



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

| | | | |
|--|-------------------------------|---|-------------------------------|
| MEETING DATE | CONTACT/PHONE | APPLICANT | FILE NO. |
| December 11, 2015 | Cody Scheel / Project Manager | Andy & Ophelia Castellanos | DRC2014-00151 |
| EFFECTIVE DATE | (805) 781-5157 | and Verizon Wireless | |
| December 26, 2015 | cscheel@co.slo.ca.us | | |
| SUBJECT | | | |
| A request by ANDY & OPHELIA CASTELLANOS AND VERIZON WIRELESS for a Minor Use Permit (DRC2014-00151) to allow the construction and operation of an unmanned wireless communications facility consisting of one (1) new panel antenna and associated equipment installed within a 4-foot tall extension of an existing parapet located on the roof of an existing commercial building. The proposed project is within the Commercial Retail land use category and is located at 535 Orchard Road, on the southeast corner of Orchard Road and Division Road, in the Community of Nipomo. The site is in the South County Inland sub area of the South County planning area. | | | |
| RECOMMENDED ACTION | | | |
| Approve Minor Use Permit DRC2014-00151 based on the findings listed in Exhibit A and the conditions listed in Exhibit B. | | | |
| ENVIRONMENTAL DETERMINATION | | | |
| A Class 3 Categorical Exemption (pursuant to CEQA Guidelines 15303) was issued on October 23, 2015 (ED15-126). | | | |
| LAND USE CATEGORY | COMBINING DESIGNATION | ASSESSOR PARCEL NUMBER | SUPERVISOR DISTRICT(S) |
| Commercial Retail | N/A | 092-157-026 | 4 |
| PLANNING AREA STANDARDS: | | | |
| None applicable <i>Does the project meet applicable Planning Area Standards: N/A</i> | | | |
| LAND USE ORDINANCE STANDARDS: | | | |
| Communications Facilities <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i> | | | |
| FINAL ACTION | | | |
| This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on December 26, 2015, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed. | | | |
| EXISTING USES | | | |
| Commercial retail | | | |
| SURROUNDING LAND USE CATEGORIES AND USES: | | | |
| <i>North:</i> Residential Multi-Family / Vacant | | <i>East:</i> Residential Multi-family / Residences | |
| <i>South:</i> Residential Single-Family / Residences | | <i>West:</i> Residential Single-Family / Residences | |
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: | | | |
| The project was referred to: Public Works, Environmental Health, Building Division, Cal Fire, and South County Advisory Council | | | |
| <small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small> | | | |

Planning Department Hearing

Minor Use Permit DRC2014-000151 / Castellanos & Verizon Wireless

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|--|--------------------------------------|
| TOPOGRAPHY: Nearly level | VEGETATION: N/A |
| PROPOSED SERVICES: Water supply: Not applicable Sewage Disposal: Not applicable Fire Protection: Cal Fire | ACCEPTANCE DATE: October 23, 2015 |

DISCUSSION

PROJECT DESCRIPTION

Verizon Wireless has obtained a lease from the property owners to allow for the construction and operation of an unmanned wireless communications facility located within a parapet on the roof of an existing commercial building. The facility would consist of a new cylindrical antenna placed inside an existing 3'-8" tall parapet feature that would be extended 4-feet to accommodate the height of the antenna. The extended parapet feature would be designed to blend with the existing parapet feature and the overall architectural design of the commercial building. A majority of the associated equipment would be located within the extended parapet with the exception of one electric meter located within an existing utility room. The design, which integrates the facility into the architecture of an existing building, is consistent with the highest preference in the Land Use Ordinance (Title 22) Section 22.30.180 for the design and placement of wireless communications facilities.

