

## MEMORANDUM

**TO:** PLANNING COMMISSION

**FROM:** TERESA MCCLISH, DIRECTOR OF COMMUNITY DEVELOPMENT

**BY:** KELLY HEFFERNON, ASSOCIATE PLANNER

**SUBJECT:** CONSIDERATION OF TIME EXTENSION 18-001; ONE YEAR TIME EXTENSION FOR CONDITIONAL USE PERMIT 15-002; LOCATION – HUEBNER LANE (CITY RESERVOIR #4); APPLICANT – TRICIA KNIGHT FOR VERIZON WIRELESS

**DATE:** FEBRUARY 6, 2018

**SUMMARY OF ACTION:**

Approval of the Time Extension would allow an additional twelve (12) months for Verizon Wireless to obtain a building permit, until January 19, 2019.

**IMPACT TO FINANCIAL AND PERSONNEL RESOURCES:**

None.

**RECOMMENDATION:**

It is recommended that the Planning Commission adopt a Resolution approving Time Extension 18-001.

**BACKGROUND:**

On January 19, 2016, the Planning Commission adopted Resolution No. 2016-2243 approving Conditional Use Permit 15-002 (see Attachment 1). The project site is located off of Branch Mill Road at the end of Huebner Lane within the Public Facility (PF) zoning district on City-owned property. The site is developed with a water tank (City Reservoir No. 4).

The approved project consists of the installation of an unmanned wireless communication facility with equipment placed on the north, west and south sides of the water tank, as follows:

- Nine (9) panel antennas that are flush mounted on the tank using the “Magnamount” system (attached magnetically instead of permanently to the tank);
- Nine (9) Remote Radio Units (RRUs) on the tank;

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- Five (5) raycaps (3 on the tank and 2 within the equipment shelter);
- One (1) electrical meter;
- One (1) standby generator;
- Utilize existing conduit installed by AT&T; and
- Utilize existing equipment shelter.

Verizon will utilize the existing 144 square foot equipment shelter vacated by AT&T and now owned by the City (the City's communication equipment is currently in this shelter). The City will continue to house its communication equipment in the shelter and Verizon will install an expandable metal wall to separate the two areas while providing adequate ventilation for the equipment. No trees or other vegetation removal is necessary to construct the project.

During the Conditional Use Permit process, Verizon agreed to allow the City to use Verizon's standby generator for emergency purposes. However, a condition regarding this agreement was not included in Resolution No. 2016-2243. A condition has therefore been added to the attached Resolution stating "Verizon Wireless shall allow the City to use the standby generator during power outages only." The City Attorney is currently negotiating a lease agreement with Verizon Wireless, which is expected to go to City Council for consideration in the coming months.

**ANALYSIS OF ISSUES:**

Municipal Code Subsection 16.12.140.C allows the Planning Commission to grant up to three (3) one-year time extensions for discretionary approvals, only if it is found that there have been no significant changes in the General Plan, Municipal Code or character of the area within which the project is located that would cause the approved project to be injurious to the public health, safety or welfare. No such changes have been identified in these areas that would cause the proposed project to be injurious to the public health, safety, or welfare.

If approved, the one-year time extension would extend the expiration date of the project to January 19, 2019, and the applicant would be eligible to apply for two (2) additional one-year time extensions in accordance with the provisions of the Municipal Code.

**ALTERNATIVES:**

The following alternatives are provided for the Planning Commission's consideration:

1. Adopt the attached Resolution approving Time Extension 18-001;
2. Modify and adopt the attached Resolution approving Time Extension 18-001;
3. Do not adopt the attached Resolution, provide specific findings and direct staff to return with a Resolution denying the time extension; or
4. Provide direction to staff.

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**ADVANTAGES:**

Approving the requested time extension will maintain the viability of the approved project.

**DISADVANTAGES:**

No disadvantages have been identified.

**ENVIRONMENTAL REVIEW:**

In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, it has been determined that the granting of time extensions is not subject to CEQA per Section 15061(b)(3) of the Guidelines, regarding the general rule that where it can be seen with certainty that there is no possibility of a significant effect on the environment, an activity is not subject to CEQA.

