

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

077. 5/1/01



Th 7c

February 27, 2001

RECORD PACKET COPY

TO: Commissioners and Interested Parties

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 March 15, 2001 to be held at the Bahia Hotel (998 W. Mission Bay Drive) in San Diego.

**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 April 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



California Coastal Commission

interest should be explicitly stated in the Implementation Plan. Finally, standards requiring the 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.

**TABLE OF CONTENTS**

- Summary of Staff Report ..... 1
- Analysis Criteria ..... 2
- I. Staff Recommendation ..... 3
- II. Suggested Modifications ..... 4
- III. Recommended Findings ..... 7
  - A. Federal Preemption ..... 7
  - B. Amendment to the Land Use Plan ..... 8
  - C. Amendment to the Implementation Plan ..... 10
  - D. California Environmentally Quality Act (CEQA) ..... 13
- IV. Exhibits ..... 13
  - 1. Proposed Amendments to the Implementation Plan



2. Proposed Amendment to the Land Use Plan
3. Correspondence

## **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: Part A 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 Exhibits 1 and 2. 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 ~~striketroughs~~ 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:**

**CZLUO Section 23.08.284 – Communication Facilities:**

**b. Wireless Communication Facilities.**

(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 proposed project site where:

- (a) the location and height meet the minimum coverage requirements for the applicant's network;
- (b) a lease with the property owner can be obtained; and
- (c) the property is feasible for construction of a wireless communication facility

shall be provided, in addition to visual simulations of each of these locations from major public view corridors. In instances where the wireless communication facility may impact views to and along the ocean or public view corridors, or is located on a ridgeline, a designated historic site or structure, or within a historic district, a detailed visual analysis of the facility shall be submitted (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, impacts to views to and along the ocean and visibility from major public view corridors). 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 shall provide evidence of a recorded 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 protect views to and along the ocean and scenic coastal areas, and to avoid visibility from major public view corridors. Every effort shall be made to avoid, or minimize to the maximum extent feasible, visibility of a communication facility above a ridgeline from major public view corridors. 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 major public view corridors and All antennas shall be screened with vegetation or landscaping. Where screening with existing vegetation is not feasible, antennas and all support facilities shall be screened with new vegetation or landscaping, earthen berms, 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. 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 without any reduction in service levels.
- (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
<b>Personal Wireless Services Facilities</b>	<ol style="list-style-type: none"> <li>1. Federal statute prohibits state and local regulations that prohibit or have the effect of prohibiting the provision of personal wireless services.</li> <li>2. Federal statute prohibits state and local regulation of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions.</li> <li>3. Any decision to deny a permit for a personal wireless service facility must be in writing and must be supported by substantial evidence.</li> </ol> <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.

### **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 provides 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. Finally, to assure effective implementation of the Land Use Plan policies for Open Space, and in particular that the current LCP requirements of Table O for development on private lands in the Open Space category are applied equally to wireless communication facilities, language is needed to require the provision of evidence of an open-space agreement between the property owner and the County for the parcel in question (sec. 2(v)).<sup>1</sup>

### **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.

---

<sup>1</sup> Table O of the LCP indicates that Communication Facilities on privately-owned land in the Open Space category are "S-14" – allowable "only when authorized by a recorded open space agreement executed between the property owner and the county."



EXHIBIT G980015L:C

ORDINANCE NO. \_\_\_\_\_

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).

Amendment to Implementation Plan  
Exhibit 1  
(1 of 5)

- (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.

*These proposed modifications are standards relative to the placement of cell phone and PCS antennae, and other related facilities. During the last several years, there have been an increasing number of requests by communications companies to site communication antennae. It is expected that current wireless communication systems will expand and that new technologies will be implemented in the future. These proposed standards will provide policy guidance to decision-makers in reviewing these types of proposals. In addition, co-location of these facilities is encouraged through the land use permit approval level.*

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 \_\_\_\_\_ day of \_\_\_\_\_, 1999, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 1999, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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

ATTEST:

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

[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: \_\_\_\_\_

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
Communication Facilities		S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13-P	A S-13-P	A S-13-P	<del>S-14</del> S-13

Amendment to Land Use Plan  
Exhibit 2

# ALPINE PCS

February 15, 2001

Received at Commission  
Meeting

FEB 15 2001

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

From: \_\_\_\_\_

**Re:** Agenda Item 5a, February 15, 2001 Agenda- Comments/Request for  
Continuance

Dear Members of the Commission:

Alpine PCS wishes to comment on the Coastal Commission's suggested modifications to the County of San Luis Obispo's Local Coastal Program. Before addressing the proposed modifications specifically, however, we wish to comment on the very limited opportunity and time that we and other carriers were given to review the proposal.

