

CALIFORNIA COASTAL COMMISSION

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January 25, 2001

TO: Commissioners and Interested Parties

RECORD PACKET COPY

FROM: Tami Grove, Deputy Director
Renee Brooke, Coastal Planner

SUBJECT: **SAN LUIS OBISPO COUNTY LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 2-99: Part A.** For public hearing and Commission action at its meeting of February 15, 2001 to be held at Embassy Suites, 333 Madonna Road, San Luis Obispo, California 93406.

SUMMARY OF STAFF REPORT

DESCRIPTION OF AMENDMENT REQUEST

San Luis Obispo County is proposing the following changes to its certified Local Coastal Program:

1. Amend the Land Use Plan portion of its Local Coastal Plan to add "Communication Facilities" to the Residential Suburban, Residential Single Family, Multi-Family and Office & Professional Facilities as a special use in Coastal Table O in the Coastal Zone Framework for Planning, and amend reference to development standards for communication facilities in the Open Space land use category.
2. Amend the IP portion of its Local Coastal Program to add standards for the establishment of wireless facilities in the Coastal Zone Land Use Ordinance (IP Section 23.08.284).

This amendment, which constitutes one part of a larger amendment submittal, was filed on January 21, 2000, and a time extension (not to exceed one year) was granted on March 16, 2000. The other components regarding the County's grading ordinance and various changes to land use ordinances will be brought to hearing in March 2001.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the proposed land use plan amendment as submitted by the County, and **approve** the Implementation Plan portion of the amendment **if modified** for the reasons given in this report. Although the bulk of the proposed amendment's provisions are consistent with and adequate to carry out the coastal land use plans, additional implementation standards regarding the siting of wireless communication facilities are needed to ensure consistency with the policies of the certified land use plan. In addition, language indicating that alternative siting may involve property other than that in which the applicant plans to have an interest should be explicitly stated in the Implementation Plan. Finally, standards requiring the



California Coastal Commission

applicant to take advantage of future technological advances that allow for reduced visual impacts resulting from the proposed wireless communication facility, and restore the site to its natural state once all obsolete or unused facilities are removed from the site, should be added to the proposed amendment language.

SUMMARY OF ISSUES AND COMMENTS

At the County hearings, the proposed wireless communications amendment elicited no comments.

ANALYSIS CRITERIA

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act.

In this case, the proposed LCP amendment effects the IP and the LUP component of the San Luis Obispo County LCP. Thus the standard of review for the amendment is consistency with the both the policies of the LUP and the Coastal Act.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Renee Brooke, Coastal Planner, at the Central Coast District Office of the Coastal Commission, 725 Front St., Suite 300, Santa Cruz, CA 95060; telephone number (831) 427-4863.

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I. STAFF RECOMMENDATION

MOTIONS AND RESOLUTIONS

The Commission needs to make three separate motions in order to act on this proposal:

A. APPROVAL OF LAND USE PLAN AMENDMENT NO. 2-99: PART A AS SUBMITTED

MOTION: *I move that the Commission certify Land Use Plan Amendment SLO LCPA 2-99: Part A as submitted by San Luis Obispo County.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT:

The Commission hereby certifies the Land Use Plan amendment SLO LCPA 2-99 as submitted by San Luis Obispo County and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan amendment may have on the environment.

B. IMPLEMENTATION PROGRAM AMENDMENT CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION I: *I move that the Commission reject the Implementation Program amendment for San Luis Obispo County as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Program amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.



RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program amendment submitted for San Luis Obispo County and adopts the findings set forth below on grounds that the Implementation Program amendment as submitted is inconsistent with the land use plan. Certification of the Implementation Program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program amendment as submitted

MOTION II: *I move that the Commission certify the Implementation Program amendment for San Luis Obispo County if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program amendment for San Luis Obispo County if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program amendment with the suggested modifications is consistent with the land use plan. Certification of the Implementation Program amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following changes to the proposed Local Coastal Program amendment which are necessary to make the requisite findings. If the local government accepts all of the suggested modifications within six months of Commission action, by formal resolution of the Board of Supervisors, Part A of the amendment portion will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.



