



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

Tentative Notice of Action

Promoting the wise use of land

MEETING DATE February 5, 2016 LOCAL EFFECTIVE DATE February 20, 2016 APPROX FINAL EFFECTIVE DATE March 14, 2016	CONTACT/PHONE Brandi Cummings, Project Manager (805) 781-1006 bcummings@co.slo.ca.us	APPLICANT Bonaire Investments/ T-Mobile	FILE NO. DRC2015-00053
SUBJECT <p>A request by BONAIRE INVESTMENTS AND T-MOBILE for a Minor Use Permit/Coastal Development Permit (DRC2015-00053) to allow the construction and operation of an unmanned wireless communications facility consisting of: 1) six (6) new panel antennas installed within the rooftop structure of an existing office building, 2) equipment cabinets mounted in the interior of the lower floor of the existing building, and 3) expansion of the rooftop equipment platform and new fiberglass reinforced plastic (FRP) screening to match the existing parapet. The entire facility will be incorporated into the architecture of the existing building with no noticeable changes to the building's exterior. The proposed project will result in no permanent site disturbance on a 0.13 acre parcel in the Office and Professional land use category. The project site is located at 1330 Van Buerden Drive, at the southwest intersection of South Bay Boulevard and Los Osos Valley Road, in the community of Los Osos. The site is located in the Estero planning area.</p>			
RECOMMENDED ACTION <p>Approve Minor Use Permit DRC2015-00053 based on the findings listed in Exhibit A and the conditions listed in Exhibit B</p>			
ENVIRONMENTAL DETERMINATION <p>A Class 3 Categorical Exemption was issued on December 1, 2015.</p>			
LAND USE CATEGORY Office and Professional	COMBINING DESIGNATION Local Coastal Plan, Archaeologically Sensitive Area	ASSESSOR PARCEL NUMBER 074-314-019	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: <p>None applicable <i>Does the project meet applicable Planning Area Standards: Not applicable</i></p>			
LAND USE ORDINANCE STANDARDS: <p>Communications Facilities, Archaeological Study Area <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i></p>			
FINAL ACTION <p>This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.</p> <p>The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.</p>			
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			

EXISTING USES: Office building	
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Retail/shops & offices East: Residential Single Family/residences South: Residential Single Family/residences West: Office and Professional/ open space	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Building Division, Cal Fire, Los Osos Community Advisory Council	
TOPOGRAPHY: Gently sloping	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: November 30, 2015

DISCUSSION

LAND USE ORDINANCE STANDARDS

Section 23.01.043c.(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the project is approved development not listed in Coastal Table O, Part 1 of the Land Use Element as a Principal Permitted (P) Use.

Section 23.07.104 – Archaeologically Sensitive Areas

This Section requires development applications within the Archaeologically Sensitive combining designation area to include a preliminary archaeological site survey. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by a qualified archaeologist.

Staff comments: The proposed project is located in a designated archaeologically sensitive area. However, the project involves the construction and operation of a communications facility on an existing structure. No site disturbance is proposed. In the event that archaeological resources are discovered during site disturbing activities, the contractor would be required to cease construction and the site would be studied by an archaeologist before construction activities could resume. The proposed project therefore complies with this standard.

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.08.284 – Communications Facilities

This Section of the Land Use Ordinance (Title 23) 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 23.08.284(a)(2) 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 comments: 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.; November 13, 2015), the maximum public exposure limit RF emissions from the proposed facility at ground level would be approximately 3.7% of the FCC standard. The maximum public exposure limit RF emissions from the proposed facility at a nearby second-floor level would be approximately 4.7% of the FCC standard. The maximum public exposure limit RF emissions from the proposed facility at the second-floor of any nearby residence (approximately 330 feet away) would be approximately 1.6% of the FCC standard. The report concludes that the facility would operate within the FCC standard for RF emissions.

Permit Requirements

Section 23.08.284(b)(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 comments: This project requires Minor Use Permit approval because the proposed antennas are mounted on an existing structure.

Co-location

According to Section 23.08.284(b)(2)(iii), 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 comments: The project complies with this section because the project site would provide signal coverage where little to weak coverage currently exists, as opposed to an alternative site.

Development Standards

According to Section 23.08.284(b)(3), the preferred placement for new wireless communication facilities is on existing structures, integrated into the existing structure, 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 comments: The proposed facility is consistent with this standard because the proposed antennas and equipment would be integrated into the existing structure, completely hidden from public view and painted to match the existing structure. The proposed panel antennas would be located within the rooftop structure of the existing building and the proposed ground-mounted equipment would be located in the interior of the lower floor of the existing building. As conditioned, the proposed rooftop equipment platform expansion shall be painted a non-reflective color to match the existing building.

COASTAL PLAN POLICIES

Shoreline Access: N/A
Recreation and Visitor Serving: N/A
Energy and Industrial Development: N/A
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: N/A
Agriculture: N/A
Public Works: N/A
Coastal Watersheds: N/A
Visual and Scenic Resources: Policy No(s): 1 and 2
Hazards: N/A
Archeology: Policy No(s): 1 and 6
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources – This policy states that unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitat are to be preserved protected, and in visually degraded areas restored where feasible.

Policy 2: Site Selection for New Development – This policy requires new development to be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development should emphasize locations not visible from major public view corridors.

The proposed facility is consistent with this policy because the proposed antennas and equipment would be integrated into the existing structure, completely hidden from public view and painted to match the existing structure. The proposed panel antennas would be located within the rooftop structure of the existing building and the proposed ground-mounted equipment would be located in the interior of the lower floor of the existing building. As conditioned, the proposed rooftop equipment platform expansion shall be painted a non-reflective color to match the existing building.

Archeology

Policy 1: Protection of Archaeological Resources – This policy provides for the protection of known and potential archaeological resources and mitigation in the event development would adversely affect identified archaeological resources.

The proposed project complies with this policy as the project involves the installation of an unmanned communications facility within the rooftop structure of an existing office building and equipment cabinets within the lower floor of the existing building. No exterior ground disturbance is proposed.

Policy 6: Archaeological Resources Discover during Construction or through Other Activities – This policy is intended to protect archaeological resources discovered during construction, or through non-permit related activities. In the event resources are found, all activities shall cease and a qualified archaeologist shall determine the significance of the resources and mitigation measures.

The proposed project is conditioned to comply with this standard.

COMMUNITY ADVISORY GROUP COMMENTS

The proposed project was referred to the Los Osos Community Advisory Council. The council heard this item at their December 3, 2015 meeting and decided not to make a recommendation on the project. Instead a compilation of comments from members of the public who spoke was provided.

AGENCY REVIEW

Public Works – Per attached referral response (Marshall, November 16, 2015) no concerns.

Building Division – Per attached referral response (Stoker, November 13, 2015), the project will be required to comply with all applicable building codes.

Environmental Health – Per attached referral response (Terry, November 23, 2015), should site modifications result in a change in the storage location or reportable quantities of any hazardous materials, applicant shall amend all appropriate permits and plans.

Cal Fire – Per attached referral response (Craig, December 12, 2015) Cal Fire reviewed the project and has no significant fire and/or life safety concerns.

LEGAL LOT STATUS

The one existing parcel was legally created by a recorded map, Parcel Map CO00-0089, Parcel 5 (Book 62, Page 52 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Brandi Cummings and reviewed by Airlin Singewald.