

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE APPROVING CONDITIONAL USE PERMIT 24-001; LOCATED AT 959 VALLEY ROAD; APPLICANT – VERIZON WIRELESS

WHEREAS, the project site is zoned Public Facility (PF), and located near the corner of Valley Road and Los Berros Road; 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 sixty-eight foot (68') faux pine tree, emergency backup generator within a 900 square foot enclosure at 959 Valley Road in the Public Facility 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 September 11, 2024, and supported the project; and

WHEREAS, the Architectural Review Committee considered the project on September 16, 2024, 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 the construction of a sixty-eight foot wireless telecommunication facility is categorically exempt from the California Environmental Quality Act ("CEQA") under the Class 3 exemption, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (State CEQA Guidelines, § 15303.) The Planning Commission determined that none of the exceptions outlined in State CEQA Guidelines section 15300.2 apply as the project will not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. There will be no cumulative impact of successive projects of the same type in the same place, over time. There will be no significant environmental impact due to unusual circumstances. The project will not result in damage to scenic resources. The project site is not on any list compiled pursuant to Government Code section 65962.5, and there are no historical resources on or near the project site that would result in a substantial adverse change as a result of the project. Therefore the project falls within the Class 3 exemption and no further environmental review is required; and

WHEREAS, the Planning Commission of the City of Arroyo Grande has reviewed the project

at a duly noticed public hearing on October 15, 2024; and

WHEREAS, the Planning Commission has found that this project is consistent with the General Plan and Arroyo Grande Municipal Code; 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 Public Facility 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 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 would not impair the integrity and character of the district in which it is to be established or located.

The proposed use will not impair the integrity and character of the district in which it is to be established or located as the project is in compliance with the City of Arroyo Grande's Telecommunication Facilities Siting and Permit Submittal Requirements and the proposed facility utilizes a stealth design to conceal or obscure all tower mounted antennas and transmission equipment within a faux pine tree design.

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

The site is suitable for the type and intensity of use or development that is proposed. The facility is not located within a densely developed or exclusively residential neighborhood, and the design of the structure will help camouflage the equipment by utilizing a stealth faux tree design to screen all tower mounted antennas and transmission equipment.

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

There are adequate provisions for public utilities and services to ensure the public health and safety and no new utilization of these public utilities and services is anticipated with the proposed project.

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 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 minimal noise, limiting any adverse impacts to adjacent land uses, and the applicant has established that the proposed facility will comply with all Federal Communications Commissions' standards for RF emissions.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Arroyo Grande hereby approves Conditional Use Permit 24-001 as set forth in Exhibit "B", attached hereto and incorporated herein by this reference, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

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 15th day of October, 2024.

**JAMIE MARAVIGLIA,
CHAIR**

ATTEST:

SECRETARY TO THE COMMISSION

AS TO CONTENT:

**BRIAN PEDROTTI
COMMUNITY DEVELOPMENT DIRECTOR**

EXHIBIT 'A'
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT 24-001
VERIZON WIRELESS
959 VALLEY ROAD CELL TOWER

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

GENERAL CONDITIONS

1. This approval authorizes Verizon Wireless to install a wireless telecommunication facility consisting of antennas, emergency back-up generator, and associated transmission equipment as outlined in the project description of Conditional Use Permit 24-001.
2. Permittee shall maintain compliance at all times with all federal, state, and local statutes, regulations, orders, or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the wireless facility, or any use or activities in connection with the use authorized by this permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the permittee's obligations to maintain compliance with all laws. In the event that the City fails to timely notice, prompt, or enforce compliance with any applicable provision in the Arroyo Grande Municipal Code, any permit, any permit condition, or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the Arroyo Grande Municipal Code, any permit, any permit condition, or any applicable law or regulation.
3. The applicant shall comply with all conditions of approval for Conditional Use Permit 24-001. Permittee must incorporate this permit, all conditions associated with this permit, and the approved photo simulations into the project plans (the "approved plans"). The permittee must construct, install and operate the wireless communication facility in strict compliance with the approved plans. Any alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless communication facility, must be submitted in a written request subject to the Director of the Community Development Department's prior review and approval.
4. This permit will automatically expire 10 years and one day from its date of issuance. Any application to renew this permit must be tendered to the Director of Community Development within one (1) year prior to the expiration of this permit, and shall be

accompanied by all required application materials, fees and deposits for a new application as then in effect. The approval authority shall review an application for permit renewal in accordance with the standards for new facilities as then in-effect. The Director of the Community Development may, but is not obligated to, grant a written temporary extension on the permit term to allow sufficient time to review a timely submitted permit renewal application.

