

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION  
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR  
SUBJECT: CONDITIONAL USE PERMIT 07-015 (CLEARWIRE) APN 009-441-048  
DATE: AUGUST 28, 2007

Needs: For the Planning Commission to consider the applicant's request to expand a wireless communication facility located at 725 Creston Road.

Facts:

1. The proposed request is to install three panel antennas, 3 base transceiver station (BTS) units and one global positioning system (GPS) antenna within an existing building.
2. The antennas would be installed behind radio frequency transparent screening within the existing rooftop dormers of an existing commercial building. The support equipment is proposed to be located within a room inside the building. Neither the antennas nor the equipment would be visible from a public street.
3. The property is zoned R-3-O (Apartment/Office) and the General Plan designation is OP (Office Professional).
4. Section 21.16.200 of the Municipal Code requires approval of a Conditional Use Permit for transmission and receiving stations in the R3O zoning district.
5. The Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15301 of the State's Guidelines to Implement CEQA. Section 15301 exempts existing facilities and the equipment would be installed inside a preexisting building.
6. The Development Review Committee (DRC) reviewed this project at its meeting of August 20, 2007, where the Committee recommended that the Planning Commission approve the request.

Analysis  
and

Conclusions: Wireless telecommunications antennas and support equipment are allowed in the R-3-O zoning district with a conditional use permit provided the building is a public or quasi-public use (i.e. church, club, school, etc.) and the Commission determines that the facility is camouflaged. In this case the project could be considered “camouflaged,” since the antennas and equipment would be incorporated into the existing building and would not be visible. The question however is whether the installation is associated with a public or quasi-public building.

The R-3-O zone is very unique and is isolated to the properties at the northwest corner of Creston Road and North Trigo Lane. While in this case the existing building houses engineering offices, the intent that the facility be in a non-residential setting will be met. Staff therefore believes the proposed camouflaged installation would be consistent with the intent of the Zoning Regulations and consistent with General Plan policies related to visual identity (LUE Policy 2B).

Policy

Reference: Zoning Code, General Plan, Economic Strategy

Fiscal

Impact: None

Options: After consideration of any public testimony, the Planning Commission should consider the following options:

- a). Adopt the attached resolution granting approval of Conditional Use Permit 07-015.
- b). Amend, modify or alter the above noted options.

Attachments:

1. Location Map
2. Project Information provided by Applicant
3. Resolution Approving CUP 07-015
4. Project Plans
5. Newspaper notice and mail affidavits

H:/darren/CUP/CUP07-015Clearwire/StaffReport



**725 Creston Road**  
**Paso Robles, CA 93446**  
**APN: 009-441-048**  
**Project Description/Justification Statement**

**Introduction**

Clearwire Technologies, Inc. (Clearwire) is currently expanding their state-of-the-art wireless communication network throughout California. Clearwire provides services that allow for a wireless modem that can be plugged into a desktop computer, a laptop, or a local network. It operates by transmitting signals to and from nearby transmitting facilities instead of using a traditional phone line. This allows for flexibility and freedom, whereby you can set up the modem anywhere in your home, office, local coffee shop – upstairs or downstairs, inside or outside. The Clearwire connection is always-on, and always-secure.

**Proposal**

Whenever possible, Clearwire prioritizes location of new capacity at existing facilities rather than developing new ones. Clearwire is seeking permission to expand a wireless communication facility located at 725 Creston Road. This facility is part of a larger expansion plan for the City of Paso Robles and nearby communities.

Clearwire is proposing to install three (3) panel antennas, 3 BTS units and one GPS antenna behind RF transparent screening within the existing rooftop dormers of the existing building. Install one equipment cabinet mounted within the existing rooftop dormer.

Once the construction of the wireless facility is complete, visitation to the site by service personnel for routine maintenance typically occurs an average of once per month. The site is entirely self-monitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction. Because the wireless facility will be unstaffed, there will be no regular hours of operation and no impact to existing local traffic patterns. Water and sanitation services are not required for this facility. There are no advertising or signage elements proposed, except signs required by the FCC and facility emergency contact information.

Clearwire will comply with safety requirements of the Uniform Building Code, the California Public Utility Commission, as well as all other applicable regulations and permits, FCC rules governing construction requirements, technical standards, interference protection, power, height limitations, radio frequency standards and FAA rules governing construction and operation. If the Clearwire equipment is unused or becomes obsolete, it will be removed within six months after its operation has ceased.

