



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE December 18, 2015 LOCAL EFFECTIVE DATE January 1, 2016 APPROX FINAL EFFECTIVE DATE January 22, 2016	CONTACT/PHONE Zarina M. Hackney (805) 781-5029 zhackney@co.slo.ca.us	APPLICANT Verizon Wireless	FILE NO. DRC2014-00054
SUBJECT A request by VERIZON WIRELESS for a Minor Use Permit/Coastal Development Permit (DRC2014-00054) to allow the construction and operation of an unmanned wireless communications facility, consisting of one 2'-0" tall by 1'-2.6" diameter cylindrical "cantenna" mounted to a new 29'-3.6" wooden utility pole (top of antenna will be at a height of 31'-9.6" above ground level) replacing an existing utility pole in kind. Four RRUs at a height of 19'-9.6", one equipment cabinet at a height of 13'-9.6", and associated utilities and equipment will be mounted on the utility pole. The proposed project will result in less than 50 square feet of site disturbance and is located in the County right-of-way, at the west corner of the Old Creek Road and Orville Avenue intersection in the community of Cayucos, in the Commercial Retail land use category. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00054 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on November 16, 2015 (ED15-132).			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION Local Coastal Plan, Archeologically Sensitive Area	ASSESSOR PARCEL NUMBER County right-of-way Closest APN: 064-263-036	SUPERVISOR DISTRICT(S): 2
PLANNING AREA STANDARDS: Cayucos Community Service District Review, Cayucos Fire Department Review, and Height Limitations Does the project meet applicable Planning Area Standards: Yes – see discussion			
LAND USE ORDINANCE STANDARDS: Coastal Commission Appealable Zone, Local Coastal Program (LCP), Archeological Sensitive Area (AS), and Telecommunications Facilities Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.			
The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: County right-of-way, utility pole	
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family / single family residences East: Residential Single Family / single family residences South: Highway 1 West: Commercial Retail / Highway 1	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, California Coastal Commission, Cayucos Citizen Advisory Council	
TOPOGRAPHY: Generally level	VEGETATION: Non-native grasses
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: Cayucos Fire Department	ACCEPTANCE DATE: October 30, 2015

DISCUSSION

Project Description

Verizon Wireless is proposing to locate an unmanned telecommunications facility on a replacement PG&E wooden utility pole within the County right-of-way. The existing utility pole stands at a height of 29'-3.6" above ground level. One 2'-0" tall by 1'-2.6" diameter cylindrical "cantenna" will be mounted to a new 29'-3.6" wooden utility pole (top of antenna will be at a height of 31'-9.6" above ground level) replacing the existing utility pole in kind. One conduit riser for coax will be mounted on the utility pole at a height of 27'-6" above ground level, two diplexers at a height of 22'-6", four Remote Radio Units (RRUs) at a height of 19'-9.6", one equipment cabinet at a height of 13'-9.6", one meter at a height of 9'-9", one disconnect switch at a height of 6'-5", one conduit riser for power at a height of 5'-0", and associated utilities and equipment will be mounted on the utility pole. There will be minimal site disturbance in the County right-of-way. The facility is designed to visually blend into the existing utility pole and neighborhood so as to not be noticeable to the public as a telecommunications facility (see Figure 1).

Figure 1: Simulation Looking Southwest from Old Creek Road



The original project plans mistakenly showed the proposed facility located on the adjacent parcel (APN: 064-263-036) on the northeast corner of Ocean Boulevard and Orville Avenue. The owner of that parcel contacted staff and expressed concerns that 1) the project is proposed on his parcel without his consent, and 2) locating the project in front of his property could interfere with site improvements for a planned development project (known as the “DeCicco” project) on his parcel. Verizon clarified that the proposed project is located in the County right-of-way (not the adjacent parcel) and submitted revised plans to accurately reflect the project location. In response to concerns that the proposed project could interfere with site improvements for a future development project, Verizon revised the plans to show pole-mounted (rather than ground-mounted) equipment cabinets. As revised, all equipment associated with the project would be located on the replacement PG&E pole; no equipment would be located on the ground. Therefore, the proposed project would not interfere with future development plans on the adjacent parcel.

