SAN LUIS OBISPO PLANNING DEPARTMENT HEARING MINUTES FOR THE MEETING OF
Friday, December 18, 2015

06 JAN 2016

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Ryan Foster, Hearing Officer.**

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

Ryan Foster, Hearing Officer: opens meeting.

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

   No one coming forward.

CONSENT AGENDA

2. Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii):

3. November 13, 2015 PDH Minutes

   Thereafter, on motion of the hearing officer, the Planning and Building Department minutes of November 13, 2015 are Received and Filed as recommended and are available on file at the office of the County Planning and Building Department.

4. November 20, 2015 PDH Minutes

   Thereafter, on motion of the hearing officer, the Planning and Building Department minutes of November 20, 2015 are Received and Filed as recommended and are available on file at the office of the County Planning and Building Department.

5. A request by **RICK WEST** for a Minor Use Permit/ Coastal Development Permit (DRC2015-00043) to allow an existing single family residence to be used as a residential vacation rental. The proposed project is within the Agriculture land use category and is located at 18710 Cabrillo Highway, approximately 14 miles north of the community of San Simeon. The site is in the North Coast planning area. This project is exempt under CEQA.

County File Number: DRC2015-00043
Supervisorial District: 2
Project Manager: Megan Martin

Assessor Parcel Number: 011-021-010
Date Accepted: October 14, 2015
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by RICK WEST for a Minor Use Permit/ Coastal Development Permit (DRC2015-00043) is granted based on the Findings A. through G. in Exhibit A and Subject to the Conditions 1 through 16 in Exhibit B. (Document Number: 2015-094_PDH)

HEARING ITEMS

6. A request by **VERIZON WIRELESS** for a Minor Use Permit/Coastal Development Permit (DRC2014-00050) to allow the construction and operation of an unmanned wireless communications facility, consisting of one 2'-0" tall by 1'-2.6" diameter cylindrical "cantenna" mounted to an antenna support arm at a height of 24'-0" on an existing 42'-9.6" wooden utility pole. Two RRUs, one diplexer, and one meter on a proposed "H-frame", one equipment cabinet on a concrete pad, and associated utilities and equipment will be located within a 6'-0" tall wooden fence enclosure, near the base of the utility pole. The proposed project will result in approximately 45 square feet of site disturbance in the Residential Single Family land use category. The project site is located in the County right-of-way on and adjacent to an existing 42'-9.6" utility pole at the southeast corner of the Chaney Avenue and Ocean Boulevard intersection in the community of Cayucos. The site is in the Estero planning area. Also to be considered is the approval of the environmental document. A Class 3 Categorical Exemption was issued for this project.

County File Number: DRC2014-00050
Supervisorial District: 2
Project Manager: Zarina M. Hackney

Location: County Right-of-Way
Date Accepted: October 30, 2015
Recommendation: Approval

Zarina Hackney, Project Manager: presents staff report via power point.

Tricia Knight, Agent: states will wait till after public comment to address any questions from the public comment.

Cheryl Conway, neighbor: states reasons for denial.

Ryan Foster, Hearing Officer: questions the agent if the pumping station was one of the sites evaluated for this antenna with Tricia Knight responding.

Airlin Singewald, Planning Staff: requests clarification on if the pole in question was evaluated for feasibility with Tricia Knight responding.

Thereafter, on motion of the hearing officer, the request by VERIZON WIRELESS for a Minor Use Permit/Coastal Development Permit (DRC2014-00050) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 36 in Exhibit B. (Document Number: 2015-095_PDH)

7. A request by **VERIZON WIRELESS for** a Minor Use Permit/Coastal Development Permit (DRC2014-00053) to allow the construction and operation of an unmanned wireless communications facility, consisting of one 2'-0" tall by 1'-2.6" diameter cylindrical "cantenna" mounted on an extension bayonet on top of an existing 42'-10.8" wooden utility pole (top of antenna will be at a height of 51'-6" above ground level). Six RRUs, three diplexers, and one meter on a proposed "H-frame", one

equipment cabinet on a concrete pad, and associated utilities and equipment will be located within a 6'-0" tall wooden fence enclosure, near the base of the utility pole. The proposed project will result in approximately 80 square feet of site disturbance in the Residential Single Family land use category. The project site is located in the County right-of-way on and adjacent to the existing 42'-10.8" utility pole approximately 200 feet northwest of the Ocean Boulevard and Obispo Avenue intersection in the community of Cayucos. The site is in the Estero planning area. Also to be considered is the approval of the environmental document. A Class 3 categorical exemption was issued for this project.

