

**RESOLUTION NO: PC 17-035**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 17-006  
ALLOWING A VERIZON WIRELESS CELLULAR ANTENNA INSTALLATION  
ON AN EXISTING UTILITY POLE IN THE PUBLIC RIGHT-OF-WAY  
(NORTHEAST CORNER OF 32<sup>ND</sup> STREET AND SPRING STREET)**

**(Near 3200 Spring Street – Verizon Wireless)  
APN: 008-042-016**

WHEREAS, California Public Utilities Code Sections 7901 & 7901.1 allows telephone corporations to place telephone equipment in the public right-of-way in the time, place and manner as stipulated by local municipalities; and

WHEREAS, Chapter 21.20B of the Zoning Code provides regulations for wireless communications facilities (WCFs) and requires approval of a permit for WCFs located in the public right-of-way; and

WHEREAS, the applicant, Verizon Wireless, has filed a Conditional Use Permit (CUP) application proposing to install a new wireless telecommunication facility on an existing utility pole with corresponding ground-mounted equipment; and

WHEREAS, the facility is proposed to be mounted to an existing utility pole in the public right-of-way on the northeast corner of 32<sup>nd</sup> Street and Spring Street; and

WHEREAS, the facility would consist of installing one 3'-7" antenna with accessory equipment mounted to the utility pole, and ground mounting of a wireless communication cabinet and meter pedestal; and

WHEREAS, the Planning Commission considered this project at the Planning Commission meeting on August 8, 2017 and expressed concerns regarding the project's proposed conditions of approval related to maintenance of equipment and verification of the project's location in the public right-of-way. The Planning Commission referred the project back to staff for additional analysis on the specific issues identified, and continue the public hearing; and

WHEREAS, the Planning Commission finds that since the project has been conditioned to address who is the responsible party for maintenance of the equipment and that the equipment will be installed so as to match the existing surroundings, the project would be consistent with Chapter 21.20B of the Municipal Code relating to discontinuation of use, visual aesthetics, and stealthing techniques; 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, a duly noticed public hearing was conducted by the Planning Commission on August 8, 2017 and on August 22, 2017, 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.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** All of the above recitals are true and correct and incorporated herein by reference.

**Section 2 - Findings:** based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the Planning Commission makes the following findings:

1. The proposed use is consistent with the General Plan and Uptown / Town Center Specific Plan; and
2. The proposed use satisfies the applicable provisions of this Paso Robles Zoning Ordinance as it relates to compliance with the design and development standards, and stealthing techniques for where the WCF is proposed to be located; and
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and
4. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development due to the quality and compatibility of design and screening, and will not result in negative impacts on public views and/or visual quality of the surrounding area; and
5. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood.

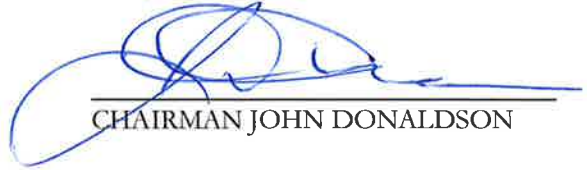
**Section 3- Environmental Determination:** This application is Categorically Exempt from environmental review per Section 15301 (existing facilities) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

**Section 3 - Approval:** Conditional Use Permit 17-006 is approved subject to the following:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Project Conditions
B	Site Plan/Antenna & Layout Plan
C	Project Elevations

PASSED AND ADOPTED THIS 22<sup>nd</sup> Day of August 2017 by the following Roll Call Vote:

AYES: Commissioners Agredano, Brennan, Davis, Jorgensen, and Chairman Donaldson  
NOES:  
ABSENT: Commissioners Barth and Rollins  
ABSTAIN:



CHAIRMAN JOHN DONALDSON

ATTEST:



WARREN FRACE,  
PLANNING COMMISSION SECRETARY

# Exhibit A

## Project Conditions

### (CUP 17-006 – Verizon Wireless)

1. This Conditional Use Permit (CUP) authorizes the installation of a new wireless telecommunication facility on an existing utility pole located within the right-of-way, with corresponding ground-mounted equipment, located at the northeast corner of 32nd Street and Spring Street, in a manner described in attached Exhibits B and C attached to this Resolution.
2. The use of permanent structures including parking bollards around the equipment will not be permitted.
3. This project approval shall expire on August 22, 2019, unless the use has not been executed, 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. Any condition imposed by the Planning Commission in granting this Conditional Use Permit 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 granting of the original permit. 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 under the Conditional Use Permit.
6. If the permittee abandons use of structures, cable, equipment or other facilities placed in the public right-of-way pursuant to the permit, then at the City's option, City may require the permittee to remove all such structures, cable, equipment or other facilities. If the permittee fails to remove all equipment and restore the site to full pre-installation condition, the City may elect to remove the equipment and be reimbursed for all costs by the permittee. The City may require a bond at the time of permit issuance in anticipation of this possible eventually. As an alternative if the permittee does not remove the equipment, the City may elect to accept ownership, in which case, title to such facilities shall vest in the City. Abandonment shall be presumed if the permittee stops use of its property, equipment, structures, facilities or other property placed in the right-of-way or on City property for a period of 180 days.
7. The permittee shall provide the City a telephone contact number and email address available seven (7) days per week, to enable the City to report any concerns regarding the facilities, including, but not limited to, the removal of any graffiti. In the event that the City reports such concerns to the permittee, the permittee shall within seven (7) calendar days, unless weather or emergencies prohibit timely action, respond to such call and perform the required repair or correct any adverse impact to the City's or third party's use or operations caused by the permittee's facilities in the public right-of-way at no cost to the City. Vandalism and damage will be repaired in a time agreed upon by the City and Applicant.

