



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Brian Foote, AICP, Associate Planner

DATE: September 2, 2010

SUBJECT: Planning and Zoning Permit No. 09-400-02 (Coastal Development Permit)
Located at 400 North Harbor Boulevard.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 09-400-02 for a coastal development permit for a wireless telecommunications facility, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request for approval of a coastal development permit to allow co-location of six wireless telecommunications antennas on an existing Edison transmission tower, and related equipment cabinet. The project site is located at 400 North Harbor Boulevard. Filed by Capital Pacific Development Group, agent for Clear Wire, 10 E. Yanonali Street, Suite 2B, Santa Barbara CA 93101.
- 3) **Existing & Surrounding Land Uses:** The existing land use is the Edison substation and transmission towers (including existing wireless antennas) surrounded by open space.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Coastal Energy Facility	Public Utility / Energy Facility	Edison Substation
North	Ventura County jurisdiction	Misc. Agriculture	Agriculture & Open Space
South	Coastal Energy Facility	Public Utility / Energy Facility	Edison Canal & Open Space
East	Ventura County jurisdiction	Misc. Agriculture	Agriculture & Open Space
West	Coastal Energy Facility	Public Utility / Energy Facility	RRI – Mandalay Bay Generating Station

- 4) Background Information:** The Planning Commission previously approved several coastal development permits to install and co-locate wireless antennas on the existing Edison tower, including PZ Nos. 03-400-12, 04-400-17, 05-400-02, and 08-230-01. Currently, there are a total of 12 panel antennas mounted to the Edison tower. The current applicant has been working with Edison to finalize a satisfactory design, and revised plans were submitted on August 4, 2010.
- 5) Environmental Determination:** According to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, projects involving additions to existing structures that involve no expansion of an existing use may be found to be exempt from the requirements of CEQA. There is no evidence of any potentially significant effects on the environment, and staff recommends adoption of the Notice of Exemption (Attachment C).
- 6) Analysis:**

 - a) General Discussion:** The project site is located within the Coastal Energy Facilities (EC) zone district, where wireless communication facilities are permitted. The applicant requests approval to allow installation of six panel (flat) antennas, two parabolic (round) antennas, and one rack with RRU/DAP heads, on an existing 150-foot transmission tower. Both the panel and parabolic antennas will be mounted on the tower at 55 feet above ground-level. Some existing panel/parabolic antennas operated by other carriers will be relocated to different elevations on the tower. The antennas are dwarfed by the massive tower and would be difficult to identify from any public right-of-way.

A single equipment cabinet for the wireless antennas would be setback approximately 150 feet from Harbor Boulevard, and placed within a 10' x 10' square-foot lease space adjacent to an existing equipment shelter. The facility is unstaffed and currently operates 24-hours per day. With the addition of the proposed wireless communication facility, no changes are anticipated to the current operation of this site. No emergency generator is proposed.
 - b) Zoning Compliance:** A stealth wireless communication facility is allowed within the Coastal Energy Facilities (EC) zone district, subject to approval of a coastal development permit. The co-location policy in Section 17-52(E) encourages site sharing and the use of existing utilities and site improvements. The proposal does not affect the existing use on the project site, nor does the request require any additional parking or other site improvements.
- 7) Development Advisory Committee (DAC):** The DAC did not review the proposal. However, the members representing Development Services, Fire Department, and Landscaping reviewed the project, and did not have any conditions.
- 8) Appeal Procedure:** In accordance with Section 17-58(J) of the City Code, the Planning Commission's action may be appealed to the City Council within 10 working days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