Note: The entire text of the amendment submittal is attached to this report as Exhibit 1. Only those portions of the amendment submittal that are affected by the suggested modifications are repeated below. The suggested modifications below use underlined text to indicate additions to the proposed amendment, and ~~strikethroughs~~ to indicate deletions to the proposed amendment.

Suggested Modifications to the Amendment Proposed for the San Luis Obispo County Implementation portion of the Local Coastal Program:

Revise Section 23.08.284b by making the following modifications:

(2) Application Contents.

~~(ii)~~ (iii) If co-location is not proposed,...

(iv) A written report and a map indicating all locations in the vicinity of the project site where an unimpaired signal can be received and an analysis of the visibility of these locations from public areas shall be provided. Visual simulations of the wireless communication facility (including all support facilities) shall be submitted for all locations being considered by the application. In instances where the wireless communication facility is located along a scenic corridor, critical viewshed area, or on a designated historic site or structure, or within a historic district, a detailed visual analysis (this shall include but, may not be limited to, a thorough evaluation of all alternative sites and facility design that would avoid, or minimize to the maximum extent feasible, visibility from public areas) of the facility shall be submitted. A visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means.

(v) Wireless communication projects located on privately-owned land within the Open Space land use category, or on lands subject to a Sensitive Resource Area (SRA) overlay, shall provide evidence of an open space agreement for the parcel in question, executed between the property owner and the county (if the property is not already subject to such an agreement).

(3) Development Standards.

(iv) Site location. Site location and development of wireless communications facilities, including all support facilities, shall preserve the visual character and aesthetic values of the specific parcel and surrounding land uses and shall not significantly impact public views. Facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site, and shall be sited to avoid visibility from public areas. In no case shall a communication facility be visible above the ridgeline. Compliance with this standard may require the consideration of an alternative site other than the site shown on an initial permit application for a wireless facility.



- (iv)(vi) Screening. If wireless communication facilities, including all support facilities, cannot be located completely out of the public's view and All antennas shall be screened with vegetation or landscaping. Where screening with existing vegetation is not feasible, antennas shall be screened with new vegetation or landscaping, or disguised to resemble rural, pastoral architecture (ex: windmills, barns, trees) or other features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.
- (vii) Site disturbance. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility. In no case shall the installation of a wireless communication facility be allowed where a significant disturbance of Environmentally Sensitive Habitats (ESH) would result.
- (viii) Lighting. Any exterior lighting, except as required for FAA regulations for airport safety, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
- (ix) Support facilities. Support facilities (e.g. equipment rooms, utilities, and equipment enclosures) shall be constructed of non-flammable, non-reflective materials and shall be placed in underground vaults, unless otherwise approved by the County. All support facilities, poles, towers, antenna supports, and other components of communication facilities shall be of a color approved by the appropriate Review Authority. If a facility is conditioned to require paint, it shall initially be painted with a flat paint color approved by the appropriate Review Authority, and thereafter repainted as necessary with a flat paint color. Components of a telecommunication facility which will be viewed against soils, trees, or grasslands shall be of a color matching these landscapes.
- (x) Historic site. Where the wireless communication facility is proposed to be located on a designated historic structure, landmark, or district, the applicant shall comply with the regulations for development on a historic site pursuant to Section 23.07.102.
- (4) Unused facilities. All obsolete or unused facilities shall be removed within six (6) twelve (12) months of cessation of telecommunication operations at the site.
 - (i) Restoration. The site shall be restored to its natural state within six (6) months of termination or abandonment of the site. This shall be subject to a demolition/restoration plan approved by the Director of Planning and Building.
 - (ii) Agreement. The applicant shall enter into a site restoration agreement subject to the approval of the Director of Planning and Building and County Counsel. As part of the



agreement, the applicant shall commit to the following: where future technological advances would allow for reduced visual impacts resulting from the proposed wireless communication facility, the applicant agrees to make those modifications that would reduce the visual impact of the proposed facility.

- (5) Any decision to deny a permit for a personal wireless service facility shall be in writing and must be supported by substantial evidence and shall specifically identify the reasons for the decision, the evidence that led to the decision and the written record of all evidence.