County File Number: DRC2014-00053
Supervisorial District: 2
Project Manager: Zarina Hackney

Assessor Parcel Number: County right-of-way
Date Accepted: October 30, 2015
Recommendation: Approval

Zarina Hackney, Project Manager: presents staff report via power point.

Tricia Knight, Agent: speaks to proposed project and states she is available for questions.

Ryan Foster, Hearing Officer: states to clarify the reason this antenna is on the top of the pole versus a bracket arm as the previous project is that PG&E is installing a transformer on this pole.

Craig Campbell, neighbor: states reasons for denial on proposed project. Provides pictures over document camera.

Ryan Foster, Hearing Officer: in a follow up to Mr. Campbell's concerns, questions if the pole that is 100 to 150 feet away was part of the poles that were analyzed with Tricia Knight, agent responding.

Tricia Knight, Agent: proposed the option to remove the antenna from the top and place it under the transformer.

Ryan Foster, Hearing Officer: pauses meeting to allow County Staff to provide language to revise Conditions.

Ryan Foster, Hearing Officer: calls meeting back to order.

Airlin Singewald, County Staff: presents and reads into record the revised Conditions 1a. and 2. Also, adding new Condition 4 and renumbering as needed.

Thereafter, on motion of the hearing officer, the request by VERIZON WIRELESS for a Minor Use Permit/Coastal Development Permit (DRC2014-00053) is granted based on the Findings A. through H. in Exhibit A and subject to the Revised Conditions 1 through 38 in Exhibit B; Revising Condition 1a. to read " Installation of one 2'-0" tall by 1'-2.6" diameter cylindrical "cantenna" mounted below the top of an existing PG&E pole at the lowest feasible elevation."; Revising Condition 2 to read "At the time of application for a construction permit, the applicant shall submit and development shall be consistent with a revised site plan, elevations, and equipment layout plan which includes the following: a) the proposed cantenna shall be relocated below the top of the PG&E pole at the lowest feasible elevation." Adding New Condition 4 to read " At the time of application for a construction permit, the applicant shall submit a landscape and irrigation plan showing native drought tolerant shrubs planted around the proposed fenced equipment area, subject to encroachment permit approval." and re-numbering as needed. (Document Number: 2015-096_PDH)

8. A request by **VERIZON WIRELESS** for a Minor Use Permit/Coastal Development Permit (DRC2014-00054) to allow the construction and operation of an unmanned wireless communications facility,

consisting of one 2'-0" tall by 1'-2.6" diameter cylindrical "cantenna" mounted to a new 29'-3.6" wooden utility pole (top of antenna will be at a height of 31'-9.6" above ground level) replacing an existing utility pole in kind. Four RRUs at a height of 19'-9.6", one equipment cabinet at a height of 13'-9.6", and associated utilities and equipment will be mounted on the utility pole. The proposed project will result in less than 50 square feet of site disturbance and is located in the County right-of-way, at the west corner of the Old Creek Road and Orville Avenue intersection in the community of Cayucos, in the Commercial Retail land use category. The site is in the Estero planning area. Also to be considered is the approval of the environmental document. A Class 3 categorical exemption was issued for the project.

County File Number: DRC2014-00054
Supervisoral District: 2
Project Manager: Zarina Hackney

Assessor Parcel Number: County right-of-way
Date Accepted: October 30, 2015
Recommendation: Approval

Zarina Hackney, Project Manager: presents staff report via power point.

Ryan Foster, Hearing Officer: questions the Radio Frequency Analysis and regulations of Telecommunication Act of 1996 with Airlin Singewald responding.

Tricia Knight, Agent: discusses the proposed project and states is available for questions.

Ryan Foster, Hearing Officer: requests clarification that this pole will be a couple of feet higher without any fencing or ground mounted equipment with Tricia Knight, agent responding.

John O' Conner, neighbor: states concerns with the proposed project and provided pictures and a petition for the record. Also, thanks Zarina Hackeny, County Staff, for being very helpful.

Craig Campbell, neighbor: states concerns with the issue of mailing and noticing.

Tricia Knight, Agent: responds to the health and safety issues, states that one of the things that Verizon has been doing in other cites is that after a project is complete they provide a reading of the levels of radio frequency. Also, proposes adding a new Condition to add this option.