PZ No. 09-400-02

Planning Commission: Sept. 2, 2010

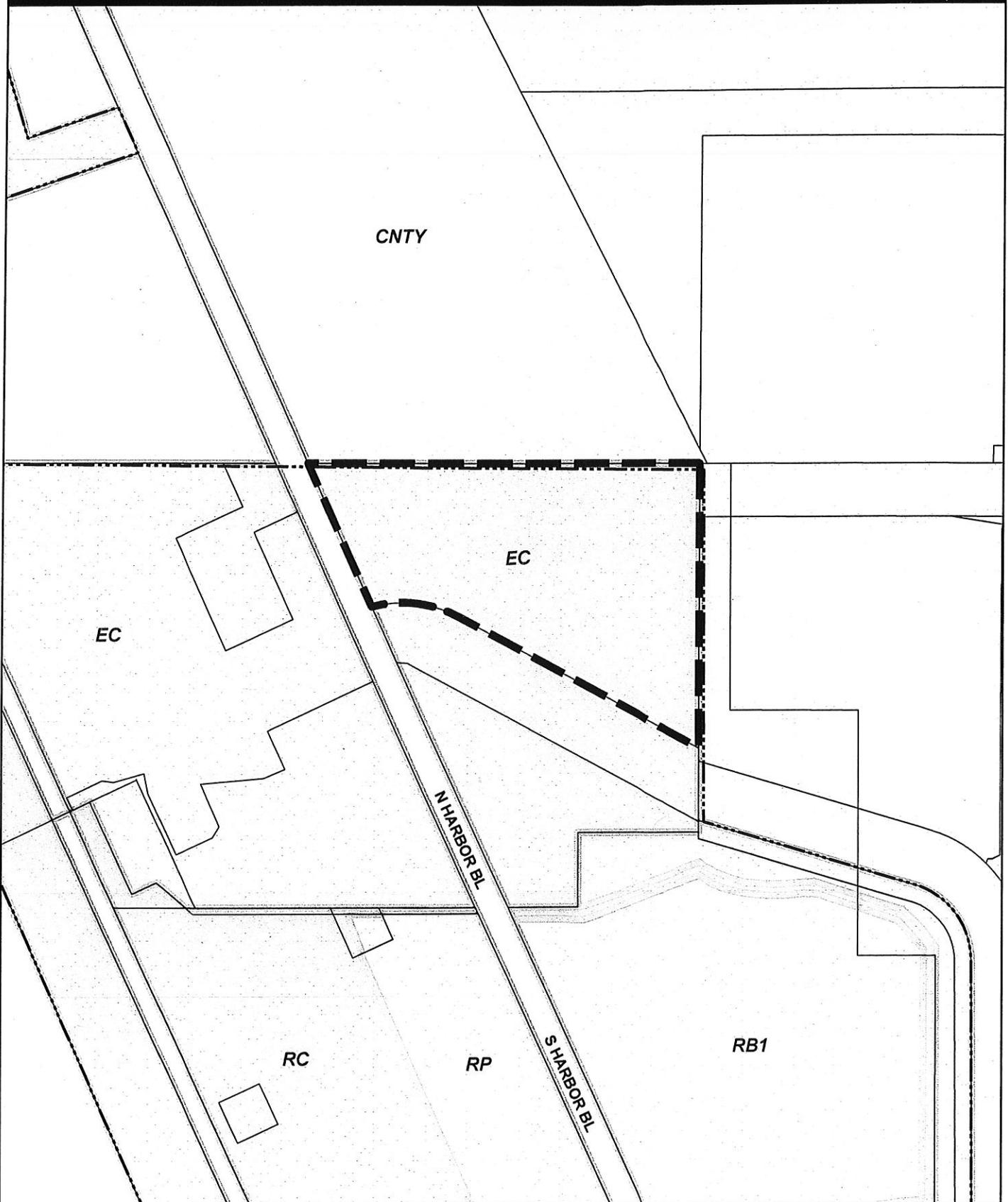
Page 3

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolution

Prepared by: <u>BF</u> BF
Approved by: <u>SM</u> SM

Zone Map



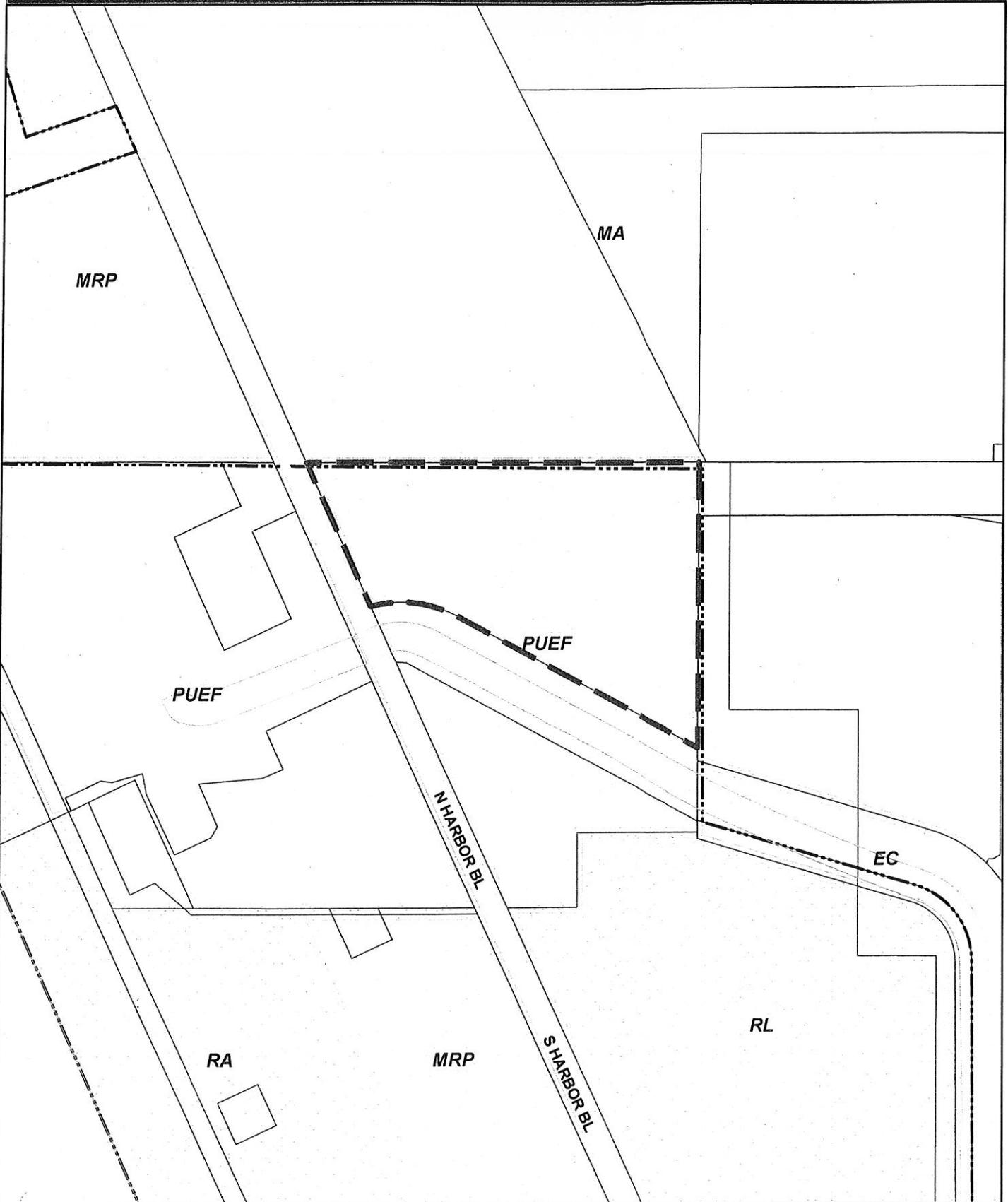
PZ 09-400-02
Location: 400 N Harbor Bl
APN: 183002101
Capital Pacific Development Group

0 125 250 500 750 1,000 Feet

Zone Map



General Plan Map



Oxnard Planning
August 12, 2010

PZ 09-400-02
Location: 400 N Harbor Bl
APN: 183002101
Capital Pacific Development Group

0 125 250 500 750 1,000 Feet

General Plan Map



1:6,537

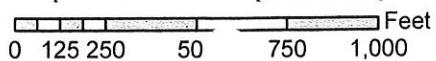
Aerial Map



Oxnard Planning
August 13, 2010

PZ 09-400-02
Location: 400 N Harbor Bl
APN: 183002101

Capital Pacific Development Group



Aerial Map

2007 Aerial



1:6,239

clear wire
400 W. MAIN ST. SUITE 100
IRVING, TEXAS 75039

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3145 DEAN BOULEVARD, #209
SAN FRANCISCO, CA 94134
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13235 DANLISON ST. SUITE 200
POWAY, CA 92084
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FAX: (619) 949-2879

PROFESSIONAL SEAL:

MANDALAY
SANTA CLARA
1 AND 2
CA-VTA0119-1

400 W. MAIN ST. SUITE 100
IRVING, TEXAS 75039

NO.	DATE	REVISIONS	BY
1	10-27-09	ISSUE SETTING DRAWING	JG
2	11-09-09	ISSUE SETTING DRAWING	JG
3	02-11-10	SAC CHANGES	SR

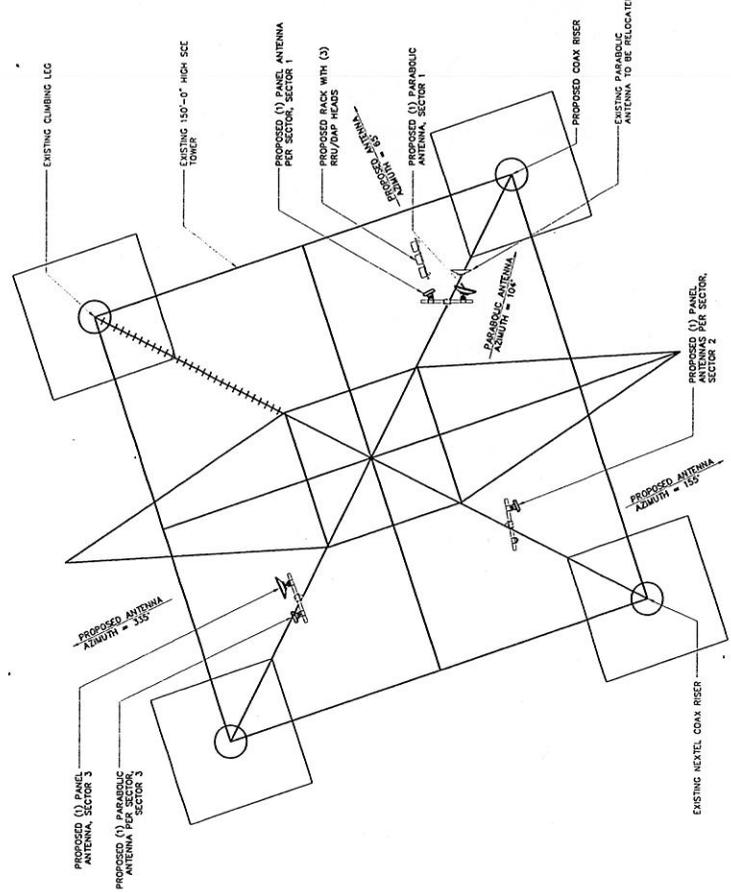
NOT FOR CONSTRUCTION UNLESS
LABELED AS CONSTRUCTION SET

EQUIPMENT AND
ANTENNA PLANS

SHEET NUMBER:

A-2

NOTE:
EXISTING SPRINT/NEXTEL ANTENNAS NOT SHOWN FOR CLARITY.

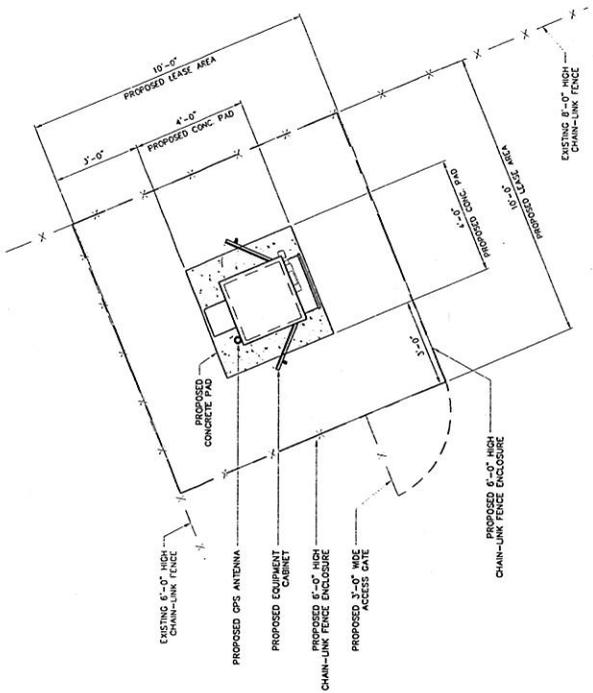


SCALE 3/8" = 1'-0"

PROPOSED ANTENNA PLAN

1

SCALE NOTE:
IF DIMENSIONS SHOWN ON PLAN DO NOT
SCALE CORRECTLY, CHECK FOR REDUCTION
OR ENLARGEMENT FROM ORIGINAL PLANS.



