

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
HEARING OFFICER AND CONDITIONALLY APPROVING
THE APPLICATION OF BONAIRE INVESTMENTS / AT&T MOBILITY
FOR MINOR USE PERMIT AND COASTAL DEVELOPMENT PERMIT DRC2011-00019.

The following resolution is now offered and read:

WHEREAS, on December 16, 2011, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of Bonaire Investments / AT&T Mobility for Minor Use Permit DRC2011-00019 for installation and operation of an unmanned wireless communications facility; and

WHEREAS, Gerd and Rosalie Kanning have appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on March 27, 2012, and a determination and decision was made on March 27, 2012; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

Attachment 1

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of Hearing Officer should be affirmed and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That this project is found to be categorically exempt from the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15303 (class 3).
4. That the appeal filed by Gerd and Rosalie Kanning is hereby denied and the decision of the Hearing Officer is affirmed, and that the application of Bonaire Investments / AT&T Mobility for a Minor Use Permit/Coastal Development Permit DRC2011-00019 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3, ED11-069) pursuant to CEQA Guidelines Section 15303 because the proposed facility is minor in nature, located on an existing building, not visible from the ocean or public roads, involves no site disturbance, and will not require the removal of any native vegetation.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the new, screened unmanned wireless communications facility located on and within an existing building does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the addition of an unmanned wireless communications facility behind screening on top of an existing building is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Van Beurden Drive, a local road constructed to a level able to handle any additional traffic associated with the project and because the additional traffic is anticipated to be minimal.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a Minor Use Permit /Coastal Development Permit to allow a new wireless communications facility. The project will result in no site disturbance and will be installed on and within an existing building located at 1320 Van Beurden Drive in Los Osos. The project consists of the following improvements:
 - a. Construction of two (2) new 9'-7 1/2" wide by 12'-6" deep by 6' tall radio frequency (RF) transparent mechanical screens on the roof of the existing two-story building, on the north and south sides of the existing roof-top cupola. These mechanical screens shall be designed to seamlessly match the color, materials, and architectural style of the existing office building;
 - b. Installation of twelve (12) new 4' high antennas, four (4) per sector, mounted behind the new RF transparent mechanical screens. These antennas shall be completely screened from all public views.;
 - c. Installation of twenty four (24) new coaxial cable runs (two per each new antenna), behind the new screens and inside the existing building. These coaxial cables shall not be visible from the building exterior.;
 - d. Installation of fourteen (14) 2' by 2' equipment racks, to be located on the first story in a 14' by 6' lease area. These equipment racks shall not be visible from the building exterior; and
 - e. Installation of two (2) new AC condensers, mounted on the rooftop behind the new screen walls. These units shall not be visible from the building exterior.

Conditions required to be completed at the time of application for construction permits

Site Development

2. At the time of application for construction permits, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

Fire Safety

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by CalFire for this proposed project.

Conditions to be completed prior to issuance of a construction permit

Condition Compliance Coordinator

4. **Prior to issuance of a construction permit**, a "condition compliance" sheet shall be added to construction plans, which shall include a complete copy of the final conditions of approval for the project.

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5. **Prior to issuance of a construction permit**, the applicant shall identify a Condition Compliance Coordinator (CCC) to ensure all conditions of approval and mitigation requirements are met. The CCC shall be the County's contact and shall be responsible to ensure all mitigation requirements are met. A pre-construction meeting shall take place between the CCC and the County to review the application and establish the responsibility and authority of the participants.

Aesthetic/Visual Resources

6. **Prior to issuance of a construction permit**, the applicant shall submit a color board for all proposed improvements (including, but not limited to, equipment screens, antennas, coaxial cables, associated mounting brackets, etc.). The color(s) to be used shall match the finish and appearance of the existing building.
7. **Prior to issuance of a construction permit**, the applicant shall submit a materials board for the proposed RF transparent screen wall. The material to be used shall match the architectural style, finish, and texture of the existing building siding.

Hazards/Hazardous Materials

8. **Prior to issuance of a construction permit**, the applicant shall submit for review and approval a Hazardous Materials Business Plan for the proposed wireless communications facility to the County Environmental Health office for review and approval.

Site Restoration

9. **Prior to issuance of a construction permit**, the applicant shall post a performance agreement and financial instrument with the County in an amount commensurate with the cost of facility removal and site restoration. The performance agreement and financial instrument shall be released by the County at the time the facility is removed and the site is restored.

Conditions to be completed prior to occupancy or final building inspection

10. **Prior to final inspection**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of approval.
11. The facility shall not be operated until all conditions of approval have been met and all required building permits have received final inspection.

Aesthetic/Visual Resources

12. **Prior to final inspection**, the applicant shall paint all proposed improvements (including, but not limited to equipment screens, antennas, coaxial cables, and associated mounting brackets) the color and finish approved by the Department of Planning and Building. Repainting shall occur as necessary.

Explanatory Warning Signs for Occupational Exposures

13. **Prior to final inspection**, explanatory warning signs* to prevent occupational exposures in excess of the FCC guidelines are to be posted at the site entrance gate and on or at the barrier fence and antennas such that they would be readily visible from any angle of

approach to persons who might need to work near the antennas. [*Warning signs should comply with ANSI C95.2 color, symbol, and content conventions. In addition, contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas.]

Hazardous Materials

14. **Prior to final inspection**, the applicant shall provide verification from Environmental Health that the Hazardous Materials Business Plan has been implemented.

Mitigation Monitoring/Condition Compliance

15. **Prior to final inspection**, the CCC will incorporate the findings of the monitoring effort into a final comprehensive construction monitoring report to be submitted to the County of San Luis Obispo.

On-going conditions of approval (valid for the life of the project)

16. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
17. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.
18. All obsolete or used facilities shall be removed within twelve months of cessation of the applicant's wireless communication operations on the site. The applicant shall be responsible for the removal of such facility and all associated structures and restoration of the site to pre-project condition. At the time the use of the facility is discontinued the owner of the facility must notify the Department of Planning and Building.

Visual/Aesthetic Resources

19. The approved colors shall be maintained for the life of the project. Repainting and maintenance shall occur as necessary.
20. If new technology is developed that reduces the impacts of the proposed project, the applicant agrees to install such improvements within 6 months of notification by the county.

Co-location

21. The applicant agrees to allow other carriers to co-locate at this site, if technically feasible, subject to land use permit approval.

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Electric and Magnetic Fields

22. The facility shall be designed and operated to ensure that power densities received from transmissions, with all transmitters at the site transmitting at full power, will comply with federal law and regulation.

Lighting

23. No exterior lighting is approved for the project.

Noise

24. HVAC units shall be sound attenuated to meet applicable County and State exterior noise standards. The project shall be maintained in compliance with the county Noise Element (including emergency generators). Any back-up or emergency generators shall have a noise baffle cover and shall not exceed a maximum noise level of 65 dbl. at a distance of 50 feet from the generator.