Specifically, the proposed project consists of the following improvements:

- Increase the height of the existing parapet feature by 4-feet with radio transparent material that will be textured and painted to match the existing building;
- Installation of one (1) new 24" high x 12" wide cylindrical antenna, mounted within the extended parapet at a centerline height of 25'-3" above ground level;
- Installation of nine (9) remote radio units (RRUs), one (1) equipment cabinet, and associated equipment all to be located within the extended parapet;
- Installation of one (1) electric meter within an existing utility room located within the rear of the building, and approximately 190 linear feet of power conduit run in the attic space of the existing building, to connect the antenna located in the parapet feature to the proposed electric meter located within the utility room; and
- The site is accessed from existing County maintained roads. No new access road improvements are necessary.

LAND USE ORDINANCE COMPLIANCE

Section 22.30.180 – Communications Facilities

This section of the Land Use Ordinance (Title 22) contains specific land use permit and application content requirements as well as siting and design standards for proposed wireless communications facilities. As described below, the proposed project meets these requirements:

Radio Frequency Analysis

Section 22.30.180(B) requires applications for communications facilities to provide estimates of non-ionizing radiation generated and/or received by the facility. These shall include estimates of the maximum electric and magnetic field strengths at the edge of the facility site and the extent that measurable fields extend in all directions from the facility.

Staff Response: The project complies with this requirement because the applicant supplied a report to evaluate the proposed communications facility for compliance with appropriate guidelines limiting human exposure to radio frequency (RF) electromagnetic fields. According to the RF report for this project (Hammett & Edison, Inc.; June 5, 2015) the maximum RF exposure level due to the proposed operation at ground level was calculated to be 4.5 percent of the applicable public exposure limit, 4.6 percent at the nearest building, and 4.0 percent at the second-floor elevation of any nearby residence. The report concludes that the facility would operate within the FCC standards for RF emissions.

Permit Requirements

Section 22.30.180(C)(1) requires Minor Use Permit approval for proposed wireless communications facilities that are either a) installed on existing structures, or b) co-located at existing communications facility sites. Conditional use permit approval is required for all other communications facilities.

Staff Response: The project requires Minor Use Permit approval because it will be located on the rooftop, within the parapet, of an existing structure, and the facility would not be discernible to the public as a wireless communications facility.

Co-location

According to Section 22.30.180(C)(2)(b), when co-location is not proposed, applications for communications facilities must provide information pertaining to the feasibility of joint-use antenna facilities, and discuss the reasons why such joint-use is not a viable option or alternative to a new site.

Staff Response: The project complies with this requirement because the applicant provided a "need case" study for the proposed site location. The location was chosen because the closest two existing wireless communications facilities cannot carry the data traffic that exists in the large area of Nipomo that the existing sites cover. The proposed site will not provide additional "coverage", but will provide additional "capacity" and will significantly offload the existing Nipomo sites which are exhausted during peak hours.

Development Standards

According to Section 22.30.180(C)(3)(b), the preferred placement for new wireless communication facilities is on existing structures, completely hidden from public view or painted and blended to match existing structures. In addition, all facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to resemble rural, pastoral architecture (e.g. windmills, barns, trees) or other

features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.

Staff Response: The proposed project meets the visual screening requirements of this section because the facility has been designed with a stealth design to resemble the existing rooftop parapet, and all of the associated equipment will be located inside the extended parapet wall and existing utility room. As described above, this design is consistent with the Development Standards highest preference for the placement of communications facilities.

Unused Facilities

According to Section 22.30.180(C)(4), all obsolete or unused facilities shall be removed within twelve (12) months of cessation of telecommunication operations at the site.

Staff Response: The project is consistent with this standard because the applicant is required to enter into a performance agreement and financial instrument for site restoration prior to establishment of the use.

COMMUNITY ADVISORY GROUP COMMENTS

This project was referred to the South County Advisory Council. No Comments were received as of December 11, 2015.

AGENCY REVIEW

Public Works – A stormwater management plan is not required (Glen Marshall, June 22, 2015).

Environmental Health – Applicant shall submit a hazardous materials business plan for the proposed cell site (Leslie Terry, July 3, 2015).

Building Division – Project to comply with applicable building codes (Michael Stoker, March 4, 2015).

Cal Fire – No concerns (Travis Craig, June 30, 2015).

LEGAL LOT STATUS

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Cody Scheel and reviewed by Airlin M. Singewald.