SCALE 1/2" = 1'-0"

PROPOSED EQUIPMENT PLAN

1

THE INFORMATION CONTAINED IN THIS SET OF ZONING DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

clear wire

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PDC CORPORATION



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PROFESSIONAL SEAL:

MANDALAY
SANTA CLARA
1 AND 2
CA-VTA0119-1

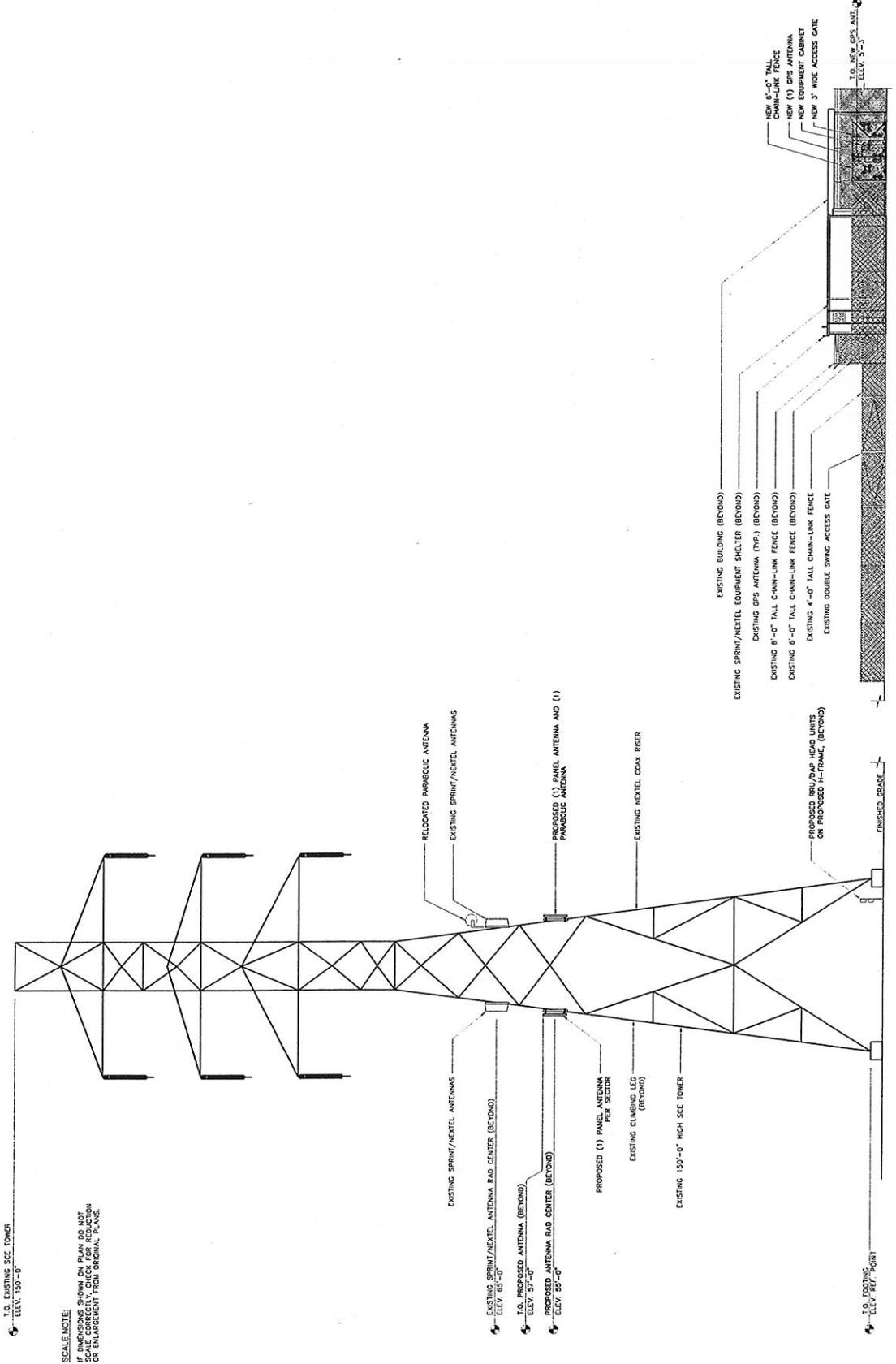
480 N. HARRIS BLVD
SAN JOSE, CA 95128

NO.	DATE	REVISIONS
1	10-27-08	ISSUE FOR PERMITS
2	11-04-08	ISSUE FOR ZONING DRAWING
3	12-11-08	ISSUE FOR CONSTRUCTION SET
4	01-14-09	ISSUE FOR CONSTRUCTION SET

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LABELED AS CONSTRUCTION SET

SHEET TITLE:
ELEVATION

SHEET NUMBER:
A-3



SOUTHWEST ELEVATION

SCALE: 1/8" = 1'-0"

1

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4400 CARLISLE POINT
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GPC CORPORATION
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DENVER, CO 80242
TEL: (303) 648-2878
FAX: (303) 648-2877

PROFESSIONAL SEAL:

MANDALAY
SANTA CLARA
1 AND 2
CA-VTA01019-A

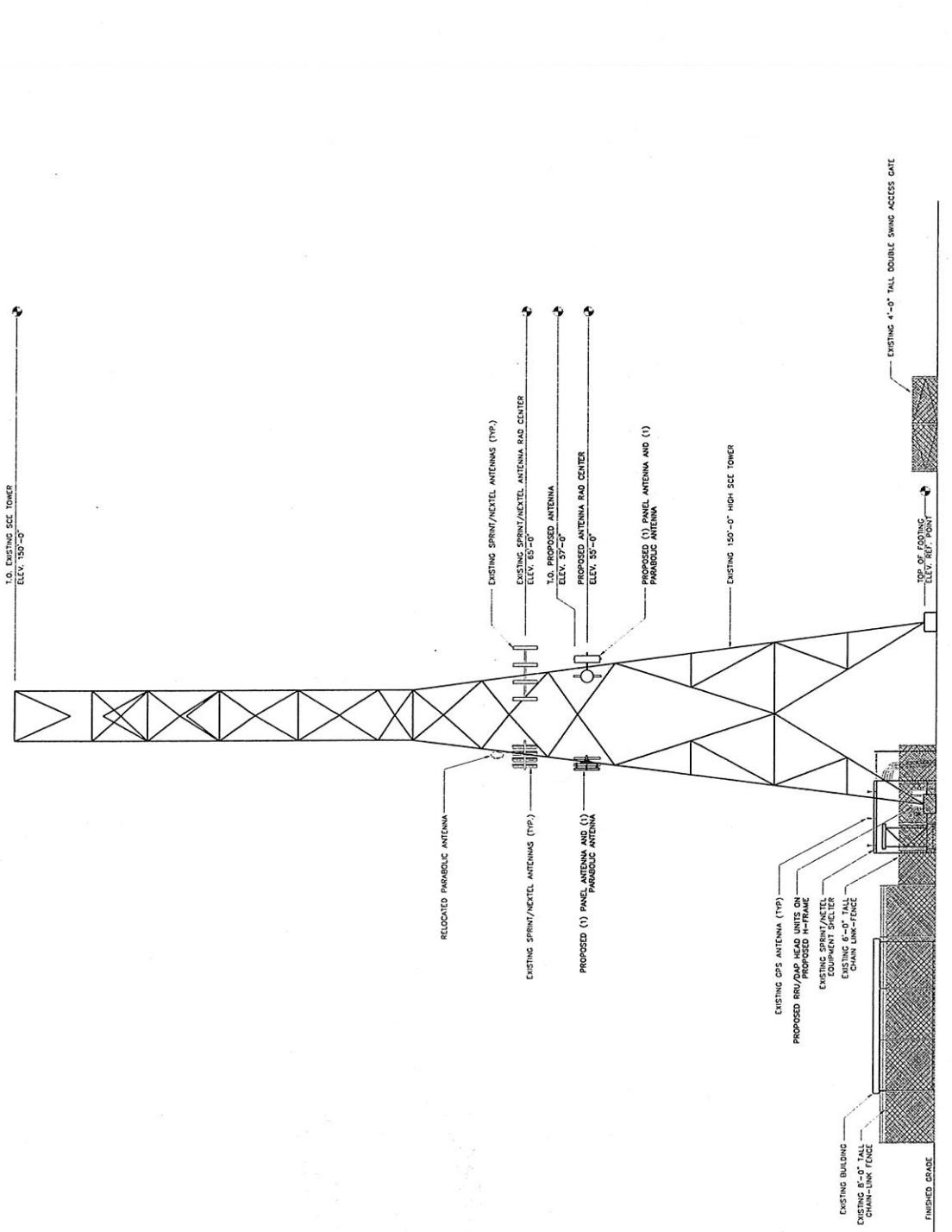
400 N. HARBOUR BLVD.
DANFORD, CA 93535

NO.	DATE	DESCRIPTION
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1	11-24-09	ISSUE FOR CONSTRUCTION
2	01-14-10	ISSUE FOR CONSTRUCTION

