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Permit Application No. 3-02-028
Staff: JB-SC
Date: May 23, 2002

## ADMINISTRATIVE PERMIT NUMBER 3-02-028

APPLICANT<br>Cellular One of San Luis Obispo

PROJECT DESCRIPTION..... A wireless communication facility consisting of two (2) panel antenna, each flush mounted on a ten foot ( $10^{\prime}$ ) post at the edge of and projecting above an existing 23.5 foot concrete sewage treatment tank. Total height is 33.6 feet. The supporting equipment shall be located at the rear and base area of the tank directly below the antenna local.
PROJECT LOCATION........ 1600 Aloha Place, Oceano (San Luis Obispo County) (APN 061-091-018) See Exhibits 1 \& 2.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: Public Resources Code Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission on Thursday, June 13th at 1:00 p.m. at The Queen Mary, 1126 Queens Highway, Long Beach, CA 90802.
IMPORTANT: Before you may proceed with development, the following must occur:
Pursuant to Title 14 of the California Code of Regulations, Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, if applicable, we will send you a Notice of Administrative Permit Effectiveness. Before you can obtain any local permits and proceed with development, you must have received both your administrative permit and the notice of permit effectiveness from this office.


## STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to standard and special conditions as attached, the said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of San Luis Obispo County to implement a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act.

## FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

Cellular One of San Luis Obispo has proposed to construct a wireless communication facility at the site of the existing South County Sanitation District. The project site is located on a 445 square foot asphalt-paved area at 1600 Aloha Place in the community of Oceano, San Luis Obispo County. To the north and east is the San Luis Obispo/Pismo-Oceano Airport. To the south and southwest is a wetland/lagoon area (Please see Exhibit 1 for regional and site location maps).

The leased area and proposed development site is located between a large concrete treatment tank and the chain link fence along the western boundary of the Oceano sewage treatment plant property. Outside the fence line of the sanitation facilities site, and adjacent to the proposed communications site, there is a riparian area consisting mostly of a dense stand of arroyo willows (Please see Exhibit 2 for Layout Plan).

The site is within the Coastal Commission's permit jurisdiction by virtue of being located on historic tidelands associated with the confluence of Arroyo Grande Creek, Meadow Creek, and the Pacific Ocean, which were previously filled in order to build the Pismo-Oceano Airport and the surrounding neighborhood. The Coastal Act is therefore the standard of review. The County's LCP, however, may be used for guidance.

## Marine Resources and Environmentally Sensitive Habitats

Coastal Act Section 30231 and Coastal Act Section 30240(b) require new development to protect coastal marine resources and development in adjacent environmentally sensitive habitat areas. One method to ensure the habitat will be protected is to require a buffer between new development and wetland resources. Coastal resource issues raised by the project include a reduced setback from the adjacent wetland/lagoon area. As guidance for the appropriate width of the buffer, Section 23.07.172 of the San Luis Obispo County Coastal Zone Land Use Ordinance (CZLUO) establishes requirements for development adjacent to wetlands and states that new development shall be located a minimum of 100 feet from the upland extent of all wetlands, except as provided by subsection $d(2)$. Section $d(2)$ allows the minimum wetland setback to be reduced to no less than 25 feet provided that the site would be physically unusable for the principal permitted use unless the setback is reduced.
The South San Luis Obispo Sanitation District facility was originally built in 1966, prior to the Coastal Act. The site for the new antennas was built in 1986, and has been developed with multiple concrete sewage treatment tanks. The site is located within the Public Facilities land use category where communication facilities are a principal permitted use. After alternative site locations were reviewed, it was determined that the site would be physically unusable for the principal permitted use unless the setback was reduced. In this case, the riparian edge is more than 5 feet away from the existing chainlink fence and approximately 15 feet from where the project is proposed. The proposed structure will not be any closer to the wetland than the existing paved area and chain link fence. Because no alternative site locations were feasible, the City of San Luis Obispo granted a variance to the CZLUO required 25 -foot minimum setback requirement. The setback reduction and variance is consistent with the requirements of the LCP.
In addition, a vegetation survey and wetland setback evaluation was performed on site and it was determined that the proposed use would have no impact on the surrounding wetlands because it would be within an already developed area. Given all of the above, the project is consistent with Coastal Act Section 30231 regarding protection of the marine environment, and Coastal Act Section 30240(b) regarding development in areas adjacent to environmentally sensitive habitats.

## Visual and Scenic Resources

One important policy area concerns protection of the scenic resources in San Luis Obispo County's coastal areas. Wireless communications facilities, particularly larger towers, can have adverse impacts on scenic areas and can affect views to and along the shoreline. Coastal Act Section 30251 requires the scenic and visual qualities of coastal areas to be protected. Similarly, the LUP contains a number of policies directed to preserving the scenic qualities of San Luis Obispo County's coastal zone. The following visual resource policies are particularly relevant to an analysis of this permit proposal:

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 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. The County's permit approval D010177P states that the proposed project is not significantly visible from any public roadways or residential areas and has been conditioned to ensure conformance with the aforementioned Land Use Plan policies. A visual simulation of the wireless communication facility was also included in the application (see Exhibit 3 Project Elevations \& Visual Simulation). The County's conditions of approval also require 1) obsolete or used facilities to be removed within twelve months of cessation of operations; 2) requirements of restoration of the site to pre-project condition; 3) all lighting to be shielded and directed downward; 4) exterior noise limitations; and 5) the entire antenna assembly to be painted in a matte finished shade of gray, that will blend with the structure on which the antennas are mounted (see Exhibit 4 County Conditions of Approval). Commission staff reviewed the submitted visual simulation and found that views to the coast will not be significantly impacted. For the specific reasons cited above, coupled with the County's approval conditions, the proposed development is consistent with Coastal Act Sections 30251 and 30253, as well as San Luis Obispo County's certified LCP.