For internal consistency, correct reference to Chapter 7 in Section 23.08.284 – Communication Facilities of the Implementation Plan:

The requirements of this section apply to Communication Facilities (where designated as S-13 uses by Coastal Table O, Part 1 of the Land Use Element and defined in Chapter 67, Section D)...

III. RECOMMENDED FINDINGS

The San Luis Obispo County certified LCP is composed of seven parts: the Coastal Zone Land Use Ordinance (CZLUO), which is the Implementation Plan (IP) portion of the LCP; the Framework for Planning, the Coastal Plan Policies, and four Area Plans, which make up the Land Use Plan (LUP). The Commission approved the LUP with modifications on October 14, 1982, and the IP was approved as submitted on October 7, 1986. The County assumed permit-issuing authority on March 1, 1988.

A. Federal Preemption

The County's LCP amendment proposes to regulate wireless communication devices that are also regulated by federal law. The consideration of this amendment is bound by federal law as summarized in the following table and further discussed below.

Type of Communication Device	Federal Limitation on State and Local Regulation of Communication Device
Personal Wireless Services Facilities	<ol style="list-style-type: none"> 1. Federal statute prohibits state and local regulations that prohibit or have the effect of prohibiting the provision of personal wireless services. 2. Federal statute prohibits state and local regulation of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions. 3. Any decision to deny a permit for a personal wireless service facility must be in writing and must be supported by substantial evidence. <p>47 U.S.C. 332(c)</p>



Wireless Service Facilities

Under section 307(c)(7)(B) of the Telecommunications Act of 1996, state and local governments may not unreasonably discriminate among providers of personal wireless services, and any decision to deny a permit for a personal wireless service facility must be in writing and must be supported by substantial evidence. These provisions are similar to the requirements of California law, including the Coastal Act. The Telecommunications Act also prevents state and local governments from regulating the placement of wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the regulations of the Federal Communications Commission (FCC) concerning such emissions.

Consistency of County Submittal with Federal Rules

The County's proposed ordinance regarding the regulation of wireless communication facilities is generally consistent with the Federal Law summarized in the preceding paragraphs. However, Federal law requires that any local decision to deny a permit for the installation or placement of a personal wireless facility must be in writing and supported by substantial evidence. As modified, the proposed amendment is consistent with Federal law and regulations relevant to the regulation of these facilities. (Please see Modification One.)

B. Amendment to the Land Use Plan

This proposed amendment to the San Luis Obispo County Land Use Plan, Framework for Planning, would make changes to Table O to allow Communication Facilities as special uses in the Residential Suburban, Residential Single Family, Residential Multi-Family, and Office and Professional land use categories, where such a use is not currently allowed.

The proposed amendment would also change the designation of Communication Facilities from a principally permitted use (P) to a special use (S), in the Industrial and Public Facilities land use categories [note: there is a typographical error in Exhibit 2 (submitted by the County), which erroneously references the change from "A", rather than "P", in the Industrial and Public Facilities land use categories]. Principally permitted uses are encouraged and have priority over non-principally permitted uses, and special uses are allowed only when special standards or permit procedures are followed. Thus, the proposed amendment would require that development of communication facilities be subject to standards that are not specifically referenced in the existing Land Use Plan.

Finally, as proposed, the amendment would change the reference to specific standards regarding the development of Communication Facilities in the Open Space land use category. Currently, the table of allowable uses (Table O) in the Framework for Planning provides that the development of Communication Facilities in the Open Space land use category is subject to the requirements of CZLUO Section 23.08 (Special Uses), only when authorized by a recorded open space agreement executed between the property owner and the county. Under the proposed amendment, the reference to the above-mentioned requirements (S-14) would be changed (to S-13-P) to direct applicants to



CZLUO Section 23.08.280 (a portion of which is the subject of the Implementation Plan portion of this amendment proposal) regarding standards for transportation, utilities, and communication development.

The most relevant governing sections of the Coastal Act state:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30253

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The portion of the proposed amendment that allows Communication Facilities as special uses in the Residential Suburban, Residential Single Family, Residential Multi-Family, and Office and Professional land use categories does not raise concerns in terms of its consistency with the Coastal Act sections cited above. The only portion of the amendment to the land use plan that warrants further discussion is the proposal to change the reference to development standards for Communication Facilities in the Open Space land use category.

