

RESOLUTION NO: 07-088

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 07-006  
(CLEARWIRE)

APN: 009-314-004

WHEREAS, section 21.16.200 of the Municipal Code of the City of El Paso de Robles requires approval of a Conditional Use Permit for transmission and receiving stations in the PM zoning district; and

WHEREAS, the applicant, Clearwire, has filed a Conditional Use Permit application to construct a wireless communication facility within the existing building located at 1635 Commerce Way; and

WHEREAS, the facility would have a camouflaged design, consisting of 3 panel antennas, 3 dish antennas, and 3 base transceiver station (BTS) units, that would be integrated into the building and not be visible; and

WHEREAS, one equipment cabinet on a concrete pad on ground level adjacent to the existing building; and

WHEREAS, and since the antennas and equipment will not be visible, the project would be consistent with Land Use Element Policy 2B, relating to visual identity, including utility infrastructure; and

WHEREAS, a public hearing was conducted by the Planning Commission on October 9, 2007, 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

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance and operation for the requested

use and building would be consistent with the General Plan and not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 07-006 subject to the following conditions:

1. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Site Photos, Project Information
B	Overall Site Plan
C	Enlarged Roof Plan, Equipment Cabinet Plan
D	South/North Building Elevation
E	West/East Building Elevation
F	Antenna Details, Equipment Details

2. This Conditional Use Permit (CUP) authorizes the construction of a wireless communication facility within the building located at 1635 Commerce Way, where the antenna panels would be architecturally integrated into the building and the equipment would be located within the building, in a manner described in attached exhibits and as required by the conditions contained within this resolution.
3. This project approval shall expire on October 9, 2009, unless a building permit is issued for the project, 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. Prior to occupancy, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
6. Any site specific condition imposed by the Planning Commission in approving this project 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 approval of this project. 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 for this approval.

PASSED AND ADOPTED THIS 9<sup>th</sup> day of October, 2007 by the following Roll Call Vote:

AYES: Johnson, Steinbeck, Withers, Treach, Flynn, Peterson, Holstine

NOES: None

ABSENT: None

ABSTAIN: None

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CHAIRMAN, MARGARET HOLSTINE

ATTEST:

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RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

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