As an "interested party" who stands to be directly and materially affected by the proposed modifications, we were only made aware that this proposal even existed through our regular contact with County staff. No notice was sent by either the Commission or County staff. As an "interested party", such notice would have seemed reasonable, especially in light of the fact that our representative, JM Consulting, has been trying for a number of weeks to have a conversation with a member of the Coastal Commission staff regarding the Commission's review standards for wireless antenna sites in SLO County. Over the past two months, they left at least six detailed messages for staff and never received a return phone call. Considering Alpine's considerable interest in this matter, at least a return call and preferably sending a copy of the proposal would have been fair.

Additionally, County staff did not receive the proposal until the end of last week and we only obtained a complete copy of the proposal from County staff three days ago. This has given us a very short time to review this very significant piece of information. Other carriers, such as Cingular Wireless, Nextel Communications and Verizon did not receive a copy until yesterday, February 14<sup>th</sup>. We feel that the lack of time afforded all carriers to comment on the proposal should be grounds for a continuance for the Commission to review and consider carrier and County comments before making its final decision.

*Alpine PCS therefore requests a continuance of this matter until the Commission's next regular meeting.*

*Correspondence  
Exhibit 3 (1 of 10)*

3220 S. Higuera Street, Suite 102 • San Luis Obispo, CA 93401  
Phone 805-503-7100 • Fax 805-784-9231

# ALPINE PCS

California Coastal Commission  
February 15, 2001  
Page 2

Following are Alpine PCS's comments on the Commission's suggested modifications to the County's LCP amendment:

It appears that the Commission, in going from policies to development standards, is taking the intent of the policies and making it more, and excessively, stringent in applying it to wireless facilities. An example of this is Visual and Scenic Resource Policy 2 on page 10. This policy refers to the protection of "major public view corridors" which seems quite reasonable and expected. However, when this policy is translated to development standards, "major public view corridors" become "public areas". This is much broader and much more unnecessarily restrictive to development. Many "public areas" are not remotely scenic and are certainly not on the same level of protection as "major public view corridors". Part of the revisions below address issues like this one.

## Suggested Alternate Text:

Page 5:

(2)(iv) *Eliminate first sentence and replace with:*

A written report and a map indicating all properties within ¼ mile of the Project site where:

- a. the proposed location and height meet the minimum necessary RF coverage for the applicant's network;
- b. a lease can be obtained and;
- c. the property is feasible for construction of a communication facility

shall be provided in addition to visual simulations for each of these locations from major public view corridors.

*Eliminate second sentence.*

*Third sentence-.....critical viewshed area, ridgeline, or on a .....  
.....visibility from public areas-major public view corridors)  
of.....*

**Exhibit 3 (2 of 10)**

3220 S. Higuera Street, Suite 102 • San Luis Obispo, CA 93401  
Phone 805-503-7100 • Fax 805-784-9231

(3)(iv) First sentence-.....and surrounding land uses, and shall not significantly impact public views.

Second sentence-.....and shall be sited to avoid visibility from public areas major public view corridors to the extent feasible.

Understanding that ridgelines are a very important natural resource, we propose to *eliminate the third sentence and replace it with:*

Every effort shall be made to minimize or eliminate visibility of a communication facility above a ridgeline from major public view corridors including the consideration of alternative locations.

Page 6:

(vi) Radio waves are significantly degraded by foliage. Therefore, screening antennas would render them inoperable. However, the other components of a site (the support structures and support facilities) can be screened with vegetation. Therefore, we propose to *modify the first/second sentence to read:*

If wireless communication facilities, including all support facilities, cannot be located completely out of the public view major public view corridors and All antennas shall be screened with vegetation or landscaping. Where screening with existing vegetation is not feasible, antennas support structures and support facilities shall be.....

(ix) First sentence- 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.

(4)(ii) Second sentence-.....the applicant agrees to make those feasible modifications that would reduce the visual impact of the proposed facility without any reduction in service levels.

Exhibit 3 (3 of 10)

# ALPINE PCS

California Coastal Commission  
February 15, 2001  
Page 4

Alpine PCS appreciates the opportunity to comment on the Commission's proposed modifications to the County's LCP. We formally request that we are able to further discuss our comments with staff during subsequent review of carrier comments so that we, other carriers and staff can reach agreement on development standards for wireless facilities.

Please feel free to contact me any time at (805) 503-7100 or on mobile at (805) 698-2650.

Sincerely,



Mark Savage  
SLO County Manager  
Alpine PCS, Inc.