The project is one of three new Verizon Wireless communications facilities proposed on PG&E utility poles in Cayucos. This facility is anticipated to improve wireless coverage for Verizon customers in the Morro Strand and Studio Drive neighborhoods. According to Verizon’s proposed coverage maps (attached), the proposed facility would improve service by moving users in Southern Cayucos to a local cell that can better support their data needs as data use continues to grow while also improving in-building 4G coverage.

PLANNING AREA STANDARDS

As described below, the proposed project complies with applicable standards of the Estero Area Plan.

Combining Designations

Local Coastal Plan (LCP)

The Local Coastal Plan is incorporated into existing county policies and regulations through amendment to the Land Use Element and certification of a Coastal Zone Land Use Ordinance (CZLUO). The coastal zone boundary encompasses portions of the Estero planning area. The LCP combining designation identifies specific programs to ensure that access to the shoreline is provided in accordance with the policy of the Local Coastal Plan.

The proposed project is in conformity with the public access policies, because the project is not using beach accessways for vehicular access and will not be located between the ocean and first public road.

Community Wide Standards

Cayucos Community Services District Review

Prior to application acceptance, land use permit applications shall include a written verification of water and sewer service availability from the Cayucos Community Services District. A water and sewer service condition compliance letter from the Cayucos Community Services District shall be provided to the Department of Planning and Building prior to building permit issuance.

The project complies with the above standard because the proposed project, an unmanned telecommunications facility, will not increase water or sewer demand.

Cayucos Fire Department Review

Prior to application acceptance, building permit applications shall include a written verification from the Cayucos Fire Protection District indicating that the proposed project has received fire clearance.

The proposed project is conditioned to comply with this requirement.

Commercial Retail

Height Limitation

Per the Estero Area Plan, the maximum allowable height in the Commercial Retail land use category is 30 feet above average natural grade.

Telecommunications facilities are exempt from this height limit, with the maximum allowable height determined instead during the discretionary permit process based on visual resource considerations. In this case, the proposed antenna will be mounted directly on top of the utility pole at a height of 31'-9.6" above ground level, and shall be painted a matte finish, natural color to match the wooden utility pole.

COASTAL ZONE LAND USE ORDINANCE STANDARDS

Section 23.07.120: Local Coastal Program (LCP)

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.07.104 – Archaeologically Sensitive Areas (AS)

This Section requires development applications within the Archaeologically Sensitive combining designation area to include a preliminary archaeological site survey. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by a qualified archaeologist.

The proposed project is located in the County right-of-way very near or within a designated archaeologically sensitive area. All utilities and equipment will be mounted on the utility pole. The proposed project will result in minimal site disturbance in the County right-of-way when the existing utility pole is replaced with a new utility pole in kind. The proposed project is consistent with this standard because it involves minimal site disturbance in an already disturbed area and includes conditions to ensure protection of any archaeological resources discovered during construction. A Phase I (surface survey) was conducted on the adjacent parcel for the DeCicco development project and no evidence of significant cultural materials was noted on the property.

Section 23.08.284 – Communications Facilities

This Section of the Land Use Ordinance (Title 23) contains specific land use permit and application content requirements as well as siting and design standards for proposed wireless communications facilities. As described below, the proposed project meets these requirements:

Radio Frequency Analysis

Section 23.08.284(a)(2) requires applications for communications facilities to provide estimates of non-ionizing radiation generated and/or received by the facility. These shall include 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.

The project complies with this requirement because the applicant supplied a report to evaluate the proposed communications facility for compliance with appropriate guidelines limiting human exposure to radio frequency (RF) electromagnetic fields. According to the RF report for this project (Hammett & Edison, Inc.; February 17, 2015), the public exposure RF emissions limit from the proposed facility would be equivalent to 2.8 percent of the applicable public exposure limit. The maximum calculated level of RF emissions at the second-floor elevation of any nearby residence (located at least 50 feet away) would be less than 5.6 percent of the FCC standard. The report concludes that the facility would operate within the FCC standards for RF emissions.