### **Justification Statement**

The rapidly increasing use of the internet for business, education, safety, and personal needs has led to the high demand and high expectations for expanded and improved wireless communication services. The rapid growth taking place within the City of Paso Robles and increasingly mobile way of conducting business within the region, have significantly increased the demand for wireless communication services.

Clearwire engineers have conducted analysis of the existing network and services in the area. The 725 Creston Road location is an integral part of the overall wireless communication service network that Clearwire is proposing in the City of Paso Robles in order to provide for the expectations and needs of Paso Robles businesses, educators, and residents.

The FCC mandates that licensed service providers comply with stringent requirements such as providing high quality coverage to the general public within a very aggressive timeframe. Sufficient wireless coverage not only meets the general service expectations of wireless customers, but also enhances the economic vitality of local businesses.

### **Site Selection**

This location was selected because it is an integral part of the overall network currently being proposed by Clearwire to provide internet access throughout the City. In reviewing alternatives that meet the overall Clearwire network objective for providing the City with high quality, secure, wireless, internet communications; the development of a new, pole/structure would have been required in lieu locating at this existing site facility.

### **Summary**

The new Clearwire facility will provide "State-of-the-Art" internet wireless communication services to the County and become an important part of the area's infrastructure for future businesses, educators, safety personnel, and residents. Clearwire respectfully requests approval of this application.

RESOLUTION NO: \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 07-015  
(CLEARWIRE)  
APN: 009-441-048

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 R-3-O 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 725 Creston; and

WHEREAS, the existing office building is consistent with the intent of the Zoning Regulation required that the facility be in a non-residential setting and public or quasi-public nature; and

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

WHEREAS, separate equipment would be located inside of the 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 August 28, 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 07-015 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 Plan
C	Equipment Plan
D	East/West Elevation
E	North/South Elevation
F	Roof Plans
G	Topography Survey

2. This Conditional Use Permit (CUP) authorizes the construction of a wireless communication facility within the building located at 725 Creston Road, 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 August 28, 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 28<sup>th</sup> \_ day of August, 2007 by the following Roll Call  
Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
CHAIRMAN, MARGARET HOLSTINE

ATTEST:

\_\_\_\_\_  
RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

H:\darren\CUP07-015\Clearwire\.resolution













100 ANTENNA CENTER, SUITE 100, WASH DC  
 20000  
 202-556-6221

THIS DRAWING IS COMPILED AND IS THE SOLE PROPERTY OF THE OWNER. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

RELEASE DATE	BY	FOR REVIEW
1/24/2007	TD	FINAL

Clearwire

FAX: 426.671.8201  
 PHONE: 426.219.2000  
 1400 CAVILLON POINT  
 SUITE 100  
 KIRKLAND WASHINGTON 98033

REVISIONS	DATE	DESCRIPTION

SITE NAME  
**CRESTON PROFESSIONAL CENTER**

SITE NUMBER  
**SLO022A**

PERM JOB NUMBER  
**270442**

SITE ADDRESS  
**725 CRESTON ROAD  
 PASO ROBLES, CA 93446**

SHEET TITLE  
**NORTH BUILDING ELEVATION,  
 SOUTH BUILDING ELEVATION**

SHEET NUMBER  
**A-3**

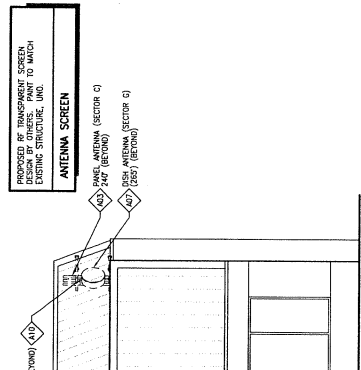
PROJECT SCALE: 1/8" = 1'-0" 1/4" = 1'-0" 1/2" = 1'-0"

I	DESCRIPTION	SEE REFERENCE	SEE REFERENCE
401	PROPOSED CLEARWIRE DISH ANTENNA, SECTOR F	(A-3)	(A-3)
402	PROPOSED CLEARWIRE DISH ANTENNA, SECTOR G	(A-3)	(A-3)
403	PROPOSED CLEARWIRE DISH ANTENNA	(A-3)	(A-3)
404	PROPOSED CLEARWIRE BTS UNIT	(A-3)	(A-3)