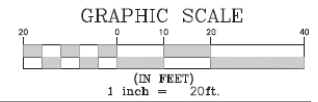
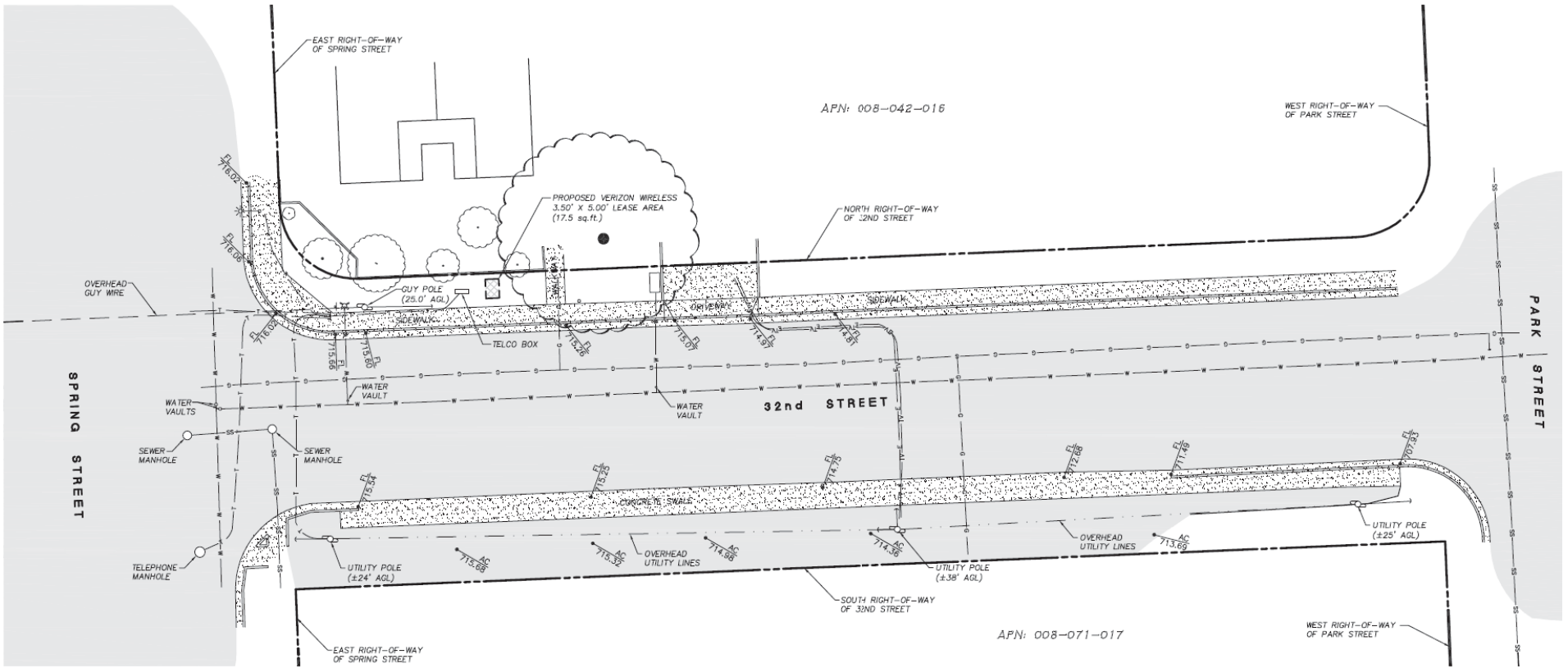
8. The permittee's installation and operation shall not negatively impact any equipment installed by the City or a City-franchisee utility. It is the duty of the permittee to address and resolve any conflicts, and to bear the burden of such resolution cost or impact.

**ENGINEERING SITE SPECIFIC CONDITIONS**

9. An encroachment permit shall be issued prior to installation of the wireless communication facility.
10. This facility and all equipment shall be removed at the applicant's cost if and when the City requests removal related to any street public right-of-way improvement project.

# Exhibit B

## Site Plan / Antenna & Equipment Layout



3 SITE PLAN  
SCALE: 1"=20'