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LABELED AS CONSTRUCTION SET

SHEET TITLE:
ELEVATION

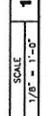
SHEET NUMBER:
A-4



SCALE NOTE:
IF DIMENSIONS SHOWN ON PLAN DO NOT
CORRESPOND TO THIS ELEVATION, THE
DIMENSIONS ON THIS ELEVATION SHALL
GOVERN AND ENLARGEMENT FROM ORIGINAL PLANS.

NORTHWEST ELEVATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWING DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



1



NOTICE OF EXEMPTION

Project Description:

Planning & Zoning Permit No. 09-400-02 (Coastal Development Permit) – A request for approval of special use permit to allow collocation of six wireless telecommunications antennas on an existing Edison transmission tower, and related equipment cabinet. The project site is located at 400 North Harbor Boulevard. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Capital Pacific Development Group, agent for Clear Wire, 10 E. Yanonali Street, Suite 2B, Santa Barbara CA 93101.

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption, §15301 – Existing Facilities
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines §15270]
- No Possibility of Significant Effect [CEQA Guidelines §15061(b)(3)]

Supporting Reasons: In accordance with Section 15301 of CEQA, projects involving the new construction of small structures may be found to be exempt from environmental review. There is no substantial evidence that the project may have a potentially significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

(Date)

Susan L. Martin, AICP
Planning Division Manager

RESOLUTION NO. 2010 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-400-2 (COASTAL DEVELOPMENT PERMIT), TO ALLOW WIRELESS ANTENNAS ON AN EXISTING EDISON TRANSMISSION TOWER AND RELATED EQUIPMENT, LOCATED AT 400 NORTH HARBOR BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY CAPITAL PACIFIC DEVELOPMENT GROUP, AGENT FOR CLEARWIRE, 10 EAST YANONALI STREET, SUITE 2B, SANTA BARBARA, CA 93101.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-400-02 filed by Capital Pacific Development Group, on behalf of Clear Wire in accordance with Section 17-52 of the Oxnard City Code; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The proposed use is conditionally permitted within the subject sub-zone and complies with all of the applicable provisions of Chapter 17 of the Oxnard City Code.
2. The proposed use would not impair the integrity and character of the sub-zone in which would be located.
3. The subject site in terms of location and intensity of use would be physically suitable and would protect and maintain adjacent coastal resources for the land use being proposed.
4. The proposed use would be compatible with the land uses presently on the subject property.
5. The proposed use would be compatible with existing and future land uses within the sub-zone and the general area in which the proposed use would be located.
6. There are adequate public services for the proposed use, including, but not limited to, fire and police protection, water, sanitation and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
7. The proposed use will provide a type and level of public access consistent with the access policies and standards of the Oxnard Coastal Land Use Plan.

- 8. The proposed use would be appropriate in light of an established need, based upon the underlying goals and objectives of specific Oxnard Coastal Land Use Plan policies, applicable to the proposed location.
- 9. The proposed use would be consistent with all of the applicable policies of the certified Oxnard Coastal Land Use Plan.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 17-58 of the Oxnard City Code.

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

- 1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated August 4, 2010 (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures. A major modification shall be required for substantial changes or increases in such items. (PL, G-2)
3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, G-3)
4. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
5. Developer agrees, as a condition of adoption of this resolution, at Developer’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer’s commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
6. Developer shall obtain a building and/or engineering permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
7. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
8. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
9. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

PLANNING DIVISION STANDARD CONDITIONS

10. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, PL-2)

11. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*)
12. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
13. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*)

PLANNING DIVISION SPECIAL CONDITIONS

14. Developer shall paint the new antennas a neutral subdued color (e.g. grey) to match the tower. (PL)

ENVIRONMENTAL RESOURCES DIVISION

15. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling to an authorized facility.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd of September, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Randall Elliott, Chair

ATTEST: _____
Susan L. Martin, Secretary