At first glance, it appears that the proposed amendment weakens the requirements for development of communication facilities in the Open Space land use category by eliminating the reference that an open space agreement be recorded prior to development. However, the reference to such a recorded agreement simply provides supports for the description of the Open Space land use category, which states the following:

The Open Space category is applied to lands in public fee ownership, or private lands where an open space agreement or easement has been executed between the property owner and the county.

Thus, land designated as Open Space would not be delineated as such *unless* an open space



agreement or easement had previously been executed between the property owner and the county. Therefore, eliminating an extraneous reference to such an agreement would not weaken the requirements for development of communication facilities in the Open Space land use category. In addition, the proposed amendment directs applicants to CZLUO Section 23.08.280, which contains specific development standards for wireless communication facilities (the subject of the Implementation Plan portion of this amendment submittal); standards that require discretionary review of land use permit applications, and provide for the recordation of an open space agreement when applicable. Therefore, the land use plan amendment can be approved as being consistent with the cited Coastal Act Sections because it will, through a reference to specific development standards, protect the scenic and visual qualities of coastal areas, minimize destruction of the site, and protect special communities and neighborhoods.

C. Amendment to the Implementation Plan

The changes proposed to the Implementation portion of the Local Coastal Program add standards and permit processing levels for wireless facilities. These proposed land use ordinance standards must be consistent with and carry out the resource protection policies found in the Land Use Plan.

Currently there are no specific standards relative to these facilities and all the applications are being reviewed as Development Plans. The changes would set the land use permit level at Minor Use Permit (a discretionary review of land use proposals that are not of sufficient magnitude to warrant Planning Commission review) for facilities that are co-located or located on existing structures and hidden. A Development Plan (a discretionary review of land use proposals that includes a public hearing before the appropriate Review Authority) would be required for any wireless antenna or other similar equipment that is not co-located or placed on existing structures. Thus, the proposed amendment would allow for some development proposals to be processed at a lower level (as a Minor Use Permit) than they currently receive under the requirements for a Development Plan. The amendment also proposes specific standards that set application content and development standards that include setbacks, location, screening, and a requirement for availability for other carriers to use the facility.

One important policy area concerns protection of the scenic resources in San Luis Obispo County's coastal areas. Wireless communication facilities, particularly larger towers, can have adverse impacts on scenic areas and can affect views to and along the shoreline. The LUP contains a number of policies directed to preserving the scenic qualities within San Luis Obispo County's coastal zone. The following visual resource policies are particularly relevant to an analysis of this amendment:

Visual and Scenic Resource Policy 1: Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas restored where feasible.

Visual and Scenic Resource Policy 2: Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Where possible, site selection for new development



is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

Visual and Scenic Resource Policy 4: New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views.

Visual and Scenic Resource Policy 6: Within urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community.

Siting Facilities

Generally, the proposed implementing standards reinforce and are consistent with the visual resource policies regarding siting. Nonetheless, some proposed language leaves the impression that wireless communication facilities can be sited wherever proposed by mitigating the visual impacts with vegetative screening. This is contrary to Visual and Scenic Resource Policy 4, which states that vegetative screening should be used only when new development cannot be sited outside of public view corridors, and that such vegetation, when mature, must be selected and sited to not obstruct major public views. Thus, there is a potential conflict with this Land Use Plan policy, and modifications to the screening standard should be made in order to resolve this inconsistency.

Visual and Scenic Resource Policies 2 and 4 state that new development shall be sited to protect views to and along the ocean and scenic coastal areas, and that its visibility from public view corridors shall be minimized. In addition, Visual and Scenic Resource Policy 6 states that within urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community. Although some of the proposed implementation standards are intended to protect visual resources, additional implementation standards regarding the siting of wireless communication facilities are needed to ensure consistency with the aforementioned land use plan policies. Thus, a standard requiring a visual simulation of the wireless communication facility as a component of the application should be added to the amendment proposal, as well as standards regarding site location, site disturbance, lighting, support facilities, and locating a facility on a designated historic site or structure.

