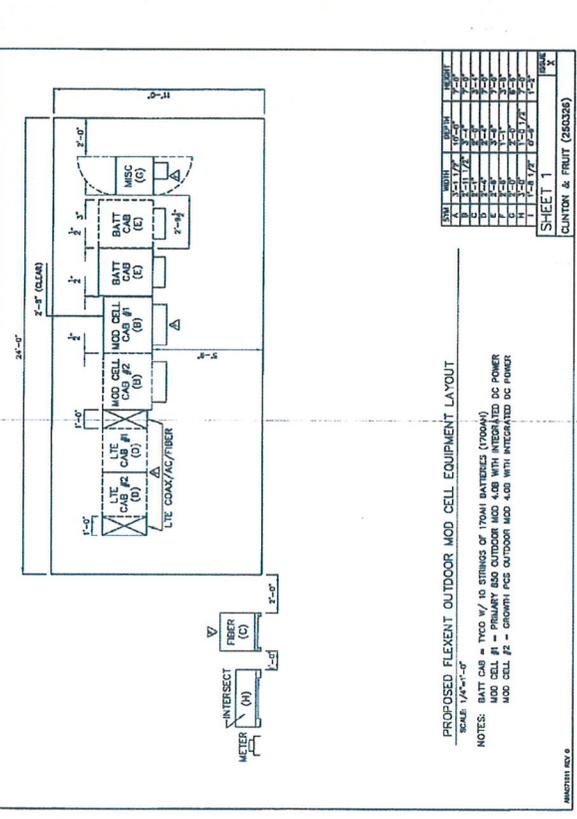


2785 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

PSL # 250326
 CLINTON & FRUIT
 505 W. CLINTON AVE.
 FRESNO, CA 93705

SHEET TITLE:
 EQUIPMENT LAYOUT
A-6

APPL. NO. **C-12-039**
 EXHIBIT **E-4**
 DATE **3-20-12**
 PROJ. ENG. _____
 TRAFFIC ENG. _____
 COND. APPROVED BY _____
 DATE _____
 CITY OF FRESNO PLANNING & DEVELOPMENT DEPT.



REV#	DATE	DESCRIPTION	BY
1	08/21/11	ISSUE FOR PERMITS	DM
2	08/21/11	ISSUE FOR PERMITS	DM
3	08/21/11	ISSUE FOR PERMITS	DM
4	08/21/11	ISSUE FOR PERMITS	DM
5	08/21/11	ISSUE FOR PERMITS	DM

REV#	DATE	DESCRIPTION	BY
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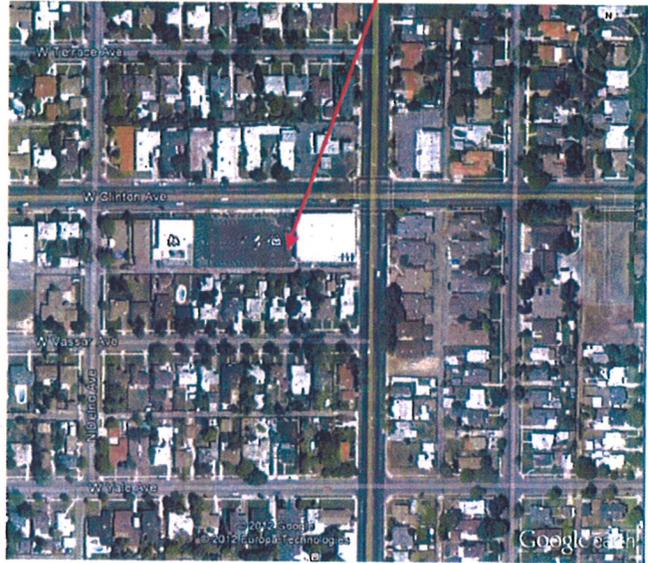
F. Operational Statement for C-12-039

Operational Statement
Proposed Verizon Wireless Facility "Clinton & Fruit"
505 W. Clinton Ave, Fresno, CA 93705
APN: 444-042-22

Introduction

Verizon Wireless proposes a new wireless facility at 505 W Clinton Ave. This facility will enhance and expand the Verizon Wireless network in order to improve communications service for its existing and prospective customers. The facility is located in the central Fresno area.