**PUBLIC NOTICE AND COMMENT:**

Per Municipal Code Table 16.12.030-B, a public hearing is not required for approval of a time extension. The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachment:

1. Planning Commission Resolution No. 2016-2243

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE APPROVING A ONE-YEAR TIME EXTENSION (TIME EXTENSION 18-001) FOR CONDITIONAL USE PERMIT 15-002; APPLIED FOR BY TRICIA KNIGHT FOR VERIZON WIRELESS; LOCATION – HUEBNER LANE (CITY RESERVOIR NO. 4)**

**WHEREAS**, the Planning Commission of the City of Arroyo Grande approved Conditional Use Permit 15-002 (the “Project”) on January 19, 2016; and

**WHEREAS**, the applicant filed Time Extension 18-001 to extend the expiration date of the Project by one (1) year; and

**WHEREAS**, the Planning Commission of the City of Arroyo Grande has considered the request for Time Extension 18-001 on February 6, 2018; and

**WHEREAS**, the Planning Commission has reviewed the project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Rules and Procedures for Implementation of CEQA and has determined that the project is not subject to CEQA per Section 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, the Planning Commission finds, after due study and deliberation, the following circumstances exist:

1. There have been no significant changes in the General Plan, Municipal Code or character of the area within which the project is located that would cause the approved project to be injurious to the public health, safety or welfare.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Arroyo Grande hereby approves Time Extension 18-001 for the first of three (3) available one-year extensions, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference. Conditional Use Permit 15-002 shall now expire on January 19, 2019.

On motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and by the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

The foregoing Resolution was adopted this 6<sup>th</sup> day of February, 2018.

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**GLENN MARTIN  
CHAIR**

**ATTEST:**

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**DEBORAH WEICHINGER  
SECRETARY TO THE COMMISSION**

**APPROVED AS TO CONTENT:**

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**TERESA McCLISH  
COMMUNITY DEVELOPMENT DIRECTOR**

**EXHIBIT 'A'  
CONDITIONS OF APPROVAL  
TIME EXTENSION 18-001  
CONDITIONAL USE PERMIT 15-002  
HUEBNER LANE (CITY RESERVOIR NO. 4)**

This approval authorizes a one (1) year time extension for Conditional Use Permit 15-002, which was originally approved by the Planning Commission on January 19, 2016.

**GENERAL CONDITIONS:**

1. The developer shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.
2. Conditional Use Permit 15-002 shall expire on January 19, 2019 unless a building permit is issued prior to this date or an extension of time is granted. The applicant may apply for two (2) additional one-year time extensions, pursuant to Development Code Section 16.12.140(C).
3. The developer shall comply with all conditions of approval for Conditional Use Permit 15-002.

**SPECIAL CONDITION:**

4. Verizon Wireless shall allow the City to use the standby generator during power outages only.

## RESOLUTION NO. 2016-2243

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE APPROVING CONDITIONAL USE PERMIT NO. 15-002, APPLIED FOR BY VERIZON WIRELESS, LOCATED ON HUEBNER LANE**

**WHEREAS**, the Planning Commission of the City of Arroyo Grande considered Conditional Use Permit Case No. 15-002 on January 19, 2016, filed by Verizon Wireless, to install telecommunication antennas and related equipment on an existing City water tank (Reservoir No. 4) and within an existing equipment cabinet located on the west side of the water tank; and

**WHEREAS**, the Planning Commission has held a public hearing on this application in accordance with the Arroyo Grande Municipal Code; and

**WHEREAS**, the Planning Commission has found that this project is consistent with the General Plan and the environmental documents associated therewith; and

**WHEREAS**, the Planning Commission has reviewed this project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Rules and Procedures for Implementation of CEQA and has determined that the project is exempt pursuant to CEQA Guidelines Section 15311 regarding construction or placement of minor structures accessory to existing facilities; and

**WHEREAS**, the Planning Commission finds after due study, deliberation and public hearing, the following circumstances exist:

**Conditional Use Permit Findings:**

1. The proposed use is conditionally permitted within the subject district pursuant to the provisions of Section 16.16.050 of the Development Code, and complies with all applicable provisions of the Development Code, the goals and objectives of the Arroyo Grande General Plan, and the development policies and standards of the City. In addition, the facility will operate in full compliance with all state and federal regulations including the Telecommunications Act of 1996.
2. The proposed use will not impair the integrity and character of the district in which it is to be established or located. The installation of the facility will not result in any material changes to the character of the immediate neighborhood or local community.
3. The site is suitable for the type and intensity of use or development that is proposed. The facility is not located within a predominantly residential neighborhood.
4. There are adequate provisions for water, sanitation, and public utilities and services to ensure the public health and safety.

5. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity. The telecommunication facility will be unstaffed, have no impact on circulation systems, and will generate no noise, odor, smoke or any other adverse impacts to adjacent land uses.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Arroyo Grande hereby approves Conditional Use Permit Case No. 15-002, with the above findings and subject to the conditions set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

On motion by Commissioner Martin, seconded by Commissioner Mack, and by the following roll call vote, to wit:

**AYES:** Martin, Mack, Fowler-Payne, Keen

**NOES:** None

**ABSENT:** George

the foregoing Resolution was adopted this 19th day of January 2016.

**ATTEST:**

  
\_\_\_\_\_  
**DEBBIE WEICHINGER**  
**SECRETARY TO THE COMMISSION**

  
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**LAN GEORGE**  
**CHAIR**

**AS TO CONTENT:**

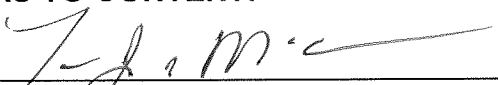
  
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**TERESA MCCLISH**  
**COMMUNITY DEVELOPMENT DIRECTOR**



EXHIBIT "A"

CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT CASE NO. 15-002  
VERIZON WIRELESS  
HUEBNER LANE

COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

GENERAL CONDITIONS

This approval authorizes the installation of an unmanned wireless communication facility at the City's Reservoir No. 4 site with equipment placed on the north, west and south sides of the water tank.

1. The applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.
2. The applicant shall comply with all conditions of approval for Conditional use Permit Case No. 15-002.
3. This application shall automatically expire on January 19, 2018, unless a building permit is issued. Thirty (30) days prior to the expiration of the approval, the applicant may apply for an extension of one (1) year from the original date of expiration.
4. Development shall occur in substantial conformance with the plans presented to the Planning Commission at the meeting of January 19, 2016 and marked Exhibit B.
5. The applicant shall agree to defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of said approval, or in anyway relating to the implementation thereof, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fee's which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.
6. Construction shall be limited to between the hours of 7 a.m. and 5 p.m. Monday through Friday. No construction shall occur on Saturday or Sunday.

SPECIAL CONDITIONS

7. The facility shall not bear any signs or advertising devices other than certification, warning, or other FCC required seals or signage.
8. To allow for adequate ventilation, the City-owned equipment shelter shall include a new expandable metal wall between the City's equipment area and Verizon's leased equipment area. The new wall must be secured (attached) on all sides of the equipment shelter. Wall specifications shall be submitted and approved by the Director of Public Works prior to issuance of a building permit.
9. All equipment placed on the water tank shall be painted to match the color of the tank.

10. The facilities shall have subdued colors and non-reflective materials, which blend with the materials and colors of the surrounding area.
11. The facilities shall not bear any signs or advertising devices other than certification, warning, or other required seals or signage.
12. All accessory equipment associated with the operation of the wireless facility shall be located within a building, enclosure, or underground vault that complies with the development standards of the PF zoning district.
13. Per the March 25, 2015 Radio Frequency Electromagnetic Fields Exposure Report prepared for this facility by Hammett & Edison Inc., explanatory signs shall be installed at the access ladder on the tank and at the antennas.

**ENGINEERING DIVISION**

**GENERAL IMPROVEMENT REQUIREMENTS**

14. Site Maintenance - The developer shall be responsible during construction for cleaning city streets, curbs, gutters, and sidewalks of dirt tracked from the project site. The flushing of dirt or debris to storm drain or sanitary sewer facilities shall not be permitted. The cleaning shall be done after each day's work or as directed by the Public Works Director.

**SPECIAL CONDITIONS**

15. The applicant shall obtain an encroachment permit prior to any work done in the public right-of way.
16. Zero Conflict with City's Communication: Prior to issuance of building permit, the applicant shall perform a radio frequency study to determine possible conflicts with the City's communication system, and to develop alternatives to eliminate any such conflicts. **Prior to activation of the proposed Verizon Wireless system**, the applicant shall perform a live radio test to ensure that there is no unanticipated interference with the City's radio system. If the proposed system does interfere with the operation of the City's communication system, the proposed system shall remain inactive until such time that the proposed system can be made to cause zero interference.

**BUILDING DIVISION**

17. The project shall comply with the most recent editions of all California Building and Fire Codes, as adopted by the City of Arroyo Grande.
18. Any review costs generated by outside consultants shall be paid by the applicant.
19. Building Permit fees shall be based on codes and rates in effect at the time of building permit issuance.
20. Building permit shall be obtained prior to installation.