Alternative Sites and Co-Location

The proposed amendment requires that co-location of wireless facilities be pursued to the maximum extent feasible, and that information regarding the feasibility of co-locating facilities (including, if



applicable, written notification of refusal of the existing structure owner to lease space on the structure) be included as a component of the application. However, the proposed ordinance language would not require the applicant to consider alternative sites to minimize visual impacts. The standards do not make it clear that the visual resource protection siting criteria are paramount and take precedence over a pre-arranged lease or easement for a less appropriate site. As currently written, there is the potential for the policies of the Land Use Plan to not be applied. To resolve this potential problem, language should be added to Section 23.08.284b3 that indicates that alternative siting may involve property other than that in which the applicant plans to have an interest.

Updating and Removing Facilities

The proposed amendment includes a provision that the applicant remove all obsolete or unused facilities within twelve months of cessation of telecommunication operations at the site. However, the proposed ordinance language does not require that the site be restored to its natural state as would be required by the Land Use Plan. Thus, language should be added that requires the applicant to enter into a site restoration agreement for restoration to its natural state within six months of termination of use or abandonment of the site. In addition, the standard should be modified to also require the removal of such facilities to take place within six months of cessation of operations, rather than twelve months. This provision mirrors a portion of the following standard permit condition that the Coastal Commission typically employs:

Prior to issuance of the coastal permit, the applicant shall agree in writing that where future technological advances would allow for reduced visual impacts resulting from the proposed wireless communication facility, the applicant agrees to make those modifications which would reduce the visual impact of the proposed facility. If in the future, the facility is no longer needed, the applicant agrees to abandon the facility and be responsible for removal of all permanent structures, and restoration of the site as needed to re-establish the area consistent with the character of the surrounding vegetation. Before performing any work in response to the requirements of this condition, the applicant shall contact the Director of Planning and Building Inspection to determine if an amendment to this coastal permit is necessary.

Additionally, the proposed amendment does not include a provision regarding technological advances, which often result in more compact facilities. Such a provision would help ensure implementation of the cited Land Use Plan policies. Absent such a provision, the proposed amendment does not guarantee consistency with these policies over time. To resolve this potential problem, language similar to that found in the Coastal Commission's standard condition should be added to the amendment

Conclusion

The bulk of the proposed amendment's provisions are consistent with and adequate to carry out the coastal land use plans. However, for the specific reasons stated above, the proposed amendment as



submitted is not fully consistent with, nor fully adequate to carry out, the land use plan and must be denied.

The findings also note ways to rectify each of the identified problems and reference the Suggested Modifications found in a previous section of this report. With these modifications the proposed amendment can be approved because the Implementation Plan, as amended and modified, will remain consistent with and adequate to carry out San Luis Obispo County's certified land use plan.

D. California Environmentally Quality Act (CEQA)

The Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information that the local government has developed. In this case the County approved a Negative Declaration for the amendment finding that it did not generate any significant environmental impacts. The findings in this report are consistent with the County's environmental analysis. Modifications have been suggested that will further assure that any adverse environmental impacts will not occur or will be mitigated. Approval of the amendment, as modified, will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.



EXHIBIT G980015L:C

ORDINANCE NO. 2885

AN ORDINANCE AMENDING TITLE 23 OF THE
SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE
SECTION 23.08.284 RELATING TO WIRELESS COMMUNICATION FACILITIES

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Section 23.08.284 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

23.08.284 - Communication Facilities: The requirements of this section apply to Communication Facilities (where designated as S-13 uses by Coastal Table O, Part 1 of the Land Use Element and defined in Chapter 7, Section D) in addition to all applicable permit requirements and standards of the Federal Communications Commission (FCC) and any other applicable federal or state statutes or regulations. Communication Facilities in the Residential Suburban, Single and Multi-Family land use categories shall be limited to those facilities specified in subsection b.

SECTION 2. Section 23.08.284 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding new subsection (b) to read as follows

b. Wireless Communication Facilities.

(1) Permit Requirement.

(i) Minor Use Permit.

(a) Existing Structures. Installation proposed on existing structures (buildings, water tanks, signs etc.), existing electric transmission towers, or any other applicable existing structure.

(b) Co-location. Wireless communication system antenna or other similar equipment that share locations with their own or other carriers' antennas either on existing monopoles, existing structures [buildings, water tanks, signs etc.], existing electric transmission towers, existing lattice towers or any other existing structures).