Exhibit 3 (4 of 10)

**RECEIVED**

FEB 15 2001

February 14, 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Renee Brooke  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**RE: SAN LUIS OBISPO COUNTY LOCAL COASTAL PROGRAM  
AMENDMENT NO. MAJ-2-99**

Dear Ms. Brooke and Members of the California Coastal Commission:

The Consulting Group, Inc. ("TCG"), appreciates the opportunity to comment on the San Luis Obispo County Local Coastal Program ("LCP") Amendment for wireless telecommunication facilities. We support the San Luis Obispo County's proposed changes to its certified Local Coastal Plan for communication facilities. However, we have some concerns regarding the Coastal Commission Staff's recommended modifications to the County's proposed land use plan amendment.

Prior to detailing our concerns, we would respectfully request that this matter be continued so that TCG representatives as well as the representatives of other consultants and wireless communication carriers can appear before the Commission and Staff to voice our concerns regarding the subject modifications, particularly in light of less than 24 hour notice of this matter. We would appreciate notification of any future hearing dates and would be more than willing to meet with staff to discuss our concerns.

The format of this letter is as follows: a brief description of who is TCG, transitioning into the reasons as to why wireless communications are vital to communities, a detailed description as to how a wireless network functions, specific comments with regards to Staff's recommended modifications to the County's proposed LCP Amendment, and finally our concluding remarks.

### WHO IS TCG?

The Consulting Group is a consulting firm providing project development and management services to the telecommunications industry. TCG's services include initial design feasibility, site acquisition, land use approval, lease administration, engineering, design, procurement, construction management, property management, co-location administration, right-of-way acquisition, and regulatory compliance.

TCG's Planning Department comprises two divisions: 1) a division representing Cingular Wireless ("CW"), formerly Pacific Bell Wireless, a subsidiary of Pacific Bell Telephone

---

18500 Von Karman Avenue, Suite #870, Irvine, California 92612-0545

949.477.3010 / Fax 949.477.3063

Exhibit 3  
(5 of 10)

*San Luis Obispo County LCP Major Amendment No. 2-99  
February 14, 2001  
Page 2*

Company, and 2) a division representing Edge Wireless ("Edge"), an affiliate of AT&T Wireless. CW is represented by TCG's Senior Planner, Ms. Samantha Kim, and Edge is represented by TCG's Senior Planner Mr. Dino Putrino.

Cingular Wireless and Edge Wireless are two of the several wireless telecommunication providers in the United States. CW has set their goals to become the premier wireless provider, bringing a superior, more cost-effective and secure personal communication services ("PCS") network to the Southern California market. CW is actively pursuing the deployment of their Southern California network to further establish their foundation as one of the more advanced wireless communications providers in this region as well as the nationwide market. CW has been one of the pioneers in the telecommunications industry, working closely with local jurisdictions to develop their community-oriented network and provide access to a host of network amenities. It is CW's fervent goal and intent to provide the best seamless wireless telecommunications network to the residents, employees, and patrons of the County of San Luis Obispo.

Edge Wireless, formed in the Fall of 1999, is an AT&T affiliate operating in the western United States. Edge has been sanctioned to develop a wireless telecommunication network on behalf of AT&T within San Luis Obispo County. AT&T with Edge are making it possible to offer its customers enhanced features to PCS service in the San Luis Obispo County market and will operate several retail outlets in the County. It is the goal of Edge in conjunction with AT&T to provide a premier service within the entire County of San Luis Obispo.

### WHY WIRELESS TELECOMMUNICATIONS ARE VITAL TO COMMUNITIES

Since their introduction, wireless telecommunications systems have proved to be an invaluable communications tool in the event of emergencies (traffic accidents, fires, etc.) and natural disasters (earthquakes, floods, etc.) where normal land line communications are often disrupted, overlooked, or inaccessible during and after an event has occurred. This service and similar technology are utilized by numerous governmental and quasi-governmental agencies that provide emergency services. Wireless telecommunications systems, including cellular telephones, have also proved to be invaluable tools in business communications and everyday personal use. In this sense, wireless telecommunications system networks have proved to be desirable in the interest of public convenience, health, safety, and welfare.