5. This approval shall automatically expire on February 6, 2026, 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.
6. Development shall conform to the Public Facility zoning district requirements except as otherwise approved.
7. Development shall occur in substantial conformance with the plans presented to the Planning Commission at the meeting of October 15, 2024, and marked Exhibit "B".
8. To the extent permitted by law, Applicant shall defend, indemnify and hold harmless the City of Arroyo Grande, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice. The Applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City related to this permit or approval. Although the Applicant is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the Applicant of any obligation under this condition.
9. A copy of these conditions and mitigation measures shall be incorporated into all construction documents.
10. Noise resulting from construction and operational activities shall conform to the standards set forth in Chapter 9.16 of the Municipal Code. Construction activities shall be restricted to the hours of 7 AM to 5 PM Monday through Friday, and from 9 AM to 5 PM on Saturdays. No construction shall occur on Sundays or City observed holidays. Permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. Impacts of radio frequency emissions on the environment, to the extent that such emissions are compliant with all applicable laws, are not "adverse impacts" for the purposes of this condition. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal, or

other work that involves heavy equipment or machines, except during normal construction hours as set forth in the Arroyo Grande Municipal Code and set forth herein. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The Director of Community Development, or the Director's designee, may issue a stop work order for any activities that violate this condition.

11. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The lighting plan shall include the height, location, and intensity of all exterior lighting consistent with Section 16.48.090 of the Development Code. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. All lighting for the site shall be downward directed and shall not create spill or glare to adjacent properties. All lighting shall be energy efficient (e.g. LED).
12. All conditions of this approval run with the land and 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. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Development Code Section 16.08.100.

SPECIAL CONDITIONS

13. The facility is approved as a stealth wireless communications facility that conceals or otherwise obscures all antennas and other tower-mounted transmission equipment within the faux pine tree which is intended to make the facility look like something other than a wireless tower or base station. Subsequent modifications to the facility shall maintain compliance with this condition of approval to the extent permitted by state and federal law.
14. The facility shall not bear any signs or advertising devices other than certification, warning, or other FCC required seals or signage.
15. All equipment shall be enclosed or screened and painted to match the approved color of the structure.
16. The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, and landscape features, in a neat, clean, and safe condition in accordance with the approved plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

17. The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved plans are maintained in a manner that is not detrimental or injurious to the public health, safety, or general welfare, and that the aesthetic appearance is continuously preserved and substantially the same as shown in the approved plans at all times relevant to this permit. The permittee further acknowledges that failure to maintain compliance with this condition may result in a code enforcement action.
18. The permittee expressly acknowledges and agrees that the City's officers, officials, staff, and other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City's officers, officials, staff, or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable, or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee will be permitted to supervise the City's officers, officials, staff, and other designees while any such inspection or emergency access occurs.
19. The permittee shall furnish the Director of Community Development with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address, and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.
20. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which include, without limitation, this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies kept in the city's regular files will control over any conflicts between such hard copies and the permittee's electronic copies, and complete originals will control over all other copies in any form.
21. The applicant shall implement and maintain compliance with the recommended mitigation measures contained in the Radio Frequency (RF) Study prepared by Dtech Communications, LLC, dated May 13, 2024 to the extent permitted by state and federal law.
 - a. Access to the facility should be controlled to prevent unauthorized routine access by the public and restricted to personnel who has been made fully

- aware of the potential for RF exposure.
- b. Install RF advisory signs according to the Recommendation Diagram.
 - c. Apply RF safety program. Proper notification including identification of restricted areas or RF exposure maps, antenna power down procedures and contact information must be provided to the facilities landlord or property owner. This will help ensure that a regional point of contact or the NOC will be contacted when someone in the public needs to perform maintenance in areas of potential concern.

BUILDING AND LIFE SAFETY DIVISION AND FIRE DEPARTMENT CONDITIONS

- 22. The project shall comply with the most recent editions of all California Codes, as adopted by the City of Arroyo Grande.
- 23. Any review costs incurred by the City and generated by outside consultants for plan check services shall be paid by the applicant during the building permit approval process.
- 24. Building Permit fees shall be based on codes and rates in effect at the time of building permit issuance.
- 25. Building permits shall be obtained prior to installation.

ENGINEERING DIVISION AND PUBLIC WORKS DEPARTMENT CONDITIONS

GENERAL IMPROVEMENT REQUIREMENTS

- 26. 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 Director of Public Works.