This project has been designed to provide a capacity off-load for several of Verizon Wireless' existing wireless facilities: Weber, Dakota, Effie, and Belmont in the core of Fresno. This site is located in an urban area surrounded by a residential neighborhood.



The unmanned facility will provide Verizon Wireless service to the area residents, schools, public facilities and business users 24 hours a day, 7 days a week.

Aesthetics

This new wireless facility will include an 80' slimline monopole and outdoor equipment cabinets. The proposed 80' monopole will be a slimline design with antennas enclosed within a radome, as this is the City of Fresno's preferred design as stated in the Wireless Telecommunications Facilities Policies and Procedures document.

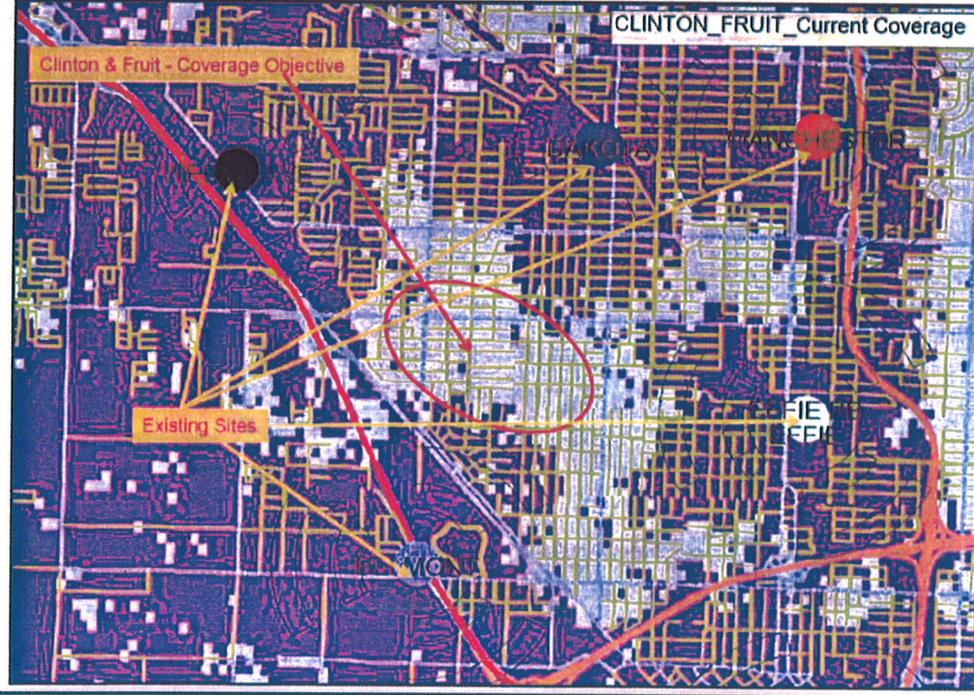
Coverage Area

Currently this area suffers from poor coverage in-doors. This proposed site will improve the in-door coverage and off-load high traffic from the surrounding tower sites.



