

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE DENYING WITH PREJUDICE CONDITIONAL USE PERMIT 23-006; LOCATED AT 789 VALLEY ROAD; APPLICANT – VERIZON WIRELESS**

**WHEREAS**, the project site is approximately 0.93 acres, zoned Office Mixed-Use (OMU), and located near the corner of Valley Road and Sunrise Terrace; and

**WHEREAS**, the applicant, Verizon Wireless submitted a conditional use permit application to install a telecommunication facility consisting of three (3) C-band panel antennas, six (6) LTE panel antennas, six (6) LTE remote radio units, and related equipment in a fifty-five foot (55') faux water tower, emergency backup generator within a 540 square foot enclosure at 789 Valley Road in the Office Mixed Use zoning district; and

**WHEREAS**, Municipal Code Section 16.16.050 authorizes the Planning Commission to approve Conditional Use Permit applications, with recommendations from the Staff Advisory Committee and Architectural Review Committee; and

**WHEREAS**, the Staff Advisory Committee considered the project on November 30, 2023, and recommended approval of the project; and

**WHEREAS**, the Architectural Review Committee considered the project on December 18, 2023, and recommended approval of the project with conditions; 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 determined that CEQA does not apply to projects which a public agency does not approve pursuant to State CEQA Guidelines Section 15270; and

**WHEREAS**, the Planning Commission of the City of Arroyo Grande has reviewed the project at a duly noticed public hearing on February 6, 2024 and considered all written evidence and oral testimony; and

**WHEREAS**, the Planning Commission denied the proposed project, necessitating staff to return with appropriate findings for denial; 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 permitted within the subject district pursuant to the provisions of this section and complies with all the applicable provisions of this title, the goals, and objectives of the Arroyo Grande General Plan, and the

development policies and standards of the City.

*The proposed use is permitted within the subject Office Mixed Use zoning district with approval of a conditional use permit by the Planning Commission after receiving a recommendation from the Staff Advisory Committee and Architectural Review Committee. The proposed project does not comply 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.*

*Specifically, the applicant failed to comply with the following requirements contained within the City's Telecommunication Facilities Siting and Permit Submittal Requirements, adopted by City Council Resolution 4791 on April 25, 2017:*

**a. Section (I)(A)(1) – Telecommunication facilities shall avoid any unreasonable interference with views from neighboring properties.** *The proposed faux water tank does not avoid any unreasonable interference with views from neighboring properties and its height would unreasonably impair the view of nearby residents of the Sunrise Terrace Mobile Home Park. Public comment was received by numerous residents of the Sunrise Terrace Mobile Home Park that the proposed facility would interfere with their views from their homes and constitute an eye sore. A couple members of the public provided comment that they had moved to their property within Sunrise Terrace Mobile Home Park because of their property's view and that the proposed facility would block or interfere with such views.*

**b. Section (I)(A)(4) – Telecommunication facilities shall be painted color(s) that are most compatible with their surroundings.** *The proposed facility does not utilize a design or colors that are compatible with the surrounding architecture of the nearby Victorian property and the water tower design as proposed may be more appropriate for farm land locations where water towers are more typical. Further, the applicant did not provide final color selections for the Planning Commission's review after multiple requests which did not allow the Planning Commission to sufficiently review their proposed colors and visual appearance.*

**c. Section (I)(A)(6) - Telecommunication facilities are allowed in all Mixed- Use and Public Facility zoning designations with either an approved Minor Use Permit or Conditional Use Permit. Telecommunication facilities are not allowed on any property with a Residential land use designation. An exception is to place concealed facilities on non- residential structures that are allowable in residential districts ( such as within church steeples).** *The proposed facility is proposed in a residential designated zone because the MUO Zone allows multi-family residential buildings.*

**d. Section (I)(A)(7)– The proposed facility utilizes the least preferred location option.** *The Applicant did not sufficiently demonstrate that more*

preferred alternative deployment options were unavailable for Verizon's proposed use and utilize good faith efforts to pursue alternative site options that are more preferred by the City's guidelines. Planning Commission determined that the applicant did not sufficiently explore an alternative location at St. John's Church, which expressed interest to host the facility and Verizon did not follow-up with St. John's Church by phone or written correspondence. At the Planning Commission meeting the Applicant noted they could not locate the phone number for St. John's Church. At the meeting, one Planning Commissioner noted she had located via a brief 1 minute google search and the phone number was immediately answered by a church representative when she tried the number.

**e. Section (I)(D)(1) – Standalone monopoles and towers may be considered only when the applicant reasonably demonstrates that the proposed facility cannot be placed on an existing building or structure.** The applicant did not sufficiently demonstrate that the proposed facility cannot be placed on an existing building or structure to be able to proposed a new standalone tower. The applicant provided a brief cursory summary of their inability to locate potential more preferred location on an existing building or structure in Verizon's search ring.

**f. Section (I)(D)(3) – Substantial landscaping or other screening should be provided to visually buffer any adjoining residential uses from the potential visual impacts of the facility. Landscape screening should be designed to achieve its desired appearance in a reasonable period of time.** The proposed facility did not utilize any landscaping to help screen the facility and its transmission equipment, and the proposed facility did not incorporate additional screening to visually buffer any adjoining residential uses from the potential visual impacts of the facility. Applicant stated that no water service is currently available on the parcel to support landscaping, and applicant did not propose alternative screening options to visually buffer the facility.

**g. Section (II)(B)(2) – An explanation of site selection (reason the site was chosen over alternative sites).** The applicant did not provide a sufficient explanation of site selection (reason the site was chosen over alternative sites) and it failed to pursue to completion in good faith alternative sites where the property owner expressed interest in permitting the facility on the property. See also findings in Sub(d) above re failure to follow-up with St. John's Church who had expressed interest in writing to Verizon and again at the Planning Commission meeting where a representative from the Church reiterated their interest in hosting the facility and noted Verizon's failure to follow-up.

2. The proposed use would not impair the integrity and character of the district in which it is to be established or located.

*The application is denied for the reasons outlined in Section 1 above for failing to meet the required findings.*

3. The site is suitable for the type and intensity of use or development that is proposed.

*The application is denied for the reasons outlined in Section 1 above for failing to meet the required findings.*

4. There are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety.

*The application is denied for the reasons outlined in Section 1 above for failing to meet the required findings.*

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 application is denied for the reasons outlined in Section 1 above for failing to meet the required findings.*

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Arroyo Grande hereby denies with prejudice Conditional Use Permit 23-006.

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 20<sup>th</sup> day of February, 2024.

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**JAMIE MARAVIGLIA,  
CHAIR**

**ATTEST:**

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**SECRETARY TO THE COMMISSION**

**AS TO CONTENT:**

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**BRIAN PEDROTTI  
COMMUNITY DEVELOPMENT DIRECTOR**