Permit Requirements

Section 23.08.284(b)(1) requires Minor Use Permit approval for proposed wireless communications facilities that are either a) installed on existing structures, or b) co-located at existing communications facility sites. Conditional use permit approval is required for all other communications facilities.

This project is eligible for Minor Use Permit approval because the proposed antenna is to be co-located at an existing PG&E communications facility site.

Development Standards

According to Section 23.08.284(b)(3), the preferred placement for new wireless communications facilities is on existing structures, completely hidden from public view or painted and blended to match existing structures. In addition, all facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to resemble rural, pastoral architecture (e.g. 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.

The Verizon Wireless antenna will be placed on a PG&E wooden utility pole. The proposed antenna, conduit riser for coax, diplexers, RRUs, equipment cabinet, meter, disconnect switch, conduit riser for power, and all associated mounting brackets will be painted a matte finish, natural color to match the wooden utility pole. Therefore, the proposed project complies with this standard.

COASTAL PLAN POLICIES

Following is a list of the Coastal Plan Policies (discussion of applicable policies following):

Shoreline Access:	N/A
Recreation and Visitor Serving:	N/A
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating and Port Facilities:	N/A
Environmentally Sensitive Habitats:	N/A
Agriculture:	N/A
Public Works:	N/A
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No(s): 8 through 10
Visual and Scenic Resources: <input checked="" type="checkbox"/>	Policy No: 1 and 2
Hazards:	N/A
Archaeology:	N/A
Air Quality:	N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COASTAL PLAN POLICY DISCUSSION

Coastal Watersheds:

Policy 8: Timing of Construction and Grading. *The proposed project is conditioned to comply with this policy as the project shall have an erosion and sedimentation control plan where grading is conducted or left in an unfinished state during the period from October 15 through April 15.*

Policy 9: Techniques for Minimizing Sedimentation. *The proposed project is conditioned to comply with this policy as the applicant shall apply Best Management Practices in the selection and implementation of site maintenance.*

Policy 10: Drainage Provisions. *The proposed project is conditioned to comply with this policy as the applicant shall provide a drainage plan to San Luis Obispo County Public Works Department for review and approval, and shall implement the approved drainage plan, showing that construction will not increase erosion or runoff.*

Visual and Scenic Resources:

Policy 1: Protection of Visual and Scenic Resources. Unique and attractive features of the landscape, including scenic vistas, are to be preserved protected, and in visually degraded areas restored where feasible. The proposed project is conditioned to comply as the antenna, conduit riser for coax, diplexers, RRUs, equipment cabinet, meter, disconnect switch, conduit riser for power, and associated mounting brackets will be painted a matte finish, natural color to blend with the wooden utility pole and not be obtrusive to the neighborhood in which it is located.

Policy 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. The proposed project is consistent with this policy. All utilities and

equipment will be located on the utility pole, and there will be no site disturbance in the County right-of-way.

COMMUNITY ADVISORY GROUP COMMENTS

The proposed project was referred to the Cayucos Citizen Advisory Council (CCAC) and reviewed by the land use committee on January 5, 2015. The land use committee requested visual screening for the ground equipment.

The plans were revised so all utilities and equipment will be located on the utility pole, and there will be minimal site disturbance in the County right-of-way.

AGENCY REVIEW

Public Works – An encroachment permit is required to place proposed equipment within the County right-of-way. If issued, the encroachment permit will also be subject to the Settlement Agreement between the County and MCI (now Verizon) that is dated August 2004 and renewed in December 2011. The project appears to create or replace less than 2,500 SF of impervious area. Therefore, no Stormwater Control Plan is required. See attached.

Environmental Health – Applicant shall submit a hazardous materials business plan for the proposed cell site.

LEGAL LOT STATUS

The unmanned telecommunications facility for Verizon Wireless will be co-located on a 29'-3.6" replacement PG&E wooden utility pole within the County right-of-way at the west corner of the Old Creek Road and Orville Avenue intersection in the community of Cayucos.

Staff report prepared by Zarina M. Hackney and reviewed by Airlin M. Singewald.