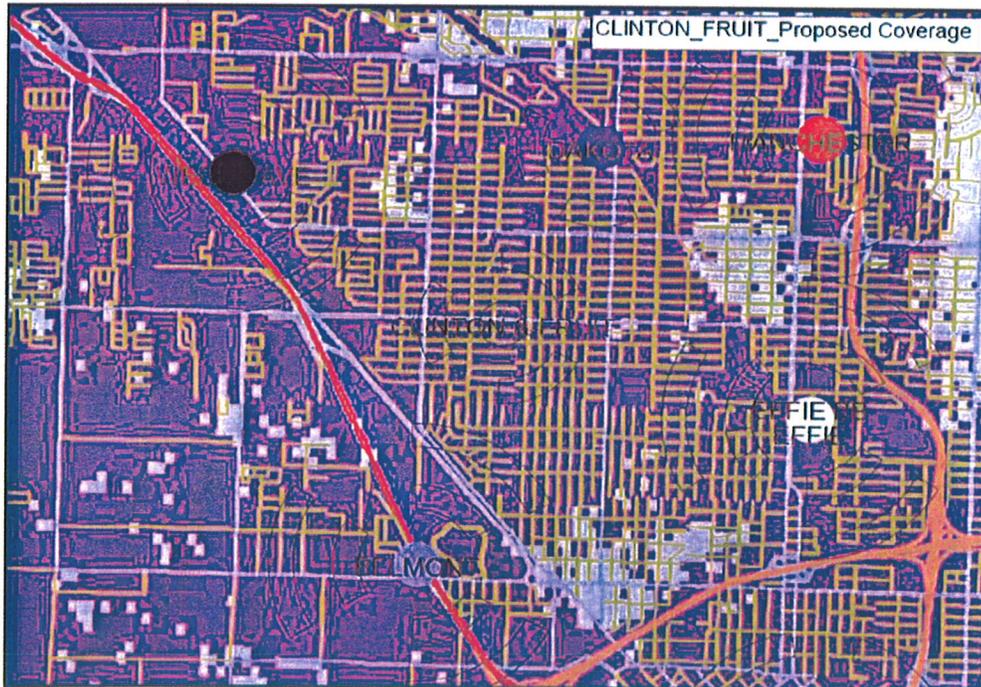
Existing Coverage

Clinton & Fruit - Current Coverage – Objective of site: off-load Weber, Dakota, Effe and Belmont cell sites, provide in-door coverage in the Fresno Core area .



Proposed Coverage

Clinton & Fruit - Proposed Coverage : Objective to serve Fresno Core area, hand-off to existing cells, and off-load traffic from existing sites will be met.



Public Safety and Community Benefits

Wireless Communication has become increasingly important way of life and a way of business. With the increase use of "smart phones", data speeds have become increasingly important to our customers. Our customers rely on their smart phones to have immediate access to make phone calls, text, email, and access the internet form wherever they are.

Wireless Devices, such as cell phones, have become a common tool people use to contact public safety personnel and loved ones in the event of a crisis. Having increase wireless service in this area will benefit those in emergency situations to reach out for help.

Project Location Zoning and Setbacks

This site is located within the jurisdiction of the City of Fresno and is zoned C-5, General Commercial District. The General Plan designation is CN, Commercial Neighborhood. The Community Plan is Fresno High-Roeding.

The property setback requirements are 20' from the front, 20' from the side, and 10' from the rear. This project has been designed to comply with the setback requirements.

Compliance with Policy and Procedure Issue No. 33: Wireless Telecommunication Facilities

The proposed site meets the City of Fresno's Policy and Procedures for a Wireless Facility:

- a telecommunication mast with a maximum height of 80 feet
- not exceeding a 24-inch diameter from base to top
- A radome not exceeding 36 inches in diameter, with all antennas on the top 40 feet of the mast.

Co-location Opportunities

Verizon Wireless is aware that the City of Fresno does prefer co-locations and Verizon Wireless is willing to allow other service providers to co-locate antennas on this monopole where technically possible, economically feasible, and aesthetically desirable.

Security and Emergency Measures

To provide security for this wireless facility, all equipment will be enclosed within a CMU wall/wrought iron fence with chain-link cover on top.

Verizon Wireless will also be installing batteries and an Appleton plug for a temporary generator in the case of an emergency at the cell site. The batteries and generator plug serve a vital role in Verizon Wireless' emergency and disaster preparedness plan. If a power outage was to occur the batteries could run the site for a short period then a back-up generator could be brought in to continue to run the site.



Visitors to Site

A technician will visit the site approximately twice a month to check the facility and perform any necessary maintenance. The site is fully accessible through a parking lot entrance.

Compliance with FCC Standards

This project will not interfere with any TV, radio, telephone, satellite, or any other signals. Any interference would be against the Federal Law and would be a violation of Verizon Wireless' FCC License.

