

**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 Paul Sittig, Planner/805-781-4374	
(4) SUBJECT Hearing to consider an appeal by Gerd and Rosalie Kanning of the Planning Department Hearing Officer's approval of Minor Use Permit/Coastal Development Permit DRC2011-00019 (Bonaire/AT&T) for a new unmanned wireless communications facility, behind new mechanical screens, on top of an existing two-story commercial building, located at 1320 Van Beurden Drive, in the community of Los Osos.			
(5) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Hearing Officer and conditionally approving the application by Bonaire Investments/AT&T Mobility for a Minor Use Permit/Coastal Development Permit DRC2011-00019 based on the findings in Exhibit A and the conditions in Exhibit B (Attachment 3).			
(6) FUNDING SOURCE(S) Appeal Fees	(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. _45 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 checked="" type="checkbox"/> N/A Date _____	
(18) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(19) SUPERVISOR DISTRICT(S) District 2 -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Paul Sittig, Planner

VIA: Ellen Carroll, Environmental Coordinator, Current and Environmental Planning

DATE: 3/27/2012

SUBJECT: Hearing to consider an appeal by Gerd and Rosalie Kanning of the Planning Department Hearing Officer's approval of Minor Use Permit/Coastal Development Permit DRC2011-00019 (Bonaire/AT&T) for a new unmanned wireless communications facility, behind new mechanical screens, on top of an existing two-story commercial building, located at 1320 Van Beurden Drive, in the community of Los Osos.

RECOMMENDATION

Adopt the resolution affirming the decision of the Hearing Officer and conditionally approving the application by Bonaire Investments/AT&T Mobility for a Minor Use Permit/Coastal Development Permit DRC2011-00019 based on the findings in Exhibit A and the conditions in Exhibit B (Attachment 3).

DISCUSSION

Project Description: The proposed project is a request by Bonaire Investments / AT&T Mobility for a Minor Use Permit/Coastal Development Permit to allow the installation of a new unmanned wireless communications facility. The proposed development consists of construction of two 9'-7 1/2" wide by 12'-6" deep by 6' tall mechanical screens on the roof of the existing two-story building to shield twelve new 4' high panel antennas. Fifteen equipment racks will be located inside the building on the first floor in a 14' by 6' lease area, and two air conditioner condensers will be mounted on the rooftop behind the new screen walls. The project will result in approximately 30 square feet of disturbance on the 4,000 square foot parcel. The proposed project is within the Office/Professional land use category and is located at 1320 Van Beurden Drive, in the community of Los Osos. The site is in the Estero planning area.

On December 16, 2011, the Minor Use Permit/Coastal Development Permit DRC2011-00019 was approved by the Hearing Officer to allow the installation of a new unmanned wireless communications facility on top of an existing two-story commercial structure (see attached Planning Department Hearing report). On December 23, 2012, the Planning Department received an appeal of this decision by Gerd and Rosalie Kanning, citing concerns over impacts to residential property value and how the project would affect their ability to rent a single family residence that is in the vicinity of the commercial building. Additionally, the appeal requested additional information regarding the potential for co-locating the proposed wireless facility on the same site as an existing wireless facility.

Appeal Issue 1 – "The proposed cell antenna placement adjacent to our single-family residential property would have a negative impact on our property value and would diminish our ability to find tenants."

Staff Response – The proposed wireless communications facility is an allowable use within the Office/Professional land use category and complies with all applicable ordinance standards and general plan polices. It would not appear out of character with the adjacent office and commercial uses because it would be integrated into the architecture of an existing office building. The main components of the facility, including panel antennas and equipment cabinets, would be completely screened from public view. Thus, in terms of its appearance, the proposed facility would have no effects on the surrounding neighborhood.

In terms of its operational effects, the facility would generate about one vehicle trip every four to six weeks for routine maintenance. Noise from the equipment cabinets would not be perceptible from outside of the office building.

During public testimony at the Planning Department Hearing, the appellant raised concerns about the impacts of the radio frequency (RF) emissions generated by the facility. Under federal law¹, the County cannot take these concerns into account when approving or denying an application for a wireless communications facility, as long as the applicant has demonstrated compliance with the applicable FCC guidelines for RF emissions.