## Hazards

Coastal Act Section 30253 requires that new development shall minimize the risks to life and property in areas of high geologic, flood, and fire hazard. In terms of coastal hazards, the project is located within the flood hazard area delineated by the San Luis Bay Coastal Area Plan, which generally corresponds to the area that is subject to flooding under a 100 -year storm. LCP Policy 3 for Hazards prohibits new residential, commercial and industrial development within flood hazard areas, except for those areas within an urban reserve line, as is the case with this project. Because the two (2) proposed communications antenna are located atop existing sewage treatment tanks, onsite flooding would not pose any risks to life or property. However, the associated prefabricated shelter which houses the supporting equipment will be located at the base of the tanks and is subject to flooding under a 100-year storm. In accordance with CZLUO Section 23.07.066(a)(3), service facilities such as this are to be floodproofed or constructed at a
minimum of one-foot above the 100-year storm flood profile level for the site. According to the plans submitted by the applicant, the equipment shelter has been designed with a finished floor elevation of 12'-6' above mean sea level (AMSL). This elevation is consistent with Section 23.07.066(a)(3) construction standards. With these construction elements, and recognizing that the project constitutes infill within an existing developed area (as opposed to new development in an undeveloped flood plain), the project is consistent with Coastal Act Section 30253(1), which requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard.

## SPECIAL CONDITIONS

1. Compliance with Local Conditions of Approval. All development must occur in strict compliance with the terms of San Luis Obispo County Permit No. D010177P/D010197V (attached as Exhibit 4). Any changes to the project, or modifications to the terms of D010177P/D010197V, shall require an amendment to this permit unless the Executive Director determines that no amendment is required. Any questions regarding the interpretation of these terms, or the project's compliance with these terms, shall be referred to the Executive Director for resolution.

## ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I acknowledge that I have received a copy of this permit and have accepted its contents including all conditions.



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PROJECT
Planning Commission
So. County Sanitation District-D010177P


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PROJECT
Planning Commission
So. County Sanitation District-D010177P

Exhibit B<br>D010177P-Conditions

## Approved Use

1. This approval authorizes the installation and operation of a single wireless communication facility including the following improvements:
a. two panel antennas mounted on 10-foot poles
b. a 12 -foot by 20 -foot equipment enclosure

## Site Development

2. Site Development shall be consistent with the approved site plan and elevations
3. The applicant agrees to allow other carriers to co-locate at this site, if technically feasible, subject to land use permit approval.

## Site Restoration

4. All obsolete or used facilities shall be removed within twelve months of cessation of wireless communication operations on the site. The applicant shall be responsible for the removal of such facility and all appurtenant structures and restoration of the site to pre-project condition. Restoration does not include removal of vegetation planted to provide visual screening. At the time the use of the facility is discontinued the owner of the facility must notify the Department of Planning and Building.
5. Prior to issuance of a Building Permit, the applicant shall post a performance bond with the County in an amount commensurate with the cost of facility removal and site restoration. The performance bond shall be released by the County at the time the facility is removed and the site is restored.

## Electric and Magnetic Fields

6. The facility shall be designed and operated to ensure that power densities received from transmissions, with all transmitters at the site transmitting at full power, will comply with federal law and regulation.
7. Prior to final inspection, explanatory warning signs to prevent occupational exposures in excess of the FCC guidelines are to be posted at the site entrance gate and on or at the barrier fence and antennas such that they would be readily visible from any angle of approach to persons who might need to work near the antennas.
8. To prevent occupational exposures in excess of the FCC guidelines, no ac directly in front of the antennas themselves should be allowed while the base station is in operation, unless other measures can be demonstrat occupational protection requirements are met. (Warning sings should c . C95.2 color, symbol, and content conventions. In addition, contact infor

provided [e.g., a telephone number] to arrange for access to restricted areas).

## Lighting

9. All proposed lighting shall be shielded and directed downward in order to reduce the amount of light and glare on surrounding properties.

## Noise

10. HVAC units shall be sound attenuated to meet applicable County and State exterior noise standards
11. The project shall be maintained in compliance with the county Noise Element (including emergency generators). Any back-up or emergency generators shall have a noise baffle cover and shall not exceed a maximum noise level (as specified by County Ordinance).

## Visual and Aesthetic Impacts

Paint
12. Prior to final inspection, the entire antenna assembly shall be painted a shade gray that will blend with the structure on which the antennas are mounted. The color to be used shall be matte finish. This color shall be maintained for the life of the project. Repainting shall occur as necessary.
13. Prior to issuance of the building permit, the applicant shall provide a permit from the Coastal Commission.