Construction

Verizon Wireless will comply with all local rules and regulations. Construction will be done in a timely manner and will operate during the hours of 7:00a.m to 7:00p.m. Monday through Friday.

Notices of Actions Affecting This Development Permit

In accordance with California Government Code Section 65945(a), Verizon Wireless requests notice of any proposal to adopt or amend the: general plan, specific plan, zoning ordinance, ordinance(s) affecting building or grading permits that would in any manner affect this development permit. Any such notice may be sent to PO Box 2088, West Sacramento, CA 95691.



G. Conditions of Approval for C-12-039
Dated September 28, 2012

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL

SEPTEMBER 28, 2012

CONDITIONAL USE PERMIT AMENDMENT

APPLICATION NO. C-12-039

525 WEST CLINTON AVENUE C/T

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

This project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Department Director within 15 days. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

PART A - PROJECT INFORMATION

Assessor's Parcel Number:	444-042-22
Job Address:	525 West Clinton Avenue C/T
Street Location:	Located on the southwest corner of West Clinton Avenue and North Fruit Avenue
Existing Zoning:	C-5, <i>General Commercial District & P, Off-Street Parking District</i>
Planned Land Use:	<i>Medium Density Residential & Neighbourhood Commercial</i>
Plan Areas:	Fresno High-Roeding Community Plan
Project Description:	Conditional Use Permit Application No. C-12-039 requests authorization to install a 80-foot high slimline monopole consisting of three (two proposed for installation now, one future installation) 3 sector antenna arrays consisting of 1 panel antenna per sector (total of 3 antennas per array) enclosed within a radome. An on-site support ground cabinet is proposed to be located in an 16' 6"-foot by 32-foot lease area within a proposed 6-foot high concrete masonry wall. The proposed facility will meet with all FAA and FCC requirements.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

1. Development shall take place in accordance with the Standards Specifications and Standard Drawings of the City of Fresno Public Works Department. Transfer all red line notes, etc., shown on all original site plan exhibits dated March 30, 2012, to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

2. Development shall take place in accordance with all city, county, state, and federal laws and regulations.
3. Development shall take place in accordance with the City of Fresno Development and Resource Management Department Policy and Procedure Issue No. 33: Wireless Telecommunication Facilities dated June 20, 2006

PART C - PROJECT SPECIFIC REQUIREMENTS

1. Development shall take place in accordance with the C-5, *General Commercial District* and P, *Off-Street Parking District*, as defined in Sections 12-221 and 12-229 of the Fresno Municipal Code.
2. Development shall take place in accordance with Exhibits A-1, A-2, A-3, A-4, E-1, E-2, E-3 and E-4 dated March 30, 2012. The correct address for the subject application is 525 West Clinton Avenue C/T. All exhibits shall reflect the correct address.
3. This special permit is granted, and the conditions imposed, based upon the Operational Statement dated as received on May 22, 2012. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law.
4. Development shall comply with the requirements of the attached City of Fresno Department of Public Works Traffic Engineering memo dated March 25, 2012. Please contact Louise Gilio, Supervising Engineering Technician at (559) 621-8678 for further information.
5. Development shall comply with the requirements of the attached City of Fresno Building and Safety Services Division memo dated April 9, 2012. Please contact Yeghia Oulashian, Supervising Plans Examiner at (559) 621-8156 for further information.

Conditions of Approval

Conditional Uses Permit Application No. C-12-039

September 28, 2012

Page 4 of 4

6. Development shall comply with the requirements of the attached Fresno Unified School District memo dated April 11, 2012 [sic]. Please contact Deana Clayton at (559) 457-3066 for further information.
7. The exercise of rights granted by this special permit must be commenced by September 20, 2016, (four years from the date of approval). **There is no extension.**

H Environmental Assessment No. C-12-039
Dated September 28, 2012

**CITY OF FRESNO
CATEGORICAL EXEMPTION**

ENVIRONMENTAL ASSESSMENT NO. C-12-039

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Rebekah Anderson
 Verizon Wireless
 c/o SAC Wireless
 P. O. Box 2088
 West Sacramento, CA 95691