### HOW DOES A WIRELESS NETWORK FUNCTION?

Unlike other land uses, which can be spatially determined through a municipalities general land use plan, the location of wireless telecommunications facilities are based on technical requirements, which include service area, geographical elevations, alignment with neighboring sites, and customer demand components. Placement within the rural or urban environment is dependent on these requirements, as well as the availability of property owners within the geographical area of coverage gaps or loss that are willing to allow the incorporation of an

---

18500 Von Karman Avenue, Suite #870, Irvine, California 92612-0545  
949.477.3010 / Fax 949.477.3063

Exhibit 3  
(6 of 10)

*San Luis Obispo County LCP Major Amendment No. 2-99  
February 14, 2001  
Page 3*

unmanned wireless telecommunications facility onto their property. In order to complete the wireless telecommunications network, wireless telecommunication facilities have been located adjacent to and within all major land use categories including residential, commercial, industrial, open space, etc., proving to be compatible in a variety of situations and land use patterns. Wireless facilities are unmanned, require minimal routine maintenance, have no impact on traffic circulation systems, and generate no noise, odor, smoke, or any other adverse impacts to adjacent land uses. Wireless facilities allow commuters and residents within the coverage area access to wireless services in the rapidly expanding communications infrastructure by providing voice and data transmission services not currently available. Wireless telecommunications facilities operate in full compliance with all state and federal regulations, including the Federal Telecommunications Act of 1996.

Wireless communications are transmitted through the air by radio frequencies. The two oldest forms of wireless communications are cellular and enhanced specialized mobile radio (ESMR), both of which are transmitted by radio waves. The newest form of wireless communications, personal communications services (PCS), is transmitted by higher frequency radio waves. PCS is the next generation of wireless communications. Consumers of PCS will be offered more affordable services such as voice communication, caller identification, paging, facsimile services, E-mail, video telecommunications, and cellular digital data communications (CDPD). Eventually, customers may have one single phone number for many of those services, regardless of location.

Wireless communication is accomplished by linking a wireless network of radio wave transmitting devices such as portable and car phones, to the conventional telephone system through a series of short-range, contiguous cells. Similar to honeycomb pattern, a cellular system is composed of many neighboring and interconnecting "cell sites," or geographical areas. Each cell site within the system contains transmitting and receiving antennas. As a customer enters one cell and exits another, the call is transferred between the cells by a computer.

Calls can originate or be received from a wireless source because antennas share a fixed number of frequencies across the network grid. What this means is that a caller may dial his/her destination number from within the radius of one cell antenna, then travel into the radius of another during the call, and the call is "handed-off" from one antenna to the next or one "cell site" to another. While the caller is moving, the provider's antennas are automatically locating an unoccupied frequency on the next antenna, thus enabling continuous, uninterrupted transmission.

The distance between antenna sites will normally range from ½ mile to 3 miles, depending on the population density, consumer usage, existing vertical elements, and the geographical terrain. While PCS networks require more antenna sites, they are generally not as large or obtrusive as conventional cellular sites. The antennas must have a clear line of sight between them to achieve maximum performance and uninterrupted service. In order to have a clear line-of-sight, antennas must be mounted high enough to overcome challenges posed by local topography and

---

18500 Von Karman Avenue, Suite #870, Irvine, California 92612-0545  
949.477.3010 / Fax 949.477.3063

**Exhibit 3**  
**(7 of 10)**

San Luis Obispo County LCP Major Amendment No. 2-99  
February 14, 2001  
Page 4

development. The required height is usually proportional to a combination of the distance that antennas can cover and the demand for PCS service within their sphere of influence. Antennas can be mounted on utility poles within the public right-of-way, as well as freestanding, guyed, lattice or self-supporting towers. Antennas can also be placed on building rooftops, integrated into a building's walls to complement existing architecture, and designed as other building features (e.g. steeple for a church) if the building's height can accommodate the service area and the building's structural integrity is satisfactory. Wireless facilities are located throughout the service area to provide adequate call coverage, capacity and quality. The following are some of the basic types of cell sites:

Coverage sites serve to expand coverage in large areas or in areas with difficult terrain and to enhance coverage for portable systems. Coverage sites allow users to make and maintain calls as they travel between cells.

Capacity sites serve to increase the capacity when surrounding sites have reached their practical channel limits. As the years pass, the number of subscribers increases exponentially creating a strain on the existing network. In order to alleviate this strain, capacity sites are implemented into the systems network to accommodate the increase in customer demand.

Microcells serve to expand coverage within hillside communities, along canyon roads, and residential regions. Due to variations in topography, existing vegetation, and strict regulations prohibiting the incorporation of a traditional wireless facility, microcells are the best viable option that will provide those residents or commuters seamless access to the wireless network.

### SPECIFIC COMMENTS REGARDING COASTAL COMMISSION STAFF'S RECOMMENDED MODIFICATIONS

This portion of the letter identifies specific comments and explanations regarding TCG's, CW's and Edge's concerns with Staff's recommendations.

