

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 07-014 (CLEARWIRE) APN 025-530-001

DATE: October 9, 2007

Needs: For the Planning Commission to receive and file the following staff report.

- Facts:
1. Conditional Use Permit 07-014 is a proposal by Clearwire to install a wireless telecommunications facility at the site located at 1249 Creston Road, Ogden Chiropractic/Dentist office.
 2. The property is zoned R4 (Apartment/Motel/Trailer) and the General Plan designation is RMF-12 (Residential Multi-Family, 12 units per acre maximum).
 3. Wireless telecommunication facilities in residential zones are limited to public and quasi-public buildings. The existing office does not fit this definition.
 4. Additionally, the office is an existing non-conforming use within the R4 zoning district. The request for the telecommunications facility would be intensifying the existing non-conforming use/activity.
 5. Section 21.20.340 allows nonconforming land uses to continue, subject to multiple limitations. One of the limitations is that "the intensity or level of use or activity shall not be increased." Since the facility would intensify the nonconforming use/activity, CUP 07-014 is not able to be acted on.
 6. Tricia Knight representative from Clearwire has submitted a letter requesting to withdraw CUP 07-014. (Attachment 1)

Policy
Reference: Zoning Code

Fiscal
Impact: None

Options: That the Planning Commission receive and file this staff report.

- Attachments:
1. Applicant's Letter requesting to withdraw CUP 07-014

October 2, 2007

City of Paso Robles
Attn: Darren Nash
Community Development Department
1000 Spring Street
Paso Robles, CA

Re: Clearwire wireless internet facilities application withdrawal: 1249 Creston Rd
Proposed monopine

Darren:

Per my phone call to you yesterday please withdrawal and close out the following project for Clearwire, as it is our understanding that the project is proposed on a legal non-conforming parcel and that the city cannot support an expansion of a non-residential use on said parcel.

Please call me if you have any further questions.

Sincerely,



Tricia Knight, for Clearwire
368 Santa Fe Ave.
(805) 448-4221
Pismo Beach, Ca 93449