PROJECT LOCATION: 525 West Clinton Avenue C/T, located on the southwest corner of
 West Clinton Avenue and North Fruit Avenue (APN: 444-042-22)
 (Council District 1, Councilmember Xiong)

PROJECT DESCRIPTION: C-12-039 requests authorization to install a 70-foot high slimline
 monopole consisting of three (two proposed for installation now,
 one future installation) 3 sector antenna arrays consisting of 1 panel
 antenna per sector (total of 3 antennas per array) enclosed within a
 radome. An on-site support ground cabinet is proposed to be
 located in an 16' 6"-foot by 32-foot lease area within a proposed 6-
 foot high concrete masonry wall. The proposed facility will meet with
 all FAA and FCC requirements.

**This project is exempt under Section 15303/Class 3 and Section 15332/Class 32 of the
State of California CEQA Guidelines.**

EXPLANATION:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structure from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section is the maximum allowable on any legal parcel. Examples of this exemption include, but not limited to:

c) ... commercial building and structure not exceeding 10,000 square feet in floor area, is placed on site zoned for such use, does not involve use of significant amounts of hazardous substances, and all necessary public services and

facilities are available and surrounding area is not environmentally sensitive.

The proposed 70-foot high slimline monopole and related ground equipment occupies an area approximately 528 square feet in size.

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value, as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.

By current standards, this subject site and surrounding neighborhoods are identified as "in-fill" within an urban setting.

The proposed 70-foot high slimline monopole and related ground equipment occupies an area approximately 528 square feet in size.

The above described project is consistent with the 2025 Fresno General Plan and the Fresno High-Roeding Community Plan without negatively impacting the characteristics of the area, and complies with all conditions described in Section 15303/Class 3, Section 15332/Class 32 of California CEQA Guidelines. No adverse environmental impacts will occur as a result of the proposed project.

Finally, there is no substantial evidence in the record that any of the exceptions to these Categorical Exemptions, set forth in CEQA Guidelines section 15300.2, apply to this project

Date: September 28, 2012

Prepared By: Jack Van Patten, AICP
Planner

Submitted By: 
Sophia Pagoulatos
Supervising Planner
City of Fresno
Development and Resource
Management Department
(559) 621-8277

I Jose Lara Appeal Letter
Dated October 5, 2012

October 5, 2012

Development and Resource Management Department
2600 Fresno Street
Fresno California 93721-3604
Attn: Jack Van Patten

RE: Conditional Use Permit No. C-12-039

I would like to express the reasons for my appeal to the conditional permit. First of all, I own the property located at 2340 & 2346 N. Delano Avenue, Fresno. My property would only be 3 properties away from where the company will be installing the wireless tower.

I see these towers and they are an eye sore in the communities in which I have observed them. Placing the tower in this area will only contribute to bringing down the neighborhood even more. The prices in this area are already depressed significantly due to the economy and other things in the neighborhood. The neighborhood is mainly Hispanic or minority residents. The City needs to find a more suitable location than at the site chosen by the developer. Why is it that when you want to install something ugly you choose the minority neighborhood? Why don't you ask them to install it on North Van Ness Area? This company needs to find another location for their tower.

They sent me a notice asking me to allow them to place the tower in my property and I turn them down for the reason stated above. I'm sick and tired of this companies coming to the minority neighborhood seeking to bring the prices down even more with their ugly plans.

In addition, there are other more suitable locations than this neighborhood. Why doesn't the company install it in the high school just several blocks away-off of Clinton Avenue? They could easily place it in the corner of the football field.

I been talking to the other owners of properties in the area and we are prepared to fight this unacceptable use permit.

Sincerely,



Jose Lara

Jose Lara
1520 N. Dewitt Avenue
Clovis California 93619

FRESNO CA 936

09 OCT 2012 PM 1 L



Development and Resource Management Dept.
2600 FRESNO Street
FRESNO CA 93721-3604
ATTN: JACK Patten

93721360499