Airlin Singewald, Planning Staff: agrees with adding this Condition and reads new Condition 28 into the record.

Thereafter, on motion of the hearing officer, the request by VERIZON WIRELESS for a Minor Use Permit/Coastal Development Permit (DRC2014-00054) is granted based on the Findings A. through H. in Exhibit A and subject to the Revised Conditions 1 through 37 in Exhibit B; Adding New Condition 28 to read " Within 30 days of final inspection, the applicant shall submit a radio frequency analysis, conducted in the field by a qualified third party independent engineer, showing the actual RF emission levels of the facility when operating at full power, showing compliance with applicable federal emissions limits." and re-numbering as needed. (Document Number: 2015-097_PDH)

9. A request by **KENNETH R. NELSON AND MARIA T. NELSON** for a Lot Line Adjustment (COAL 15-0079) to adjust the lot lines between two parcels of approximately 80.4 and 5.0 acres each. The adjustment will result in one parcel of approximately 85.4 acres. The project will not result in the creation of any additional parcels. The proposed project is located within the Agriculture and Rural Lands land use categories and is located at 575 Upper Los Berros Road, approximately 2.4 miles north of the intersection of Upper Los Berros Road and North Dana Foothill Road, east of the City of Arroyo Grande. The site is in the South County Sub-Area of the South County planning area. Also to

be considered is the approval of the environmental document. A General Rule Exemption was issued for this project.

County File Number: SUB2015-00028
Supervisorial District: 4
Project Manager: Jo Manson

Assessor Parcel Number: 047-071-028
Date Accepted: November 3, 2015
Recommendation: Approval

Jo Manson, Project Manager: presents staff report via power point.

Thereafter, on motion of the hearing officer, the request by KENNETH R. NELSON AND MARIA T. NELSON for a Lot Line Adjustment (COAL 15-0079) is granted based on the Findings A. through D. in Exhibit A and subject to the Conditions 1 through 10 in Exhibit B. (Document Number: 2015-098_PDH)

10. A request by **MIKE HODGE** for a Minor Use Permit/Coastal Development Permit (DRC2015-00005) to waive the 50 foot separation requirements for vacation rentals to allow the establishment of two (2) vacation rentals within 50 feet of an existing vacation rental and within 50 feet of one another. The project will result in no site disturbance. The proposed project is located on the northeast side of San Luis Street and 2nd Street at 260 and 270 Second Street (Top of the Hill), within the community of Avila Beach, in the San Luis Bay Coastal planning area. Also to be considered is the approval of the environmental document. A Class 1 categorical exemption was issued for this project.

County File Number: DRC2015-00005
Supervisorial District: 3
Project Manager: James Caruso

APN(s): 076-201-084 & 085
Date Accepted: September 4, 2015
Recommendation: Approval

James Caruso, Project Manager: presents staff report via power point.

Ryan Foster, Hearing Officer: requests clarification on the waiver and the vacation rental ordinance with James Caruso responding reading a direct quote from the Board of Supervisors.

Michael Hodge, Applicant: clarifies the parking availability and states the option of one vacation rental will be fine.

Anne Brown, neighbor: states concerns with the proposed project. Also, requests clarification on the width of the units with James Caruso responding.

Dan Klinesmith, Owner of Avila Beach Apartment and Vacation Rentals: discusses the number of apartments/vacation rentals at his property in Avila. Also, reviews the ordinance and requests denial of the proposed project.

Ryan Foster, Hearing Officer: states for the record, Mrs. Brown has requested a copy of the map that was part of the presentation.

Ryan Foster, Hearing Officer: discusses the proposed project and states he will deny the project and will go on break to allow staff to compose Findings of Denial.

Ryan Foster, Hearing Officer: reconvenes meeting.

Ryan Foster, Hearing Officer: presents and reads in the record the Findings for denial.

Thereafter, on motion of the hearing officer, the request by MIKE HODGE for a Minor

Use Permit/Coastal Development Permit (DRC2015-00005) is denied based on the Revised Findings A. through G. in Exhibit A.

ADJOURNMENT

Next Scheduled Meeting: January 15, 2016, in the County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA.

Nicole Retana, Secretary
Planning Department Hearings

Minutes will be approved at the January 15, 2016 Planning Department Hearings Meeting.