#### (2) Application Contents

- (iv) This request is not feasible as currently stated. How is an "unimpaired signal" defined? This requirement must take into consideration or be qualified as equally achieving the carrier's coverage objective. It would be impractical for carriers to consider alternative sites that either did not meet coverage objectives or cannot be built due to the inability to obtain authorization from property owners. Other factors may eliminate certain locations from consideration as an alternative, such as the surrounding topography of the area, availability of power and telephone service, community preferences/oppositions, etc.

---

18500 Von Karman Avenue, Suite #870, Irvine, California 92612-0545  
949.477.3010 / Fax 949.477.3063

Exhibit 3  
(8 of 10)

San Luis Obispo County LCP Major Amendment No. 2-99  
February 14, 2001  
Page 5

In addition, how is visibility from public areas determined? Telecommunication facilities are not invisible. However, these facilities can be designed and built to integrate into the surrounding setting so that they are aesthetically compatible with the environment. The request for visual simulations for all locations being considered appears to be overly burdensome. Visual simulations should only be needed for the facility that is proposed in the application submitted for review and approval. Also, further clarification should be given as to what is meant by "...a thorough evaluation of all alternative sites and facility design..." It would be reasonable to evaluate an alternative site, if in fact an alternative site is available and which would clearly have less impact, meet carrier objectives, and is capable of a lease.

- (v) Private property within the Open Space land use category, which has a wireless facility or a proposed wireless facility, should be subject to the same regulations as all other development types. If other types of development are not required to execute an open space agreement, neither should wireless communication projects. This would be a discriminatory practice.

### (3) Development Standards

- (iv) Line 5 - "...shall be sited to avoid visibility from public areas." This requirement does not take into consideration stealthing, where the site may be visible but the design camouflages the antennas. Also, if a facility blends into the area (a mountain backdrop for a monopole or stub/pipe mounts), would that be considered "visible"? In addition, the requirement that "In no case shall a communication facility be visible above the ridgeline." Is too burdensome. Some discretion should be available for review of projects on a case-by-case basis. In some instances, a ridgeline site may be the ONLY option available to locate a facility and provide adequate coverage and service due to difficult natural terrain and man-made obstacles. Strictly prohibiting all sites on ridgelines may lead to more sites proposed by carriers to provide the necessary coverage. Leasing and landlord/property owner issues may also limit alternatives and thus require some ridgeline sites.
- (vi) Same concerns as stated above regarding "...completely out of public's view..."
- (vii) Mitigation measures could eliminate or reduce significant disturbance of ESH. Therefore, a complete prohibition is not appropriate.
- (ix) Underground vaulting requirement is unnecessary and overly burdensome. There are extreme technical difficulties with underground vaults, such as potential for flooding, air conditioning requirements, larger area of ground disturbance and grading to create the vaults, etc. In addition, a portion of the vault must stick

---

18500 Von Karman Avenue, Suite #870, Irvine, California 92612-0545  
949.477.3010 / Fax 949.477.3063

Exhibit 3  
(9 of 10)

San Luis Obispo County LCP Major Amendment No. 2-99  
February 14, 2001  
Page 6

above ground for access and therefore is not completely underground. Above ground support facilities can be more that adequately designed and/or screened for aesthetic compatibility.

**(4) Unused Facilities**

- (ii) The requirement for a Site Restoration Agreement is unwarranted. Wireless telecommunication providers cannot be forced into an agreement which presently has no defined limits of implementation and which is speculative in nature. The applicant would be required to commit to some future nebulous terms in which there is no current standard. Any site restoration contemplated should be defined and limited to current standards and incorporated as a condition of approval and not a separate agreement.

**CONCLUDING SUMMARY**

We appreciate your time in reviewing our comments and suggestions. We hope the information provided in this letter assists you and the Commission in its consideration of the San Luis Obispo County LCP Amendment that will allow the various wireless telecommunications providers the avenues to develop their network and market their services, while still maintaining the County's character. We would request that this letter be distributed to the distinguished members of the Coastal Commissioner prior to any decision on this matter.

If you have any comments or concerns, please do not hesitate to contact me by phone at (714) 496-4658 or via e-mail at [mhartstein@tcgsite.com](mailto:mhartstein@tcgsite.com).

Sincerely,



Mindy E. Hartstein, Esq.  
Planning Department Manager  
The Consulting Group, Inc.  
*Authorized Agent to Cingular Wireless*  
*Authorized Agent to Edge Wireless*

---

18500 Von Karman Avenue, Suite #870, Irvine, California 92612-0545  
949.477.3010 / Fax 949.477.3063

Exhibit 3  
(10 of 10)