KEY NOTE LEGEND

I	DESCRIPTION	SEE REFERENCE	SEE REFERENCE
405	PROPOSED CLEARWIRE PANEL ANTENNA, SECTOR A	(A-3)	(A-3)
406	PROPOSED CLEARWIRE PANEL ANTENNA, SECTOR B	(A-3)	(A-3)
407	PROPOSED CLEARWIRE PANEL ANTENNA, SECTOR C	(A-3)	(A-3)
408	PROPOSED CLEARWIRE DISH ANTENNA, SECTOR E	(A-3)	(A-3)

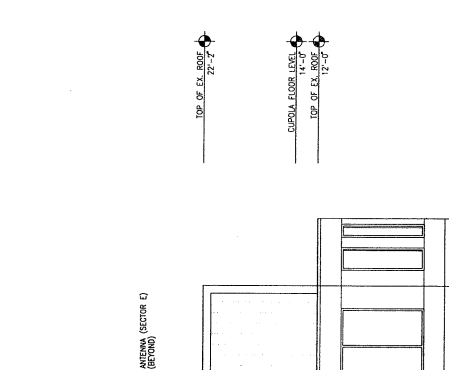
KEY NOTE LEGEND



NORTH BUILDING ELEVATION  
 SCALE: 3/4" = 1'-0" 1/8"

- TOP OF EX. JOINDER ROOF: 26'-0"
- TOP OF PROPOSED CLEARWIRE PANEL ANTENNAS: 28'-0"
- TOP OF PROPOSED CLEARWIRE DISH ANTENNAS: 28'-0"
- TOP OF PROPOSED CLEARWIRE DISH ANTENNAS: 23'-10"
- TOP OF EX. ROOF: 22'-0"

TOP OF EX. ROOF: 12'-0"



SOUTH BUILDING ELEVATION  
 SCALE: 3/4" = 1'-0" 1/8"

- TOP OF EX. JOINDER ROOF: 26'-0"
- TOP OF PROPOSED CLEARWIRE DISH ANTENNAS: 28'-0"
- TOP OF PROPOSED CLEARWIRE PANEL AND DISH ANTENNAS: 24'-0"
- RAD CENTER OF PROPOSED CLEARWIRE DISH ANTENNAS: 23'-10"
- RAD CENTER OF PROPOSED CLEARWIRE PANEL ANTENNAS (SECTOR A, B, & F): 19'-0"
- TOP OF EX. ROOF: 16'-4"

GRADE ASSUMED 0'-0"

# Exhibit E

## North/South Elevation

### CUP 07-002

#### (Clearwire)





PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

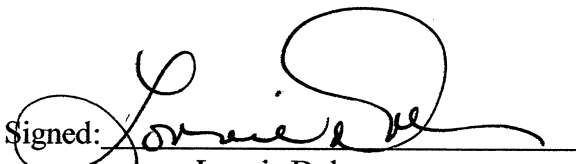
Newspaper: Tribune

Date of Publication: August 15, 2007

Meeting Date: August 28, 2007  
(Planning Commission)

Project: Conditional Use Permit 07-015  
(Clearwire/Knight – 3 panel  
antennas @ 725 Creston Rd.)

I, Lonnie Dolan, employee of the Community  
Development Department, Planning Division, of the City  
of El Paso de Robles, do hereby certify that this notice is  
a true copy of a published legal newspaper notice for the  
above named project.

Signed:   
Lonnie Dolan

forms/newsaffi.691

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider Conditional Use Permit 07-015, a request filed by Tricia Knight for Clearwire, to install three panel antennas behind RF transparent screening within the rooftop dormers of the existing building located at 725 Creston Road.

This hearing will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, August 28, 2007, at which time all interested parties may appear and be heard.

Comments on the proposed Conditional Use Permit may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the hearing.

If you challenge the Conditional Use Permit application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Darren R. Nash, Associate Planner

August 15, 2007


6622115



**AFFIDAVIT**  
**OF MAIL NOTICES**  
**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Shaun Temple, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Conditional Use Permit 07-015 on this 8th day of August 2007.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed:   
Shaun Temple

forms\mailaffi.691