



**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 January 15, 2016 EFFECTIVE DATE January 29, 2016	CONTACT/PHONE Megan Martin (805) 781- 4163 mamartin@co.slo.ca.us	APPLICANT Verizon Wireless	FILE NO. DRC2015-00051
SUBJECT Request by VERIZON WIRELESS for a Minor Use Permit (DRC2015-00051) to allow the construction and operation of an unmanned wireless communications facility consisting of 2 new panel antennas mounted at a height of 28' and various equipment boxes extending from elevations of 7' to 17.5' on an existing 38.4' tall utility pole. The proposed project is located in the County right-of-way at 263 North Frontage Road at the front entrance of the Nipomo Swap Meet in the community of Nipomo, approximately 700 feet northwest of the intersection of Juniper Street and North Frontage Road. The site is within the Commercial Service land use category in the South County Inland Sub Area of the South County Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2015-00051 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on November 20, 2015			
LAND USE CATEGORY Commercial Service	COMBINING DESIGNATION None Applicable	ASSESSOR PARCEL NUMBER Nearest: 091-328-024	SUPERVISOR DISTRICT(S): 4
PLANNING AREA STANDARDS: South County Sub Area of the South County Planning Area; Nipomo Community Plan Does the project meet applicable Planning Area Standards: Not applicable			
LAND USE ORDINANCE STANDARDS: Section 22.30.180- Communications Facilities Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on January 29, 2016, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Public right-of-way, PG&E power pole			
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Service / Nipomo Swap Meet East: None / Highway 101 South: Commercial Retail / RV Parking Lot West: Residential Suburban / Single Family Residence			
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			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Cal Fire, and South County Advisory Council.	
TOPOGRAPHY: Generally level	VEGETATION: N/A – Public right-of-way
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: N/A	ACCEPTANCE DATE: November 20, 2015

DISCUSSION

LAND USE ORDINANCE STANDARDS

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 by the facility 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., September 1, 2015), the proposed Verizon operation is calculated at 2.1% of the applicable public exposure limit. Results indicate that “the base station will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment.”

Permit requirements

Section 22.30.180(1) require 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 communication facilities.

Staff Response: The proposed project requires Minor use Permit approval because the proposed antennas are to be mounted to an existing PG&E wooden pole in the County right-of-way.

Development standards

Section 22.30.180(C)(3), 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 screen 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 Verizon Wireless antenna will be placed on an existing wooden PG&E power pole and will be painted to blend with the existing wood of the pole. The proposed ground-mounted equipment would be located at the base of the pole. Screening of the cabinet is not feasible because it is within County right-of-way, where obstacles are not normally allowed, however, the cabinet will be painted to blend a matte finish and natural color to blend with the surrounding environment and not be obtrusive to the neighborhood in which it is located. As conditioned, all antennas, coaxial cables, and associated mounting brackets shall be painted a non-reflective color to match.

COMMUNITY ADVISORY GROUP COMMENTS

The South County Advisory Council (SCAC) received the referral package however was unable to schedule a meeting and provide a formal recommendation prior to the consideration of this project. The Federal Communications Commission (FCC) requires that project applications involving the co-location of any wireless facility to be acted upon by the local review authority within 90 days of submittal. The SCAC next available agenda date is scheduled for January 25, 2016. Any comments received following consideration of the project by the review authority will be included as part of the record.

AGENCY REVIEW

Public Works- An encroachment permit (which is also a discretionary permit) from County Public Works is required to construct improvements within the County right-of-way. There is no guarantee that Public Works will be able to issue an encroachment permit for this work. If issued, the encroachment permit will also be subject to the Settlement Agreement between the County and MCI (now Verizon) that is dated August 2004 and renewed in December 2001. If desired, the applicant is invited to process an encroachment permit concurrent with this Minor Use Permit (Land Use Permit). (Glenn Marshall, November 9, 2015)

Staff Response: The applicant will have to provide an encroachment permit (discretionary permit) to construct improvements within the County right-of-way.

Environmental Health – “Should site modifications result in a change in the storage locaitno or reportable quantities of any hazardous materials, applicant shall amend all appropriate permits and plans with this office.” (Leslie Terry, November 23, 2015)

Cal Fire – The project and applicant shall comply with the 2013 CA. Building Code (C.B.C), the 2013 CA. Fire Code (C.F.C), the Public Resources Code (P.R.C) and any other applicable fire/building codes. (Travis Craig, November 9, 2015)

Staff Response: The project will have to comply with all of the codes mentioned above to obtain approval from Cal Fire prior to final inspection.

LEGAL LOT STATUS:

The unmanned telecommunications facility for Verizon Wireless will be co-located to an existing PG&E power pole within the County right-of-way located 700 feet from the intersection of North Frontage Rd. and Juniper Street.

Staff report prepared by Eric Poon and reviewed by Megan Martin and Airlin Singewald.