

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE 3/27/2012		(3) CONTACT/PHONE Airlin Singewald, Planner / (805) 781-5198	
(4) SUBJECT Continued hearing to consider an appeal by Verizon Wireless of the Planning Commission's denial of a request by Verizon Wireless and Shirley Osibin for a Conditional Use Permit to allow for the construction and operation of an unmanned wireless communications facility at 1735 Las Tablas Road in the community of Templeton. This item was continued from July 19, 2011, August 16, 2011 and September 27, 2011.					
(5) RECOMMENDED ACTION Adopt and instruct the chairperson to sign the resolution affirming the decision of the Planning Commission and denying Conditional Use Permit DRC2009-00057 based on the findings set forth in Exhibit A.					
(6) FUNDING SOURCE(S) Appeal fee		(7) CURRENT YEAR FINANCIAL IMPACT \$0.00		(8) ANNUAL FINANCIAL IMPACT \$0.00	
(9) BUDGETED? Yes					
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation (Time Est. _____) <input checked="" type="checkbox"/> Hearing (Time Est. __60 min__) <input type="checkbox"/> Board Business					
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			(12) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(13) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A			(14) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
(15) LOCATION MAP Attached		(16) BUSINESS IMPACT STATEMENT? No		(17) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date <u>7/19/11, 8/16/11, 9/27/11</u>	
(18) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown					
(19) SUPERVISOR DISTRICT(S) District 1 -					

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Airlin Singewald, Planner III

VIA Ellen Carroll, Division Manager, Current and Environmental Planning

DATE: 3/27/2012

SUBJECT: Continued hearing to consider an appeal by Verizon Wireless of the Planning Commission's denial of a request by Verizon Wireless and Shirley Osibin for a Conditional Use Permit to allow for the construction and operation of an unmanned wireless communications facility at 1735 Las Tablas Road in the community of Templeton. This item was continued from July 19, 2011, August 16, 2011 and September 27, 2011.

RECOMMENDATION

Adopt and instruct the chairperson to sign the resolution affirming the decision of the Planning Commission and denying Conditional Use Permit DRC2009-00057 based on the findings set forth in Exhibit A.

DISCUSSION

Background

This appeal was originally scheduled before your Board on July 19, 2011, and was continued to August 16, 2011, and again to September 27, 2011, to allow Verizon additional time to evaluate alternative locations for the proposed facility. At the September 27, 2011 hearing, Verizon announced that they had identified an alternative site at 1920 Vineyard Drive (the Ames property) and requested a final continuance so this application could remain active while Verizon seeks Planning Commission approval of the Ames alternative. Your Board granted this final continuance, while voting to tentatively uphold the Planning Commission's decision to deny the project.

Ames Alternative

Since the last September 27, 2011 hearing, Verizon submitted a CUP application (DRC2011-00049) for the Ames alternative. The Ames CUP is scheduled for a Planning Commission hearing on March 22, 2012, with a staff recommendation for approval. As of the writing of this staff report, the Planning Commission hearing has not yet taken place. However, staff will report on the outcome of this hearing when staff presents to your Board on March 27, 2012.

The Ames site is located on a 45-acre agricultural parcel, approximately 2,000 feet southwest of the Osibin site. Verizon's panel antennas would be concealed within a faux 38-foot tall rustic water tank structure. Ground-mounted equipment would be hidden within a faux barn designed to resemble the color and texture of an existing barn on the property. This facility would be located nearly 700 feet from the nearest residential parcel line, resulting in fewer noise and visual impacts on residences than the Osibin project.

Gap in Coverage

At the September 27, 2011 hearing, Board members had questions about the project's coverage objectives and whether or not Verizon has demonstrated the existence of a significant gap in coverage. Verizon submitted the attached radio frequency (RF) propagation maps to show the existing levels of coverage in the Templeton area and the estimated levels of coverage that would result from the proposed project. These maps show generally good Verizon coverage throughout the Templeton area. The proposed project would increase coverage from "fair" to "good" levels (yellow to green on the maps) in some portions of west Templeton, particularly the area between Las Tablas Road and Vineyard Drive; however, the propagation maps do not show a distinct gap in coverage.

Appeal Issues

Verizon's appeal contends that the Planning Commission's denial of the Osibin CUP was in violation of the federal Telecommunications Act. The specific appeal issues and staff's responses to these issues were provided to you in the September 27, 2011 Board report.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel reviewed this staff report and approved the resolution.

FINANCIAL CONSIDERATIONS

Verizon paid an appeal fee in the amount of \$850.

RESULTS

Denying the appeal would uphold the Planning Commission's denial of the project. As a result, the proposed wireless communications facility would not be constructed.

ATTACHMENTS

Attachment 1: Board of Supervisors Resolution
Attachment 2: Radio Frequency Propagation Maps
Attachment 3: Alternatives Analysis