(ii) Development Plan. Required for any wireless communication antenna or other similar equipment not meeting subsection (i).

Proposed Amendment to Implementation Plan
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(2) Application contents. In addition to all information required by Chapter 23.02 of this title, and Section 23.08.286b(3), the applicant shall submit the following information:

- (i) Information on the proposed rights-of-way, including width, ownership, present land use, slope, soils and vegetation, types of sizes of towers or other structures to be used, proposed screening or other method of finishing so as to be unobtrusive to the neighborhood in which it is located.
- (ii) Estimates of the maximum electric and magnetic field strengths at the edge of the facility site and the extent that measurable fields extend in all directions from the facility.
- (ii) If co-location is not proposed, the applicant shall provide information pertaining to the feasibility of joint-use antenna facilities, and discuss the reasons why such joint use is not a viable option or alternative to a new facility site. Such information shall include:
 - (a) Whether it is feasible to locate proposed sites where facilities currently exist.
 - (b) Information on the existing structure which is closest to the site of the applicant's proposed tower relative to the existing structure's structural capacity, radio frequency interference, or incompatibility of different technologies, which would include mechanical or electrical incompatibilities.
 - (c) Written notification of refusal of the existing structure owner to lease space on the structure.

(3) Development standards. The following standards apply to the development of proposed wireless communication system antenna and related facilities in addition to any that may be established during the permit review process.

- (i) Setbacks. As set forth in Section 23.04.106 et seq. except where locating the facility outside those setbacks is the most practical and unobtrusive location possible on the proposed site.
- (ii) Co-location. Applicant shall pursue placement of facilities in the following preferential order:
 - (a) Side-mount antenna on existing structures (buildings, water tanks, etc.) when integrated into the existing structure, completely hidden from public view or painted and blended to match existing structures; or

- (b) Within existing signs when blended within or on existing signage to be completely hidden from public view; or
 - (c) Atop existing structures (buildings, water tanks, etc) with appropriate visual/architectural screening to be completely hidden from public view; or
 - (d) Existing monopoles, existing electric transmission towers, and existing lattice towers; or
 - (e) New locations.
- (iii) Signs. No sign of any kind shall be posted or displayed on any antenna structure except for public safety warnings.
 - (iv) Screening. All antennas shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the antenna shall be disguised to resemble rural, pastoral architecture (ex: windmills, barns, trees) or other features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.
 - (v) Availability. All existing facilities shall be available to other carriers as long as structural or technological obstacles do not exist.
- (4) Unused facilities. All obsolete or unused facilities shall be removed within twelve (12) months of cessation of telecommunication operations at the site.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion

of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall become operative only upon approval without any modifications by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification.

SECTION 5. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 5th day of October, 1999, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 19th day of October, 1999, by the following roll call vote, to wit:

AYES: Supervisors Michael P. Ryan, Chairperson Harry L. Ovitt, Peg Pinard

NOES: Supervisors Shirley Bianchi, K.H. "Katcho" Achadjian

ABSENT: None

ABSTAINING: None

HARRY L. OVITT

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

Julie L. Rodewald

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

BY: CHARLIE ASPURGO Deputy Clerk
[SEAL]

Exhibit 1 (4 of 5)

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.

County Counsel

By: 

Deputy County Counsel

Dated: 10.8.99

Exhibit 1 (5 of 5)

EXHIBIT G980015L:D

1. Revise Chapter 6, Coastal Zone Framework for Planning - Part I of the Land Use Element/Local Coastal Plan of the County of San Luis Obispo General Plan, Page 6-31, Coastal Table O as follows:

Communication Facilities - Add "S-13" to the Residential Suburban, Residential Single Family, Residential Multi-Family and Office and Professional land use categories. Change from "A" in Industrial and Public Facilities to "S-13-P" and change from "S-14" to "S-13" in the Open Space land use category.

	AG prime	AG non- prime	RL	REC	RR	RS	RSF	RMF	O&P	CR	CS	IND	PF	OS
Communi- cation Facilities		S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13-P	S-13-P	S-13-P	S-13

Proposed Amendment to the Land Use Plan
Exhibit 2