To verify compliance with the FCC guidelines, the applicant submitted a radio frequency (RF) report (Hammett & Edison; September 23, 2011), which stated that the maximum ambient RF exposure level due to the proposed operation was calculated to be 5.3 percent of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building is 9.6 percent of the public exposure limit, and the maximum calculated level at the second-floor elevation of any nearby residence located at least 300 feet away is 2.9 percent. The residence that the Kannings own is located on a small hill and is approximately 250 feet away from the area of the proposed antennas. A supplemental calculation was provided by the applicant (Hammett & Edison; March 15, 2012), assessing the maximum ambient RF exposure at 250 feet from the proposed wireless communications facility. The new calculations state that the maximum exposure level at this location would be 3.3 percent of the applicable FCC public limit.

Appeal Issue 2 – “Per County Code Section 23.08.284b.(2)(iii), the applicant must provide documentation that they attempted to lease space on an existing cell facility before considering a new location. At the time of the initial hearing, this documentation was not provided.”

Staff Response – This appeal issue is referring to an ordinance requirement for carriers to submit written notification of refusal from the landlord of the nearest existing structure owner to lease space on the structure. Since the proposed facility would be located on an existing structure, this section of the ordinance does not apply.

Another section of the ordinance, however, does require carriers to consider the feasibility of co-locating at an existing wireless facility before proposing to construct a new facility. In accordance with this section, the applicant evaluated the following co-location options:

- **Campbell Site (3770 Campbell Lane).** This is a multi-carrier facility located on the ridge of the Irish Hills, overlooking downtown Los Osos. The purpose of the proposed project is to “off load” capacity from the existing AT&T facility at the Campbell site. In other words, once the Campbell facility reaches its data capacity, it will transmit excess data to the proposed Bonaire facility. Both of these sites are required in order to accommodate the demand for bandwidth in the downtown Los Osos area.
- **Sea Pines Monopine (1945 Solano Street).** This is the only existing facility within the Los Osos urban reserve area. It consists of a 75-foot tall faux pine tree (monopine), currently occupied by Verizon. The existing monopine currently has adequate space for at least one additional carrier; however, it would not meet the project’s coverage objective because it does not provide the necessary line-of-sight signal to the Campbell facility.

The goal of the co-location requirement is to reduce the number of new antenna support structures that are developed in the county. The proposed project is consistent with this goal because it would integrate the proposed facility into an existing office building, thus eliminating the need to construct a new antenna support structure.

¹ 47 USC Section 332(c)(7)(B)(iv)

OTHER AGENCY INVOLVEMENT/IMPACT

Referrals were sent to the following agencies: Los Osos Community Advisory Council, Public Works, Building Division, Air Pollution Control Board (APCD), Los Osos Community Services District, Regional Water Quality Control Board, and California Department of Transportation (see the attached Planning Commission staff report for the agency comments). County Counsel reviewed and approved the Resolution as to form and legal effect.

FINANCIAL CONSIDERATIONS

The appeal was processed using appeal fees paid by the appellant.

RESULTS

Denial of the appeal and approval of Minor Use Permit/Coastal Development Permit DRC2011-00019, will allow for the project to go forward and be constructed as an unmanned wireless communications facility, located behind new equipment screens, on top of an existing building.

Upholding the appeal and denial of Minor Use Permit/Coastal Development Permit DRC2011-00019 would mean that the project could not be constructed as proposed.

ATTACHMENTS

- Attachment 1 – Resolution upholding the Hearing Officer’s decision
- Attachment 2 – Kanning Appeal
- Attachment 3 – Planning Department Hearing Action
 - Planning Department Hearing Notice of Final Action
- Attachment 4 – Minutes of the December 16, 2011 Planning Department Hearing Meeting
- Attachment 5 – Planning Department Hearing Record
 - Staff Report
 - Graphics
 - Correspondence
- Attachment 6 – Additional Graphics
 - Map of existing cellular facilities in the Los Osos region