

RESOLUTION NO: 09-031

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 09-006  
(SAC Wireless / Verizon)  
APN: 025-421-047

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, SAC Wireless, has filed a Conditional Use Permit application to construct a wireless communication facility within the existing building columns of the IQMS building located at 2231 Wisteria Lane; and

WHEREAS, the facility would have a camouflaged design with the antennas completely screened within the existing columns, and would therefore not be visible from a public street; and

WHEREAS, a public hearing was conducted by the Planning Commission on December 8, 2009, 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, this application is Categorically Exempt from environmental review per Section 15301 Existing Facilities of the State's Guidelines to Implement CEQA; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval listed below, the Planning Commission makes the following finding:

1. The Planning Commission finds that the establishment, maintenance or operation of the communication facility will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the vicinity of the proposed use.
2. The Planning Commission finds that the proposed communication facility will not be injurious or detrimental to property and improvements in the area or to the general welfare of the City because it shall comply with all applicable zoning, building and municipal codes.
3. By allowing the use, the Planning Commission finds that proposed communication facility would be consistent with Land Use Element Policy 2B, relating to visual identity, including utility infrastructure since the antennas and equipment will not be visible; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 09-006 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	Title Sheet
B	Site Survey
C	Site Plan
D	Enlarged Site Plan
E	South & East Elevations
F	North & West Elevations
G	Equipment Shelter Layout & Details

2. This Conditional Use Permit (CUP) authorizes the construction of a wireless communication facility within the existing columns of the IQMS building located at 2231 Wisteria Lane, where the project would be constructed in a manner described in attached exhibits and as required by the conditions contained within this resolution.
3. Prior to the issuance of a building permit, a landscape and screening plan shall be submitted for review and approval by the Development Review Committee (DRC). The DRC will make the final determination on the location of the equipment and the amount of landscaping and decorative wall/fencing that will be necessary to adequately screen the equipment from public view.
4. This project approval shall expire on December 8, 2011, 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.
5. 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.
6. Prior to occupancy, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
7. 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 8<sup>th</sup> day of December, 2009 by the following Roll Call Vote:

AYES: Johnson, Gregory, Nemeth, Peterson

NOES: None

ABSENT: Holstine, Garcia

ABSTAIN: Treach

  
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JOEL PETERSON, CHAIRMAN PRO-TEM

ATTEST:

  
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RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION