

**PLANNING COMMISSION MEETING
AGENDA**

**Tuesday, October 15, 2024, 6:00 p.m.
Hybrid City Council Chamber/Virtual Zoom Meeting
215 East Branch Street, Arroyo Grande**

In person at:
Arroyo Grande City Council Chambers
215 E. Branch Street, Arroyo Grande, CA 93420

AND via Zoom at:

https://arroyogrande-org.zoom.us/webinar/register/WN_NRsyFrUIQ_6179_iBTyDVA

Please click the link above to register to join the Zoom Meeting

This Planning Commission meeting is being conducted in a hybrid in-person/virtual format. Please be advised that while the City will endeavor to ensure these remote participation methods are available, the City does not guarantee that they will be technically feasible or work all the time. Further, the City reserves the right to terminate these remote participation methods (subject to Brown Act restrictions) at any time and for any reason. Members of the public may participate and provide public comment on agenda items during the meeting in person at the location identified above, by registering and joining the Zoom meeting, or by submitting written public comments to the Clerk of the Commission at pc-publiccomment@arroyogrande.org. Meetings will be broadcast live on Channel 20 and streamed on the City's YouTube Channel.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

Commissioner Berlin

4. **AGENDA REVIEW**

The Commission may revise the order of agenda items depending on public interest and/or special presentations.

5. **COMMUNITY COMMENTS AND SUGGESTIONS**

This public comment period is an invitation to members of the community to present issues, thoughts, or suggestions on matters not scheduled on this agenda. Comments should be limited to those matters that are within the jurisdiction of the Planning Commission. Members of the public may provide public comment in-person or remotely by registering and joining the Zoom meeting utilizing the link provided below. Once in the meeting, please use the "raise hand" feature to indicate your desire to provide public comment.

Click the link below to join the webinar:

https://arroyogrande-org.zoom.us/webinar/register/WN_NRsyFrUIQ_6179_iBTyDVA

After registering you will receive a confirmation email containing information about joining the

webinar.

Please be advised that while the City will endeavor to ensure these remote participation methods are available, the City does not guarantee that they will be technically feasible or work all the time. Further, the City reserves the right to terminate these remote participation methods (subject to Brown Act restrictions) at any time and for any reason. Please attend in person or submit your comment via email to the Clerk of the Commission to have it included in the record.

The Brown Act restricts the Planning Commission from taking formal action on matters not published on the agenda. In response to your comments, the Chair or presiding official may:

- Direct City staff to assist or coordinate with you
- A Commissioner may state a desire to meet with you
- It may be the desire of the Commission to place your issue or matter on a future agenda

Please adhere to the following procedures when addressing the Commission:

- Comments should be limited to 3 minutes or less
- Your comments should be directed to the Commission as a whole and not directed to individual Commissioners
- Slanderous, profane, or personal remarks against any Commissioner or member of the audience shall not be permitted.

6. WRITTEN COMMUNICATIONS

Correspondence or supplemental information for the Planning Commission received after Agenda preparation. In compliance with the Brown Act, the Commission will not take action on correspondence relating to items that are not listed on the Agenda, but may schedule such matters for discussion or hearing as part of future agenda consideration.

7. CONSENT AGENDA

7.a Approval of Minutes (HOLUB)

Recommended Action:

Approve the minutes of the September 17, 2024 regular meeting.

8. PUBLIC HEARINGS

8.a Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility and Finding That This Action Is Exempt From Review Under CEQA Pursuant to State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon Wireless (GROPEN)

Recommended Action:

- 1) Adopt a Resolution (Attachment 1) approving Conditional Use Permit 24-001 and
- 2) Find that this action is exempt from CEQA pursuant to State Guidelines section 15303 for the installation of new small structures and facilities.

8.b Continued Consideration of Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Wireless Telecommunication Facilities and Finding That This Action is Exempt From Review Under the California Environmental Quality Act

(PEREZ)

Recommended Action:

1) Adopt the attached Resolution recommending City Council to adopt the proposed ordinance amending the Arroyo Grande Municipal Code (AGMC) regarding wireless telecommunication facilities; and

2) Find the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines and direct staff to prepare and file with the Office of Planning and Research and the Clerk of the County of San Luis Obispo a Notice of Exemption (NOE) as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

- 8.c Consideration of Tentative Parcel Map 23-001; Subdivision of One (1) Parcel into Four (4) with One (1) Remainer Parcel; Location – 444 Lierly Lane; Representative – Kerry Margason, MBS Land Surveys (HOLUB)**

Recommended Action:

It is recommended that the Planning Commission continue the public hearing to a date uncertain to allow staff additional time to review the proposal. The project will be noticed again in advance of the next meeting.

- 9. **NON-PUBLIC HEARING ITEMS**
None.
- 10. **NOTICE OF ADMINISTRATIVE ITEMS SINCE SEPTEMBER 17, 2024**
None.
- 11. **COMMISSION COMMUNICATIONS**
Correspondence/Comments as presented by the Planning Commission.
- 12. **STAFF COMMUNICATIONS**
Correspondence/Comments as presented by the Community Development Director.
- 13. **ADJOURNMENT**
All staff reports or other written documentation, including any supplemental material distributed to a majority of the Planning Commission within 72 hours of a regular meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the City Clerk’s office, 300 E. Branch Street, Arroyo Grande. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for disability-related modification or accommodation, contact the Legislative and Information Services Department at 805-473-5400 as soon as possible and at least 48 hours prior to the meeting date.

This agenda was prepared and posted pursuant to Government Code Section 54954.2 Agenda reports can be accessed and downloaded from the City’s website at www.arroyogrande.org If you would like to subscribe to receive email or text message notifications when agendas are posted, you can sign up online through the “Notify Me” feature.

Planning Commission Meetings are streamed live on the [City's YouTube Channel](#) and recorded for replay on Arroyo Grande’s Government Access Channel 20.

**ACTION MINUTES
MEETING OF THE PLANNING COMMISSION**

**September 17, 2024, 6:00 p.m.
Hybrid City Council Chamber/Virtual Zoom Meeting
215 East Branch Street, Arroyo Grande**

Commission Members Present: Chair Jamie Maraviglia, Kevin Buchanan,
Bruce Berlin, Vice Chair Virginia Roof

Commission Members Absent: Catherine Sackrison

Staff Present: Planning Manager Andrew Perez, Associate
Planner Patrick Holub, Community
Development Director Brian Pedrotti

This meeting was conducted in a hybrid in-person/virtual format.

1. CALL TO ORDER

Chair Maraviglia called the Planning Commission meeting to order at 6:00pm.

2. ROLL CALL

Commissioner Sackrison absent.

3. FLAG SALUTE

Chair Maraviglia led the flag salute.

4. AGENDA REVIEW

None.

5. COMMUNITY COMMENTS AND SUGGESTIONS

None.

6. WRITTEN COMMUNICATIONS

One item of written correspondence was provided regarding item 8a.

7. CONSENT AGENDA

7.a Approval of Minutes

Moved by Vice Chair Virginia Roof
Seconded by Bruce Berlin

Approve the Minutes of the July 30, 2024 special meeting.

Passed

8. **PUBLIC HEARINGS**

8.a **Consideration of Development Code Amendment 24-002; Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Wireless Telecommunication Facilities and Finding That This Action Is Exempt From Review Under The California Environmental Quality Act**

Planning Manager Perez presented the staff report and responded to Commissioner questions regarding: mandated review times; methods for contacting staff regarding a proposal; residential density; proximity to school sites; state and federal regulations; the process of correcting an application deficiency or operational issue; enforceability of performance standards; and site abandonment procedures and timelines.

Chair Maraviglia opened the public hearing.

Alexandria asked a question about creating a application process that establishes a voluntary public hearing process and spoke about the tiers for preferential analysis for siting.

Garry Schmidt spoke about his involvement in the creation of the current ordinance and expressed concerns regarding protections for residents.

Paula Mason spoke about the changes to the ordinance indicating she was supportive and asked how residents of multi-family units or mobile homes will be notified of a pending application.

Carol Cranfield expressed concerns regarding setbacks from residential neighborhoods including mobile home parks.

Ethel Landers expressed concerns about the effects of cell towers near residential units and requested the addition of a buffer from residential areas.

Moved by Chair Maraviglia
Seconded by Bruce Berlin

Continue the proposed ordinance amending the Arroyo Grande Municipal Code (AGMC) regarding wireless telecommunication facilities and find the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines and direct staff to prepare and file with the Office of Planning and Research and the Clerk of the County of San Luis Obispo a Notice of Exemption (NOE) as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

Passed

9. **NON-PUBLIC HEARING ITEMS**

None.

10. **NOTICE OF ADMINISTRATIVE ITEMS SINCE JULY 30, 2024**

Received.

11. **COMMISSION COMMUNICATIONS**

Vice Chair Roof spoke about the visioning and guiding principles that were reviewed by the City Council.

12. **STAFF COMMUNICATIONS**

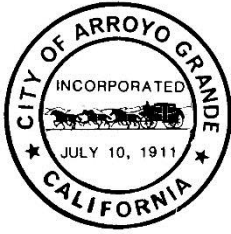
Community Development Director Pedrotti provided updates regarding the following items: 959 Valley Road cell tower application; Housing Element Programs; Public Art Project at Rancho Grande Park; and the Swinging Bridge Ribbon Cutting Ceremony on September 13th.

13. **ADJOURNMENT**

The Meeting adjourned at 7:45pm.

Jamie Maraviglia, Chair

Patrick Holub, Associate Planner



MEMORANDUM

TO: Planning Commission

FROM: Brian Pedrotti, Community Development Director

BY: Shayna Gropen, Assistant Planner

SUBJECT: Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility and Finding That This Action Is Exempt From Review Under CEQA Pursuant to State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon Wireless

DATE: October 15, 2024

RECOMMENDATION:

1) Adopt a Resolution (Attachment 1) approving Conditional Use Permit 24-001 and
2) Find that this action is exempt from CEQA pursuant to State Guidelines section 15303 for the installation of new small structures and facilities.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

None.

BACKGROUND:

In addition to the City's regulations regarding wireless telecommunication facilities, there are a number of state and federal laws that effect how these applications are processed. The following paragraphs provide background information on those laws and explain how they effect how these applications are processed.

Summary of State and Federal Constraints on City Authority:

1. Section 332 is the Primary Federal Limitation on City Authority:

47 U.S.C. § 332 ("Section 332") is the principal federal law limiting the City's authority over placement of wireless facilities; however, it nonetheless recognizes and preserves local zoning authority over the placement, construction and modification of wireless communications facilities, provided the locality complies with the following five requirements.

Item 8.a

Planning Commission
Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility
and Finding That This Action Is Exempt From Review Under CEQA Pursuant to
State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon
Wireless
October 15, 2024
Page 2

a. Regulation Based on RF Emissions Prohibited

The health risks associated with the public’s exposure to radio frequency (RF) energy has been an area of public concern particularly in light of the public’s increasing reliance on mobile devices and the proliferation of mobile technology and its supporting infrastructure. Setting the safety standards for RF emissions is exclusively the responsibility of the federal government, and the responsible agency is the Federal Communications Commission (“FCC”). Thus, Section 332(c)(7)(B)(iv) prohibits the City from denying a wireless facility application based on concerns about RF emissions so long as the applicant has demonstrated that its facilities will comply with FCC standards. The FCC in 1997 issued OET Bulletin 65, which provides technical guidelines for evaluating compliance with the FCC RF safety requirements.

Further, direct or indirect concerns over the perceived health effects of RF emissions may not serve as substantial evidence to support the denial of an application, where an applicant has demonstrated compliance with the FCC’s standards for RF emissions. Similarly, claims that a proposed wireless facility will result in diminished property values that are rooted in a concern about the perceived effects of RF emissions cannot constitute substantial evidence supporting a denial of a wireless facility application.

b. City Cannot Prohibit the Provision of Personal Wireless Services

Section 332 restricts the City from establishing regulations or taking any actions that result in the prohibition or effective prohibition of the provision of personal wireless services. The Ninth Circuit has developed its own test for an “effective prohibition”. Under the Ninth Circuit’s test, denying a wireless application can be found to improperly “prohibit” a carrier’s provision of personal wireless services if it prevents a wireless provider from closing a “significant gap” in its own service coverage using the least intrusive means. To support a contention that a site is necessary to close a significant gap, a provider must both demonstrate that a significant gap in service exists and that it has chosen the least alternative means of filling that gap.

There is no bright-line rule for determining when a gap is “significant;” instead, the conclusion is based on a fact-specific analysis of coverage and demand. To satisfy the least intrusive means standard, the applicant must show that it made a good faith effort to identify and evaluate alternatives, such as considering less sensitive sites, alternative system designs, alternative tower designs, and the use of existing structures for antenna placement, and proposes the least intrusive alternative. The applicant must analyze the specific factors in the locality’s code rather than solely relying upon generalized observations. Once the applicant has done that, the burden shifts to the locality to rebut the applicant’s least intrusive analysis. That is, a municipality is not compelled to accept and may reject the provider’s least intrusive means analysis, so long as the locality is able

Planning Commission
Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility and Finding That This Action Is Exempt From Review Under CEQA Pursuant to State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon Wireless
October 15, 2024
Page 3

to show that there are some potentially available and technologically feasible alternatives. The provider must be given an opportunity to dispute the availability and feasibility of the alternatives favored by the locality.

c. The City Cannot Discriminate Among Providers of Functionally Equivalent Services

Section 332(c)(7)(B)(i) prohibits the City from “unreasonably discriminat[ing] among providers of functionally equivalent services.” This limitation is intended to prevent the City from dictating a preference for certain technologies.

d. The City Must Act on a Wireless Application Within A Reasonable Time

Section 332 provides that local authorities must make a final decision regarding whether to approve or deny an application within a “reasonable period of time” after the request is filed, taking into account the nature and scope of the request. In 2009, the FCC established “presumptively reasonable periods” for local action on a wireless communications facility siting application—typically referred to as the “shot clocks.” Applications that propose a “collocation” must be approved or denied within 90 days; applications for all other facilities must be approved or denied within 150 days. The FCC has adopted three other “shot clocks” for other types of wireless applications including small wireless facilities subject to a 60 day shot clock if placed on an existing structure of 90 days shot clock if placed on a new or replacement structure, and certain modifications to an existing wireless facility that qualify as an eligible facilities request under 47 CFR 1.6100 are subject to a 60 day shot clock. The City must reach a final decision on a wireless application within the applicable FCC shot clock period (including the completion of all appeals, and issuance of all ancillary permits) or risk a deemed approved remedy.

In 2015, the State Legislature adopted AB 57, codified as Gov. Code Section 65964.1, which provides that if a local government fails to act within the time required by either of the above two FCC shot clocks, the applicant may pursue a “deemed approval” of its application by providing notice to the local government, and the local government would have to go to court within 30 days to try to challenge the deemed granted assertion. In late 2021, Governor Newsom signed into law AB 537, which expanded Gov. Code 65964.1. This change had the net effect of imposing a “deemed granted” remedy for all types of wireless facility applications if the applicable shot clock is missed by the local jurisdiction.

Planning Commission
Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility and Finding That This Action Is Exempt From Review Under CEQA Pursuant to State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon Wireless
October 15, 2024
Page 4

e. Any Denial Must Be Supported By Substantial Evidence

Section 332 also requires that any decision to deny a request to build personal wireless facilities “shall be in writing and supported by substantial evidence contained in a written record” submitted contemporaneously with the denial. To determine whether a local government’s decision is supported by substantial evidence within the meaning of the statute, a reviewing court “must be able to identify the reason or reasons why the locality denied the application.” The rationale behind such a denial need not be “elaborate or even sophisticated”—rather, a local authority must provide a rationale clear enough to “enable judicial review.” The City must provide the applicant with written notice of a denial as soon as practicable after the decision has been made.

2. City Cannot Prohibit Telecommunications Services or Impose Moratoria

47 U.S.C. § 253 (“Section 253”) preempts state and local governments requirements that prohibit or have the effect of prohibiting any entity from providing telecommunications services. Otherwise preempted provisions survive if they are within one of two safe harbors. First, Section 253(b) provides that states may “impose, on a competitively neutral basis...requirements necessary to preserve and enhance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications service.” Second, Section 253(c) protects state and local authority to “manage the public rights of way” and “require fair and reasonable compensation from telecommunications providers” for public ROW use on a competitively neutral and nondiscriminatory basis. The Ninth Circuit has held that the “unambiguous text” of Section 253(a) requires a plaintiff to demonstrate either an actual prohibition or that the challenged provisions “actually have the effect of prohibiting the provision” of covered services.” Further, the Ninth Circuit also determined that the phrase “prohibit or have the effect of prohibiting” has the same meaning in both Section 253(a) and Section 332(c)(7)(B)(i)(II). Thus, unless the Ninth Circuit determines otherwise, an applicant must show an actual prohibition to obtain relief under Section 332 or Section 253.

3. State Law Limits on the City’s Authority

There are several state law provisions that affect the City’s ability to regulate wireless facilities. Most relevant here, Gov. Code Section 65964 does three things:

- All wireless facility permits issued by the City must be effective for at least 10 years, “absent public safety reasons or substantial land use reasons.”

Planning Commission

Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility and Finding That This Action Is Exempt From Review Under CEQA Pursuant to State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon Wireless

October 15, 2024

Page 5

- The City cannot require wireless permittees to post an escrow deposit covering the cost to remove the proposed facility; however, a performance bond requirement securing removal of the facility remains permissible.
- The City cannot require that all wireless facilities are limited to sites owned by particular parties within the City.

The Verizon Application and Prior City Review

The applicant proposes the installation of a new wireless communications facility to be concealed as a 68-foot faux pine tree within a 900 square foot lease area, which will be enclosed with a chain link fence. Under federal law, the application is considered an application for a macro wireless facility subject to a 150-day FCC shot clock. On September 3, 2024, the City made the initial determination that the proposed application is a macro wireless facility application subject to the 150-day shot clock.

The subject property is the home of St. John’s Lutheran Church and is located in the Public Facility (PF) zoning district (Attachment 2). Arroyo Grande Municipal Code Section 16.44.040 and Table 16.44.040(A) provide that commercial telecommunication facilities are permitted within the PF zone subject to the approval of a Conditional Use Permit (CUP) and require compliance with the Telecommunication Facilities Siting and Permit Submittal Requirements as adopted by City Council Resolution No. 4791, dated April 25, 2017 (the “Telecommunication Requirements”) (Attachment 3). Pursuant to Arroyo Grande Municipal Code Section 16.16.050, the Planning Commission is authorized to approve Conditional Use Permit applications.

The subject parcel is developed with the church facility located in the northwestern portion of the lot and two separate parking areas: one accessible from Los Berros Road to the north and the other from Valley Road to the west. The southernmost edge of the property represents the end of the Arroyo Grande city limits. A San Luis Obispo County maintained substation is located directly south of the proposed project site. Other surrounding land uses include agricultural fields to the west, across Valley Road, a vacant lot zoned public facility with a conservation and open space easement north of the project site, across Los Berros Road, and a single-family residence east of the project site.

An application for a new facility at 759 Valley Road was considered by the ARC and Planning Commission in [November 2023](https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=9411)¹, and [February 2024](https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=9906)², respectively. The application was [denied](https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=10095)³ by the Planning Commission due to the determination that the

¹ <https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=9411>

² <https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=9906>

³ <https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=10095>

Planning Commission

Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility and Finding That This Action Is Exempt From Review Under CEQA Pursuant to State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon Wireless

October 15, 2024

Page 6

project did not comply with all applicable provisions of the Arroyo Grande Development Code, the goals and objectives of the Arroyo Grande General Plan, and the development policies and standards of the City. Specifically, deficiencies were found in the alternative candidates analysis because the Planning Commission found that the alternatives were not thoroughly or sufficiently explored. Following the adoption of Resolution No. 24-2395 denying the application, the applicant filed an appeal to the City Council. During this time, the applicant entered a tolling agreement with the city and began investigating alternative solutions to filling the identified coverage gap at a different location. This led to the submission of the current project application.

Staff Advisory Committee

The Staff Advisory Committee (SAC) reviewed the proposed project on September 11, 2024. Members of the SAC include representatives from the City's Public Works Department, Police Department, Engineering Division, and Planning Division. Members of the SAC were supportive of the project as proposed.

Architectural Review Committee

The Architectural Review Committee (ARC) reviewed a proposed conceptual project on [September 16, 2024](#)⁴, for purposes of making a recommendation to Planning Commission. The ARC was supportive of the proposed location and recommended approval of the project as presented.

ANALYSIS OF ISSUES:

Project Description

The applicant proposes the construction, operation, and maintenance of a new wireless telecommunications facility in the form of a "monopine" at 959 Valley Road as well as a new thirty (30) kilowatt diesel generator with a 210-gallon sub-base tank to be contained within the 900 square foot enclosure area at the base of the tower. Project plans can be viewed as Attachment 4. A monopine can be defined as a type of monopole tower for the purpose of installation of telecommunications and broadcasting equipment while designed to resemble a pine tree. The structure typically features a trunk that houses the equipment and branches that are arranged to disguise antennas and other components.

The proposed facility will be designed as a sixty-eight foot (68') tall faux pine tree. All associated equipment on the ground will be screened from public view by a chain link fence surrounding the equipment. The project includes a new eight-inch (8") base plate designed to raise the entire enclosure area above the 100-year flood zone. The equipment mounted in the monopine "branches" will consist of three sectors of two antennas each, along with six remote radio units mounted below or adjacent to the

⁴ <https://pub-arroyogrande.escribemeetings.com/FileStream.ashx?DocumentId=12693>

**Planning Commission
Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility
and Finding That This Action Is Exempt From Review Under CEQA Pursuant to
State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon
Wireless
October 15, 2024
Page 7**

antennas. All brackets, antennas, and remote radio units will be painted to match the faux pine tree.

The associated equipment cabinets will be placed at the base of the pole within a new eight-foot chain-link fence enclosure with green privacy slats. The enclosure area at the base of the tower is a total of 900 square feet and will be accessible through a new double swinging gate on its west side, which will also include a Knox box for emergency access. The applicant is proposing installation of four (4) service lights, which will be downcast and used only as needed. The base of the tower to the bottom of the branches will be fifteen feet (15') above the finished grade.

The purpose of the proposed facility is to enable Verizon Wireless to meet the capacity and coverage demands. The applicant emphasizes that improving capacity is vital for providing seamless and reliable service in areas currently underserved by existing sites (Attachment 5). The location was selected with several considerations in mind, including technical requirements as defined by Radio Frequency Engineers, topography, radio frequency propagation, elevation, height, access, aesthetic and visual impacts, feasibility of colocation and alternative sites, and amenability of the property owner regarding the negotiation of ground space. Four sites were considered by the applicant, as required by the alternative site analysis section of the Telecommunication Requirements. Two potential locations were eliminated based on lack of interest from the respective property owners, and the third site was the proposed location for the application that was denied by the Planning Commission. The Alternative Site Analysis can be viewed as Attachment 6.

General Plan Consistency

The General Plan Land Use designation of the property is Public Facility, which is intended to designate land for the conduct of public, quasi-public, and institutional activities, including the protection of areas needed for such future facilities. The project is consistent with the many objectives and policies from the Land Use Element. For example, the facility is setback from the property lines in accordance with the design and siting guidelines for telecommunication facilities. The faux monopine design screens the equipment in a manner than is harmonious with the area's landscape.

Land Use Element

LU9: Provide for appropriate maintenance, development and placement of Community Facilities (CF) relative to existing and planned land uses.

LU9-3: Balance the supply and size of Community Facilities with the existing and planned demand for the services they provide based on the General Plan Land Use Element.

Item 8.a

Planning Commission

Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility and Finding That This Action Is Exempt From Review Under CEQA Pursuant to State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon Wireless

October 15, 2024

Page 8

LU11: Promote a pattern of land use that protects the integrity of existing land uses, area resources and infrastructure and involves logical jurisdictional boundaries with adjacent communities and the County.

LU11-1.2: Require that adequate buffering and setbacks be provided between dissimilar uses.

LU12-13: Provide appropriate screening for necessary “urban-style” facilities, structures, and features.

Appearance

The monopine’s base will feature a variegated brown ‘trunk’ supporting multiple faux tree branches. The structure’s dripline will have a circumference of twenty-two feet (22'). The foliage is available in three color variations: predominantly green (70%) with the rest brown, predominantly brown (70%) with the rest green, or entirely green. The proposed colors and materials can be viewed as Attachment 7 and the board will be provided for review at the meeting.

The monopine design was selected to minimize visual and adverse impacts by discreetly concealing the equipment, given that collocation on an existing facility has been deemed impractical. The proposed facility will not be staffed, and minimal maintenance will be required, therefore traffic impacts associated with the placement of the tower are predicted to be approximately one trip per month. The site is accessed from Valley Road and no changes to the road are proposed as part of the project description. The applicant does propose the construction of a fifteen foot (15') wide non-exclusive access driveway to extend from Valley Road to the facility, as well as a non-exclusive tech parking spot designation onsite. Additionally, the existing road directly adjacent to the proposed lease area will need to be replaced and partially rerouted as a part of the project scope. The project further necessitates the inclusion of two new fifteen foot (15') wide telephone and electric utility easements to contain the undergrounded utilities to the facility.

Exposure Report

The applicant has provided a radio frequency (RF) electromagnetic fields exposure report to demonstrate compliance with the Federal Communications Commission (FCC) radio frequency safety (Attachment 8). The RF report was conducted by a third-party consultant and utilized computer-simulated analysis of the electromagnetic fields, performing analysis based on FCC’s regulations regarding General Population Maximum Permissible Exposure (MPE). Based on the report provided, a typical six-foot person standing on the ground and on an adjacent building roof will experience exposure levels below the FCC’s most stringent General Population MPE Limits. The report further indicates that overexposed areas are located only within a 90-foot radius from the

Item 8.a

**Planning Commission
Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility
and Finding That This Action Is Exempt From Review Under CEQA Pursuant to
State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon
Wireless
October 15, 2024
Page 9**

antennas at a height of 57 feet above ground level, an area that does not encompass existing structures.

The antennas are grouped into sectors pointing in directions to achieve the desired area of coverage. Project plans indicate that the antennas will be directed to the northwest, northeast, and south of the tower location. Figures 1, 2, and 3 contained in the RF Report show that emission exposure levels are at their highest in the general direction of each antenna section. Based on the report provided, a typical six-foot person standing on the ground and on an adjacent building roof will experience exposure levels below the FCC's most stringent General Population MPE Limits. The report outlines the General Population Exposure Limits anticipated at various heights: at ground level, at an estimated roof height of nearby buildings at 15 feet, at light level elevation of 20 feet, at powerline height of 25 feet, and at antenna height of 57 feet. The report further indicates that areas subject to emissions greater than those allowed by the FCC are located within 84-feet from the front face of the proposed antennas at an elevation of 57 feet. No habitable space is in the areas where RF emissions exceed FCC limits.

Antennas are mounted on a tall tower and therefore not accessible by the public, however, if a need arises wherein maintenance personnel must work directly in front of the antennas, it is recommended that Verizon be contacted to arrange for the power to be shut down during the work period. Additionally, access to the facility should be controlled to prevent unauthorized access and advisory signage should be installed surrounding the facility to ensure proper notification and disclosure of risk. The RF Report concludes that the anticipated calculations for the proposed site resulted in exposure levels below the FCC's most stringent General Population MPE limits.

Telecommunication Requirements

The Telecommunication Requirements specify that colocation is encouraged to reduce the overall number of freestanding facilities throughout the city. The applicant asserts that colocation would not be a reasonable or practicable solution to addressing this coverage gap due to the lack of existing structures in the vicinity of sufficient height. Due to the infeasibility of colocation, the applicant proposes to conceal the equipment and associated antennas within the faux pine tree. Innovative design, defined as structures compatible with surrounding architecture or replicating natural environmental features, are encouraged by the Telecommunication Requirements. The use of a monopine as a means of minimizing visual impact should be considered by the Planning Commission for compliance with the Telecommunication Requirements.

Renderings provided by the applicant depict the proposed monopine trunk constructed from a synthetic, brown, wood material, with variegated green foliage beginning at a trunk

Item 8.a

**Planning Commission
Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility
and Finding That This Action Is Exempt From Review Under CEQA Pursuant to
State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon
Wireless
October 15, 2024
Page 10**

height of fifteen feet (15') (Attachment 9). Local facilities that have similar appearance and function have been provided as Attachment 10, for reference.

The Telecommunication Requirements specify that towers located within 300 feet of residentially zoned property should be set back at least fifty feet or the height of the facility, whichever is greater, from the residential property. The sixty-eight-foot proposed structure is not located within 300 feet of a residential property; therefore, the setback of the underlying zoning designation prevails. The facility is proposed approximately 497 feet from the nearest residence. The side setback requirement for a building in the PF zone is ten feet (10') and the proposed enclosure is twenty-four feet (24') from the property line, therefore this standard has been met. The PF zone permits a maximum height of thirty feet (30'), but the applicant is proposing a structure height of sixty-eight feet (68'). The justification provided for this increased height is to prevent signal blockage caused by the surrounding terrain and buildings. The City is unable to enforce a strict height limit on telecommunication facilities that could limit the communication companies' ability to fill significant coverage gaps. The strict enforcement of a height limit can be argued to be an effective prohibition on such facilities, which is not allowed by federal law.

The Telecommunication Requirements further state that substantial landscaping or other screening should be provided to visually buffer any adjoining residential uses from the potential visual impacts of the facility. The applicant has proposed that a landscaping plan will be selected by church constituents at a later date. The equipment will be screened behind a proposed eight-foot chain link fence enclosure with green privacy slats. The thirty (30) kilowatt diesel generator with a 210-gallon tank to be contained within the 900 square foot enclosure area at the base of the tower will only be utilized during the event of an emergency. The generator shall not exceed noise levels of 45 decibels per Municipal Code Section 9.16.040.

ALTERNATIVES:

The following alternatives are provided for the Commission's consideration:

1. Adopt a Resolution approving the project as submitted;
2. Adopt a Resolution approving the project with conditions;
3. Deny the project; or
4. Provide other direction to staff.

ADVANTAGES:

Approval of the proposed wireless communications facility will increase cellular data capacity in the surrounding areas and allow the applicant to meet capacity demands and provide reliable service for customers. The backup generator will ensure the facility is operable during power outages and emergencies

Item 8.a

**Planning Commission
Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility
and Finding That This Action Is Exempt From Review Under CEQA Pursuant to
State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon
Wireless
October 15, 2024
Page 11**

DISADVANTAGES:

The placement of a 68-foot monopine may alter visual and aesthetic conditions in and around the project area.

ENVIRONMENTAL REVIEW:

The construction of a sixty-eight foot wireless telecommunication facility is categorically exempt from the California Environmental Quality Act (“CEQA”) under the Class 3 exemption, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (State CEQA Guidelines, § 15303.) State CEQA Guidelines Section 15303 provides some, but does not limit project scope to, examples of structures that fall within the Class 3 exemption. The proposed project is a new small facility in an already developed area and is comparable in scope and function to those structures identified in the language of State CEQA Guidelines Section 15303, including single family homes and duplexes, commercial developments, utility extensions and improvements, and accessory structures.

None of the exceptions outlined in State CEQA Guidelines Section 15300.2 apply. The project will not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. There will be no cumulative impact of successive projects of the same type in the same place, over time. There will be no significant environmental impact due to unusual circumstances. The project will not result in damage to scenic resources. The project is not on any list compiled pursuant to Government Code section 65962.5, and there are no historical resources on or near the project site that would result in a substantial adverse change as a result of the project. Thus, the project falls within the Class 3 exemption.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City’s website in accordance with Government Code Section 54954.2.

ATTACHMENTS:

1. Resolution
2. Project Location
3. Telecommunication Facilities Siting and Requirements
4. Project Plans
5. Coverage Justification

Item 8.a

Planning Commission
Consideration of CUP24-001; New 68 Foot Wireless Telecommunication Facility
and Finding That This Action Is Exempt From Review Under CEQA Pursuant to
State Guidelines Section 15303; Location 959 Valley Rd; Applicant – Verizon
Wireless
October 15, 2024
Page 12

6. Alternative Candidate Analysis
7. Colors and Materials
8. Field Exposure Report
9. Renderings
10. Local Examples

Item 8.a

RESOLUTION NO.

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

WHEREAS, the project site is zoned Public Facility (PF), and located near the corner of Valley Road and Los Berros Road; and

WHEREAS, the applicant, Verizon Wireless submitted a conditional use permit application to install a telecommunication facility consisting of three (3) C-band panel antennas, six (6) LTE panel antennas, six (6) LTE remote radio units, and related equipment in a sixty-eight foot (68') faux pine tree, emergency backup generator within a 900 square foot enclosure at 959 Valley Road in the Public Facility zoning district; and

WHEREAS, Municipal Code Section 16.16.050 authorizes the Planning Commission to approve Conditional Use Permit applications, with recommendations from the Staff Advisory Committee and Architectural Review Committee; and

WHEREAS, the Staff Advisory Committee considered the project on September 11, 2024, and supported the project; and

WHEREAS, the Architectural Review Committee considered the project on September 16, 2024, and recommended approval of the project with conditions; and

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

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

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

WHEREAS, the Planning Commission has found that this project is consistent with the General Plan and Arroyo Grande Municipal Code; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, the following circumstances exist:

Conditional Use Permit Findings:

1. The proposed use is permitted within the subject district pursuant to the provisions of this section and complies with all the applicable provisions of this title, the goals, and objectives of the Arroyo Grande General Plan, and the development policies and standards of the City.

The proposed use is permitted within the subject Public Facility zoning district with approval of a conditional use permit by the Planning Commission after receiving a recommendation from the Staff Advisory Committee and Architectural Review Committee. The proposed project complies with all applicable provisions of the Development Code, the goals and objectives of the Arroyo Grande General Plan, and the development policies and standards of the City. In addition, the facility will operate in full compliance with all state and federal regulations including the Telecommunications Act of 1996.

2. The proposed use would not impair the integrity and character of the district in which it is to be established or located.

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

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

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

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

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

5. The proposed use will not be detrimental to the public health, safety or welfare

or materially injurious to properties and improvements in the vicinity.

The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity. The telecommunication facility will be unstaffed, have no impact on circulation systems, and will generate minimal noise, limiting any adverse impacts to adjacent land uses, and the applicant has established that the proposed facility will comply with all Federal Communications Commissions' standards for RF emissions.

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

On motion by Commissioner , seconded by Commissioner , and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was adopted this 15th day of October, 2024.

**JAMIE MARAVIGLIA,
CHAIR**

ATTEST:

SECRETARY TO THE COMMISSION

AS TO CONTENT:

**BRIAN PEDROTTI
COMMUNITY DEVELOPMENT DIRECTOR**

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

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

GENERAL CONDITIONS

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

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

5. This approval shall automatically expire on February 6, 2026, unless a building permit is issued. Thirty (30) days prior to the expiration of the approval, the applicant may apply for an extension of one (1) year from the original date of expiration.
6. Development shall conform to the Public Facility zoning district requirements except as otherwise approved.
7. Development shall occur in substantial conformance with the plans presented to the Planning Commission at the meeting of October 15, 2024, and marked Exhibit "B".
8. To the extent permitted by law, Applicant shall defend, indemnify and hold harmless the City of Arroyo Grande, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void any permit or approval for this project authorized by the City, including (without limitation) reimbursing the City its actual attorney's fees and costs in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice. The Applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City related to this permit or approval. Although the Applicant is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the Applicant of any obligation under this condition.
9. A copy of these conditions and mitigation measures shall be incorporated into all construction documents.
10. Noise resulting from construction and operational activities shall conform to the standards set forth in Chapter 9.16 of the Municipal Code. Construction activities shall be restricted to the hours of 7 AM to 5 PM Monday through Friday, and from 9 AM to 5 PM on Saturdays. No construction shall occur on Sundays or City observed holidays. Permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. Impacts of radio frequency emissions on the environment, to the extent that such emissions are compliant with all applicable laws, are not "adverse impacts" for the purposes of this condition. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal, or

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

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

SPECIAL CONDITIONS

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

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

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

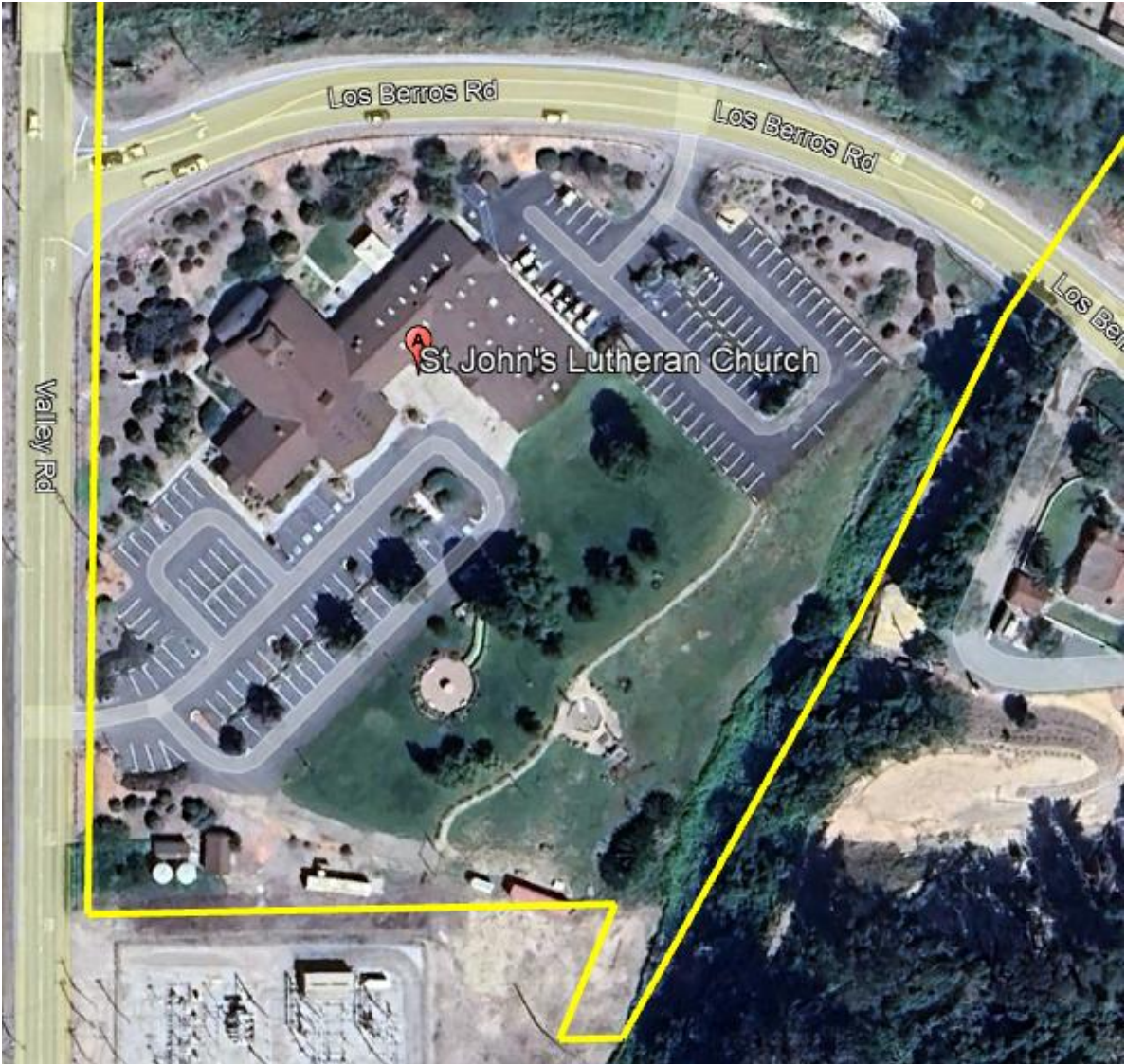
BUILDING AND LIFE SAFETY DIVISION AND FIRE DEPARTMENT CONDITIONS

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

ENGINEERING DIVISION AND PUBLIC WORKS DEPARTMENT CONDITIONS

GENERAL IMPROVEMENT REQUIREMENTS

- 26. Site Maintenance – The developer shall be responsible during construction for cleaning city streets, curbs, gutters, and sidewalks of dirt tracked from the project site. The flushing of dirt or debris to storm drain or sanitary sewer facilities shall not be permitted. The cleaning shall be done after each day's work or as directed by the Director of Public Works.





City of _____

ADOPTED BY CITY COUNCIL
APRIL 25, 2017

Arroyo Grande



TELECOMMUNICATION FACILITIES SITING and PERMIT SUBMITTAL REQUIREMENTS

I. SITING REQUIREMENTS

The following requirements are intended to assist telecommunication service providers and the community in understanding the City's standards and permit process for such facilities. The goal is to balance the needs of wireless communication providers, the regulatory functions of the City, the rights guaranteed by the federal government, and the potential impacts upon the community and neighboring property owners in the design and siting of telecommunication facilities.

A. General Requirements:

1. Telecommunication facilities shall avoid any unreasonable interference with views from neighboring properties.
2. Telecommunication facilities shall not cause any interference with City communication systems.
3. No monopoles or towers shall be installed on top of an exposed ridgeline or prominent slope when alternative sites are available.
4. Telecommunication facilities shall be painted color(s) that are most compatible with their surroundings.
5. Innovative design shall be used whenever the screening potential for the site is low. For example, designing structures that are compatible with surrounding architecture, or appear as a natural environmental feature, could help mitigate the visual impact of a facility.

6. Telecommunication facilities are allowed in all Mixed-Use and Public Facility zoning designations with either an approved Minor Use Permit or Conditional Use Permit. Telecommunication facilities are not allowed on any property with a Residential land use designation. An exception is to place concealed facilities on non-residential structures that are allowable in residential districts (such as within church steeples).
7. The City lists the 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;
 - b. Within or on existing signs to be completely hidden from public view;
 - c. Atop existing structures (buildings, water tanks, etc.) with appropriate visual/architectural screening to be completely hidden from public view, and with a magnetic attachment system where appropriate to reduce damage to existing structures;
 - d. Alternative tower structures (or stealth structures), such as man-made trees, clock towers, flagpoles, steeples, false chimneys, etc., that camouflage or conceal the presence of antennas.
 - e. Existing monopoles, existing electric transmission towers, and existing lattice towers;
 - f. New locations.
8. The City encourages co-location of telecommunication facilities, but only if it results in a lesser visual impact.
9. Small Cell facilities shall be considered an accessory use in all zoning districts.

B. Requirements for Building Mounted Antennas:

1. Building mounted antennas and all other equipment shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive.
2. Colors and materials shall match the existing building.
3. All equipment shall be screened from public view.

4. Building mounted antennas and all other equipment shall avoid any unreasonable interference with views from neighboring properties.

C. Definition and Requirements for Small Cell Facilities:

1. A Small Cell Facility means a wireless telecommunication facility that may consist of one or more radio receivers, antennas, interconnecting cables, power supply, other associated electronics and accessory equipment, which are attached to a structure (see Section E below for requirements of small cell facilities located within the Public Right-of-Way).
2. Antennas shall not exceed an overall length of two feet (2') and shall be screened from view so as to not be visible to passerby on any public street.
3. Equipment cabinets shall be located as follows so as to not be visible to passerby on any public street:
 - a. within interior building space;
 - b. behind parapet walls;
 - c. within an underground vault; or
 - d. fully screened within a landscaped area.
4. Facilities shall not pose a safety hazard by its placement adjacent to sensitive land uses.
5. Small Cell Facilities proposed in the Village Core Downtown zoning district shall be reviewed by the Architectural Review Committee and the Historic Resources Committee.

D. Requirements for Monopoles and Towers:

1. Standalone monopoles and towers may be considered only when the applicant reasonably demonstrates that the proposed facility cannot be placed on an existing building or structure.
2. Monopoles and towers shall be encouraged on properties zoned Public Facility over other zoning districts.
3. Substantial landscaping or other screening should be provided to visually buffer any adjoining residential uses from the potential visual impacts of the facility. Landscape screening should be designed to achieve its desired appearance in a reasonable period of time.
4. For monopoles or towers proposed within 300 feet of residentially zoned property, the facility should be set back at least 50 feet or the height of the facility, whichever is greater. Otherwise, the standard setback for the applicable zoning district shall apply.

E. Requirements for Small Cell Facilities in the Public Right-of-Way:

1. Facilities shall be designed and installed in compliance with all requirements of California Public Utilities Commission General Order 95, including all separation and climbing space requirements.
2. Facilities shall be installed and maintained in a manner that does not unreasonably impede public access and use of the right-of-way.
3. The design and location of ground-mounted facilities shall reasonably mitigate aesthetic impacts when feasible. Ground-mounted cabinets shall be painted a neutral color to match the surrounding environment or as directed by the Community Development Director. Drought-resistant landscaping, screening or undergrounding of facilities may be required when necessary to match similar existing treatments implemented for all other entities with facilities in the right-of-way.

II. PERMIT SUBMITTAL REQUIREMENTS FOR CONDITIONAL USE PERMITS

Any new telecommunication facility proposed within a zoning district of the City of Arroyo Grande is subject to review and approval through the Conditional Use Permit (CUP) process. The applicant shall submit the following *additional* items and information (unless waived by the Community Development Director based on written justification provided by the applicant) along with the standard CUP application materials. The following list of requirements will be used to check your application for completeness after it is submitted. If the application is not complete, a copy of this list, and/or the CUP checklist, will be returned with additional requirements noted.

A. Site Information:

Submit a site plan, Assessor's Parcel Map(s), or a recent aerial photo that clearly illustrates the following information:

1. The lease area of the proposed project.
2. The lease areas of all other facilities on the parcel where the proposed facility is located.
3. Property boundaries of the site and the legal lot.
4. Location of all habitable structures within 500 feet of the proposed facility with the distance from the proposed antenna facility to the closest structure clearly marked.

B. Technology Information:

1. A general written description of the type of technology and type of consumer services the carrier will provide to its customers.
2. An explanation of site selection (reason the site was chosen over alternative sites).
3. Dimensioned plans showing the proposed height, direction and type of antenna proposed (i.e., panel, whip, dish) and all accessory structures/equipment requested as a part of the proposed antenna facility.
4. Detailed engineering calculations for foundation wind loads.

C. RF Exposure Information:

An RF emissions statement certified by a qualified radio frequency professional demonstrating compliance with Federal Communications Commission guidelines.

D. Co-Location Information:

Co-location is defined as the coincident placement of telecommunication carriers' antennas on the same wireless tower or antenna-mounting structure. The principal benefit from co-location is that fewer towers are needed to serve a given area, thereby reducing the overall visual impact of towers on a community.

The City encourages the co-location between carriers, or the use of existing towers wherever possible to discourage the unnecessary proliferation of towers. The City also encourages the design of new towers which allow for future co-location whenever feasible. Applicants proposing to site the antenna(s) must demonstrate that reasonable efforts have been made to locate the antennas(s) on existing antenna-mounting structures.

1. If not co-located, 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. This includes written notification of refusal of the existing antenna-mounting structure owner to lease space on the structure. Include information on lack of existing wireless towers in the area, topography, frequency or signal interference, line of site problems, and available land zoning restrictions as applicable.

E. Visual Impact Information:

The following information provides staff with criteria for determining the significance of project visual impacts for CEQA purposes.

1. Submit a preliminary environmental review with special emphasis placed upon the nature and extent of visual and aesthetic impacts.

2. Submit photo mock-ups or digital computer representations of the project site “before” and “after” installation. Physical samples of facility materials and/or a three-dimensional model may also be required. Show the proposed tower, antenna(s), equipment shelters, and any landscaping or screening proposed to lessen the visual impact of the project.
3. Submit information regarding the location of existing towers of the same, or similar design as the proposal facility, located within 10 miles of Arroyo Grande for viewing purposes.
4. If the project site is located within ½ mile of a public road, residence, public park, public hiking trail, or private easement open to the public, or if visible from such areas, show the proposed project site from multiple vantage points. *Multiple viewpoints will require an index map and key for identification.*
5. Provide a sample of the proposed color of the tower in the form of a minimum one square foot paint sample, and explain the reasons why that color is best for the location proposed.
6. Describe the type of landscaping proposed to screen the facility to the maximum extent feasible, or the reasons why landscaping is not necessary or feasible.
7. Proposed communication facilities should not be sited on ridgelines or hilltops when alternative sites are available. If a ridgeline location is proposed, submit written justification to the Community Development Director. If no alternative site exists, the communications facility must be located to minimize silhouetting on the ridgeline and must blend with the surrounding environment to decrease visibility from off site.
8. At the time of permit renewal, any major modification to the existing permit, or change-out of major equipment, the permit site and existing equipment shall be reviewed for consistency with changes that could substantially lessen visual impacts. If the Community Development Director determines that a change would substantially lessen the visual impacts of the facility, or if they would result in a substantial benefit to the public, the permittee may be required to make those changes.
9. If there is a change of lessee, information regarding the type of facility that will be used by the new lessee shall be submitted to the Community Development Department within ten (10) days of that change. If the transfer would require any changes to the facilities approved in the original CUP, an Amended Conditional Use Permit application must be submitted. The new lessee shall use the most current stealthing techniques available if it would substantially lessen visual impacts of the site, and if it would result in a substantial benefit to the public.

10. Describe if the proposed facility is intended to be a “Coverage” and/or “Capacity” site.

F. Antenna/Site Capacity Information:

1. Submit information on the **total** available mounting heights for antennas for the proposed antenna tower and any other structures for the proposed project. This information may be used for future co-location of antennas from other companies.
2. There shall be a maximum of two towers per assessor’s parcel or developed site.

III. PERMIT SUBMITTAL REQUIREMENTS FOR FACILITIES IN THE PUBLIC RIGHT-OF-WAY

California Public Utilities Code §7901 grants telephone corporations the right to place facilities in the public rights-of-way subject only to reasonable time, place and manner restrictions as provided under California Public Utilities Code §7901.1. Under CPUC §7901.1(b), to be reasonable, time, place and manner restrictions must be applied to all entities in an equivalent manner. Height, spacing, structural and safety requirements for wireless facilities on utility poles in the right-of-way are regulated by California Public Utilities Commission General Order 95.

Any new telecommunication facility proposed within the public right-of-way of the City of Arroyo Grande is subject to review and approval through the encroachment permit process. The applicant shall submit the following *additional* items and information (unless waived by the Director of Public Works based on written justification provided by the applicant) along with the standard encroachment permit application materials:

- A.** Items B1, B2, B3, C and E2 of Section II above.
- B.** A brief description of how the placement of equipment on a utility pole has been designed to comply with California Public Utilities Commission General Order 95 and to minimize visual impacts.
- C.** A brief description of how any ground-mounted equipment has been located in a manner to prevent vehicle and pedestrian obstruction of the right-of-way and to minimize aesthetic impacts.
- D.** Ground-mounted equipment is not allowed within sidewalks.



PROJECT ID: AG VALLEY RD
SITE ADDRESS: 959 VALLEY RD, ARROYO GRANDE, CA 93420
COUNTY: SAN LUIS OBISPO
APN: 006-087-002
JURISDICTION: CITY OF ARROYO GRANDE
ZONING: PUBLIC FACILITIES
PROJECT: INITIAL BUILD
MDG LOCATION ID: 5000918278
FUZE ID: 17292300

Attachment 4



PROJECT ID: AG VALLEY RD
DRAWN BY: LS
CHECKED BY: SS

| REV | DATE | DESCRIPTION | BY |
|-----|------------|-------------------------|----|
| 3 | 08/26/2024 | PER BFE | SS |
| 2 | 07/11/2024 | PER SURVEY | SS |
| 1 | 06/03/2024 | PER UG LOCATE | SS |
| 0 | 05/02/2024 | 100% ZD's FOR SUBMITTAL | SS |
| A | 04/08/2023 | 90% ZD's FOR REVIEW | LS |

NOT TO BE USED FOR CONSTRUCTION

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

AG VALLEY RD
MONOPINE:
 959 VALLEY RD
 ARROYO GRANDE, CA 93420

SHEET TITLE
 TITLE SHEET

SHEET NUMBER
T-1

PROJECT DESCRIPTION

PROPOSED VERIZON WIRELESS UNMANNED TELECOMMUNICATIONS FACILITY ON PROPOSED MONOPINE. TO CONSIST OF THE FOLLOWING:

SCOPE OF WORK

- NEW 30'-0"x30'-0" (900 SQ. FT.) EQUIPMENT LEASE AREA W/ 8'H CHAIN-LINK ENCLOSURE
- NEW 68' MONOPINE WITH NEW BASE PLATE
- INSTALL NEW EQUIPMENT PLATFORM
- NEW 400A METER MAIN W/ 200A VZW METER
- INSTALL (3) NEW EQUIPMENT CABINETS
- INSTALL (1) TELCO CABINET
- INSTALL (1) ILC PANEL
- INSTALL (1) NEW GPS ANTENNA
- INSTALL (5) NEW SERVICE LIGHTS
- INSTALL (1) NEW 30KW DIESEL GENERATOR W/ 210 GAL. SUB-BASE TANK FOR EMERGENCY USE
- INSTALL (3) C-BAND PANEL ANTENNAS
- INSTALL (6) LTE PANEL ANTENNAS
- INSTALL (6) LTE RRS
- INSTALL (2) 4' MW ANTENNAS
- INSTALL (4) SURGE SUPPRESSORS (2 @ EQUIPMENT LOCATION # 2 @ ANTENNA LOCATION)

SITE INFORMATION

LATITUDE (NAD83): 35° 6' 7.56" N (35.1021)
LONGITUDE (NAD83): 120° 34' 51.87" W (-120.581075)

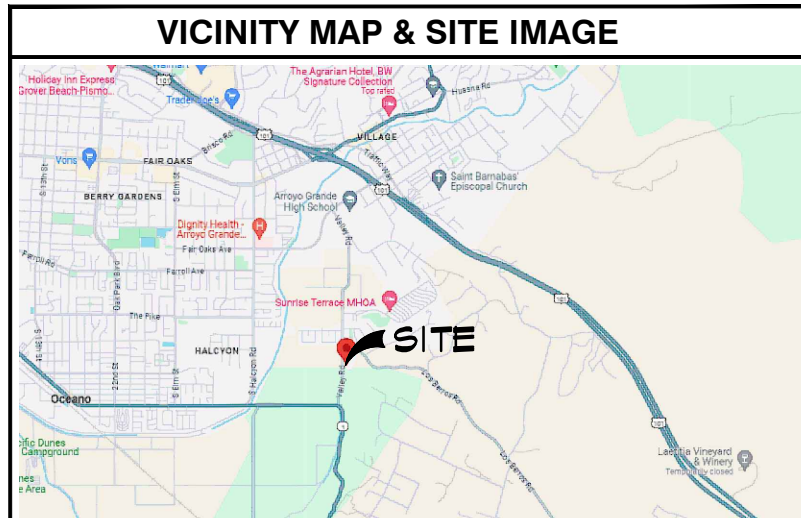
ZONING: PUBLIC FACILITIES
JURISDICTION: CITY OF ARROYO GRANDE
PARCEL NUMBER: 006-087-002
COUNTY: SAN LUIS OBISPO
CONSTRUCTION TYPE: V-B
OCCUPANCY: U
POWER: PG&E

SYMBOLS/ABBREVIATIONS LEGEND

| | | | |
|---------|----------------------------|---------|-------------------------|
| ADD'L | ADDITIONAL | L. | LONG(ITUDINAL) |
| A.F.G. | ABOVE FINISHED GRADE | MAX. | MAXIMUM |
| ANT. | ANTENNA | MFR. | MANUFACTURER |
| ARCH. | ARCHITECTURAL | MIN. | MINIMUM |
| ASS'Y | ASSEMBLY | (N) | NEW |
| AWG. | AMERICAN WIRE GAUGE | NTS | NOT TO SCALE |
| BLDG. | BUILDING | O.C. | ON CENTER |
| BTCN. | BARE TINNED COPPER WIRE | P.T. | PRESSURE TREATED |
| CLR. | CLEAR | RAD.(R) | RADIUS |
| CONN. | CONCRETE CONNECTION(OR) | REQ'D | REQUIRED |
| CONSTR. | CONSTRUCTION | RGS. | RIGID GALVANIZED STEEL |
| CONT. | CONTINUOUS | SGH. | SCHEDULE |
| DBL. | DOUBLE | SIM. | SIMILAR |
| D.F. | DOUGLAS FIR | SQ. | SQUARE |
| DIA. | DIAMETER | S.S. | STAINLESS STEEL |
| DIM. | DIMENSION | STD. | STANDARD |
| EA. | EACH | TEMP. | TEMPORARY |
| ELEV. | ELEVATION | THK. | THICK(NESS) |
| EMT. | ELECTRICAL METALLIC TUBING | TYP. | TYPICAL |
| (E) | EXISTING | U.G. | UNDER GROUND |
| F.G. | FINISH GRADE | U.L. | UNDERWRITERS LABORATORY |
| FT.(') | FOOT (FEET) | U.N.O. | UNLESS NOTED OTHERWISE |
| GA. | GAUGE | V.I.F. | VERIFY IN FIELD |
| HT. | HEIGHT | W | WIDE (WIDTH) |
| IN.('#) | INCH(ES) | w/ | WITH |
| LB.('#) | POUND(S) | WD. | WOOD |
| L.F. | LINEAR FEET (FOOT) | W.P. | WEATHERPROOF |

DRAWING INDEX

| SHEET NO: | SHEET TITLE |
|-----------|--------------------------------|
| T-1 | TITLE SHEET |
| C-1 | SITE SURVEY |
| C-2 | TITLE & EXCEPTIONS INFORMATION |
| A-1 | OVERALL SITE PLAN |
| A-1.1 | ENLARGED UTILITY PLAN |
| A-2 | ENLARGED SITE PLAN |
| A-3 | PROPOSED EQUIPMENT LAYOUT PLAN |
| A-4 | ANTENNA LAYOUT PLAN |
| A-5 | ELEVATIONS |



PROJECT TEAM

APPLICANT:
 VERIZON WIRELESS
 2770 SHADELANDS DRIVE,
 BUILDING 11
 WALNUT CREEK, CA 94598

LEASING MANAGER:
 SEQUOIA DEPLOYMENT SERVICES, INC
 1 SPECTRUM POINTE DRIVE, STE 130
 LAKE FOREST, CA 92630
 CONTACT: PETER W. BABASHOFF
 PHONE: (562) 686-3933
 EMAIL: peter.babashoff@sequoia-ds.com

ZONING MANAGER:
 SEQUOIA DEPLOYMENT SERVICES, INC
 1 SPECTRUM POINTE DRIVE, STE 130
 LAKE FOREST, CA 92630
 CONTACT: BEN HACKSTEDDE
 PHONE: (949) 259-3344
 EMAIL: ben.hackstedde@sequoia-ds.com

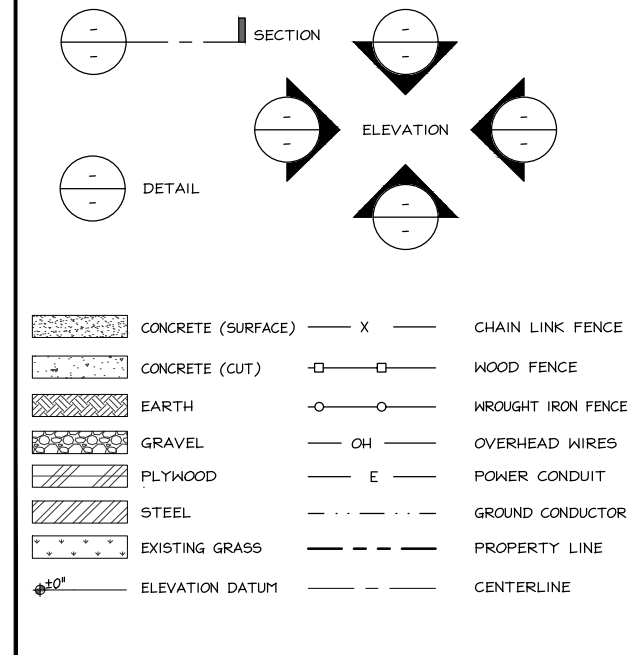
A/E PROJECT MANAGER:
 ALL STATES ENGINEERING & SURVEYING
 23675 BIRTCHE DRIVE
 LAKE FOREST, CA 92630
 CONTACT: SILVIA SANDOVAL
 PHONE: (949) 273-0996 X107
 EMAIL: silvia@zatzall.com

PROPERTY OWNER:
 ST JOHN'S LUTHERAN CHURCH
 959 VALLEY RD,
 ARROYO GRANDE CA 93420
 GREG WALLACE
 PHONE: (805) 489-1259
 EMAIL: greg@saintjohnsag.com

CODE COMPLIANCE

CONSTRUCTION WORKS AND MATERIALS MUST COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY LOCAL JURISDICTION, INCLUDING BUT NOT LIMITED TO:

- CALIFORNIA CODE OF REGULATIONS
- 2022 CALIFORNIA BUILDING CODE
- 2022 CALIFORNIA MECHANICAL CODE
- 2022 CALIFORNIA PLUMBING CODE
- 2022 CALIFORNIA ELECTRIC CODE
- 2022 CALIFORNIA FIRE CODE
- CALIFORNIA EXISTING BUILDING CODE,
- CALIFORNIA HISTORICAL BUILDING CODE,
- CALIFORNIA RESIDENTIAL CODE
- CALIFORNIA GREEN BUILDING CODE
- 2022 EDITION OF TITLE 24 ENERGY STANDARDS
- ANY LOCAL BUILDING CODE AMENDMENTS TO THE ABOVE CITY / COUNTY ORDINANCES



ADMINISTRATIVE REQUIREMENTS

CONTRACTOR SHALL VERIFY ALL PLANS & (E) DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME IF USING 11"x17" PLOT, DRAWINGS WILL BE HALF SCALE.

DO NOT SCALE DRAWINGS

SUBCONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



| LEGEND | | | |
|--------|--------------------|--------|-------------------------|
| — x — | CHAIN LINK FENCE | □ | U.G. UTILITY VAULT |
| — | WOOD FENCE | ⊕ | MANHOLE |
| — OH — | OVERHEAD LINE | ○ | UTILITY POLE |
| — | METAL FENCE | ● | SPOT ELEVATION |
| --- | GRADE BREAK | ⊗ | WATER VALVE |
| --- | RIGHT OF WAY LINE | ⊙ | FOUND MONUMENT |
| --- | CENTER LINE | ⊕ | GEODETIC MARKER |
| --- | EASEMENT LINE | ⊖ | ROAD SIGN |
| --- | BOUNDARY LINE | | |
| VLT | U.G. UTILITY VAULT | AC | ASPHALTIC CONCRETE |
| AP | ASPHALT PAVING | R.O.W. | RIGHT OF WAY |
| R/W | RIGHT OF WAY | PUE | PUBLIC UTILITY EASEMENT |
| BCM | BRASS CAP MONUMENT | NG | NATURAL GRADE |
| UP | UTILITY POLE | LP | LIGHT POLE |
| WLP | WOOD LIGHT POLE | LUM | LUMINAIRE |
| OH | OVERHEAD | CONC | CONCRETE |
| PED | PEDESTAL | MON | MONUMENT |
| VZV | VERIZON WIRELESS | | |

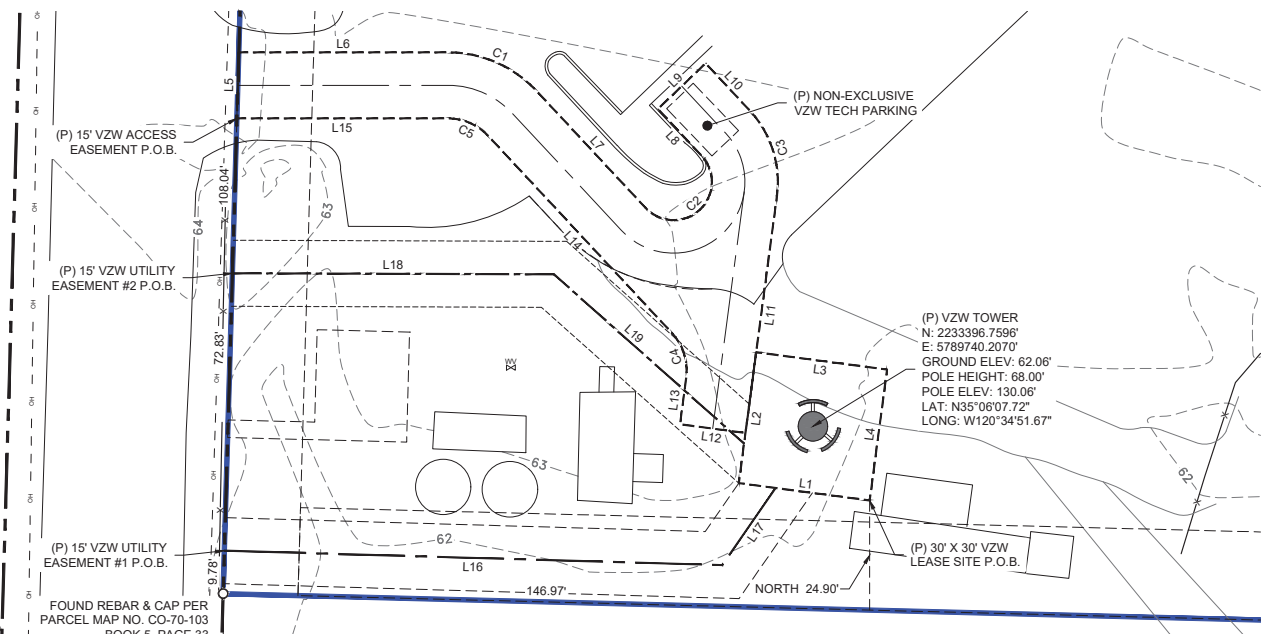
- NOTES:**
- THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP. THE PROPERTY LINES AND EASEMENTS SHOWN HEREON ARE FROM RECORD INFORMATION AS NOTED HEREON. THIS SURVEY IS INTENDED FOR EXHIBIT PURPOSES AND NOT FOR RECORDATION AS AN OFFICIAL RECORD OF SURVEY DRAWING. ALL STATES ENGINEERING & SURVEYING / LAYTON SURVEYS LLC. TRANSLATED THE TOPOGRAPHIC SURVEY TO RECORD INFORMATION USING MONUMENT(S)/LANDMARK(S) SHOWN HEREON. NO TITLE RESEARCH WAS PERFORMED BY ALL STATES ENGINEERING & SURVEYING / LAYTON SURVEYS LLC.
 - ANY CHANGES MADE TO THE INFORMATION ON THIS PLAN, WITHOUT THE WRITTEN CONSENT OF ALL STATES ENGINEERING & SURVEYING / LAYTON SURVEYS LLC. RELIEVES ALL STATES ENGINEERING & SURVEYING / LAYTON SURVEYS LLC. OF ANY AND ALL LIABILITY.
 - THESE DRAWINGS & SPECIFICATIONS ARE THE PROPERTY & COPYRIGHT OF ALL STATES ENGINEERING & SURVEYING / LAYTON SURVEYS LLC. & SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY AGREEMENT WITH THE SURVEYOR, AND BY WRITTEN PERMISSION FROM ALL STATES ENGINEERING & SURVEYING / LAYTON SURVEYS LLC.
 - WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED & SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE NOTICED TO THE SURVEYOR PRIOR TO COMMENCEMENT OF ANY WORK.
 - THIS SITE IS PROPOSED TO BE DEVELOPED ON A PARCEL OF PROPERTY LOCATED WITHIN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.
 - TITLE INFORMATION SHOWN HEREON IS PER A 'REPORT OF TITLE' PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY; ORDER NO.: 7131850; CUSTOMER REFERENCE NUMBER: AG VALLEY ROAD; AND DATED: MAY 30, 2024.
 - THIS DRAWING IS NOT INTENDED TO VERIFY OWNERSHIP OR USAGE. SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE.

TITLE INFORMATION
 TITLE INFORMATION SHOWN HEREON IS PER A 'REPORT OF TITLE' PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY; ORDER NO.: 5026900-7131850; CUSTOMER REFERENCE NUMBER: AG VALLEY ROAD. AND DATED: MAY 30, 2024 AT 7:30 A.M.

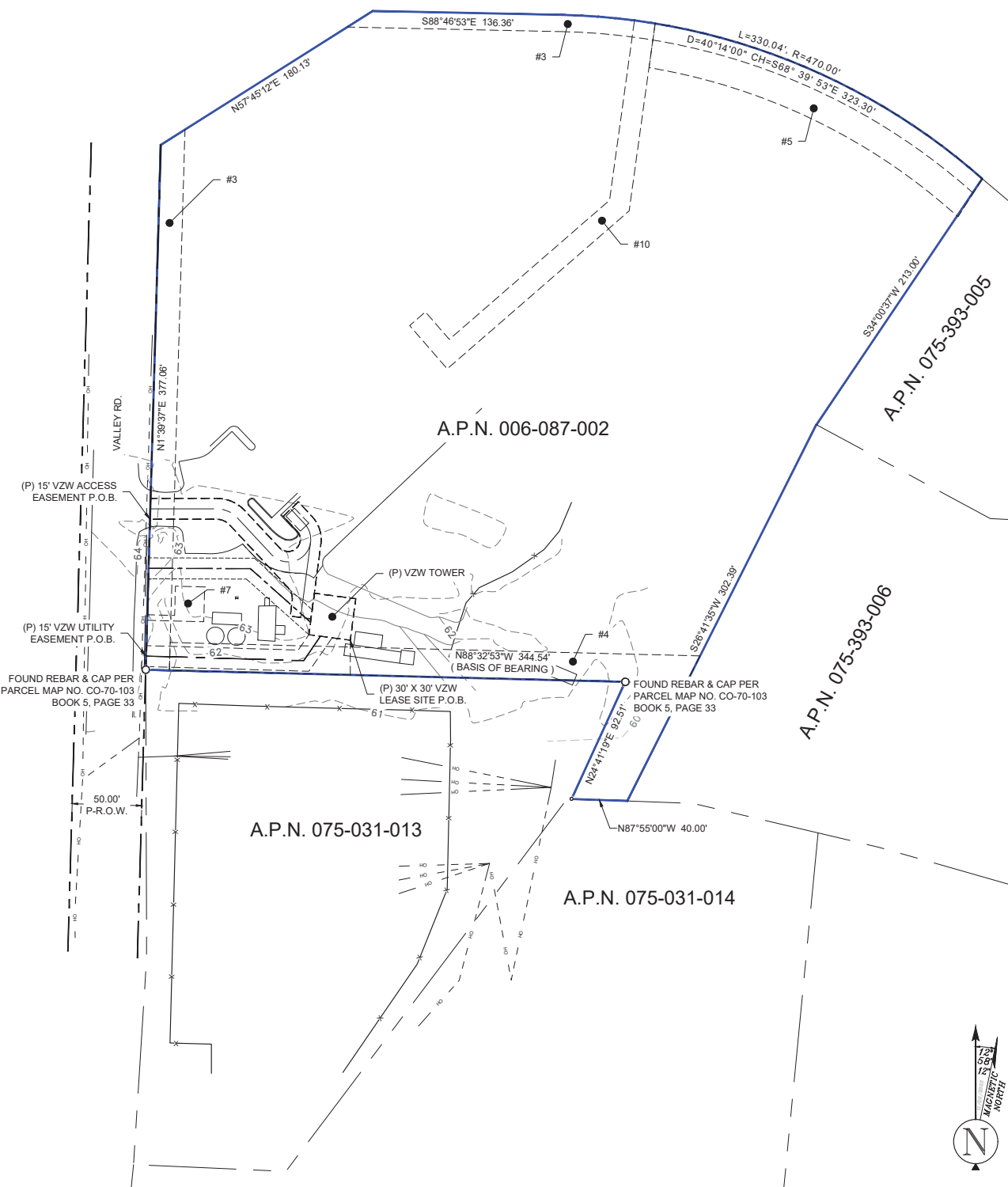
LEGAL DESCRIPTION:
 SEE SHEET C-2 FOR A COMPLETE LEGAL DISCRPTION FROM THE TITLE GURANTEE PROVIDED BY THE CLIENT.

EXCEPTIONS:
 NO PLOTTABLE EXCEPTIONS AFFECTING THE PROPOSED LEASE WERE PROVIDED AS A PART OF THE TITLE REPORT FOR INCLUSION INTO THIS SURVEY DRAWING. SEE SHEET C-2 FOR A COMPLETE LIST OF TITLE EXCEPTIONS FROM THE TITLE GURANTEE PROVIDED BY THE CLIENT.

UTILITY NOTE:
 SURVEYOR DOES NOT GUARANTEE THE LOCATION, EXISTENCE, SIZE OR DEPTH, OF ANY PUBLIC OR PRIVATE UTILITY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT 811-CALIFORNIA USA (UNDERGROUND SERVICE ALERT), BLUE STAKE, AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. PROTECTION, REMOVAL, RELOCATION AND/OR REPLACEMENT OF UTILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR.



2 SITE LOCATION
 1 inch = 20 ft.



1 SITE LOCATION
 1 inch = 50 ft.

BASIS OF BEARING
 BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM CALIFORNIA STATE PLANE COORDINATE ZONE FIVE, DETERMINED BY GPS OBSERVATIONS.

SURVEY DATE
 04/05/2024

BENCHMARK
 SW PROP COR OPUS POSITION
 NORTHING: 2233358.7380
 EASTING: 5789606.1850
 +61.64' (A.M.S.L.)

verizon
 2770 SHADELANDS DR
 BUILDING 11
 WALNUT CREEK, CA 94598

SEQUOIA
 DEPARTMENT SERVICES, INC.
 1 SPECTRUM POINTE DRIVE, SUITE 130
 LAKE FOREST, CA 92630

ALLSTATES
 ENGINEERING & SURVEYING
 23675 BIRTCHE DRIVE
 LAKE FOREST, CA 92630

| | |
|-------------|----------------|
| PROJECT NO: | AG VALLEY ROAD |
| DRAWN BY: | KT |
| CHECKED BY: | ZQ/BC/DW/WDL |

| REV | DATE | DESCRIPTION | BY |
|-----|------------|--------------------|----|
| O | 07/08/2024 | FINAL SURVEY (PTR) | KT |
| A | 04/17/2024 | SURVEY FIRST DRAFT | KT |

PROFESSIONAL LAND SURVEYOR
 JAMES R. TARBET
 No. 7129
 STATE OF CALIFORNIA

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

AG VALLEY ROAD
 A.P.N. 006-087-002
 959 VALLEY RD,
 ARROYO GRANDE,
 CA 93420,

SHEET TITLE
 SITE SURVEY

SHEET NUMBER
C-1

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF ARROYO GRANDE, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1 OF PARCEL MAP NO. CO-70-103 IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED DECEMBER 3, 1970 IN BOOK 5 OF PARCEL MAPS AT PAGE 33, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM AN UNDIVIDED 50% OF ALL OIL, GAS, MINERAL AND OTHER HYDROCARBON SUBSTANCES IN, UNDER OR UPON SAID LAND WITHOUT, HOWEVER ANY RIGHT TO ENTER ON THE SURFACE OF SAID LAND, OR ANY PART OF THE SUB-SURFACE OF SAID LAND, LYING ABOVE A HORIZONTAL PLANE 500 FEET BELOW THE SURFACE THEREOF, TO EXPLORE FOR, EXTRACT, OR REMOVE SAME, AS RESERVED IN THE DEED FROM MARGARET LOURENCO RECORDED JANUARY 21, 1971 IN BOOK 1602, PAGE 537 OF OFFICIAL RECORDS.

APN: 006-087-002

LEASE SITE DESCRIPTION:

BEGINNING AT A POINT S.88°32'53"E., A DISTANCE OF 146.97 FEET, AND NORTH, A DISTANCE OF 24.90 FEET, FROM THE FOUND SOUTHWEST PROPERTY CORNER, PER PARCEL MAP NO. CO-70-103, BOOK: 5, PAGE: 33, SAID POINT ALSO HAVING A BASIS OF BEARING N.88°32'53"W., 344.54 FEET, BETWEEN THE SAID FOUND PROPERTY CORNERS PER PARCEL MAP NO. CO-70-103, BOOK: 5, PAGE: 33.; RUNNING THENCE N.82°26'29"W., 30.00 FEET, THENCE N.07°33'31"E., 30.00 FEET, THENCE S.82°26'29"E., 30.00 FEET, THENCE S.07°33'31"W., 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 900.00 SQFT MORE OR LESS

UTILITY EASEMENT #1 DESCRIPTION:

AN EASEMENT, 15.00 FEET IN WIDTH, BEING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT N.01°39'37"E., A DISTANCE OF 9.78 FEET, FROM THE FOUND SOUTHWEST PROPERTY CORNER, PER PARCEL MAP NO. CO-70-103, BOOK: 5, PAGE: 33, SAID POINT ALSO HAVING A BASIS OF BEARING N.88°32'53"W., 344.54 FEET, BETWEEN THE SAID FOUND PROPERTY CORNERS PER PARCEL MAP NO. CO-70-103, BOOK: 5, PAGE: 33.; RUNNING THENCE S.88°20'23"E., A DISTANCE OF 113.18 FEET; THENCE N.34°44'31"E., A DISTANCE OF 21.32 FEET TO THE POINT OF TERMINUS.

UTILITY EASEMENT #2 DESCRIPTION:

AN EASEMENT, 15.00 FEET IN WIDTH, BEING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT N.01°39'37"E., A DISTANCE OF 9.78 FEET, FROM THE FOUND SOUTHWEST PROPERTY CORNER, PER PARCEL MAP NO. CO-70-103, BOOK: 5, PAGE: 33, SAID POINT ALSO HAVING A BASIS OF BEARING N.88°32'53"W., 344.54 FEET, BETWEEN THE SAID FOUND PROPERTY CORNERS PER PARCEL MAP NO. CO-70-103, BOOK: 5, PAGE: 33.; RUNNING THENCE S.89°48'44"E., A DISTANCE OF 73.10 FEET; THENCE S.48°19'00"E., A DISTANCE OF 57.83 FEET TO THE POINT OF TERMINUS.

ACCESS EASEMENT DESCRIPTION:

AN EASEMENT, 15.00 FEET IN WIDTH, BEING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT N.01°39'37"E., A DISTANCE OF 9.78 FEET, FROM THE FOUND SOUTHWEST PROPERTY CORNER, PER PARCEL MAP NO. CO-70-103, BOOK: 5, PAGE: 33, SAID POINT ALSO HAVING A BASIS OF BEARING N.88°32'53"W., 344.54 FEET, BETWEEN THE SAID FOUND PROPERTY CORNERS PER PARCEL MAP NO. CO-70-103, BOOK: 5, PAGE: 33.; RUNNING THENCE N.01°39'37"E., A DISTANCE OF 15.01 FEET; THENCE EAST., A DISTANCE OF 47.54 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 27.50 FEET AND A CENTRAL ANGLE OF 47°00'39"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 22.56 FEET; THENCE S.42°59'13"E., A DISTANCE OF 36.37 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 8.70 FEET AND A CENTRAL ANGLE OF 180°00'00"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 27.32 FEET; THENCE N.42°59'13"W., A DISTANCE OF 14.55 FEET; THENCE N.46°17'06"E., A DISTANCE OF 15.00 FEET; THENCE S.42°59'13"E., A DISTANCE OF 14.74 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 23.70 FEET AND A CENTRAL ANGLE OF 50°32'52"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 20.91 FEET; THENCE S.07°33'31"W., A DISTANCE OF 54.41 FEET; THENCE N.82°26'29"W., A DISTANCE OF 15.00 FEET; THENCE N.07°33'31"E., A DISTANCE OF 10.66 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 12.50 FEET AND A CENTRAL ANGLE OF 50°32'52"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 11.03 FEET; THENCE N.42°59'21"W., A DISTANCE OF 61.23 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 12.50 FEET AND A CENTRAL ANGLE OF 47°00'39"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 10.26 FEET; THENCE WEST., A DISTANCE OF 47.97 FEET TO THE POINT OF BEGINNING.

EXCEPTIONS:

- GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2024-2025, A LIEN NOT YET DUE OR PAYABLE.
- THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.
- AN IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE AN EASEMENT FOR PUBLIC ROADS AND INCIDENTAL PURPOSES AFFECTING 12 FEET ADJACENT TO COUNTY ROAD NO. 134, RECORDED NOVEMBER 25, 1970 IN BOOK 1594 PAGE 669 OF OFFICIAL RECORDS, AND ANY OTHER PRIVATE EASEMENT OF INGRESS AND EGRESS AND FOR ROAD PURPOSES AFFECTING SAID PORTION OF THE HEREIN DESCRIBED PROPERTY AS PROVIDED IN SAID OFFER TO DEDICATE.
" AFFECTS SUBJECT PARCEL, AS SHOWN HERE ON "
- AN EASEMENT FOR WATER WELL SITE INCLUDING A PIPELINE, ELECTRICAL SERVICE AND APPURTENANCES, TOGETHER WITH THE RIGHT TO ENTER ON SAID EASEMENT TO INSTALL, REPAIR AND MAINTAIN SAID WATER WELL AND APPURTENANCES AND INCIDENTAL PURPOSES, RECORDED JULY 28, 1978 AS BOOK 2089, PAGE 59 OF OFFICIAL RECORDS.
IN FAVOR OF: KATHLEEN ELIZABETH GARING
" AFFECTS SUBJECT PARCEL, AS SHOWN HERE ON "
- AN EASEMENT FOR WATER WELL SITE INCLUDING A PIPELINE, ELECTRICAL SERVICE AND APPURTENANCES AND INCIDENTAL PURPOSES, RECORDED APRIL 24, 1995 AS INSTRUMENT NO. 1995-016972 OF OFFICIAL RECORDS.
IN FAVOR OF: ROBERT JAMES GARING AND KATHLEEN ELIZABETH GARING, AS TRUSTEES OF THE ROBERT AND KATHLEEN GARING TRUST DATED JULY 24, 1987
" AFFECTS SUBJECT PARCEL, AS SHOWN HERE ON "
- AN EASEMENT FOR CONSTRUCT, RECONSTRUCT, INSTALL, INSPECT, MAINTAIN, REPLACE, REMOVE, ADD TO, AND REPAIR, AT ANY TIME AND FROM TIME TO TIME, POLES, AERIAL WIRES, CABLES, ELECTRICAL CONDUCTORS WITH ASSOCIATED CROSSARMS, BRACES, TRANSFORMERS, ANCHORS, GUY WIRES AND CABLES, FIXTURES, AND APPURTENANCES AND INCIDENTAL PURPOSES, RECORDED APRIL 24, 1995 AS INSTRUMENT NO. 1995-016973 OF OFFICIAL RECORDS.
IN FAVOR OF: PACIFIC GAS AND ELECTRIC COMPANY
AFFECTS: A PORTION OF THE LAND THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- AN EASEMENT FOR SPECIFIC PURPOSE AND INCIDENTAL PURPOSES, RECORDED APRIL 13, 2000 AS INSTRUMENT NO. 2000-019711 OF OFFICIAL RECORDS.
IN FAVOR OF: PACIFIC BELL, A CORPORATION, ITS SUCCESSORS AND ASSIGNS
AFFECTS: A PORTION OF THE LAND DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED SEPTEMBER 26, 2000 AS INSTRUMENT NO. 2000-055279 OF OFFICIAL RECORDS.
- A DEED OF TRUST TO SECURE AN ORIGINAL INDEBTEDNESS OF \$330,000.00 RECORDED FEBRUARY 02, 2000 AS INSTRUMENT NO. 2000-005631 OF OFFICIAL RECORDS.
DATED: JANUARY 27, 2000
TRUSTOR: ST. JOHN'S LUTHERAN CHURCH OF GROVER CITY, A CALIFORNIA CORPORATION
TRUSTEE: FIRST AMERICAN TITLE INSURANCE COMPANY
BENEFICIARY: AID ASSOCIATION FOR LUTHERANS ("AAL"), A WISCONSIN CORPORATION
a. IF THIS DEED OF TRUST IS TO BE ELIMINATED IN THE POLICY OR POLICIES CONTEMPLATED BY THIS REPORT/COMMITMENT, THE COMPANY WILL REQUIRE THE FOLLOWING FOR REVIEW PRIOR TO THE RECORDATION OF ANY DOCUMENTS OR THE ISSUANCE OF ANY POLICY OF TITLE INSURANCE:
i. ORIGINAL NOTE AND DEED OF TRUST.
ii. PAYOFF DEMAND STATEMENT SIGNED BY ALL PRESENT BENEFICIARIES.
iii. REQUEST FOR RECONVEYANCE OR SUBSTITUTION OF TRUSTEE AND FULL RECONVEYANCE MUST BE SIGNED BY ALL PRESENT BENEFICIARIES AND MUST BE NOTARIZED BY A FIRST AMERICAN APPROVED NOTARY.
b. IF THE PAYOFF DEMAND STATEMENT OR THE REQUEST FOR RECONVEYANCE IS TO BE SIGNED BY A SERVICER, WE WILL ALSO REQUIRE A FULL COPY OF THE LOAN SERVICING AGREEMENT EXECUTED BY ALL PRESENT BENEFICIARIES.
c. IF ANY OF THE BENEFICIAL INTEREST IS PRESENTLY HELD BY TRUSTEES UNDER A TRUST AGREEMENT, WE WILL REQUIRE A CERTIFICATION PURSUANT TO SECTION 18100.5 OF THE CALIFORNIA PROBATE CODE IN A FORM SATISFACTORY TO THE COMPANY.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RESOLUTION NO. 2006-110, RESOLUTION OF THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ANNEXING CERTAIN PARCELS IN THE COUNTY OF SAN LUIS OBISPO TO FLOOD CONTROL ZONE 1" RECORDED AUGUST 30, 2006 AS INSTRUMENT NO. 2006061723 OF OFFICIAL RECORDS.
- A DOCUMENT ENTITLED "CERTIFICATE OF ACCEPTANCE FOR PUBLIC WATER MAIN EASEMENT" RECORDED MARCH 02, 2007 AS INSTRUMENT NO. 2007014306 OF OFFICIAL RECORDS.
" AFFECTS SUBJECT PARCEL, AS SHOWN HERE ON "
- THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "RESOLUTION NO. 2006-472, RESOLUTION AUTHORIZING EXECUTION OF CONVEYANCE OF WATERLINE EASEMENT DEED TO THE CITY OF ARROYO GRANDE, SUPERVISORIAL DISTRICT NO. 4" RECORDED MARCH 02, 2007 AS INSTRUMENT NO. 2007014308 OF OFFICIAL RECORDS.
" OUTSIDE SUBJECT AREA, NOT A SURVEY MATTER "
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RESOLUTION NO. 2008-194, RESOLUTION TO AUTHORIZE TWO OFFERS OF DEDICATION FOR EASEMENTS FOR A PUBLIC ROAD (LOS BERROS ROAD) WITHIN THE CITY OF ARROYO GRANDE AND WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA" RECORDED JUNE 23, 2008 AS INSTRUMENT NO. 2008032342 OF OFFICIAL RECORDS.
A DOCUMENT ENTITLED "CERTIFICATE OF ACCEPTANCE" RECORDED NOVEMBER 05, 2008 AS INSTRUMENT NO. 2008055768 OF OFFICIAL RECORDS.
A DOCUMENT ENTITLED "RESOLUTION NO. 2008-341, RESOLUTION ACCEPTING A 17-FOOT WIDENING OF A CERTAIN ROAD PRESENTLY IN THE COUNTY ROAD SYSTEM COUNTY ROAD NO. 1140" RECORDED NOVEMBER 12, 2008 AS INSTRUMENT NO. 2008056693 OF OFFICIAL RECORDS.
" OUTSIDE SUBJECT AREA, NOT A SURVEY MATTER "
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RESOLUTION NO. 2010-137, RESOLUTION TO LEVY ASSESSMENTS FOR COSTS OF SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ZONE 1-A (LOS BERROS DIVERSION CHANNEL OF ARROYO GRANDE CREEK)" RECORDED MAY 12, 2010 AS INSTRUMENT NO. 2010022263 OF OFFICIAL RECORDS.
- RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE LAND LYING WITHIN LOS BERROS ROAD AND VALLEY ROAD.
- WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

| LINE TABLE | | |
|------------|--------|---------------|
| LINE # | LENGTH | BEARING |
| L1 | 30.00 | N82° 26' 29"W |
| L2 | 30.00 | N7° 33' 31"E |
| L3 | 30.00 | S82° 26' 29"E |
| L4 | 30.00 | S7° 33' 31"W |
| L5 | 15.01 | N1° 39' 37"E |
| L6 | 47.54 | N90° 00' 00"E |
| L7 | 36.37 | S42° 59' 21"E |
| L8 | 14.55 | N42° 59' 13"W |
| L9 | 15.00 | N46° 17' 06"E |
| L10 | 14.74 | S42° 59' 13"E |
| L11 | 54.41 | S7° 33' 31"W |
| L12 | 15.00 | N82° 26' 29"W |
| L13 | 10.66 | N7° 33' 31"E |
| L14 | 61.23 | N42° 59' 21"W |
| L15 | 47.97 | N90° 00' 00"W |
| L16 | 113.18 | S88° 20' 23"E |
| L17 | 21.32 | N34° 44' 31"E |
| L18 | 73.10 | S89° 48' 44"E |
| L19 | 57.83 | S48° 19' 00"E |

| CURVE TABLE | | | | | |
|-------------|--------|--------|--------|---------------|--------------|
| CURVE # | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
| C1 | 22.56 | 27.50 | 47.01 | S66° 29' 41"E | 21.94 |
| C2 | 27.32 | 8.70 | 180.00 | N47° 00' 39"E | 17.40 |
| C3 | 20.91 | 23.70 | 50.55 | S17° 42' 55"E | 20.24 |
| C4 | 11.03 | 12.50 | 50.55 | N17° 42' 55"W | 10.67 |
| C5 | 10.26 | 12.50 | 47.01 | N66° 29' 41"W | 9.97 |



VICINITY MAP

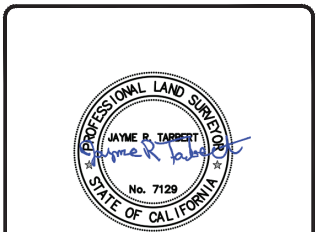
verizon
2770 SHADELANDS DR
BUILDING 11
WALNUT CREEK, CA 94598

SEQUOIA
DEVELOPMENT SERVICES, INC.
1 SPECTRUM POINTE DRIVE, SUITE 130
LAKE FOREST, CA 92630

ALLSTATES
ENGINEERING & SURVEYING
23675 BIRTCOHER DRIVE
LAKE FOREST, CA 92630

| | |
|-------------|----------------|
| PROJECT NO: | AG VALLEY ROAD |
| DRAWN BY: | KT |
| CHECKED BY: | ZQ/BC/DW/WDL |

| REV | DATE | DESCRIPTION | BY |
|-----|------------|--------------------|----|
| 0 | 07/08/2024 | FINAL SURVEY (PTR) | KT |
| A | 04/17/2024 | SURVEY FIRST DRAFT | KT |



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AG VALLEY ROAD
A.P.N. 006-087-002
959 VALLEY RD,
ARROYO GRANDE,
CA 93420,

SHEET TITLE
TITLE & EXCEPTIONS
INFORMATION

SHEET NUMBER
C-2

verizon

2770 SHADELANDS DR.
BUILDING 11
WALNUT CREEK, CA 94598

SEQUOIA
DEPLOYMENT SERVICES, INC.

1 SPECTRUM POINTE DRIVE, SUITE 130
LAKE FOREST, CA 92630-2283

ALLSTATES
ENGINEERING & SURVEYING

23675 BIRTCHE DRIVE
LAKE FOREST, CA 92630

PROJECT ID: AG VALLEY RD
DRAWN BY: LS
CHECKED BY: SS

| REV | DATE | DESCRIPTION | BY |
|-----|------------|-------------------------|----|
| 3 | 08/26/2024 | PER BFE | SS |
| 2 | 07/11/2024 | PER SURVEY | SS |
| 1 | 06/03/2024 | PER UG LOCATE | SS |
| 0 | 05/02/2024 | 100% ZD's FOR SUBMITTAL | SS |
| A | 04/08/2023 | 90% ZD's FOR REVIEW | LS |

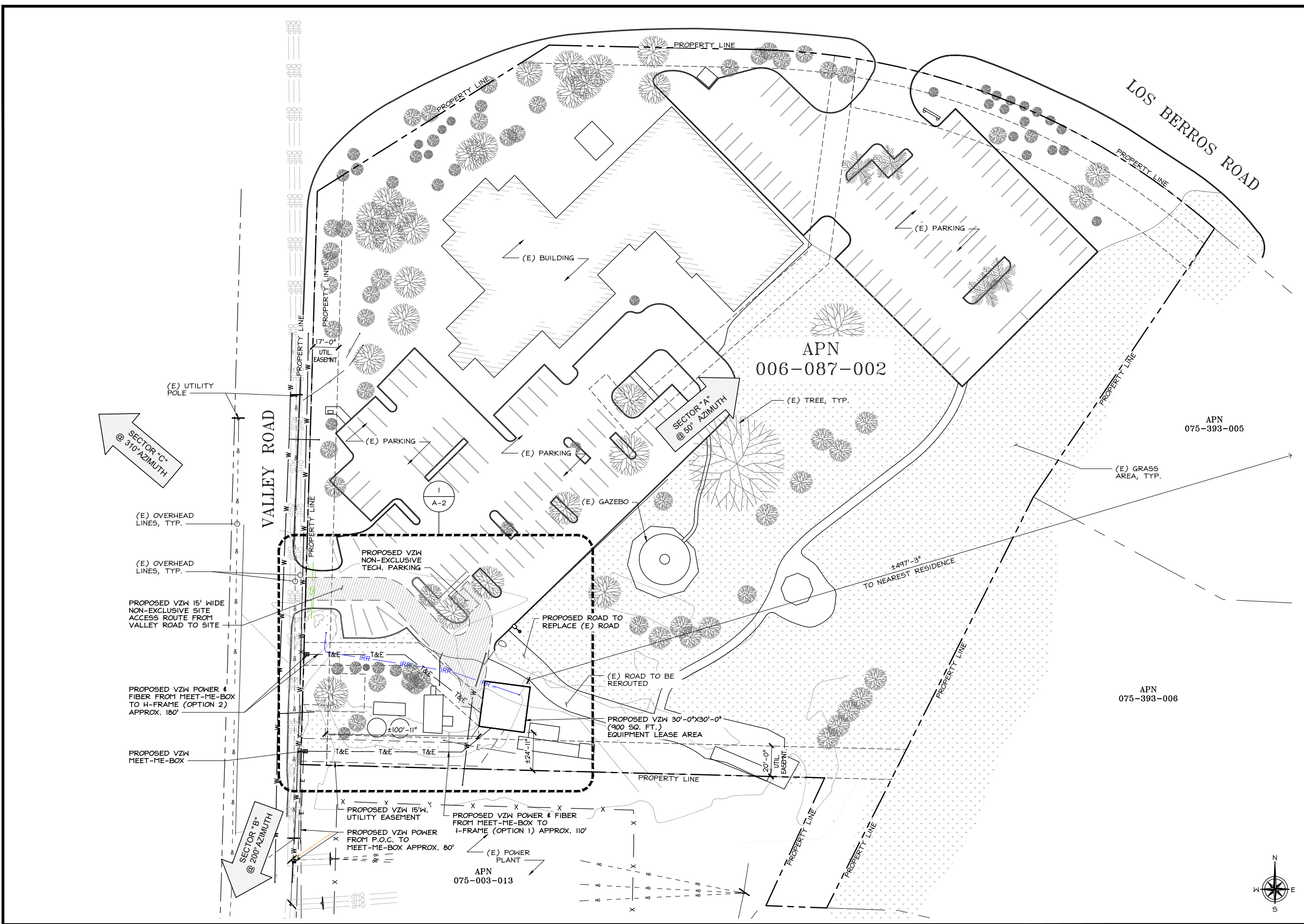
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**AG VALLEY RD
MONOPINE:**
959 VALLEY RD
ARROYO GRANDE, CA 93420

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
A-1



verizon

2770 SHADELANDS DR.
BUILDING II
WALNUT CREEK, CA 94598

SEQUOIA
DEPLOYMENT SERVICES, INC.

1 SPECTRUM POINTE DRIVE, SUITE 130
LAKE FOREST, CA 92630-2283

ALLSTATES
ENGINEERING & SURVEYING

23675 BIRTCHE DRIVE
LAKE FOREST, CA 92630

PROJECT ID: AG VALLEY RD

DRAWN BY: LS

CHECKED BY: SS

| REV | DATE | DESCRIPTION | BY |
|-----|------------|-------------------------|----|
| 3 | 08/26/2024 | PER BFE | SS |
| 2 | 07/11/2024 | PER SURVEY | SS |
| 1 | 06/03/2024 | PER UG LOCATE | SS |
| 0 | 05/02/2024 | 100% ZD's FOR SUBMITTAL | SS |
| A | 04/08/2023 | 90% ZD's FOR REVIEW | LS |

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FOR CONSTRUCTION**

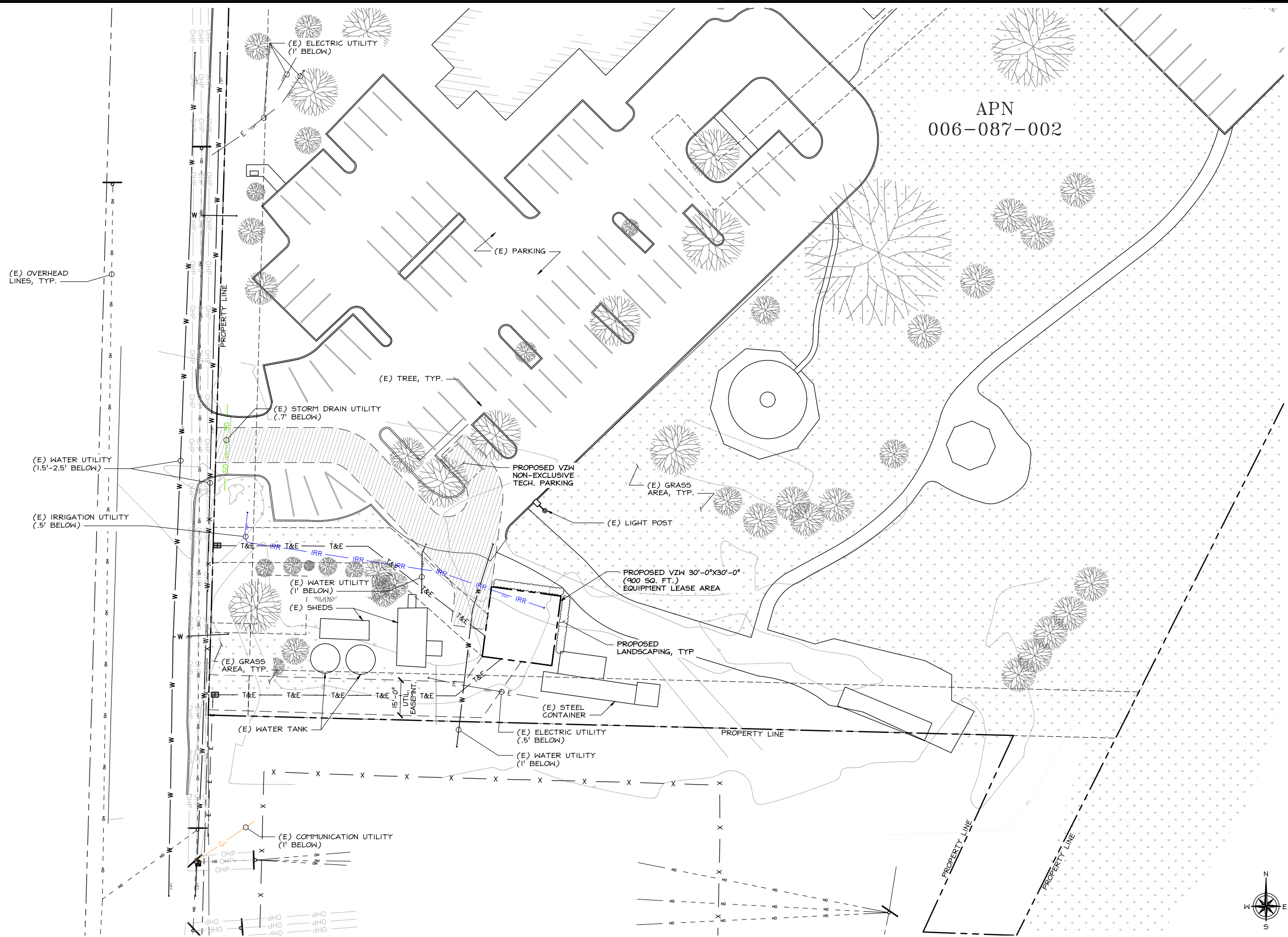
IT IS A VIOLATION OF LAW FOR ANY PERSON,
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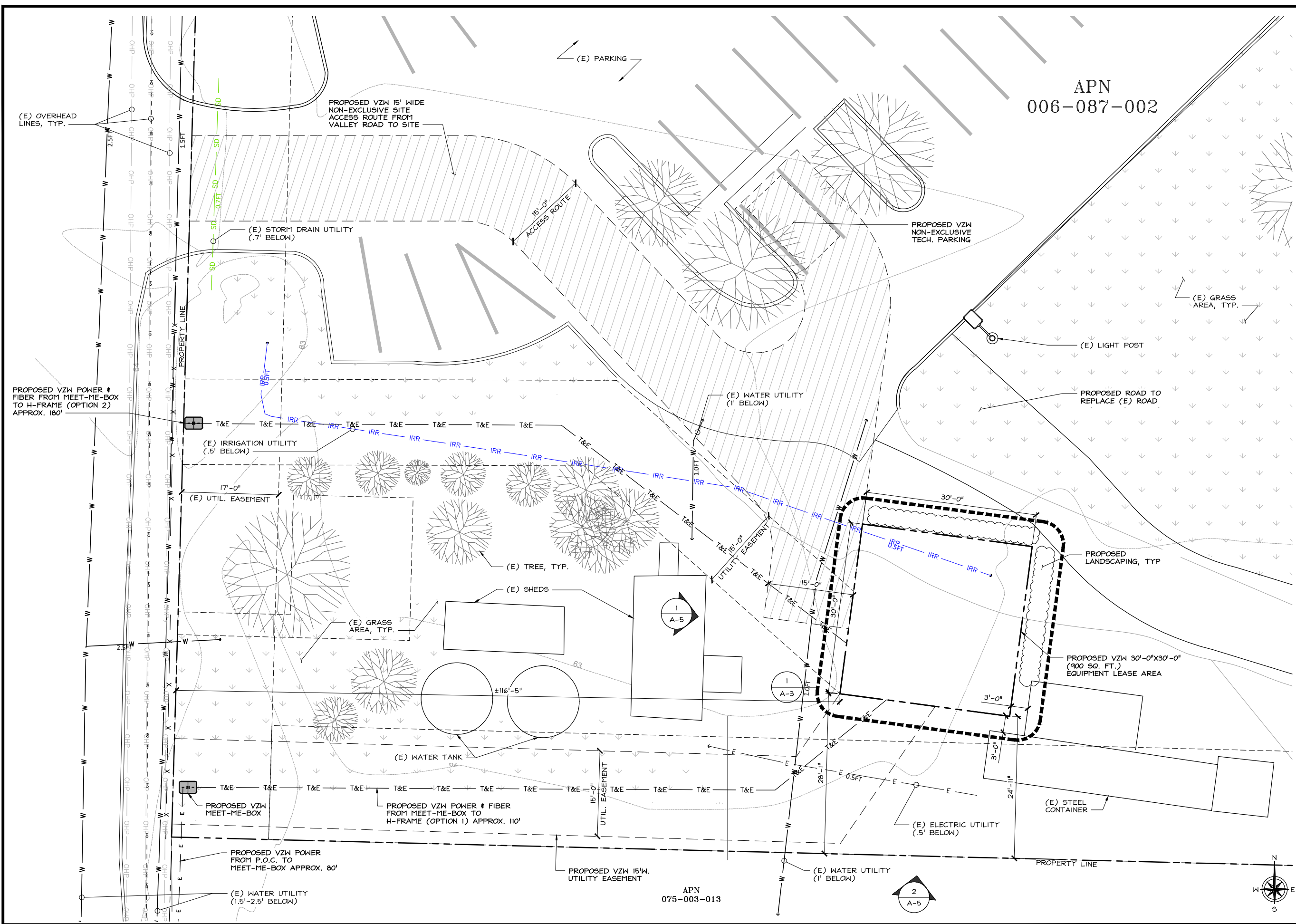
AG VALLEY RD
MONOPINE:
959 VALLEY RD
ARROYO GRANDE, CA 93420

SHEET TITLE
ENLARGED UTILITY PLAN

SHEET NUMBER
A-1.1

APN
006-087-002





ENLARGED SITE PLAN

24"x36" SCALE: 1/8" = 1'-0"
 11"x17" SCALE: 1/16" = 1'-0"
 8' 6' 4' 2' 0' 8' 1

verizon
 2770 SHADELANDS DR.
 BUILDING II
 WALNUT CREEK, CA 94598

SEQUOIA
 DEPLOYMENT SERVICES, INC.
 1 SPECTRUM POINTE DRIVE, SUITE 130
 LAKE FOREST, CA 92630-2283

ALLSTATES
 ENGINEERING & SURVEYING
 23675 BIRTCHEr DRIVE
 LAKE FOREST, CA 92630

| | |
|-------------|--------------|
| PROJECT ID: | AG VALLEY RD |
| DRAWN BY: | LS |
| CHECKED BY: | SS |

| REV | DATE | DESCRIPTION | |
|-----|------------|-------------------------|----|
| 3 | 08/26/2024 | PER BFE | SS |
| 2 | 07/11/2024 | PER SURVEY | SS |
| 1 | 06/03/2024 | PER UG LOCATE | SS |
| 0 | 05/02/2024 | 100% ZD's FOR SUBMITTAL | SS |
| A | 04/08/2023 | 90% ZD's FOR REVIEW | LS |

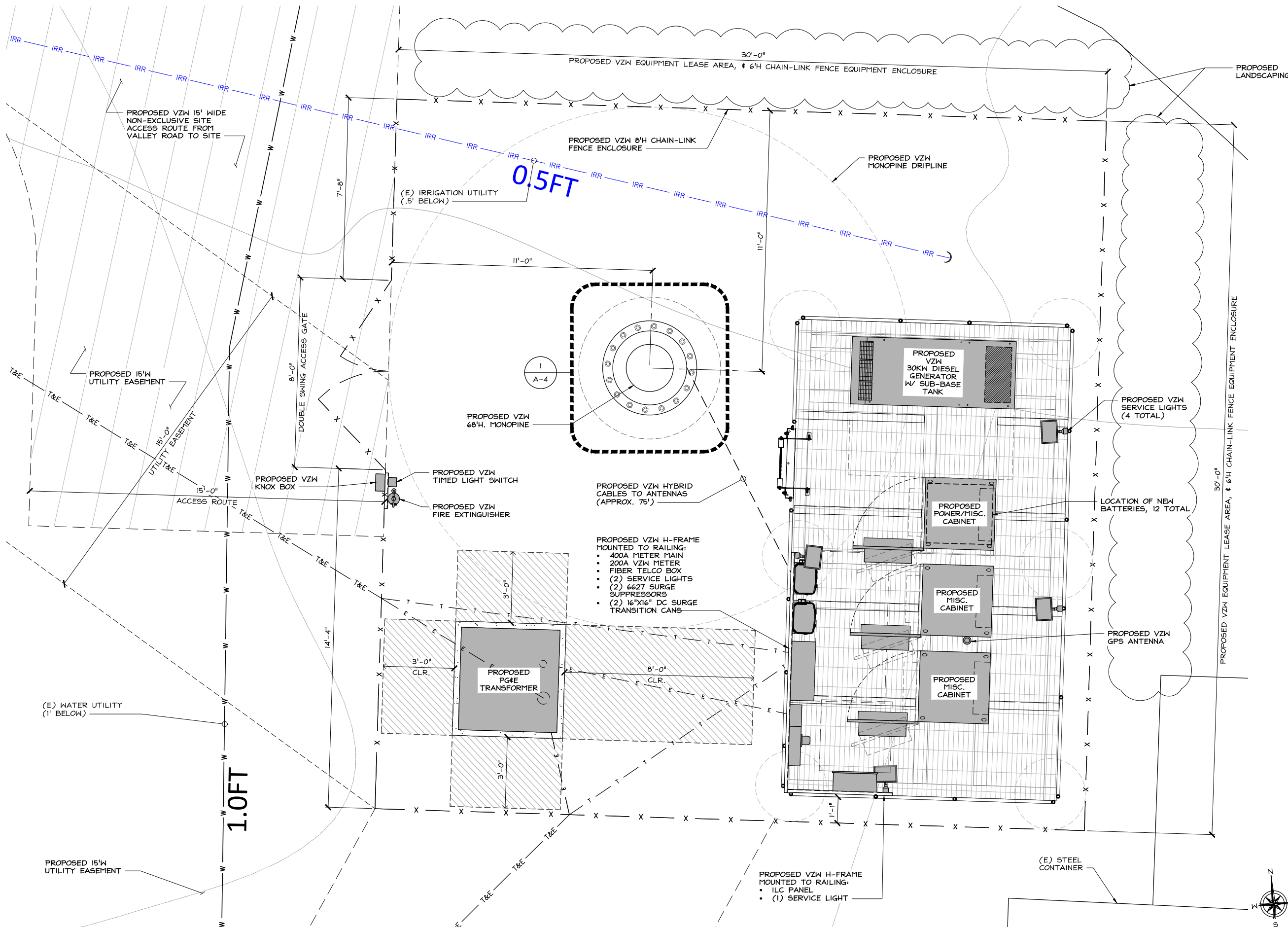
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AG VALLEY RD
MONOPINE:
 959 VALLEY RD
 ARROYO GRANDE, CA 93420

SHEET TITLE
 ENLARGED SITE PLAN

SHEET NUMBER
A-2



verizon

2770 SHADELANDS DR.
BUILDING 11
WALNUT CREEK, CA 94598

SEQUOIA
DEPLOYMENT SERVICES, INC.
1 SPECTRUM POINTE DRIVE, SUITE 130
LAKE FOREST, CA 92630-2283

ALLSTATES
ENGINEERING & SURVEYING
23675 BIRTCHE DRIVE
LAKE FOREST, CA 92630

PROJECT ID: AG VALLEY RD
DRAWN BY: LS
CHECKED BY: SS

| REV | DATE | DESCRIPTION | BY |
|-----|------------|-------------------------|----|
| 3 | 08/26/2024 | PER BFE | SS |
| 2 | 07/11/2024 | PER SURVEY | SS |
| 1 | 06/03/2024 | PER UG LOCATE | SS |
| 0 | 05/02/2024 | 100% ZD's FOR SUBMITTAL | SS |
| A | 04/08/2023 | 90% ZD's FOR REVIEW | LS |

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AG VALLEY RD MONOPINE:
959 VALLEY RD
ARROYO GRANDE, CA 93420

SHEET TITLE
EQUIPMENT LAYOUT PLAN

SHEET NUMBER
A-3



verizon

2770 SHADELANDS DR.
BUILDING 11
WALNUT CREEK, CA 94598

SEQUOIA
DEPLOYMENT SERVICES, INC.

1 SPECTRUM POINTE DRIVE, SUITE 130
LAKE FOREST, CA 92630-2283

ALLSTATES
ENGINEERING & SURVEYING

23675 BIRTCHE DRIVE
LAKE FOREST, CA 92630

PROJECT ID: AG VALLEY RD

DRAWN BY: LS

CHECKED BY: SS

| | | | |
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| 3 | 08/26/2024 | PER BFE | SS |
|-----|------------|-------------------------|----|
| 2 | 07/11/2024 | PER SURVEY | SS |
| 1 | 06/03/2024 | PER UG LOCATE | SS |
| 0 | 05/02/2024 | 100% ZD's FOR SUBMITTAL | SS |
| A | 04/08/2023 | 90% ZD's FOR REVIEW | LS |
| REV | DATE | DESCRIPTION | |

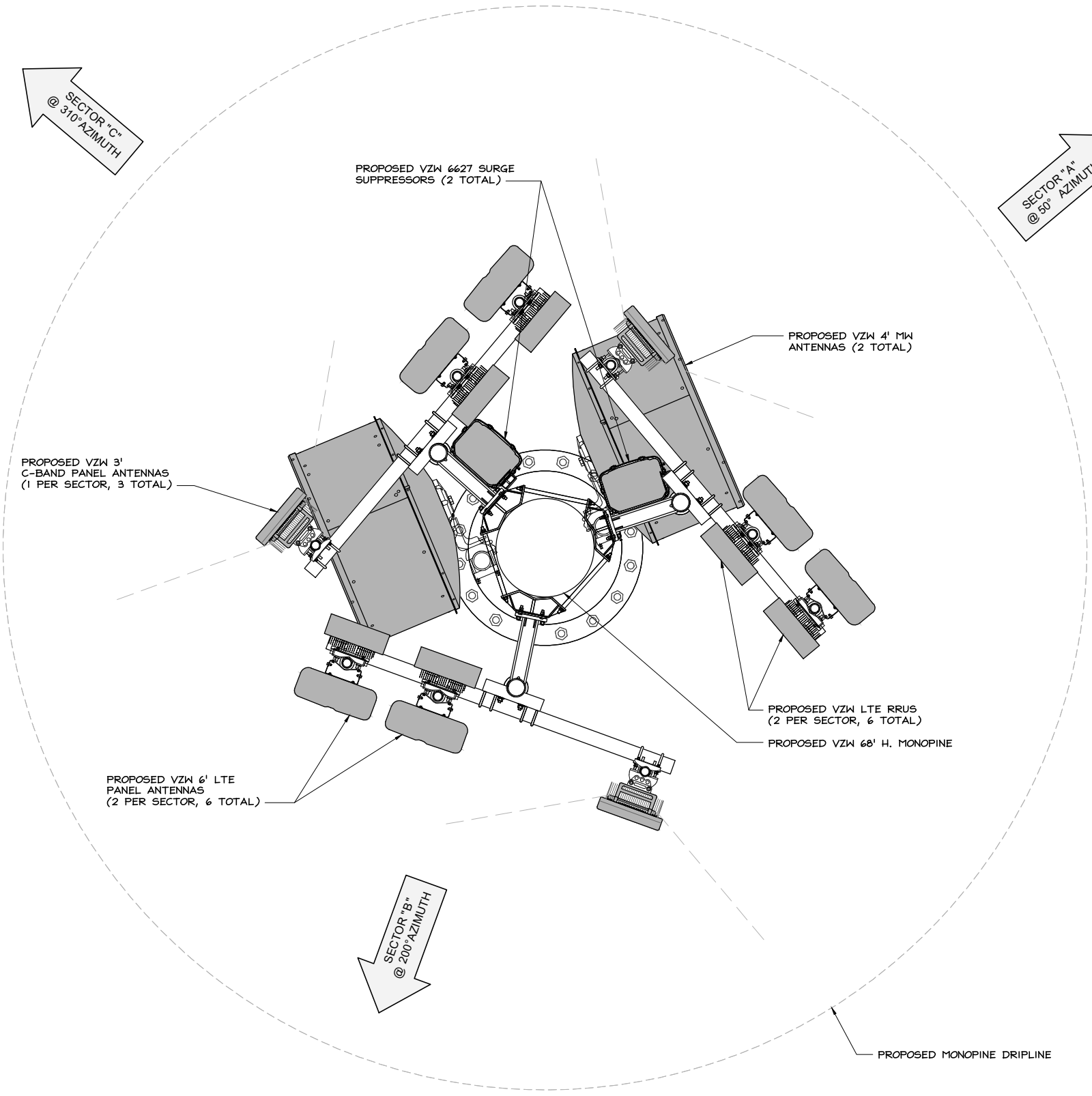
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UNLESS THEY ARE ACTING UNDER THE
DIRECTION OF A LICENSED PROFESSIONAL
ENGINEER, TO ALTER THIS DOCUMENT.

**AG VALLEY RD
MONOPINE:**
959 VALLEY RD
ARROYO GRANDE, CA 93420

SHEET TITLE
ANTENNA LAYOUT PLAN

SHEET NUMBER
A-4



PANEL ANTENNAS RAD CENTER: 60'-0"
MW ANTENNAS RAD CENTER: 53'-0"



24"x36" SCALE: 3/4" = 1'-0"
11"x17" SCALE: 3/8" = 1'-0"
1" 6" 0" 1"

1

PROJECT ID: AG VALLEY RD

DRAWN BY: LS

CHECKED BY: SS

| REV | DATE | DESCRIPTION | BY |
|-----|------------|-------------------------|----|
| 3 | 08/26/2024 | PER BFE | SS |
| 2 | 07/11/2024 | PER SURVEY | SS |
| 1 | 06/03/2024 | PER UG LOCATE | SS |
| 0 | 05/02/2024 | 100% ZD's FOR SUBMITTAL | SS |
| A | 04/08/2023 | 90% ZD's FOR REVIEW | LS |

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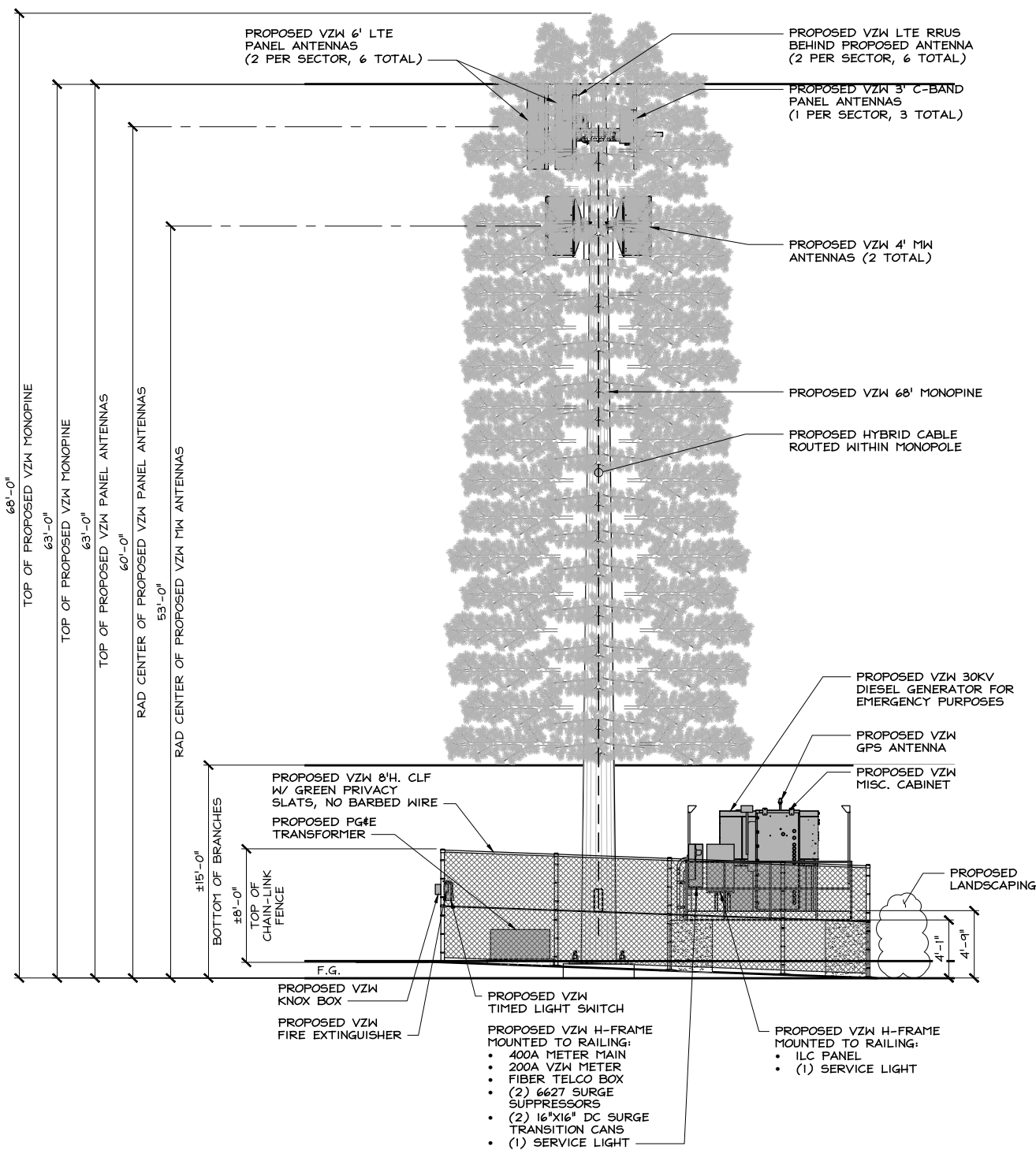
AG VALLEY RD
MONOPINE:
959 VALLEY RD
ARROYO GRANDE, CA 93420

SHEET TITLE

ELEVATIONS

SHEET NUMBER

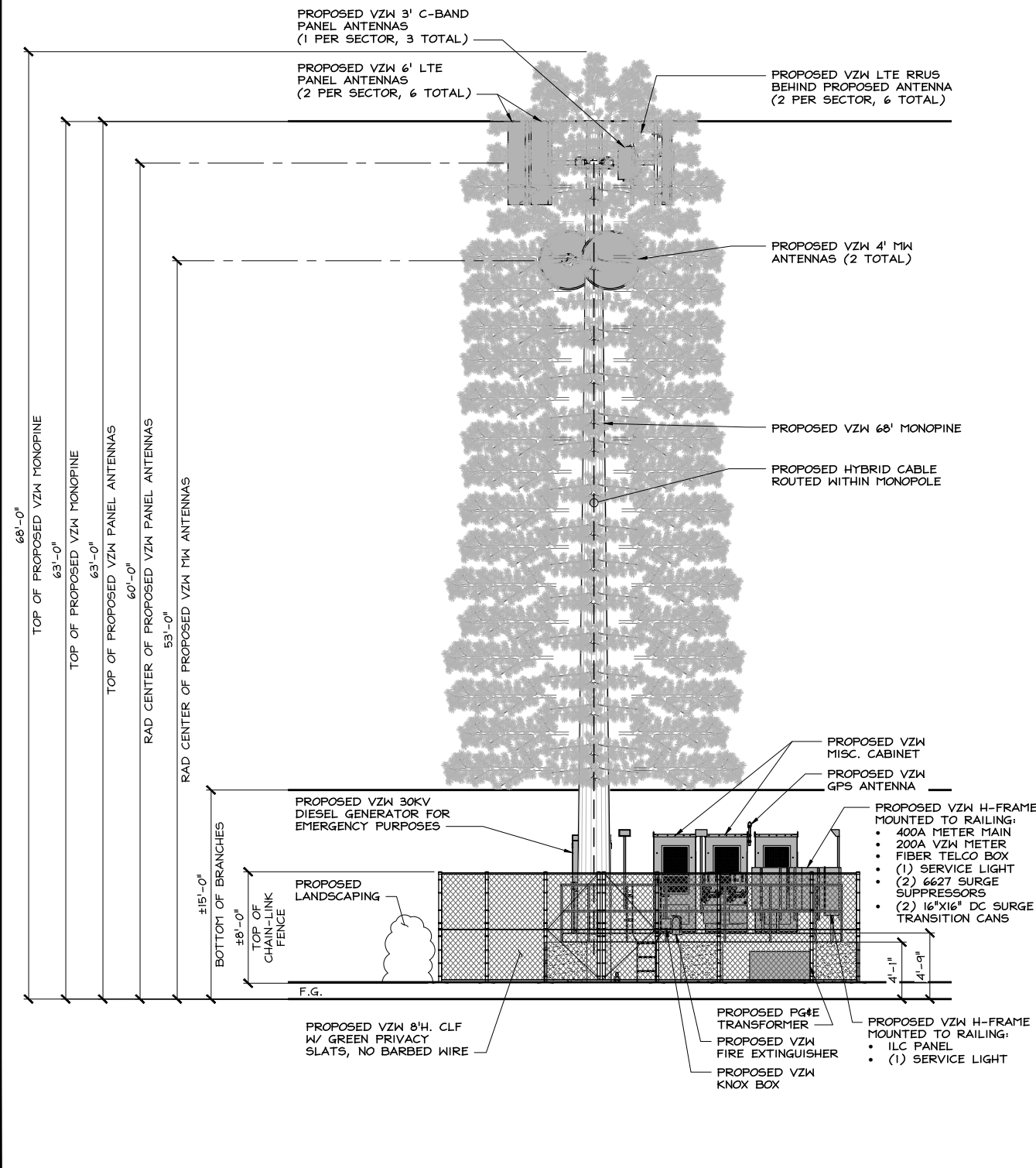
A-5



PROPOSED SOUTH ELEVATION

24"x36" SCALE: 3/16" = 1'-0"
11"x17" SCALE: 3/32" = 1'-0"
4' 2' 0' 4'

PROPOSED WEST ELEVATION



24"x36" SCALE: 3/16" = 1'-0"
11"x17" SCALE: 3/32" = 1'-0"
4' 2' 0' 4'

Verizon Wireless Communications Facility

Engineering Necessity Case – AG Valley Rd

Prepared by: Dewayne Bonham

May 16, 2024

Rev. 1/18



Project Need Overview:

This primary objective for this project is to improve network coverage and capacity in residential area of south Arroyo Grande near Valley Rd. This project will fill in a coverage gap in the mid-bands where the bulk of network capacity resides. These mid-band frequencies do not provide coverage as far from sites as the lower frequency bands that establish coverage. The mid band frequencies make up 90% of the available capacity in SLO county. Detail is provided supporting these issues on slides 8-12.

Additional details and explanations follow in this presentation.

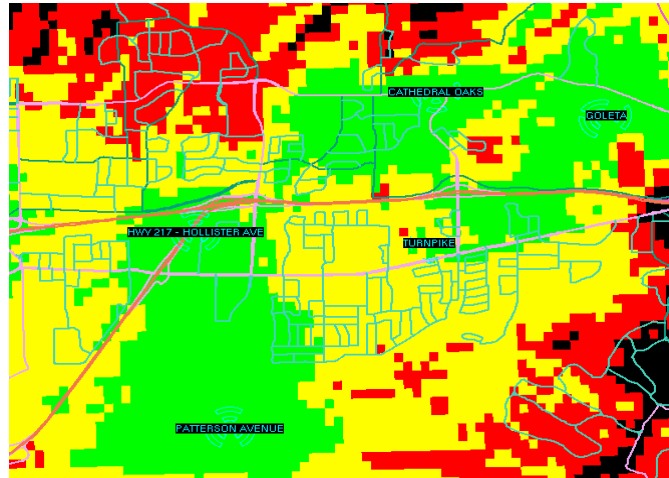
Introduction:

Coverage and/or capacity deficiencies are the two main drivers that prompt the need for a new *Wireless Communications Facility (WCF)*. Most WCF provide a mixture of both capacity and coverage for the benefit of the end user.

Coverage describes the existence or lack of wireless service in an area. The request for improved service often comes from our customers or emergency services personnel that have no service or poor service. Coverage used to refer to the ability to make or place a call in vehicles, however, as usage patterns have shifted, coverage is now determined based on whether or not sufficient WCF exist to provide a reliable signal inside of buildings and residential areas, as well. Historically, when wireless was still in its infancy, coverage was the primary means to measure the effectiveness of the network in a given area.

Capacity is the metric used to determine if sufficient wireless resources exist and is now the primary means to measure how a community's wireless needs are being addressed. "Five bars" no longer means guaranteed coverage and capacity because each WCF has a limited amount of resources to handle voice calls, data connections and data volume. When these limits are reached and the WCF becomes overloaded (meaning there is more demand than signal to service it), the user experience quickly degrades preventing customers from making/receiving calls or getting applications to run. A WCF short on capacity could also make internet connections time out or delay information to emergency response personnel.

Explanation of Wireless Coverage



Coverage is best shown via coverage maps. RF engineers use tools that take into account terrain, vegetation, building types, and WCF specifics to model the existing coverage and prediction what we expect to see with the addition of a proposed WCF.

Coverage also changes depending on which frequencies are used. Most phones today use 4G at low and mid band frequencies. Low frequencies can travel further distances than then the higher 1900 MHz, 2100 MHz, and 3500 MHz (Mid Band) frequencies now being employed due to increased capacity demands. Operating at higher frequencies makes it necessary for carriers to install substantially more wireless facilities to achieve the same coverage as one tower operating on the lower frequencies.

Explanation of Wireless Capacity



Capacity is the amount of resources that a WCF has to service customer demand. Verizon utilizes sophisticated programs and customer feedback to monitor current usage trends and to forecast future needs. Because it takes an average of 2-3 years to complete a WCF, we have to start the process of adding a new WCF several years in advance of when the WCF will be needed.

Location, Location, Location. A good capacity WCF needs to be in the center of a user population which insures that traffic is evenly distributed around the WCF. A typical WCF is configured into three sectors (like a pie cut into three pieces), with each slice (sector) having 33% of the WCF resources. If one sector is under-utilized, it's resources cannot necessarily be diverted to another sector. Therefore, optimal performance is only obtained when all three sectors have an even traffic distribution.

Explanation of Wireless Data Growth

Wireless Data Growth

Each year Verizon sees large increases in how much data its customers need. As the resolution of the pictures we send increases, the quality of the video we watch improves, and the complexity of the applications grow, we commonly see tremendous growth year-over-year. From 3Q 2016 to 3Q 2017 the growth rate for wireless data was 65%.

Machine to Machine communications will also increase the data burden on wireless networks, as over the next five (5) years more and more services that improve our safety and make our lives easier will be available over the wireless infrastructure , such as:

- Cars that notify 911 when an airbag deploys.
- “Driverless” cars needing traffic data and maps to reach your destination as quickly as possible.
- Medical monitors that will alert us should a loved one neglect taking their prescription drugs.
- Home alarms that notify you when your child arrives home from school.
- Smart street lights that notify the city when they are not working.
- City garbage cans that let people know when they need to be emptied.
- Tracking watches will aid in finding lost Alzheimer patients.
- New applications are developed daily.

Radio Emission Safety...

A common question received is “Are the radio emissions safe?”

Verizon goes to great effort to ensure that all of its projects meet the standards established by the FCC to ensure safety of the public and its employees. How this site measures in comparison with this standard is detailed in a report included with the zoning application for this site. The links below are to three reputable organizations that have performed extensive reviews of the science available on this subject and have good educational articles on the results of their research.

World Health Organization

<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>

America Cancer Society

<http://www.cancer.org/cancer/cancercauses/othercarcinogens/athome/cellular-phone-towers>

FCC Radio Frequency Safety

<http://www.fcc.gov/general/radio-frequency-safety-0>

Electromagnetic Hypersensitivity – Evidence shows no link between exposure and symptoms.

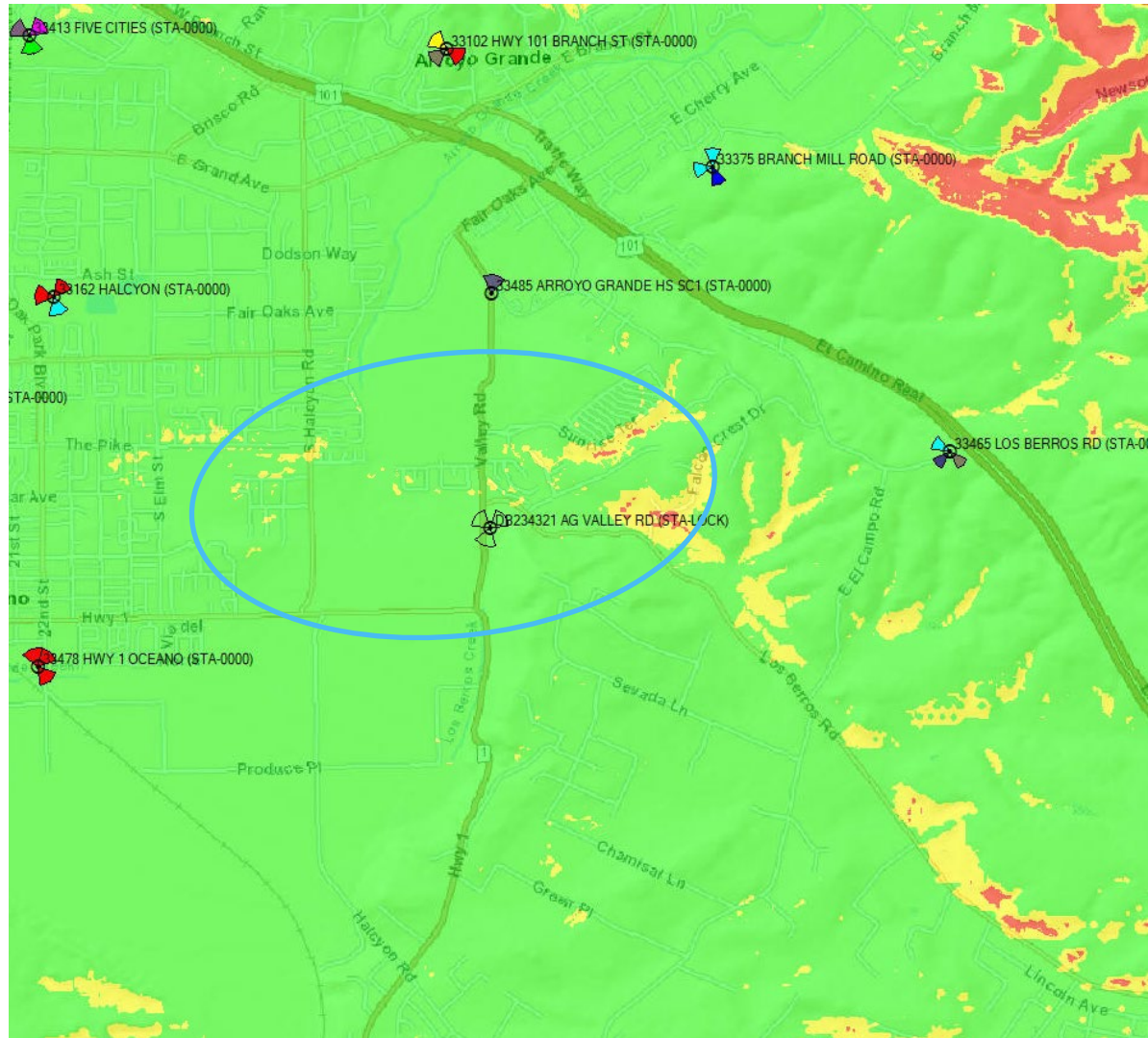
World Health Organization finding based on the body on scientific evidence.

<http://www.who.int/peh-emf/publications/facts/fs296/en/>

<http://www.ncbi.nlm.nih.gov/pubmed/15784787>

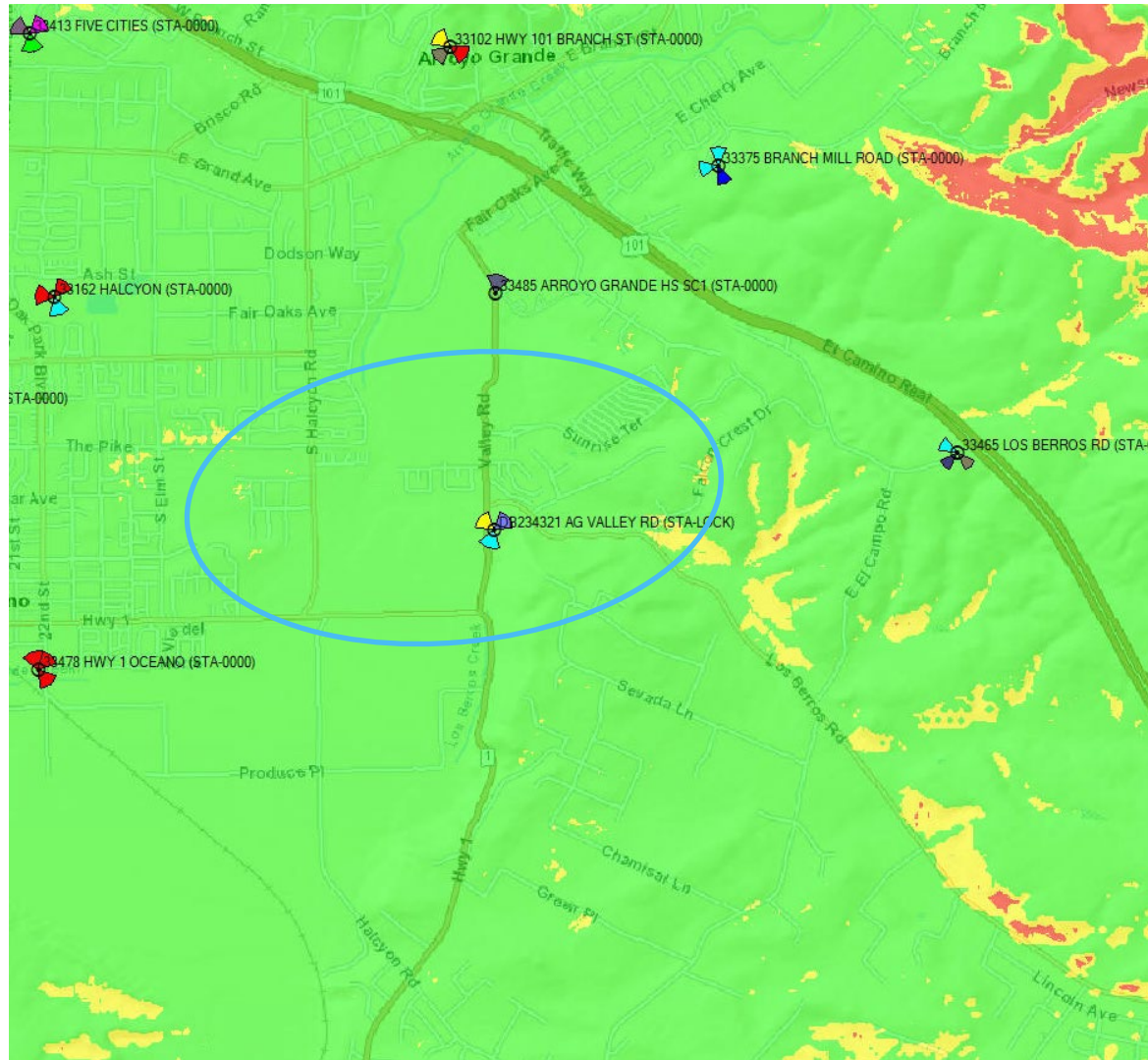
<http://www.ncbi.nlm.nih.gov/pubmed/25644455>

Existing coverage without proposed site at 700 MHz:



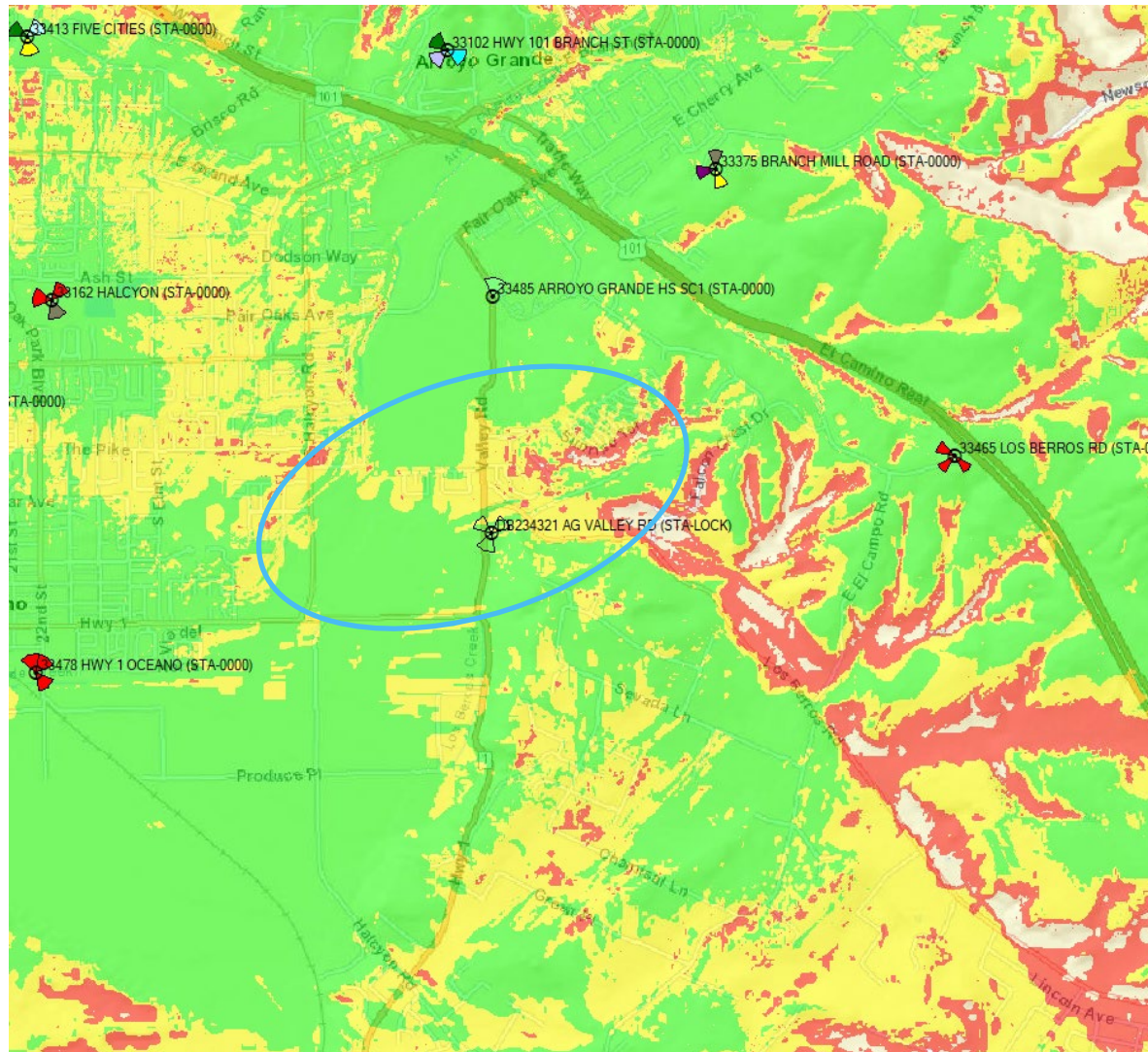
Green = Good In-Building, **Yellow** = Good In-Vehicle, **Red** = Good on-Street.

Future coverage with proposed site at 700 MHz



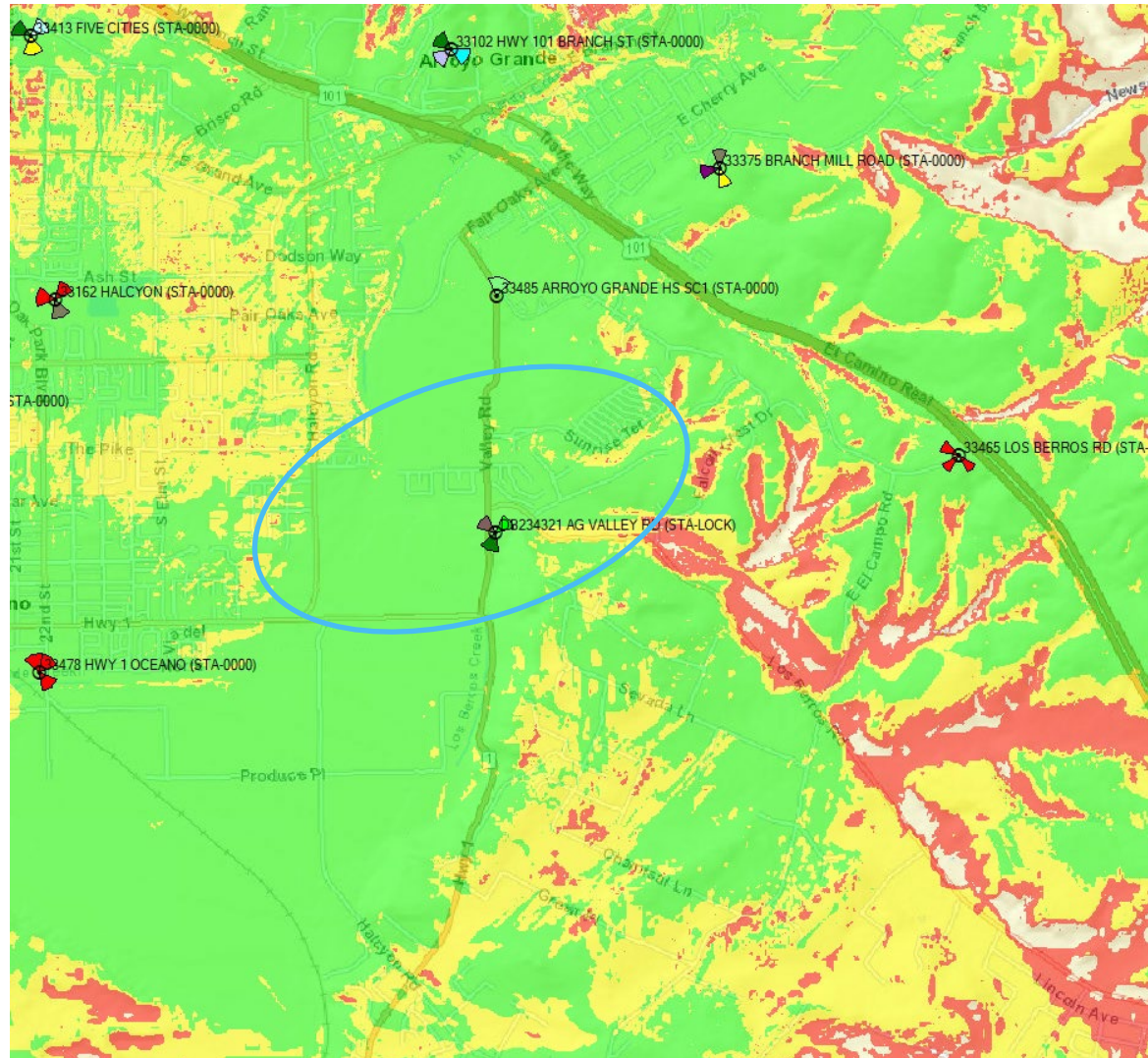
Green = Good In-Building, **Yellow** = Good In-Vehicle, **Red** = Good on-Street.

Existing coverage without proposed site at 2100 MHz:



Green = Good In-Building, **Yellow** = Good In-Vehicle, **Red** = Good on-Street.

Future coverage with proposed site at 2100 MHz

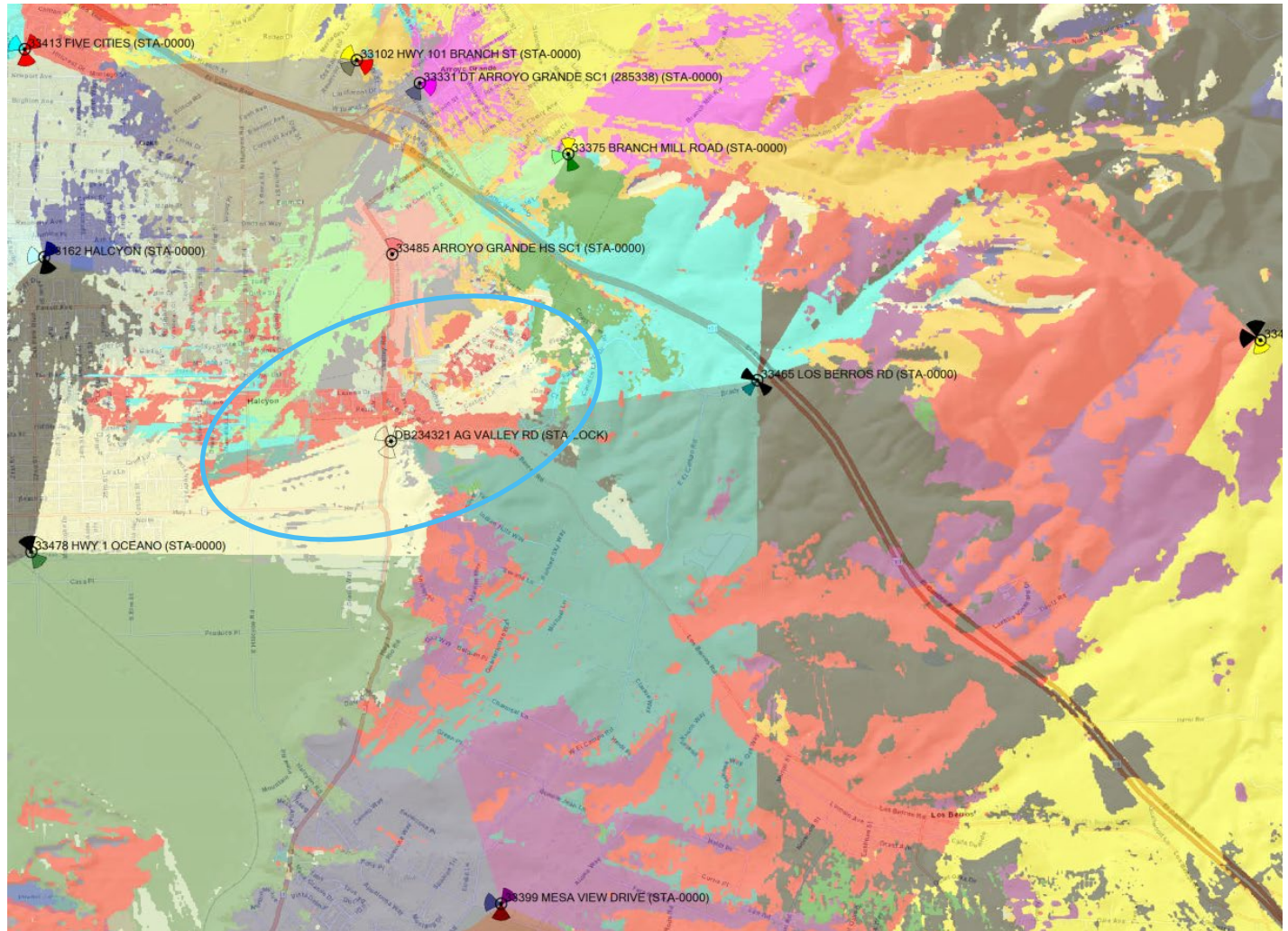


Green = Good In-Building, **Yellow** = Good In-Vehicle, **Red** = Good on-Street.

Existing coverage showing area:

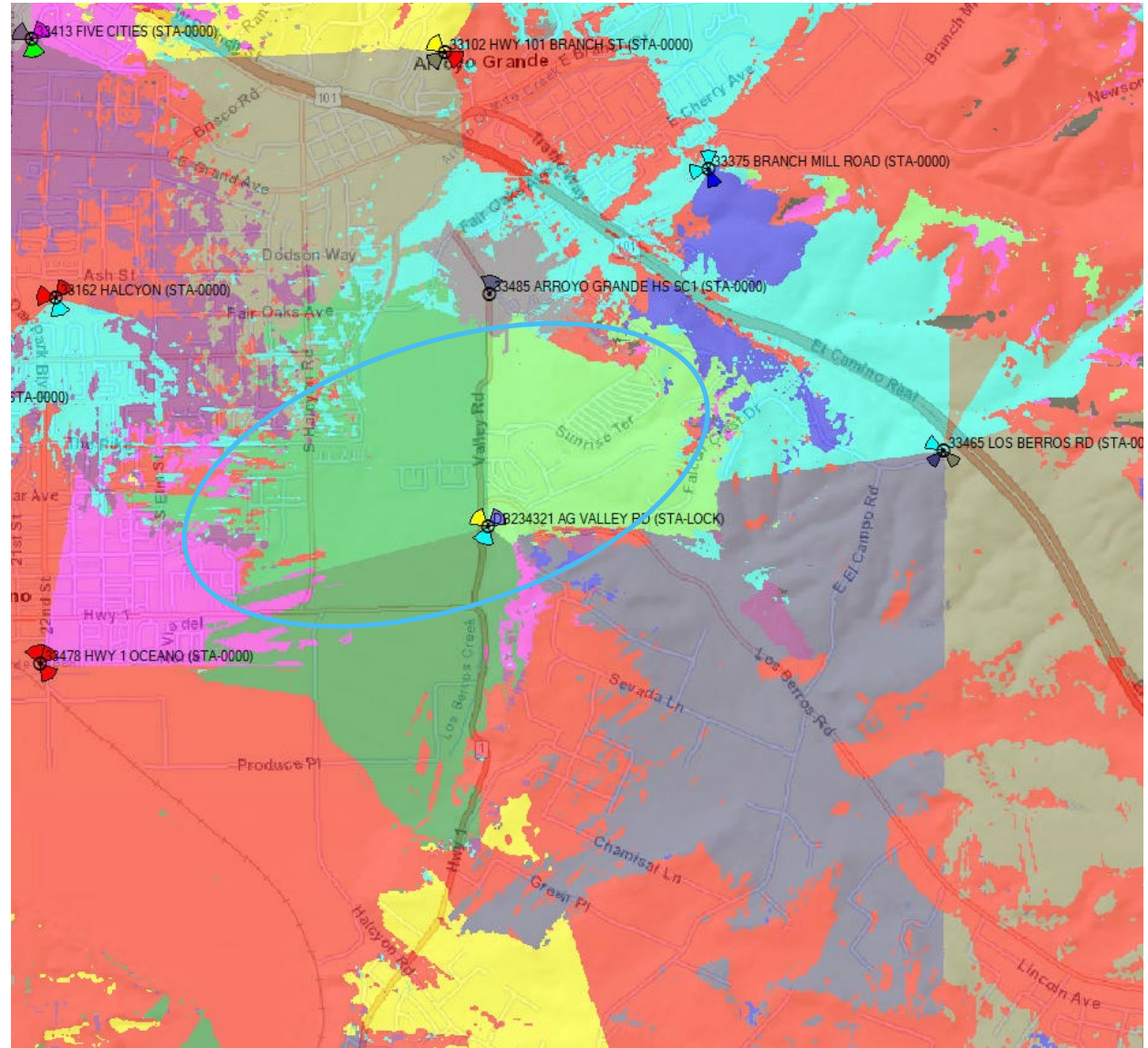
The red in the area of the new site is coverage from the Overloaded hilltop Arroyo Grande site.

The new site will reduce the load on that site.



Future coverage showing area served by the new site:

Green is the coverage from the proposed site



Verizon is part of your community. Because we live and work there too.

We believe technology can help solve our biggest social problems.

We're working with innovators, community leaders, non-profits, universities and our peers to address some of the unmet challenges in education, healthcare and energy management.

Learn more about our corporate social responsibility at www.verizon.com.



Alternative Candidate Analysis

Verizon Wireless
Ag Valley Road
959 Valley Road
Arroyo Grande, CA 93420



June 6, 2024

Summary of Site Evaluations

Summary

Verizon Wireless has Identified a significant gap in its Long Term Evolution (LTE) wireless service in some areas of the Arroyo Grande community.

II. Methodology

Once a significant coverage gap is determined, Verizon Wireless seeks to identify a site that will provide a solution through the “least intrusive means” based upon Verizon Wireless’s experience with designing similar facilities and working within local regulations. In addition to seeking the “least intrusive” alternative, sites proposed by Verizon Wireless must be feasible. In this regard, Verizon Wireless reviews the topography, radio frequency propagation, elevation, height, available electrical and telephone utilities, access, and other critical factors such as a willing landlord in completing its site analysis. Wherever feasible, Verizon Wireless seeks to identify collocation opportunities that allow placement of wireless facilities with minimal impacts.

The City of Arroyo Grande establishes the guidelines for wireless facility design and location, encouraging co-location to reduce the overall number of freestanding facilities throughout the City. Under the policy, the City sets preferred locations: a) side-mounted antennas on buildings, water tanks. There are no buildings or water tanks of suitable height/elevation in the search area. B) Signs, There are no large shopping malls or other signs nearby of suitable height/elevation. C) Atop existing buildings, water tanks, similar to A), there are no buildings or water tanks of suitable height/elevation in the search area. D) Alternative Tower Structures, this category includes the monopine Verizon is proposing. The City’s standards for telecommunication facilities favor facilities that appear as a natural environmental feature. Based upon these site location and design preferences established in the City’s code, priority has been given to 959 Valley Road property for this proposed facility. A Conditional Use Permit review and approval process is required to place a new wireless facility at this location.

I. Analysis

For the past twenty-four months, Verizon Wireless has sought to identify and lease a suitable location for its new wireless facility to serve the City of Arroyo Grande. As collocation of facilities is generally required where available, Verizon Wireless sought collocation sites which could

provide radio frequency propagation to address the Coverage Gap. There were no viable candidates available within the search area already existing or feasible for collocation. There is a record of an AT&T site at 1585 South Elm Street, Oceano CA, however this site is too far west to work. The next nearest site is a CCI site at coordinates: 35.1253, -120.6008 which will not work for the RF engineers. There are 2 existing Verizon sites: 35.1094, -120.6193, however this site is too far away, and another at 35.1251091497 -120.583151514 which is a site that needs to be offloaded due to demand.

As such, the Verizon Wireless search moved to candidates within the search area where a freestanding design might be feasible. Four preliminary candidates were identified: AG Valley Road, Runnel's, St. John's and Peaceful Point.

The following is a summary of sites reviewed within the search area:

| Site Name / Property Owner | Property Address | Phone Number | Contact Attempts | | | Landlord Interest | RF Acceptance | Additional Zoning Notes |
|----------------------------|--------------------------|----------------|---|---------------|---------------|-------------------|---------------|---|
| | | | Phone Call #1 | Phone Call #2 | Phone Call #3 | | | |
| St. John's | 959 Valley Rd. | | | | | Yes | Yes | Current candidate |
| Runnels | 586 Valley Rd. | (303) 828-0363 | | | | No | Yes | Not interested, uses entire property for farming. |
| Peaceful Point | 2850 Peaceful Point Lane | (303) 539-9054 | Face to face with property mgr on site. | | | No | No | RF rejected based on elevation and location |
| Ag Valley | 789 Valley Rd. | (303) 828-3152 | | | | Yes | Yes | Denied Victorian Estates Facility. |

A more detailed analysis of the specific candidates is below.

Summary of Candidates Reviewed

Primary Candidate

St. John's Church

959 Valley Rd., Arroyo Grande CA 93420



St. John's Church is the new proposed facility. This location is within the search area issued by Verizon radio frequency engineers and the landlord has expressed interest. Initial requests for interest went unreturned, however the property owner later expressed interest to lease space to Verizon for the facility because, as an emergency service provider, they see the need for improved coverage in the area. The primary use of this property is not sensitive to the addition of a telecommunication facility use on it.

1. Runnels
586 Valley Rd., Arroyo Grande CA 93420



The Runnels property is a secondary candidate for the Ag Valley Rd. telecommunications facility. RF engineers approved this location, however the property owner responded to our letter of interest with a comment that they utilize all their land for farming and do not have room for a telecommunications facility. Therefore, this site has been ruled out as a viable candidate.

Additional agricultural fields nearby west in unincorporated San Luis Obispo County were evaluated, however it would impact the active farming operations and there was a lack of storage areas, staging yards or other locations a site could have gone without impacting the farming patterns.

2. Peaceful Point
2850 Peaceful Point Lane, Arroyo Grande CA 93420



The radio frequency and performance engineering requirements for coverage improvements to the target area cannot be met with the slope. This site was ranked low on RF's list due to coverage issues. The landlord did not respond to our letter of interest or attempted contacts. This site was ruled out as a viable candidate.

3. AG Valley Rd. – Victorian Estate (Denied Candidate)

789 Valley Rd.
Arroyo Grande, CA 93420
Required Height: 55 feet
Zoned: Office Mixed-use
Design: Water tower



The AG Valley Rd. property was chosen initially as the candidate for the telecommunications facility. However, the Planning Commission denied the request for a conditional use permit CUP23-006 via resolution no. 24-2395. This location is within the search area issued by Verizon Wireless radio frequency engineers and was deemed a feasible location by the engineer. The height is needed to address the gap in coverage. The property owner has agreed to lease space to Verizon for the facility because, as an emergency service provider, they see the need for improved coverage in the area. The primary use of this property is not sensitive to the addition of a telecommunication facility use on it.

Aerial View
Locations of Possible Candidates
within the Search Area



Conclusion

Verizon Wireless evaluated four site alternatives within the identified significant coverage gap over the last twenty-four months, including a complete evaluation of these alternatives. Based on the analysis and evaluation, Verizon Wireless concludes that the proposed monopine site at a maximum height of 68 feet is the least intrusive means to address the significant gap in coverage, and to address the community's wireless needs. This conclusion arises primarily from the fact that the proposed facility at 959 Valley Road is a location where there is both a willing property owner to lease space and a location on the property which presents a location for a monopine site with little or no visual or noise impacts and is therefore preferred under the guidelines of the City of Arroyo Grande.



SOLAR COMMUNICATIONS INTERNATIONAL

41745 Anza Road | Temecula, Ca.
92592 PO Box 891086 | Temecula, Ca.
92589 Office : (951) 698 - 5985
www.RFTransparent.com



SOLAR COMMUNICATIONS INTERNATIONAL, INC.

PRODUCT

MONOPINE

SITE NAME

AG VALLEY RD

San Diego, CA 92108

www.RFTransparent.com

ATTACHMENT 7



AG VALLEY RD

959 VALLEY ROAD ARROYO GRANDE CA 93420



A&S Engineering
A&Sims.com
877.9AE.sims



AG VALLEY RD

959 VALLEY ROAD ARROYO GRANDE CA 93420



A&S Engineering
A&Sims.com
877.9AE.sims



Foliage Options 2024



Pine 70% Brown/30% Green Foliage



Pine 70% Green/30% Brown Foliage



Pine 100% Green Foliage



YOUR RF SAFETY PARTNER

RADIO FREQUENCY ELECTROMAGNETIC FIELDS EXPOSURE REPORT

PRE-Activation

Prepared for Verizon

Site Name: AG Valley Rd
Site ID: 5000918278
Site Type: Monopine

Located at:

959 Valley Rd
Arroyo Grande, CA 93420
Latitude: 35.10210 / Longitude: -120.58108

Report Date: 5/13/2024
Report By: Christopher Stollar, P.E.

Based on FCC Rules and Regulations, Verizon is compliant.

TABLE OF CONTENTS

1.0 EXECUTIVE SUMMARY3
2.0 SITE DESCRIPTION4
 2.1 Site Map4
 2.2 Antenna Inventory5
3.0 ANALYSIS6
 3.1 Emission Predictions6
4.0 CONCLUSION 11
 4.1 Results 11
 4.2 Recommendation(s) 11
 4.3 Statement of Compliance 11
 4.4 Engineer Certification 11
Appendix A: Background 12
Appendix B: Measurement and/or Computer Simulation Methods 13
Appendix C: Limitations 13
Appendix D: Sample Verizon RF Advisory Signs 14

1.0 EXECUTIVE SUMMARY

Dtech Communications, LLC (“Dtech”) has been retained by Sequoia Deployment Services, Inc., contractors to Verizon, to determine whether its wireless communications facility complies with the Federal Communications Commission (“FCC”) Radio Frequency (“RF”) Safety. This report contains a computer-simulated analysis of the Electromagnetic Fields (“EMF”) exposure resulting from the facility. The analysis also includes assessment of existing wireless carriers on site, where information is provided. The table below summarizes the results at a glance:

Table 1: EMF Summary

| Verizon | Summary |
|--|--------------------------|
| Access Type | Gate |
| Access to antennas locked | Optional |
| RF Sign(s) @ access point(s) | NA |
| RF Sign(s) @ antennas | NA |
| Barrier(s) @ sectors | NA |
| Max EMF simulated level for Verizon on Ground | 22.5% General Population |
| Max EMF simulated level for Verizon at Adjacent Roof Level | 41.0% General Population |
| Max EMF simulated level for Verizon at Adjacent Light Level | 53.0% General Population |
| Max EMF simulated level for Verizon at Adjacent Powerline Level | 72.0% General Population |
| Clearance Distance from Face of Verizon’s Antennas | 84 Feet |

2.0 SITE DESCRIPTION

The wireless telecommunication facility is located on the ground. The facility consists of 1 wireless carrier(s) or operator(s): Verizon. The antennas are typically grouped into sectors pointing in different directions to achieve the desired areas of coverage. Verizon's antennas are mounted on a monopine tower.

2.1 Site Map



2.2 Antenna Inventory

The table below reflects the technical specifications provided by our clients and/or gathered from physical field surveys where applicable. This final configuration, including power settings and antenna orientations must be maintained to remain in compliance with FCC guidelines. For co-locators or nearby transmitters, conservative estimates are used for purposes of a cumulative study where information is not provided or available.

Table 2: Site Technical Specifications

| Antenna ID | Antenna Num | Operator | Antenna Mfg | Antenna Model | Type | Frequency (MHz) | Orientation (°) | Horizontal B/Wth (°) | Antenna Aperture (ft) | Antenna Gain (dBi) | Total Input Power (Watts) | Duty Cycle | Total ERP (Watts) | Bottom Tip Height Above Ground (2) (ft) | Bottom Tip Height Above Adj Roof (2) (ft) | Bottom Tip Height Above Adj Light (2) (ft) | Bottom Tip Height Above Adj Powerline (2) (ft) | Bottom Tip Height Above Antenna Level (2) (ft) |
|------------|-------------|----------|-------------|---------------|-------|-----------------|-----------------|----------------------|-----------------------|--------------------|---------------------------|------------|-------------------|---|---|--|--|--|
| A1 | 1 | Verizon | Ericsson | AIR6419 | Panel | 3700 | 50 | 11 | 2.4 | 23.5 | 320 | 0.8 | 56669 | 58.8 | 43.8 | 38.8 | 33.8 | 0.0 |
| A2 | 2 | Verizon | Commscope | NNH4-65B-R6 | Panel | 746 | 50 | 71 | 6.0 | 12.1 | 120 | 1.0 | 1924 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| A2 | 2 | Verizon | Commscope | NNH4-65B-R6 | Panel | 880 | 50 | 62 | 6.0 | 12.7 | 120 | 1.0 | 2209 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| A2 | 2 | Verizon | Commscope | NNH4-65B-R6 | Panel | 1965 | 50 | 59 | 6.0 | 14.2 | 240 | 1.0 | 6243 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| A3 | 3 | Verizon | Commscope | NNH4-65B-R6 | Panel | 746 | 50 | 71 | 6.0 | 12.1 | 120 | 1.0 | 1924 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| A3 | 3 | Verizon | Commscope | NNH4-65B-R6 | Panel | 880 | 50 | 62 | 6.0 | 12.7 | 120 | 1.0 | 2209 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| A3 | 3 | Verizon | Commscope | NNH4-65B-R6 | Panel | 2120 | 50 | 58 | 6.0 | 14.4 | 240 | 1.0 | 6537 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| B1 | 4 | Verizon | Ericsson | AIR6419 | Panel | 3700 | 200 | 11 | 2.4 | 23.5 | 320 | 0.8 | 56669 | 58.8 | 43.8 | 38.8 | 33.8 | 0.0 |
| B2 | 5 | Verizon | Commscope | NNH4-65B-R6 | Panel | 746 | 200 | 71 | 6.0 | 12.1 | 120 | 1.0 | 1924 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| B2 | 5 | Verizon | Commscope | NNH4-65B-R6 | Panel | 880 | 200 | 62 | 6.0 | 12.7 | 120 | 1.0 | 2209 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| B2 | 5 | Verizon | Commscope | NNH4-65B-R6 | Panel | 1965 | 200 | 59 | 6.0 | 14.2 | 240 | 1.0 | 6243 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| B3 | 6 | Verizon | Commscope | NNH4-65B-R6 | Panel | 746 | 200 | 71 | 6.0 | 12.1 | 120 | 1.0 | 1924 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| B3 | 6 | Verizon | Commscope | NNH4-65B-R6 | Panel | 880 | 200 | 62 | 6.0 | 12.7 | 120 | 1.0 | 2209 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| B3 | 6 | Verizon | Commscope | NNH4-65B-R6 | Panel | 2120 | 200 | 58 | 6.0 | 14.4 | 240 | 1.0 | 6537 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| C1 | 7 | Verizon | Ericsson | AIR6419 | Panel | 3700 | 310 | 11 | 2.4 | 23.5 | 320 | 0.8 | 56669 | 58.8 | 43.8 | 38.8 | 33.8 | 0.0 |
| C2 | 8 | Verizon | Commscope | NNH4-65B-R6 | Panel | 746 | 310 | 71 | 6.0 | 12.1 | 120 | 1.0 | 1924 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| C2 | 8 | Verizon | Commscope | NNH4-65B-R6 | Panel | 880 | 310 | 62 | 6.0 | 12.7 | 120 | 1.0 | 2209 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| C2 | 8 | Verizon | Commscope | NNH4-65B-R6 | Panel | 1965 | 310 | 59 | 6.0 | 14.2 | 240 | 1.0 | 6243 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| C3 | 9 | Verizon | Commscope | NNH4-65B-R6 | Panel | 746 | 310 | 71 | 6.0 | 12.1 | 120 | 1.0 | 1924 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| C3 | 9 | Verizon | Commscope | NNH4-65B-R6 | Panel | 880 | 310 | 62 | 6.0 | 12.7 | 120 | 1.0 | 2209 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| C3 | 9 | Verizon | Commscope | NNH4-65B-R6 | Panel | 2120 | 310 | 58 | 6.0 | 14.4 | 240 | 1.0 | 6537 | 57.0 | 42.0 | 37.0 | 32.0 | 0.0 |
| D1 | 10 | Verizon | Unknown | Unknown | Dish | 10000 | 65 | 1.5 | 4.0 | 38.7 | - | 1.0 | 1463 | 51.0 | 36.0 | 31.0 | 26.0 | -6.0 |
| D2 | 11 | Verizon | Unknown | Unknown | Dish | 10000 | 245 | 1.5 | 4.0 | 38.7 | - | 1.0 | 1463 | 51.0 | 36.0 | 31.0 | 26.0 | -6.0 |

3.0 ANALYSIS

3.1 Emission Predictions

Figure 1: Plan (bird's eye) view map of results compared to FCC's General Population MPE (Maximum Permissible Exposure) Limits for a typical 6-foot person. White represents areas where exposure levels are calculated to be at or below 5%; Green- between 5% & 100% (below MPE limits); blue, yellow & red – greater than 100% (exceeds MPE limits). Individuals can safely occupy areas in white and green for indefinite amount of time; whereas areas in blue, yellow & red must be restricted to RF trained personnel who has been made fully aware of potential for exposure, has control and knows how to reduce their exposure with the use of personal protection equipment or has the ability to power down the transmitters.

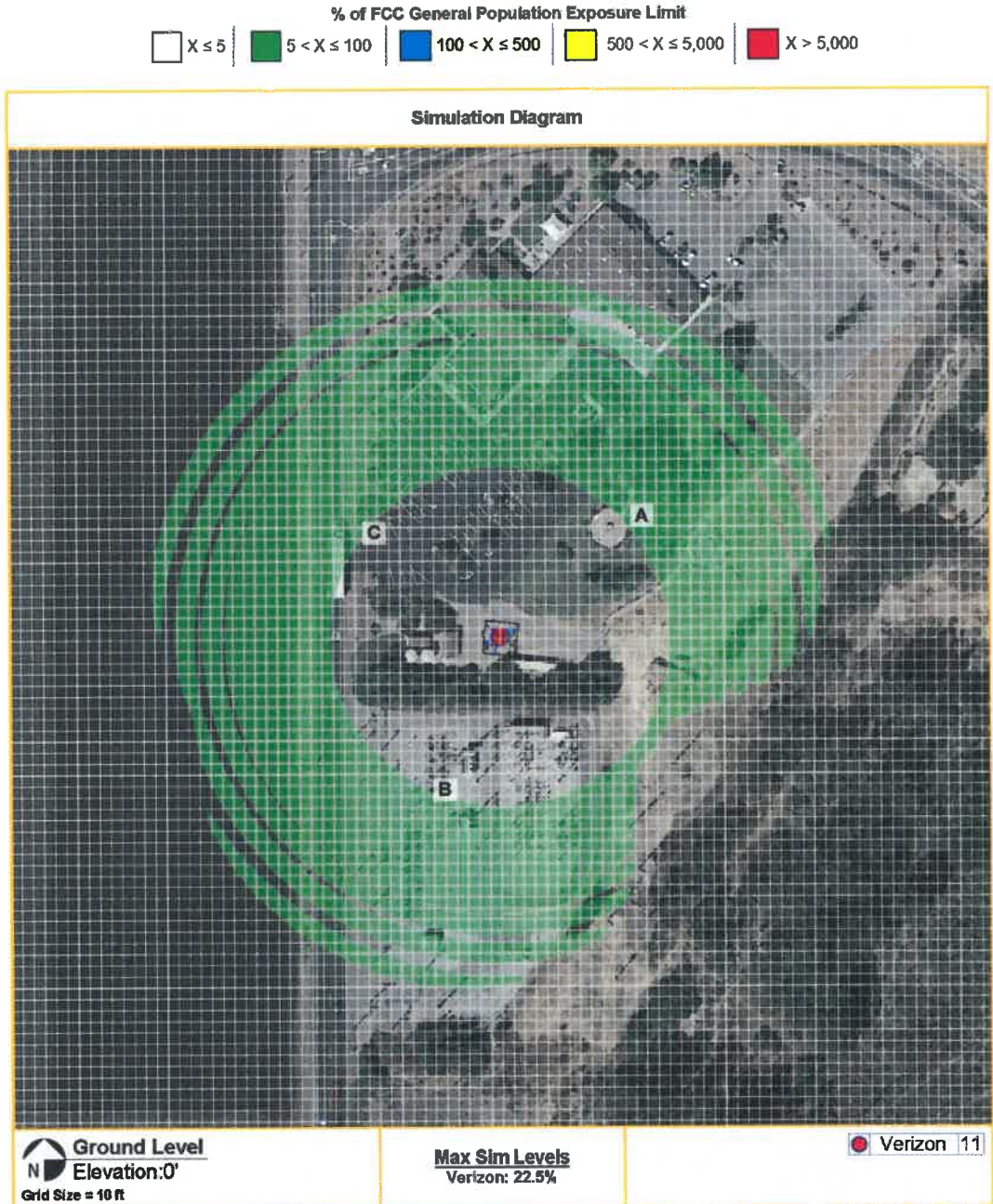


Figure 2: Plan (bird's eye) view map of results compared to FCC's General Population MPE (Maximum Permissible Exposure) Limits for a typical 6-foot person. White represents areas where exposure levels are calculated to be at or below 5%; Green- between 5% & 100% (below MPE limits); blue, yellow & red- greater than 100% (exceeds MPE limits). Individuals can safely occupy areas in white and green for indefinite amount of time; whereas areas in blue, yellow & red must be restricted to RF trained personnel who has been made fully aware of potential for exposure, has control and knows how to reduce their exposure with the use of personal protection equipment or has the ability to power down the transmitters.

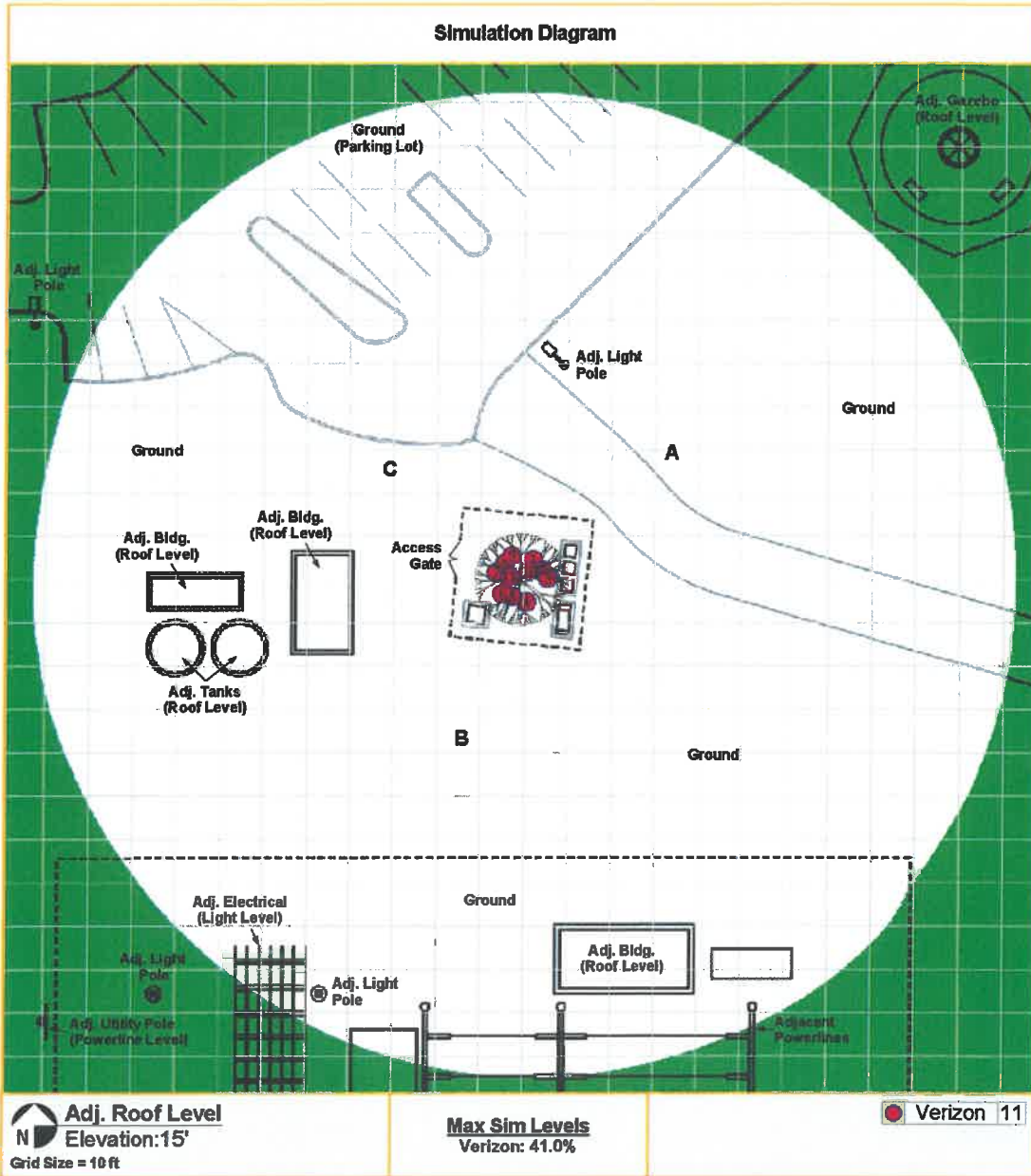
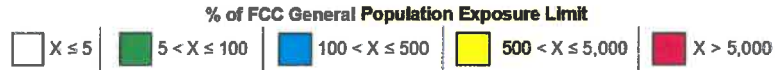


Figure 3: Plan (bird's eye) view map of results compared to FCC's General Population MPE (Maximum Permissible Exposure) Limits for a typical 6-foot person. White represents areas where exposure levels are calculated to be at or below 5%; Green- between 5% & 100% (below MPE limits); blue, yellow & red- greater than 100% (exceeds MPE limits). Individuals can safely occupy areas in white and green for indefinite amount of time; whereas areas in blue, yellow & red must be restricted to RF trained personnel who has been made fully aware of potential for exposure, has control and knows how to reduce their exposure with the use of personal protection equipment or has the ability to power down the transmitters.

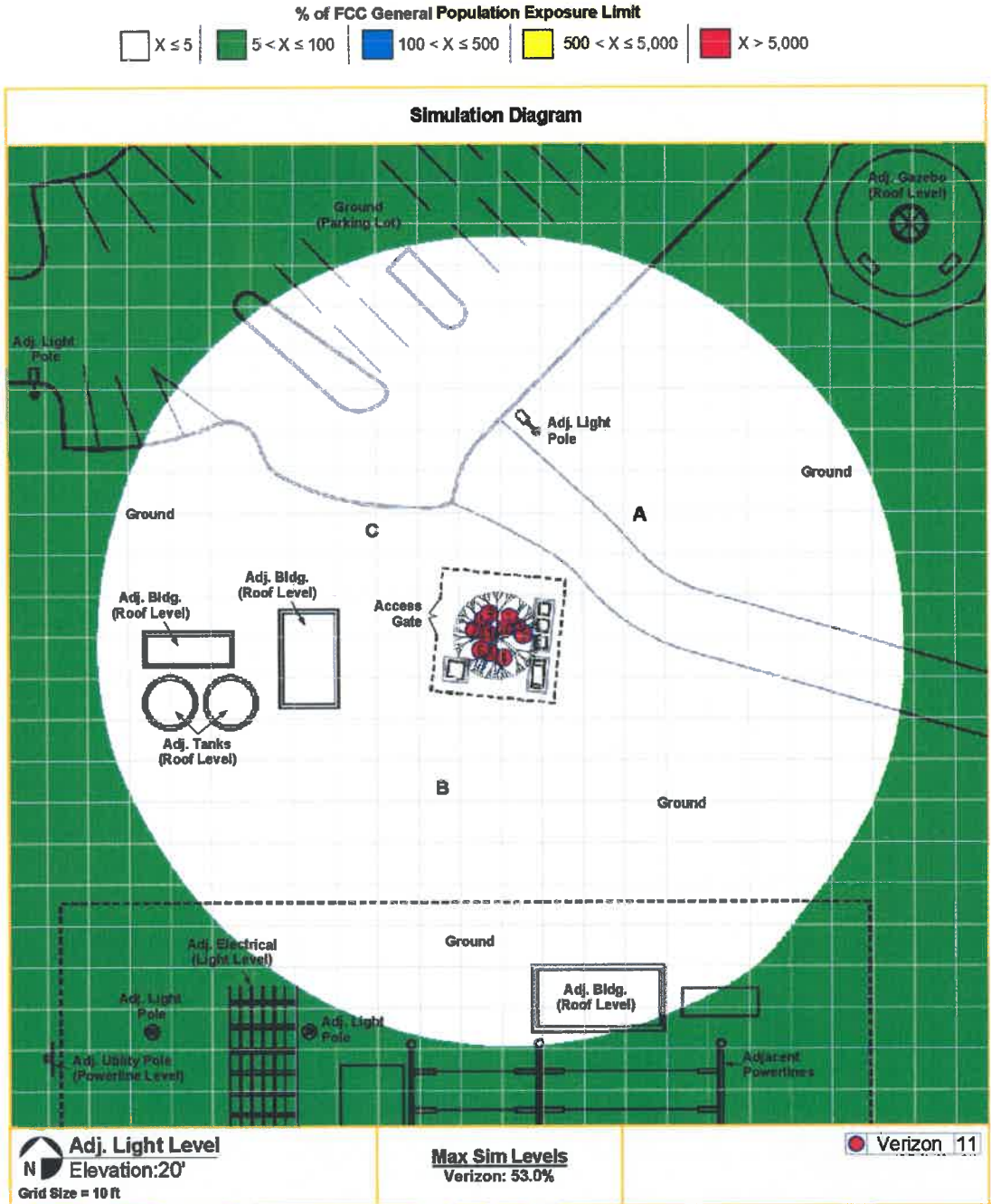


Figure 4: Plan (bird's eye) view map of results compared to FCC's General Population MPE (Maximum Permissible Exposure) Limits for a typical 6-foot person. White represents areas where exposure levels are calculated to be at or below 5%; Green- between 5% & 100% (below MPE limits); blue, yellow & red – greater than 100% (exceeds MPE limits). Individuals can safely occupy areas in white and green for indefinite amount of time; whereas areas in blue, yellow & red must be restricted to RF trained personnel who has been made fully aware of potential for exposure, has control and knows how to reduce their exposure with the use of personal protection equipment or has the ability to power down the transmitters.

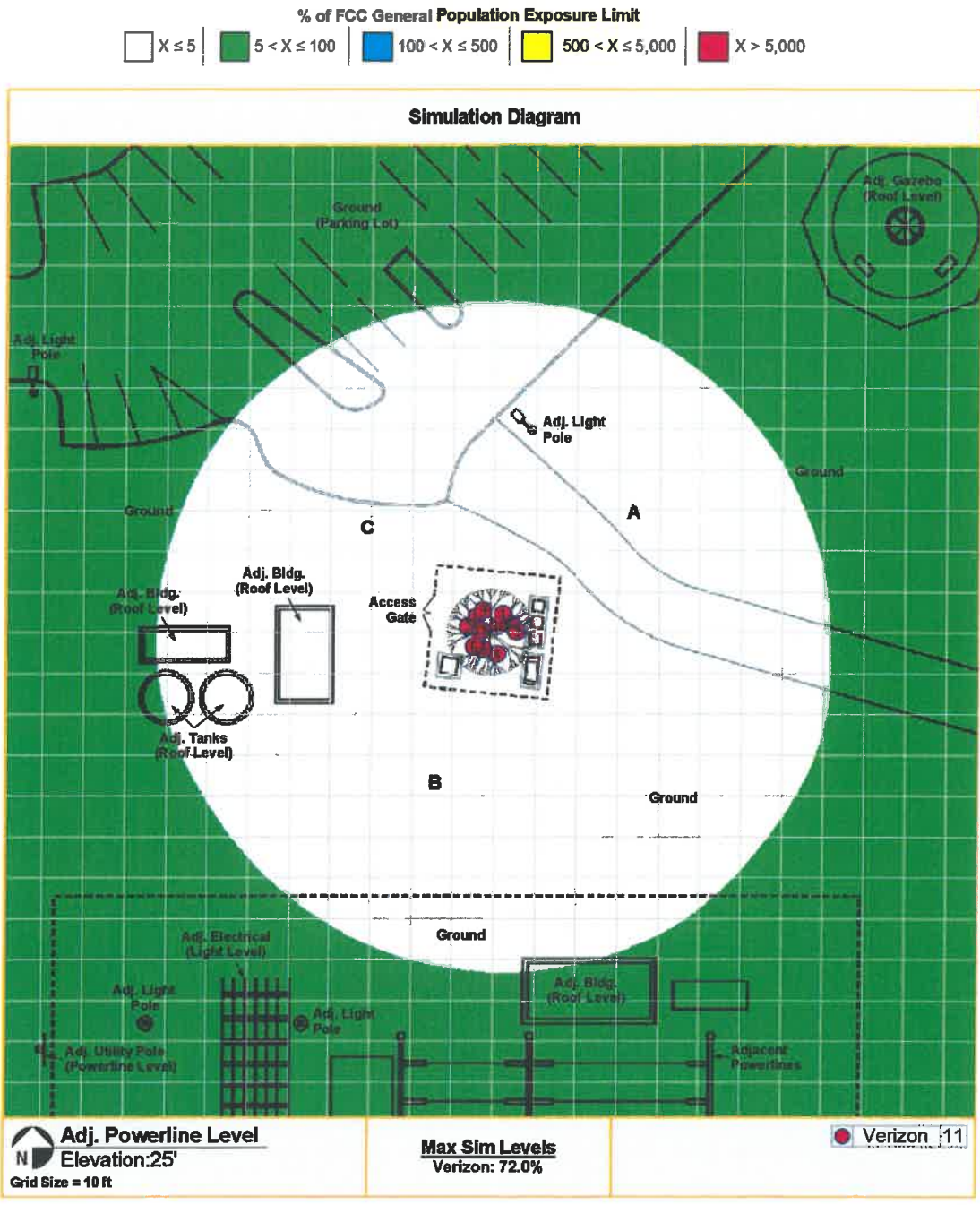
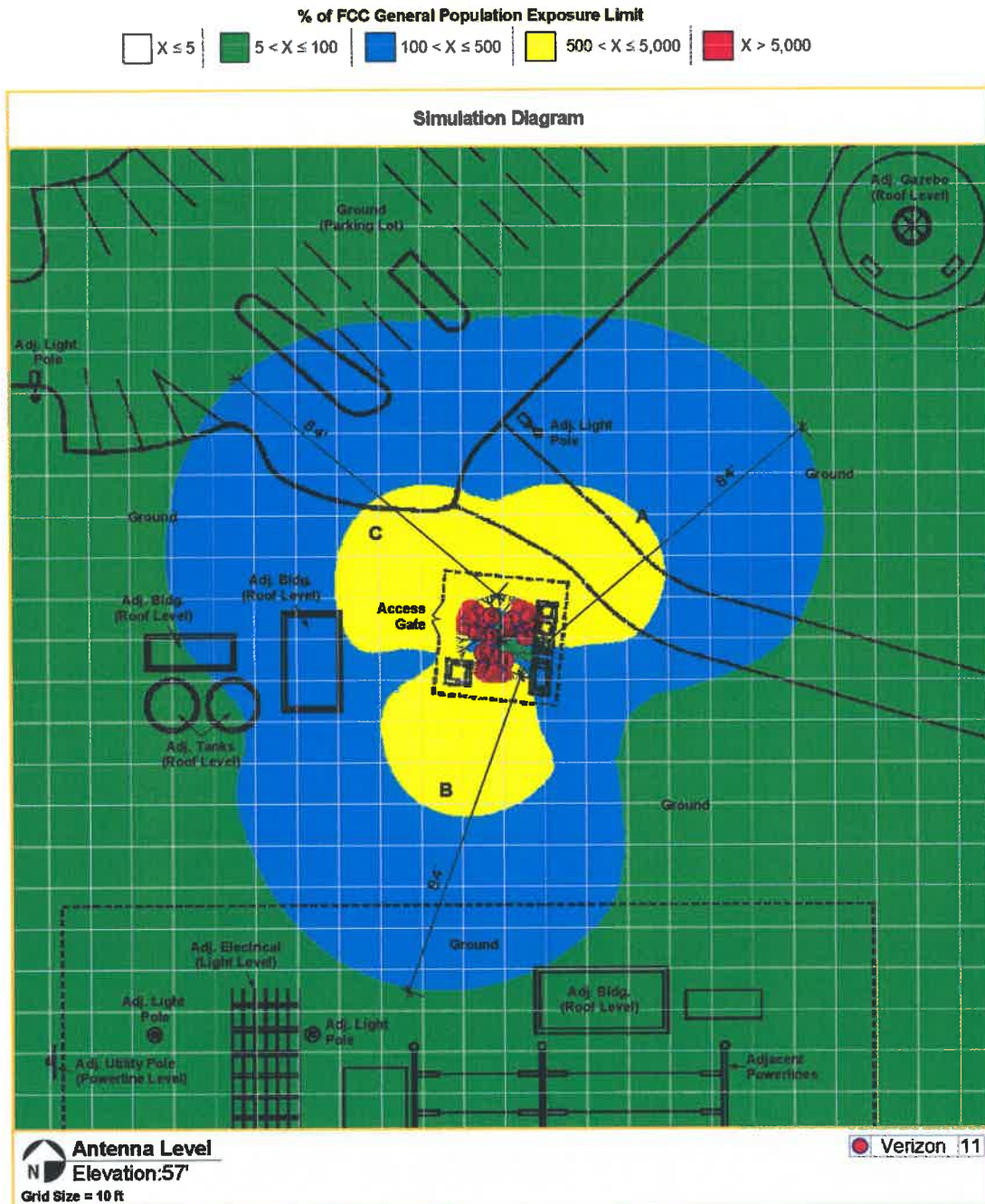


Figure 5: Plan (bird's eye) view map of results compared to FCC's General Population MPE (Maximum Permissible Exposure) Limits for a typical 6-foot person. White represents areas where exposure levels are calculated to be at or below 5%; Green- between 5% & 100% (below MPE limits); blue, yellow & red – greater than 100% (exceeds MPE limits). Individuals can safely occupy areas in white and green for indefinite amount of time; whereas areas in blue, yellow & red must be restricted to RF trained personnel who has been made fully aware of potential for exposure, has control and knows how to reduce their exposure with the use of personal protection equipment or has the ability to power down the transmitters.



4.0 CONCLUSION

4.1 Results

For a typical 6-foot person standing in accessible areas on the ground and adjacent structures, calculations for Verizon's site resulted in exposure levels below the FCC's most stringent General Population MPE Limits.

At antenna elevation, the highest calculated exposure level is above the FCC's General Population MPE Limits near the Verizon antenna(s). The overexposed areas extend 84-feet from the front face of the Verizon antenna(s). There are no other buildings or surrounding structures at antenna elevation within the overexposed areas. Beyond these areas, exposure levels are predicted to be below the FCC's most stringent General Population MPE Limits.

The antennas are mounted on a tall tower and therefore not accessible by the general public. It is presumed that Verizon employees and contractors are aware of the transmitting antennas and will take appropriate precautions when working near them.

4.2 Recommendation(s)

Further actions are not required.

4.3 Statement of Compliance

Based on the above results, analysis and recommendation(s), it is the undersigned's professional opinion that Verizon's site is compliant with the FCC's RF Safety Guidelines.

4.4 Engineer Certification

This report has been prepared by or under the direction of the following Registered Professional Engineer: Darang Tech, holding California registration number 16000. I have reviewed this report and believe it to be both true and accurate to the best of my knowledge.



Appendix A: Background

Dtech uses the FCC’s guidelines described in detail in Office of Engineering & Technology, Bulletin No. 65 (“OET-65”) “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields”. The table below summarizes the current Maximum Permissible Exposure (“MPE”) safety limits classified into two groups: General population and Occupational.

Table 3: FCC MPE Limits (from OET-65)

| Frequency (Mhz) | General Population/ Uncontrolled MPE (mW/cm ²) | Averaging Time (minutes) | Occupational/ Controlled MPE (mW/cm ²) | Averaging Time (minutes) |
|-------------------|--|--------------------------------|--|--------------------------------|
| 30 - 300 | 0.2 | 30 | 1.0 | 6 |
| 300 - 1500 | Frequency (Mhz)/1500 (0.2 – 1.0) | 30 | Frequency (Mhz)/300 (1.0 – 5.0) | 6 |
| 1500 - 100,000 | 1.0 | 30 | 5.0 | 6 |

General population/uncontrolled limits apply in situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment, and may not be fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

Occupational/controlled limits apply in situations in which persons are exposed as a consequence of their employment, and those persons have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits, as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

It is important to understand that the FCC guidelines specify *exposure* limits not *emission* limits. For a transmitting facility to be out of compliance with the FCC’s RF safety guidelines an area or areas where levels exceed the MPE limits must, first of all, be in some way *accessible* to the public or to workers. When accessibility to an area where excessive levels is appropriately restricted, the facility or operation can certify that it complies with the FCC requirements.

Appendix B: Measurement and/or Computer Simulation Methods

Spatial averaging measurement technique is used. An area between 2 and 6 feet, approximately the size of an average human, is scanned in single passes from top to bottom in multiple planes. When possible, measurements were made at very close proximity to the antennas and inside the main beam where most of the energy is emitted. The spatial averaged values were recorded. A result higher than 100% exceeds the FCC's General Population MPE Limits.

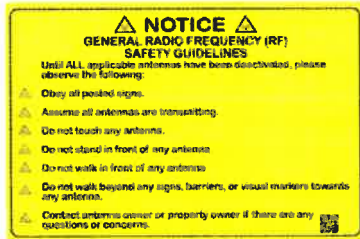
Dtech uses an industry standard power density prediction computer Model¹ to assess the worse-case, cumulative EMF impact of the surrounding areas of the subject site. In addition, the analysis is performed at 80% duty cycle for all (C-Band/CBRS/mmWave) TDD technologies. All other frequencies are operating at 100% duty cycle transmitting at maximum total power. Lower interiors (if applicable), were analyzed 10-feet below roof level with a 10dB deck attenuation. For purposes of a cumulative study, nearby transmitters are included where possible. The result is a surrounding area map color-coded to percentages of the applicable FCC's MPE Limits.

Appendix C: Limitations

The conclusions in this document rendered by Dtech are based solely upon the information collected during the site survey and/or furnished by our Client which Dtech believes is accurate and correct. Dtech, however, has no responsibility should such Client provided information prove to be inaccurate or incorrect. Third party specification estimates used for cumulative computer simulation purposes, where applicable, are based on common industry practices and our best interpretation of available information. Data, results and conclusions in this document are valid as of its date. However, as mobile technologies continuously change, these data, results and conclusions may also be at variance with such future changes. Dtech has no responsibility to update its survey or report to account for such future technology changes. This document was prepared for the use of our Client only and cannot be utilized by any third party for any purpose without Dtech's written consent. Dtech shall have no liability for any unauthorized use of this document and any such unauthorized user shall defend, indemnify and hold Dtech and its owners, directors, officers and employees harmless from and against any liability, claim, demand, loss or expense (including reasonable attorney's fees) arising from such unauthorized use.

¹ Roofmaster(tm)

Appendix D: Sample Verizon² RF Advisory Signs



GUIDELINES Sign



NOC INFORMATION Sign



NOTICE Sign



CAUTION Sign

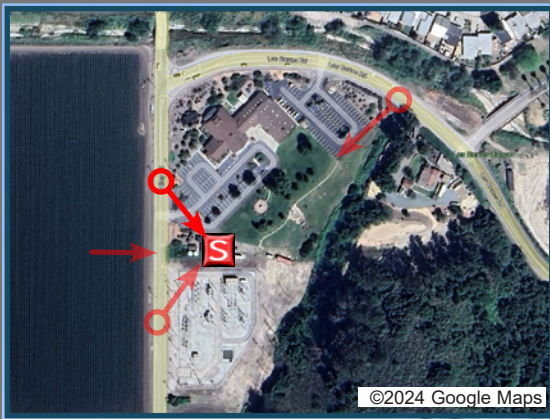


CAUTION Stay-Back Sign



WARNING Sign

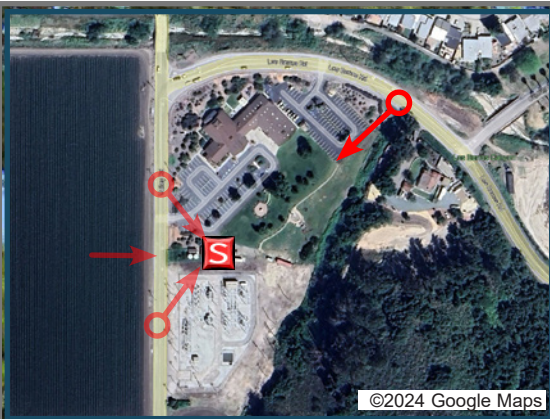
² The above signage is for reference only. Actual signs may be updated in accordance to Verizon RF policy



EXISTING



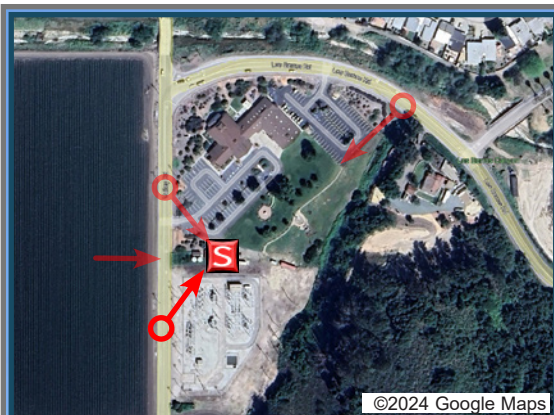
PROPOSED LOOKING SOUTHEAST FROM VALLEY ROAD



EXISTING



PROPOSED LOOKING SOUTHWEST FROM LOS BERROS ROAD

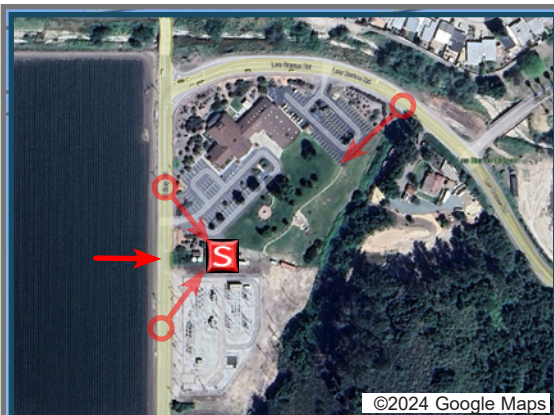


EXISTING



PROPOSED

LOOKING NORTHEAST FROM VALLEY ROAD



EXISTING



PROPOSED

LOOKING EAST FROM VALLEY ROAD

AG Valley Road

Resolution 4791 Submittal Requirement II.E.3.

Existing monopine site:

304 Reservoir Road, Arroyo Grande -Verizon monopine located adjacent to water tank. CUP 12-003.

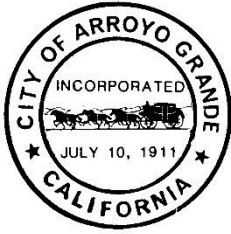


Additional Monopine Example

1230 Luther Way, Salinas CA – The Lutheran Church of Our Savior. This is outside of the 10-mile boundary, however provides a similar example to the proposed project, a monopine located on the property of a church.







MEMORANDUM

TO: Planning Commission

FROM: Brian Pedrotti, Community Development Director

BY: Andrew Perez, Planning Manager

SUBJECT: Continued Consideration of Amendments to Title 16 of the Arroyo Grande Municipal Code Regarding Wireless Telecommunication Facilities and Finding That This Action is Exempt From Review Under the California Environmental Quality Act

DATE: October 15, 2024

RECOMMENDATION:

- 1) Adopt the attached Resolution recommending City Council to adopt the proposed ordinance amending the Arroyo Grande Municipal Code (AGMC) regarding wireless telecommunication facilities; and
- 2) Find the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines and direct staff to prepare and file with the Office of Planning and Research and the Clerk of the County of San Luis Obispo a Notice of Exemption (NOE) as provided under Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

The proposed ordinance effort encompasses staff time, public consultations, and legal advisory services.

BACKGROUND:

The City is in the process of updating the Municipal Code related to wireless telecommunication facilities in response to the numerous federal and state laws and regulations have taken effect since the last update of the City's regulations in 2017. Many of the recent state and federal laws significantly restrict local control over the permitting and placement of wireless telecommunication facilities. The revisions to the City's local regulations are proposed with the goal of protecting residents from the adverse impacts of these facilities, including but not limited to noise, traffic, aesthetics and to preserve the visual character of the City.

Item 8.b

**Planning Commission
Continued Consideration of Amendments to Title 16 of the Arroyo Grande
Municipal Code Regarding Wireless Telecommunication Facilities and Finding
That This Action is Exempt From Review Under the California Environmental
Quality Act
October 15, 2024
Page 2**

On September 17, 2024, staff presented a draft ordinance to the Planning Commission for consideration. Though generally supportive of the draft ordinance, Planning Commission continued the consideration of the draft ordinance to a future meeting, while directing staff to consider the following revisions to the ordinance:

- 1) Investigate the potential for including a public hearing within the permitting process;
- 2) Investigate the feasibility of requiring a certain distance between wireless telecommunication facilities and schools and residential structures; and
- 3) Clarify ambiguous language throughout the ordinance.

Each of these three discussion items are described in further detail in the following paragraphs.

ANALYSIS OF ISSUES:

Staff discussed potential revisions to the ordinance in response to comments provided by the Planning Commission and members of the community that provided public comment.

Public Hearings

The draft ordinance establishes permitting processes for wireless telecommunication facilities both in the public right-of-way and on private and public property. The permit process for the various types of applications is largely dependent on the applicable Federal Communications Commission (FCC) shot clocks, which range from 60 to 150 days. The ordinance proposes permitting small wireless facilities, applications to collocate a wireless facility on an existing structure, and eligible facility requests with a minor use permit. The Municipal Code establishes that minor use permits are administratively approved by the Community Development Director, without a public hearing.

The rationale for allowing an administrative approval process for small wireless facilities, collocation requests, and eligible facility requests, which are subject to the shortest FCC shot clocks ranging from 60-90 days, is to avoid a situation where an application is deemed approved by operation of law because the City is unable to reach a final decision within the applicable shot clock. If the City fails to act on an application within the prescribed shot clock, the City loses its opportunity to impose any project-specific conditions of approval, including project-specific concealment, screening and other design requirements. While staff already operates under a policy that prioritizes processing of wireless applications to avoid conflicts with the shot clock, adding public hearing requirements, appeals, or multiple levels of review greatly increases the time period required to review and reach a final decision on a wireless permit and adds scheduling issues to the process that are often out of staff's control. For example, quorum issues, conflicting or uncomplimentary meeting schedules by different decision-making bodies and advisory bodies, and reduced holiday schedules may limit the City's

Item 8.b

**Planning Commission
Continued Consideration of Amendments to Title 16 of the Arroyo Grande
Municipal Code Regarding Wireless Telecommunication Facilities and Finding
That This Action is Exempt From Review Under the California Environmental
Quality Act
October 15, 2024
Page 3**

availability to reach a final decision within the shortest shot clocks ranging from 60 to 90 days. For these reasons, staff recommends maintaining the administrative approval process for applications requiring a minor use permit. To keep the public informed, all applications to construct, install, or modify a wireless telecommunications facility will generate a notice of pending application that is mailed to all property owners within 500 feet of the proposed project site. Additionally, all approved minor use permits are reported on the next Planning Commission agenda after the approval.

Buffer Between Wireless Facilities and Residential Uses

Subsection 16.70.070 of the proposed ordinance would establish a ranking system that requires placement of new facilities in locations with the least intrusive land use designation. Areas within the Industrial Mixed-Use, Traffic Way Mixed-Use, Regional Commercial, Public Facility, and Agricultural zones are identified as the most compatible to site a wireless telecommunication facility due to the lowest density of residential uses, and therefore a facility located in these areas is less likely to have aesthetic, noise, traffic, or other impacts on the community. To further reduce the likelihood of adverse impacts to residential uses the Planning Commission directed staff to research whether the ordinance can require a minimum distance between any proposed wireless telecommunication facility and a residential use.

Staff looked at the feasibility of both a 500-foot and a 250-foot buffer from residential parcels. Requiring a wireless telecommunication facility to locate at least 500-feet from residential parcels eliminates most of the city as viable sites. With a 500-foot buffer, the only areas where a wireless telecommunication facility could be installed is in the 5 Cities Center on West Branch Street (near In-N-Out) and in the center of the agricultural areas on Fair Oaks Avenue and Branch Mill Road. A 250-foot buffer similarly limits the availability of potential sites but affords more area within the aforementioned areas available as well as areas within the Soto Sports Complex, the Oak Park Plaza, Camp Arroyo Grande, and areas on the Paulding Middle School campus.

Due to the abundance of sites that would no longer be eligible for the installation of a new wireless telecommunication facility, including at city water tank sites where the majority of the existing facilities are located, staff does not recommend requiring a minimum distance between a new facility and residential uses. The primary concern with including this requirement would be the City's potential exposure to an effective prohibition claim by a wireless carrier or a claim that the City is attempting to regulate on the basis of RF emissions. Federal law does not allow a city to outright prohibit or effectively prohibit the provision of wireless telecommunication facilities through regulations, or institute a moratorium for these facilities at any time. Further, the City is unable regulate on the basis of RF emissions except to ensure compliance with the FCC standards for RF emissions.

Item 8.b

**Planning Commission
Continued Consideration of Amendments to Title 16 of the Arroyo Grande
Municipal Code Regarding Wireless Telecommunication Facilities and Finding
That This Action is Exempt From Review Under the California Environmental
Quality Act
October 15, 2024
Page 4**

Clarifications of Ambiguous Language

During the previous consideration of the ordinance, the Planning Commission directed staff to evaluate whether the use of ambiguous terms such as “reasonable” and “substantial” should be replaced with more definitive terms. The most prevalent use of these terms is in the Section 16.70.090 related to standard conditions of approval. After evaluation of this section, staff determined that the subjectivity that these terms afford the City is beneficial in the application and enforcement of the conditions. For example, in Section 16.70.090.C regarding emergency inspections, the “reasonable notice” that the City must give a carrier is flexible because staff can justify what is reasonable based on the type of emergency and the degree to which health and safety are threatened. Replacing “reasonable” with a specific notice period (24 hrs, 48 hrs, etc.) could prohibit the City from accessing the site in the event of a dire emergency. Another example that was identified during the previous hearing was in Section 16.70.090.J. The use of “substantial” and “diligently” are both used in these provisions regarding the build-out period. This section has been revised by the inclusion of a checklist of items that an applicant will need to provide as evidence that build-out of the facility is being pursued and substantial progress has been made.

Next Steps

A recommendation from the Planning Commission will allow for an introduction of the draft ordinance to Council at a meeting in November. Adoption of the ordinance would occur at a subsequent meeting, then become effective 30 days after adoption by the City Council.

ALTERNATIVES:

The following alternatives are provided for the Planning Commission’s consideration:

1. Adopt the Resolution recommending City Council adopt the ordinance amending regulations for wireless telecommunication facilities;
2. Amend and adopt the Resolution recommending City Council adopt the ordinance;
3. Do not adopt the Resolution; or
4. Provide other direction to staff.

ADVANTAGES:

Adopting an ordinance to establish a new chapter 16.70 pertaining to wireless telecommunications facilities streamlines the procedure to process wireless telecommunications facility applications to avoid deemed approvals by operation of law, and enhances organizational clarity, administrative efficiency, and legal coherence by updating the City’s requirements to comport with recent changes to state and federal law and allows the City to impose updated design development and location standards.

**Planning Commission
Continued Consideration of Amendments to Title 16 of the Arroyo Grande
Municipal Code Regarding Wireless Telecommunication Facilities and Finding
That This Action is Exempt From Review Under the California Environmental
Quality Act
October 15, 2024
Page 5**

DISADVANTAGES:

Updating the City’s wireless regulations represents a significant endeavor. This process entails substantial resource expenditure, encompassing staff time, public consultations, and legal advisory services.

ENVIRONMENTAL REVIEW:

The Ordinance is not a “project” subject to the California Environmental Quality Act (“CEQA”), because it has no potential to result in a direct or indirect physical change in the environment. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a “project” within the meaning of State CEQA Guidelines Section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). This is because approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility, and the City would conduct preliminary review under CEQA at that time. Alternatively, the Ordinance is categorically exempt from CEQA under State CEQA Guidelines sections 15301 (existing facilities), 15302 (replacement or reconstruction), 15303 (new construction or conversion of small structures), and/or 15304 (minor alterations to land). Notably, the wireless facilities regulated by the Ordinance typically have small footprints, and there are no unusual circumstances that apply to the Ordinance or the wireless facilities that it regulates. Moreover, the eligible facilities requests (“EFRs”) regulated by the Ordinance are not subject to CEQA because the City does not have discretion to deny EFRs under federal law. For all of the foregoing reasons, the Ordinance is not subject to CEQA.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City’s website in accordance with Government Code Section 54954.2.

ATTACHMENTS:

1. Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING DEVELOPMENT CODE AMENDMENT NO. 24-002 REGARDING WIRELESS TELECOMMUNICATIONS FACILITIES

WHEREAS, on November 27, 2001, the City Council adopted Resolution No. 3569 approving the Telecommunication Facilities Siting and Permit Submittal Requirements; and

WHEREAS, on April 25, 2017, the City Council adopted Resolution No. 4791 and amended the Telecommunication Facilities Siting and Permit Submittal Requirements; and

WHEREAS, wireless telecommunication technology has changed rapidly since the adoption of Resolution No. 4791, including the introduction of 5G technology; and

WHEREAS, the review of applications for wireless telecommunications facilities is subject to multiple federal and state laws and regulations, including, but not limited to, 47 U.S.C. § 332(c)(7); 47 U.S.C. § 253(c); 47 U.S.C. § 1455(a); 47 C.F.R. § 1.6100; California Government Code §§ 65850.6, 65964, and 65964.1; California Public Utilities Code §§ 7901 and 7901.1; California Public Resources Code § 20000, et seq., 14 California Code of Regulations § 15000, et seq., and numerous orders and actions by the Federal Communications Commission, and

WHEREAS, in order to stay abreast of recent changes to a number of these federal and state laws, it is necessary to adopt amendments to the Arroyo Grande Municipal Code; and

WHEREAS, on September 17, 2024, the Planning Commission conducted a duly noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning the ordinance. Following the public hearing, the Planning Commission voted to continue the public hearing to a date uncertain, and

WHEREAS, on October 15, 2024, the Planning Commission resumed the consideration of the ordinance at a duly noticed public hearing. Following the public hearing, the Planning Commission voted to forward the ordinance to the City Council with a recommendation in favor of its adoption; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Arroyo Grande hereby recommends the City Council adopt Ordinance No. ___ approving Development Code Amendment 24-002 amending Title 16 of the Arroyo Grande Municipal Code as attached hereto as Exhibit "A-1" and incorporated herein by this reference and rescind City Council Resolution No. 4791.

ATTACHMENT 1

On motion by Commissioner _____, seconded by Commissioner _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was adopted this 15th day of October, 2024.

**JAMIE MARAVIGLIA
CHAIR**

ATTEST:

**PATRICK HOLUB
SECRETARY TO THE COMMISSION**

AS TO CONTENT:

**BRIAN PEDROTTI
COMMUNITY DEVELOPMENT DIRECTOR**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING VARIOUS PROVISIONS OF AND ADDING CHAPTER 16.70 TO THE ARROYO GRANDE MUNICIPAL CODE RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on November 27, 2001 the City Council adopted Resolution No. 3569 approving the Telecommunication Facilities Siting and Permit Submittal Requirements; and

WHEREAS, on April 25, 2017, the City Council adopted Resolution No. 4791 and amended the Telecommunication Facilities Siting and Permit Submittal Requirements; and

WHEREAS, wireless telecommunication technology has changed rapidly since the adoption of Resolution No. 4791, including the introduction of 5G technology; and

WHEREAS, the review of applications for wireless telecommunications facilities is subject to multiple federal and state laws and regulations, including, but not limited to, 47 U.S.C. § 332(c)(7); 47 U.S.C. § 253(c); 47 U.S.C. § 1455(a); 47 C.F.R. § 1.6100; California Government Code §§ 65850.6, 65964, and 65964.1; California Public Utilities Code §§ 7901 and 7901.1; California Public Resources Code § 20000, et seq., 14 California Code of Regulations § 15000, et seq., and numerous orders and actions by the Federal Communications Commission, and

WHEREAS, in order to stay abreast of recent changes to a number of these federal and state laws, it is necessary to adopt amendments to the Arroyo Grande Municipal Code; and

WHEREAS, on September 17, 2024, the Planning Commission conducted a duly noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning the ordinance. Following the public hearing, the Planning Commission voted to continue the public hearing to a date uncertain, and

WHEREAS, on October 15, 2024, the Planning Commission resumed the consideration of the ordinance at a duly noticed public hearing. Following the public hearing, the Planning Commission voted to forward the ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on _____, 2024, the City Council conducted a duly noticed public hearing to consider the ordinance, including: (1) the public testimony and agenda reports

prepared in connection with the ordinance; (2) the policy considerations discussed therein; and (3) the consideration and recommendation of the Planning Commission; and

WHEREAS, the City Council of the City of Arroyo Grande, at its regularly scheduled public meeting on _____, 2024 introduced this Ordinance to add Section 16.70 to, and amend various provisions of, Title 16 of the Arroyo Grande Municipal Code relating to wireless telecommunication facilities; and

WHEREAS, all legal prerequisites to the adoption of the ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Environmental. The City Council finds that this Ordinance is not a “project” subject to the California Environmental Quality Act (“CEQA”), because it has no potential to result in a direct or indirect physical change in the environment. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a “project” within the meaning of State CEQA Guidelines Section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). This is because approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility, and the City would conduct preliminary review under CEQA at that time. Alternatively, the Ordinance is categorically exempt from CEQA under State CEQA Guidelines sections 15301 (existing facilities), 15302 (replacement or reconstruction), 15303 (new construction or conversion of small structures), and/or 15304 (minor alterations to land). Notably, the wireless facilities regulated by the Ordinance typically have small footprints, and there are no unusual circumstances that apply to the Ordinance or the wireless facilities that it regulates. Moreover, the eligible facilities requests (“EFRs”) regulated by the Ordinance are not subject to CEQA because the City does not have discretion to deny EFRs under federal law. For all of the foregoing reasons, the Ordinance is not subject to CEQA.

SECTION 3. Required Findings. In accordance with section 16.16.040(E) of the Arroyo Grande Municipal Code, the City Council hereby makes the following findings:

1. *General Plan.* The ordinance’s amendments to the AGMC are consistent with the General Plan and it is necessary and desirable to implement the provisions

thereof. Specifically, policies in the Land Use Element encourage the maintenance and expansion of utilities, including wireless telecommunication facilities to support community needs. The Land Use Element also includes policies to maintain town character through community design guidelines which encourage design standards to screen and obscure mechanical facilities, structures, and features. The General Plan's Housing Element discusses, in section 4.4, the need to improve and augment infrastructure resources like telecommunication facilities that allow ease of communication among the City's residents. For these reasons, the ordinance's amendments to the AGMC are consistent with the General Plan and it is necessary and desirable to implement the provisions thereof.

2. *Health, Safety, and Welfare; Illogical Land Use Pattern.* Adoption of the ordinance will not adversely affect the public health, safety, and welfare as it establishes standards for the siting, design, and regulation of wireless telecommunication facilities in the least intrusive means possible while remaining within the confines of state and federal law. These changes implement state and federal requirements relating to wireless telecommunication facilities and measures have been taken to establish preferred locations for wireless telecommunications facilities and imposes reasonable and objective aesthetic regulations. With respect to public safety, facilities must meet FCC radio frequency emission standards in order to be approved.

3. *Consistency with Title 16.* This ordinance is consistent with the purpose and intent of AGMC Title 16 because it implements the goals, objectives, policies, and programs of the general plan as discussed above, is intended to result in the orderly development of wireless telecommunication facilities, uses federally approved safety standards, achieves significant social and economic advantages by providing a means to allow approval of telecommunication facilities, which is necessary to public safety to facilitate communication among residents and visitors to the City, and it does not alter or revise the type or intensity of allowed uses, ensuring that the provisions thereof are consistent with the City's General Plan.

4. *Environmental.* The potential environmental impacts of the proposed changes to this title are insignificant. See Section 2 above, which findings are adopted into this section by reference. Additionally, it is an overriding consideration that these changes are required by federal law, which outweighs any potential environmental impacts.

SECTION 4. Code Amendment. Section 16.52.040 "Antennas and satellite dishes" of Chapter 16.52 "Specific Use Development Standards" of Title 16 "Development Code" is hereby deleted in its entirety.

SECTION 5. Code Amendment. Subsection 16.48.030(B)(5) of Section 16.48.030 "Accessory structures" of Chapter 16.48 "General Development Standards" of Title 16 "Development Code" is hereby amended to read as follows:

“5. All Nonresidential Uses Except Public Buildings, Schools, Churches and Hospitals. Flues, chimneys, elevators and other mechanical equipment, spires, bell towers, or similar architectural, utility, or mechanical features may exceed the height limit by not more than fifteen (15) feet, provided such feature shall not be used for habitable space and appropriate screening is provided, if necessary.”

SECTION 6. Code Amendment. Subsection 16.48.030(B)(6) of Section 16.48.030 “Accessory structures” of Chapter 16.48 “General Development Standards” of Title 16 “Development Code” is hereby amended to read as follows:

“6. Public Buildings, Schools, Churches and Hospitals. Flues, chimneys, elevators and other mechanical equipment, spires, bell towers, or similar architectural, utility, or mechanical features may not exceed a height of fifty (50) feet measured from the grade average finished ground level to the highest point of such a structure.”

SECTION 7. Code Amendment. The definitions for “Antenna”, “Satellite dish antenna”, “Small cell telecommunication facility”, “Telecommunications facility”, and “Wireless telecommunication facility” of Section 16.04.070 “Definitions” of Chapter 16.04 “Introductory Provisions and Definitions” of Title 16 “Development Code” are hereby deleted in their entirety and Section 16.04.070 shall be automatically adjusted alphabetically.

SECTION 8. Code Amendment. Table 16.36.030(A) of Section 16.36.030 “Commercial and mixed use regulations” of Chapter 16.36 “Commercial and Mixed Use Districts” of Title 16 “Development Code” is hereby amended to remove the rows for “Small Cell Tele-communication facilities (commercial)” and “Tele-communication facilities (commercial)” as shown in the attached Exhibit “A-2,” and incorporated by reference, and footnotes 4 and 5 shall be deleted in their entirety.

SECTION 9. Code Amendment. Table 16.44.040-A of Section 16.44.040 “Public/quasi-public (PF) district” of Chapter 16.44 “Special Districts” of Title 16 “Development Code” is hereby amended to remove the rows for “Small cell telecommunication facilities (commercial)” and “Telecommunication facilities (commercial)” as shown in the attached Exhibit “A-3,” and incorporated by reference.

SECTION 10. Code Amendment. Chapter 16.70 “Wireless Telecommunications Facilities” is hereby added to Title 16 “Development Code” as shown in the attached Exhibit “A-4,” and incorporated by reference.

SECTION 11. Revocation of City Council Resolution No. 4791. City Council Resolution No. 4791 is hereby revoked and is of no further force and effect as of the effective date of this ordinance.

SECTION 12. Publication. A summary of this ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five days prior to the City Council meeting at which the proposed ordinance is to be adopted. A

certified copy of the full text of the proposed ordinance shall be posted in the office of the City Clerk. Within 15 days after adoption of the ordinance, the summary with the names of those City Council members voting for and against the ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted ordinance.

SECTION 13. **Effective Date.** This ordinance shall become effective 30 days after adoption.

SECTION 14. **Severability.** Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council declares that it would have adopted all the provisions of this ordinance that remain valid if any provisions of this ordinance are declared invalid.

SECTION 15. **Records.** The documents and materials associated with this ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at 300 E. Branch Street, Arroyo Grande, CA 93420. The City Clerk is the custodian of the record of proceedings.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:
NOES:
ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2024.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

MATTHEW DOWNING, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY

ATTACHMENT 1

EXHIBIT A-2

| Allowed Land Uses and Permit Requirements —LAND USE | IMU | TMU D-2.11 | VCD HCO D-2.4 | VMU D-2.11 HCO D-2.4 | GMU | FOMU | HMU | OMU ¹ D-2.20 | RC ² | Specific Use Standards and other references |
|---|-----|------------|---------------|----------------------|-----|------|-----|-------------------------|-----------------|--|
| ... | | | | | | | | | | |
| Small Cell Telecommunication Facility | MUP | MUP | MUP/ CUP | MUP/ CUP | MUP | MUP | MUP | MUP | MUP | Subject to the Telecommunication Facilities Siting and Permit Submittal Requirements as adopted by City Council Resolution |
| Telecommunication facilities | CUP | MUP | NP | CUP | CUP | CUP | MUP | CUP | CUP | Subject to the Telecommunication Facilities Siting and Permit Submittal Requirements as adopted by City Council Resolution |
| ... | | | | | | | | | | |

4. Telecommunication facilities that are publicly visible are subject to a CUP.

5. The planning commission shall review applications for small cell telecommunication facilities that are proposed in the Village Core Downtown district and are publicly visible.

ATTACHMENT 1

EXHIBIT A-3

| Use | PF |
|---|---|
| ... | |
| 15. Small cell telecommunication facilities (commercial) | MUP (subject to the telecommunication facilities siting and permit submittal requirements as adopted by city council resolution) |
| 16. Telecommunication facilities (commercial) | CUP (subject to the telecommunication facilities siting and permit submittal requirements as adopted by city council resolution) |
| ... | |

Chapter 16.70
WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

- 16.70.010 Purpose.
- 16.70.020 Definitions.
- 16.70.030 Exemptions.
- 16.70.040 Permits required.
- 16.70.050 Application submittal requirements.
- 16.70.060 Findings.
- 16.70.070 Design, development, and location standards.
- 16.70.080 Limited Exceptions to Design, Development and Location Standards.
- 16.70.090 Standard conditions of approval.
- ~~16.70.100 Required findings.~~
- 16.70.100 Peer review.
- 16.70.110 Denial without prejudice due to failure to respond to notice(s) of incompleteness.
- 16.70.120 Nonconforming facilities.
- 16.70.130 Revocation.

16.70.010 Purpose.

The purpose of this chapter is to establish comprehensive requirements and development standards for antennas and wireless telecommunications facilities, including on public and private property and in public rights-of way. These regulations are intended to provide for the managed development of antennas and wireless telecommunications facilities in a manner that recognizes and enhances the community benefits of wireless telecommunications technology and reasonably accommodates the needs of citizens and wireless telecommunications service providers in accordance with federal and state rules and regulations. At the same time, these regulations are intended to protect neighbors from potential adverse impacts of such facilities, including but not limited to noise, traffic, aesthetic and other impacts over which the city has purview, and to preserve the visual character of the established community through appropriate design, siting, screening, maintenance, and location standards.

16.70.020 Definitions.

For the purpose of this chapter only, certain words and terms are hereby defined. Words used in the singular shall be deemed to include the plural and the plural the singular; and the word "shall" is mandatory and not discretionary. Reference to "facility" is interchangeable with "wireless telecommunications facility," unless otherwise noted.

“Amateur radio antenna” means a ground, building, or tower-mounted antenna, or similar antenna structure, operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, and as designated by the Federal Communications Commission (FCC).

“Antenna” means any system of wires, poles, rods, reflecting discs, or similar devices used in wireless communications for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.

“Base station” has the same meaning as provided in 47 C.F.R. § 1.6100(b)(1), as may be amended, which defines that term as follows:

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless telecommunications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.6100(b) or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).

3. The term includes any structure other than a tower that, at the time the relevant application is filed with the state or local government under this section, supports or houses equipment described in subsections 1 and 2 of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

4. The term does not include any structure that, at the time the relevant application is filed with the state or local government under this section, does not support or house equipment described in subsections 1 and 2 of this definition.

“Collocation” has the same meaning as defined by the FCC in 47 C.F.R. § 1.6002(g), as may be amended, which defines that term as: (1) mounting or installing an antenna facility on a preexisting structure; and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Notwithstanding

the foregoing, for eligible facilities requests only, “collocation” has the same meaning as provided in 47 C.F.R. § 1.6100(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.”

“Community Development Director” means the Arroyo Grande Community Development Director, or designee.

“Eligible facilities requests ” has the same meaning as that term is defined in 47 C.F.R. § 1.6100(b)(3), as may be amended, which defines that term as “[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) [c]ollocation of new transmission equipment; (ii) [r]emoval of transmission equipment; or (iii) [r]eplacement of transmission equipment.”

“Eligible support structure” has the same meaning as provided in 47 C.F.R. § 1.6100(b)(4), as may be amended, which defines that term as “[a]ny tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the state or local government under this section.”

“Equipment cabinet” means an enclosure used to house multiple items of equipment associated with a wireless telecommunications facility.

“Existing” has the same meaning as provided in 47 C.F.R. § 1.6100(b)(5), as may be amended, which provides that “[a] constructed tower or base station is existing for purposes of [the FCC’s eligible facilities request regulations] if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.”

“Federal Communications Commission” or “FCC” mean the Federal Communications Commission or its lawful successor.

“Height” of a wireless telecommunications facility means the vertical distance measured from the natural undisturbed ground surface below the center of the base of said facility to the top of the facility itself or, if higher, to the tip of the highest antenna or appurtenance attached thereto. In the case of building-mounted facilities the height of the facility includes the height of the portion of the building on which it is mounted. In the case of crank-up or other similar towers whose height can be adjusted, the height of the facility shall be the maximum height to which it is capable of being raised.

“Monopole” means a single freestanding pole, post, or similar nonlattice structure used to support antennas and equipment associated with a wireless telecommunications facility.

“Personal wireless services” has the same meaning as provided in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as “commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.”

“Public property” is commonly used as a designation of those things which are considered owned by “the public,” the state or community, and not restricted to dominion of a private person. It may also apply to any property owned by a state, nation, or municipality. It does not include public right-of-way.

“Public right-of-way” means and includes all land or interest in land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the general public for street or highway purposes.

“Public safety facilities” means facilities used only for public safety functions and owned or operated by governmental entities such as police, fire and emergency operators.

“Equipment” means any and all equipment ancillary to the antenna used for transmission and reception of radio frequency, electromagnetic, or other wireless signals. Such equipment may include, but is not limited to, RRUs, cable, conduit, connectors, batteries, and generators.

“Roof-mounted” or “building-mounted” antenna means an antenna directly attached or affixed to the roof of, on the facade, or elsewhere on a preexisting building, tank or similar structure other than a Tower.

“Site” has the same meaning as provided in 47 C.F.R. § 1.6100(b)(6), as may be amended, which provides that “[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a state or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the eligible facilities request process.”

“Small wireless facility” has the same meaning as provided in 47 C.F.R. § 1.6002(l), as may be amended, which defines that term as facilities that meet each of the following conditions:

1. The facility:
 - a. Is mounted on structures 50 feet or less in height including their antennas as defined in 47 C.F.R. § 1.1320(d); or
 - b. Is mounted on structures no more than 10% taller than other adjacent structures; or
 - c. Does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. § 1.1320(d)), is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facility does not require antenna structure registration under part 17 of this chapter;
5. The facility is not located on tribal lands, as defined under 36 C.F.R. § 800.16(x); and
6. The facility does not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

“Stealth facility” means any wireless telecommunications facility which is designed to blend into the surrounding environment by means of screening, concealment, or camouflage intended to make the facility look like something other than a wireless tower or base station. The antenna and related equipment are either not readily visible beyond the property on which they are located, or, if visible, appear to be part of the existing natural or built environment rather than as a wireless telecommunications facility.

“Substantial change” has the same meaning as provided in 47 C.F.R. § 1.6100(b)(7), as may be amended, which defines that term as a substantial modification changing the physical dimensions of an eligible support structure that meets any of the following criteria:

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.6100(b)(7)(i) through (iv).

“Tower” has the same meaning as provided in 47 C.F.R. § 1.6100(b)(9), as may be amended, which defines that term as “[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless telecommunications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include, but are not limited to, monopoles, mono-trees and lattice towers. This definition does not include utility poles.

“Transmission equipment” has the same meaning as provided in 47 C.F.R. § 1.6100(b)(8), as may be amended, which defines that term as “[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless telecommunications services including, but not limited to, private, broadcast, public safety services, as well as fixed wireless services, such as microwave backhaul.”

“Utility pole” means any structure designed to support electric, telephone, and similar utility lines, but does not include an electric pole used solely for the transmission of electricity at 50 kilovolts or higher. A tower is not a utility pole.

“Wireless telecommunications facility” or “facility” means an unstaffed facility at a fixed location, generally consisting of antennas, an equipment cabinet or enclosure, building, shed, or shelter, and related equipment, which receives and/or transmits radio frequency, electromagnetic, or other wireless signals for the purpose of transmitting voice or data.

16.70.030 Exemptions.

The requirements of this chapter do not apply to antennas or antenna structures set forth in this section, unless noted otherwise below. Each exempt facility shall fully comply with other applicable requirements of the Arroyo Grande Municipal Code to the extent not specially exempted in this section, including but not limited to the adopted uniform codes, including: Building Code, Electrical Code, Plumbing Code, Mechanical Code, and Fire Code.

A. Over-the-air-reception-devices (OTARD) antennas.

1. Satellite dishes 39.37 inches (one meter) or less. Direct broadcast satellite (DBS) antennas and multipoint distribution services (MDS) antennas measuring one meter or less in diameter (or diagonal measurement) and either: (a) intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services; and
2. Non-satellite dishes 39.37 inches (one meter) or less. A dish antenna 39.37 inches or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services.
3. Television broadcast system (TVBS) antennas, provided: (a) the antenna is located entirely on and/or above the subject property, and (b) no portion of any ground-mounted antenna is within a required front yard setback for the main building, in front of the main building, within a required side yard setback of a corner lot or adjacent to a street.

B. Satellite earth station (SES) antennas. Satellite earth station (SES) antennas measuring two meters or less in diameter (or diagonal measurement) located on a property within any commercial or industrial zoning district, provided: (1) the antenna is located entirely on and/or above the subject property; and (2) no portion of any ground-mounted antenna is within a required front yard setback for the main building, in front of the main building, within a required side yard setback of a corner lot or adjacent to a street. All SES antennas require a building permit and minor use permit for review of placement to ensure that maximum safety is maintained.

C. Amateur radio antennas. Antennas and antenna structures constructed by or for FCC-licensed amateur radio operators that comply with the following provisions. Such an antenna or antenna structure requires a building permit and minor use permit for review of placement to ensure that maximum safety is maintained:

1. The antenna structure, when fully extended, measures 35 feet or less in height, and measures 24 inches or less in diameter or width;

2. The antenna boom measures 20 feet or less in length and is three inches or less in diameter;
3. No antenna element exceeds 32 feet in length or two inches in diameter or width, with the exception of mid-element tuning devices which shall not exceed six inches in diameter or width;
4. The turning radius of any antenna does not exceed 26 feet; and
5. All antennas and antenna structures shall comply with Section 16.70.070, and other applicable provisions of the Arroyo Grande Municipal Code.

D. Public safety facilities. Facilities used only for public safety or other noncommercial governmental functions, including personal wireless services, used and maintained by the city, or any fire district, school district, hospital, ambulance service, governmental agency, or similar public or semipublic use.

E. Temporary mobile facilities. Mobile facilities placed on a site for less than seven consecutive days, provided any other necessary permits are obtained.

F. Collocation facilities. A proposed collocation facility that meets all of the requirements of California Government Code section 65850.6.

G. Emergency facilities. Wireless telecommunications facilities erected and operated for emergency situations, as designated by the police chief or City Manager, so long as the facility is removed at the conclusion of the emergency.

16.70.040 Permits required.

A person who proposes to install or operate a wireless telecommunications facility shall first obtain approval, as set forth in subsection A of this section (if the facility would be located in public right-of-way) or as set forth in subsection B of this section (if the facility would be located on private or public property), unless the facility is exempt under Section 16.70.030.

A. Public right-of-way.

1. Minor Use Permit-Plot Plan Review. Only small wireless facilities and qualifying eligible facilities requests are permitted within the public right of way. A minor use permit-plot plan review approval shall be required to construct, install, or modify a wireless telecommunications facility in the public right of way. Applications for minor use permits-plot plan review for facilities within the public right-of-way are subject to review and approval by the Community Development Director. Following receipt of an application for minor use permit-plot plan subject to this chapter, the Community Development Director shall provide written notice of the pending application to all

parcel owners within 500 feet of the proposed facility. No public hearing shall be required. The decision of the Community Development Director shall be final and not subject to appeal.

2. Other Permits Required by Code. In addition, applicants for a minor use permit-plot plan review to construct, install, or modify a wireless telecommunications facility in the public right of way must also obtain all other permits and approvals required by the Arroyo Grande Municipal Code, including but not limited to encroachment permits for accessing, working, or staging within the public right-of-way or on city-owned public property or building permits.

B. Private property and public property

1. Minor Use Permit-Architectural Review. A minor use permit-architectural review approval shall be required for any wireless telecommunications facility or modification thereof on private property or public property that is: (i) an eligible facilities request; (ii) a small wireless facility; or (iii) a collocation of a personal wireless services facility on an existing structure and does not qualify as (i) or (ii) . Applications for minor use permits-architectural review for wireless facilities on private or public property are subject to review and approval by the Community Development Director. The Community Development Director may refer an application to the Architectural Review Committee for review when an application does not clearly demonstrate compliance with the applicable design, development or location standards set forth in Section 16.70.070 and no limited exception has been requested in accordance with Section 16.70.080. Following receipt of an application for minor use permit-architectural review subject to this chapter, the Community Development Director shall provide written notice of the pending application to all parcel owners within 500 feet of the proposed facility. No public hearing shall be required.

a. The decision of the Community Development Director on any application for an eligible facilities request or small wireless facility collocation on an existing structure shall be final and not subject to appeal.

b. The decision of the Community Development Director on any application for a small wireless facility on a new or replacement structure or a collocation that does not qualify as an eligible facilities request or a small wireless facility shall be final unless appealed by any affected party directly to city council, whose decision shall be final. Once an appeal is filed, the city council's authority to review the decision being appealed is not limited to the original reason stated for the appeal. The city council may review and take action on all determinations, interpretations, decisions, judgments, or similar actions taken on

the application, and are not limited to the reason stated for the appeal. Appeals shall be in writing on a form obtained from the city clerk. The appellant shall state the specific reasons for the basis of the appeal. Appeal applications shall include the required fee and mailing labels for property owners within five hundred (500) feet of the project being appealed. An appeal as authorized by this section shall be filed with the office of the city clerk within ten (10) calendar days following the date of action for which an appeal is made or the date the action is reported to the planning commission on the consent agenda. Once an appeal is filed, it shall not be withdrawn except with the consent of the city council. The appeal shall be heard in accordance with the procedures outlined by subsection 16.12.150(C) and 16.12.150(D).

2. Conditional use permit. A conditional use permit issued in accordance with the procedures set forth in Section 16.16.050 is required for the installation of any wireless telecommunications facility that is not subject to a minor use permit-plot plan review set forth in subsection (A), a minor use permit-architectural review set forth in subsection (B)(1) above or a minor use permit-temporary uses set forth in (C) below. Following receipt of an application for a conditional use permit subject to this chapter, the Community Development Director shall provide written notice of the pending application to all parcel owners within 500 feet of the proposed facility.

3. Other Permits Required by Code. In addition, applicants for a minor use permit-architectural review or conditional use permit to construct, install, or modify a wireless telecommunications facility on public or private property must also obtain all other permits and approvals required by the Arroyo Grande Municipal Code, including but not limited to encroachment permits for accessing, working, or staging within the public right-of-way or on city-owned public property or building permits.

C. Temporary Facilities - Minor Use Permit-Temporary Uses. A minor use permit-temporary uses issued in accordance with the procedures set forth in Section 16.16.090 is required for the installation of any wireless telecommunications facility intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a single location or following a duly proclaimed local or state emergency as defined in Government Code section 8558 requiring additional service capabilities for a period not to exceed 90 consecutive days.

D. License Agreement. A license agreement entered into with the city shall be required for use of or attachment to any city-owned streetlights, vertical infrastructure or other City-owned property within the public right-of-way or on City-owned public property.

16.70.050 Application submittal requirements.

An applicant seeking an approval subject to this chapter shall complete and submit an application to the Community Development Department for review and processing, upon the form published by the Community Development Director, which may be updated from time to time.

16.70.060 Findings.

The hearing body or individual considering an application for a minor use permit-architectural review permit, minor use permit-plot plan review, or a conditional use permit subject to this chapter may approve the application only upon making the following findings, or to the extent the proposed wireless telecommunications facility does not comply with all applicable requirements, the applicant has requested a limited exception pursuant to Section 16.70.080 and the findings for granting a limited exception can be made.

- A. Minor Use Permit – Plot Plan Review (Non Eligible Facilities Requests): The Community Development Director may approve a minor use permit—plot plan review application subject to this chapter in whole or in part, with or without conditions, only if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings of fact can be made in an affirmative manner:
1. All findings for approval required for minor use permit—plot plan review as specified in Section 16.16.080; and
 2. The facility complies with all applicable requirements of this chapter, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has met the requirements for a limited exception as outlined in 16.70.080; and
 3. The proposed facility will comply with all generally applicable laws.
- B. Minor Use Permit – Architectural Review (Non Eligible Facilities Requests): The Community Development Director may approve a minor use permit-architectural review application subject to this chapter in whole or in part, with or without conditions, only if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings of fact can be made in an affirmative manner:
1. All findings for approval required for minor use permit—architectural review as specified in Section 16.16.130; and
 2. The facility complies with all applicable requirements of this chapter, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development

standards, or has met the requirements for a limited exception as outlined in 16.70.080; and

3. The proposed facility will comply with all generally applicable laws.

C. Conditional Use Permit: The planning commission may approve a conditional use permit application subject to this chapter in whole or in part, with or without conditions, only if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings of fact can be made in an affirmative manner:

1. All findings for approval required for conditional use permit as specified in Section 16.16.050; and
2. The facility complies with all applicable requirements of this chapter, including all requirements for the requested permit; all application requirements; and all applicable design, location, and development standards, or has met the requirements for a limited exception as outlined in 16.70.080; and
3. The proposed facility will comply with all generally applicable laws.

D. Eligible Facilities Requests: No minor use permit-plot plan review or minor use permit-architectural review shall be approved for an eligible facilities request unless, on the basis of the application and other materials or evidence provided in review thereof, the following findings are made:

1. The proposed collocation or modification meets each and every one of the applicable criteria for an eligible facilities request stated in 47 C.F.R. sections 1.6100(b)(3)—(9), or any successor provisions, after application of the definitions in 47 C.F.R. section 1.6100(b). The Community Development Director shall make an express finding for each criterion; and
2. The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. sections 1.6100(b)(7)(i)—(iv), or any successor provisions; and
3. The proposed facility will comply with all generally applicable laws.

16.70.070 Design, Development, and Location Standards.

Each wireless telecommunications facility subject to this chapter (except eligible facilities requests) shall be designed, installed and operated in compliance with these location, design and development standards, unless specifically stated otherwise in this section.

A. Location Standards. When considering compatibility of a location and structure for wireless telecommunications facilities, applicants shall propose those that will be the least intrusive to community character and values. Subsection (B) of this section provides a ranking that describes zoning districts where facilities are least compatible to most compatible with other uses. Subsection (C) of this section provides the City's preference for placement on particular structures. Subsection (D) provides additional special considerations for site selection on public rights-of-way. Subsection (E) of this section provides general design standards.

B. Ranked Locations. Applicants must propose placement of new Towers or new structures for wireless telecommunications facilities in locations with the least intrusive land use designation (i.e., zoning) that are technically feasible and potentially available. Applications proposing placement in Tier I or II must include a written justification as part of the application submittal, supported by factual and verifiable evidence, that shows the Tier III (and if applicable Tier II) land use tier is not technically feasible and available. The following land use tiers are ranked from least compatible to most compatible:

Tier I (Not compatible):

Residential Zoning Designations: Residential Estate (RE), Residential Hillside (RH), Rural Residential (RR), Residential Suburban (RS), Single-Family Residential (SF), Village Residential (VR), Condominium/Townhouse (MF), Multifamily Apartment (MFA), Multifamily Very High Density (MFVH), Mobilehome Park (MHP), Village Mixed Use (VMU)

Tier II (Less compatible):

Mixed Use Zoning Designations: Fair Oaks Mixed Use (FOMU), Highway Mixed Use (HMU), Gateway Mixed Use (GMU), Office Mixed Use (OMU), Village Core Downtown (VCD)

Tier III (Most compatible):

Industrial Mixed Use (IMU), Traffic Way Mixed Use (TMU), Regional Commercial (RC), Public Facility (PF), Agricultural (AG)

1. Wireless telecommunications facilities shall not be placed directly in front of the primary entrance of any primary residential building or multifamily building located in the following zones: Residential Estate (RE), Residential Hillside (RH), Rural Residential (RR), Residential Suburban (RS), Single-Family Residential (SF), Village Residential (VR), Condominium/Townhouse (MF), Multifamily Apartment (MFA), Multifamily Very High Density (MFVH), Mobilehome Park (MHP), Village Mixed Use (VMU).

C. Structure Selection. Applicants shall propose placement on the most compatible structure that is technically feasible and available. Any application to place a wireless telecommunications facility on a structure other than the most compatible structure must include a written justification, based on factual and verifiable evidence, that shows no more compatible structure is technically feasible and available.

1. Structure Selection on Private and Public Property . The following structures are ranked from least compatible to most compatible on parcels:

- a. New (nonreplacement) structures (New Towers, monopoles, and other standalone facilities).
- b. Historic structures and buildings that are listed or qualify for listing on the California Office of Historic Preservation Resources registry or the national register of historic places.
- c. Existing (or replacement) nonbuilding structures, such as water towers, water tanks/ reservoirs, grain bins or silos, without existing wireless facilities.
- d. Existing nonbuilding structures, such as monopines, faux water towers, water tanks/ reservoirs, grain bins or silos with existing wireless facilities.
- e. Existing buildings, such as rooftop or façade mounted, within steeples, faux copulas and other buildings with sufficient capacity to support a facility

2. Structure Selection on Public Rights-of-Way. New (nonreplacement) structures of any type (utility pole or nonpole) are the least compatible structures to use on public rights-of-way. Deployment on existing (or replacement) utility poles and streetlights are the most compatible and preferred structures. Wireless telecommunications facilities are not permitted to be deployed on decorative streetlights. Selection of structures/locations in the public right-of-way is also subject to the limitations in subsection (D) of this section.

D. Public Right of Way Location Selection Standards. Wireless telecommunications facilities are not permitted in the following locations in the public right of way unless the application includes a written justification, based on factual and verifiable evidence, that shows no structure/location is technically feasible and available outside these locations:

- a. Directly in front of the areas which are five feet in either direction from the centerline of each entry door or window in the front facade of any occupied residential building.
- b. Within a 300-foot radius from another wireless telecommunications facility within the public rights-of-way.

c. Any location that would adversely affect the normal drainage of surface water, unless an acceptable mitigation is included that will be advantageous to the general public.

d. Any location that would adversely affect vehicular and/or pedestrian traffic or the parking of vehicles including placements in any visibility triangle that obstructs or restricts the view necessary for the safe operation of motor vehicles as determined by the Director of Public Works.

e. Any location that would adversely affect the root structure of any existing trees, or significantly reduce greenbelt area that may be used for tree planting.

f. Any location within 10 feet of any driveways for police stations, fire stations, or other emergency responder facilities.

g. Any location that would physically interfere with or impede access to any: (i) aboveground or underground infrastructure for traffic control, or public transportation, including, without limitation, any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (ii) public transportation vehicles, shelters, street furniture, or other improvements at any public transportation stop; (iii) aboveground or underground infrastructure owned or operated by any public or private utility agency; (iv) fire hydrant or water valve; (v) doors, gates, sidewalk doors, passage doors, stoops, or other ingress and egress points to any building appurtenant to the right-of-way; or (vi) fire escape.

E. Design Standards.

1. General Requirements. This subsection (E) establishes generally applicable design standards for all facilities, except that eligible facilities requests are subject only to subsections 16.70.070(E)(1)(e) through 16.70.070(E)(1)(l).

a. Stealth/Concealment. All wireless telecommunications facilities must be stealth to the maximum extent feasible. Stealth concealment techniques include, without limitation: (a) transmission equipment placed completely within existing or replacement architectural features such that the installation causes no visible change in the underlying structure; (b) new architectural features that mimic or blend with the underlying or surrounding structures in style, proportion and construction quality such that they appear part of the original structure's design; and (c) concealment elements, measures and techniques that mimic or blend with the underlying structure, surrounding environment or adjacent uses.. Colors and materials for wireless facilities shall be muted, subdued, nonreflective and chosen to minimize visibility to the greatest extent feasible.

b. Overall Height. On public and private parcels, facilities may not exceed more than 25 feet above the maximum height allowed by this Arroyo Grande Municipal Code for the underlying zoning district where the facility is proposed. In the public right-of-way, wireless facilities on an existing pole may not have an overall height that exceeds the height of the existing pole by more than 10 feet and wireless facilities that involve a replacement pole or a new pole may not have an overall height that is more than 10 feet above the height of the replaced pole or existing poles in the vicinity unless additional height is necessary to comply with CPUC safety standards such as General Order 95.

c. Finishes. All exterior surfaces shall be painted, colored, and/or wrapped in flat, muted, subdued, nonreflective hues that match the underlying structure or blend with the surrounding environment. All exterior surfaces on wireless facilities shall be constructed from, or coated with, graffiti-resistant materials. All finishes shall be subject to the reviewing authority's prior approval.

d. Trees and Landscaping. Wireless facilities shall not be installed (in whole or in part) on new poles within any tree drip line. All wireless facilities proposed to be placed in a landscaped area must include landscape and/or hardscape features (which may include, without limitation, trees, shrubs and ground cover) and a landscape maintenance plan. The existing native vegetation shall be maintained to the maximum extent feasible. The reviewing authority may require additional landscape features to screen the wireless telecommunications facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the stealth techniques required under this chapter. All plants proposed or required must be reviewed as part of a formal landscaping plan and approved by the City.

e. Noise. All wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in this Arroyo Grande Municipal Code. The reviewing authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigating strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.

f. Lights. Wireless facilities may not include exterior lights other than as may be required under the Federal Aviation Administration, FCC, or other applicable Federal or State governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigate illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. Any light beacons or lightning arresters shall be included in the overall height calculation.

g. Signage, Advertisements. All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site

name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the reviewing authority, required by law or recommended under FCC or other Federal governmental agencies for compliance with RF emissions regulations.

h. Security Measures. To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as fences, walls and anti-climbing devices may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall stealth, and the reviewing authority may condition approval on additional stealth elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape or hardscape features. Barbed wire, razor ribbon, electrified fences or any similar security measures are prohibited. Alarm systems shall not include any visible alarms or audible sirens or other sounds.

i. Fire Safety. All wireless facilities shall be designed by qualified, licensed persons to provide the maximum protection that is technically feasible to prevent electrical and fire hazards. All wireless facilities shall be proactively monitored and maintained to continue and, if possible, improve the safety design.

j. Compliance With Laws. All wireless facilities must be designed and sited in compliance with all applicable Federal, State, regional, and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, general plan and any applicable specific plan, the Arroyo Grande Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.

k. Public health. No wireless telecommunications facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to the public health. To that end, no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's maximum permissible exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the City, county, state or federal government. Absolute compliance with FCC Office of Engineering Technology (OET) Bulletin 65, as amended, is mandatory, and any violation of this section shall be grounds for the City to immediately terminate any permit granted hereunder, or to order the immediate service termination of any nonpermitted, noncomplying facility constructed within the City.

I. Electric Service. The City strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. Where meters are required, use the narrowest electric meter and disconnect available.

16.70.080 Limited Exceptions to Design, Development and Location Standards.

A. The Community Development Director and/or the hearing body considering the application may grant exceptions to the design, development and location standards for wireless telecommunications facilities subject to this chapter, if it is determined that denial of an application or strict adherence to the design, development and location standards would:

1. Prohibit or effectively prohibit the provision of personal wireless services, within the meaning of federal law; or
2. Otherwise violate applicable laws or regulations; or
3. Require a technically infeasible location, design or installation of a wireless telecommunications facility;
4. Involve only minor noncompliance with a requirement, provided such noncompliance either results in no increase in visual harms to the community or provides other benefits.

B. To be considered, the applicant must request an exception at the time of application submittal, and the applicant has the burden of proof.

C. If the Community Development Director and/or the hearing body considering the application finds that an exception is warranted, said requirements may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible location, design or installation or minor noncompliance.

16.70.090 Standard conditions of approval.

All permits issued in accordance with this chapter, except for minor use permit-temporary uses, whether approved by the Community Development Director and/or the hearing body considering the application or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The Community Development Director and/or the hearing body considering the application shall have discretion to modify, supplement, waive or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this chapter.

A. Permit term. The permit for a wireless telecommunications facility (except for an eligible facilities request) will automatically expire at 12:01 a.m. local time exactly 10

years and one day from the issuance date. Any other permits or approvals issued in connection with an application subject to this Article, which includes without limitation any permits or other approvals deemed- granted or deemed- approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law

B. Compliance with Laws. The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules.

C. Inspections – Emergencies. The city or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The city reserves the right to enter or direct its designee to enter the facility and support, repair, disable or remove any elements of the facility in when the facility threatens imminent harm to persons or property.

D. Contact information for responsible parties. The permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Community Development Director upon permittee's receipt of the Community Development Director's written request, except in an emergency determined by the city when all such contact information for responsible parties shall be immediately provided to the Community Development Director upon that person's verbal request.

E. Indemnities. The permittee and, if applicable, the owner of the private property upon which the facility is installed shall defend, indemnify and hold harmless the city of Arroyo Grande, its agents, officers, officials and employees (1) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs of mandamus and other actions or proceedings brought against the city or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of the permit, and (2) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, law suits or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors or independent contractors. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and the private property owner, if applicable, and shall reasonably cooperate in the defense. It is expressly agreed that the city shall have the right to approve, which approval shall not

be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or permittee (as applicable) shall reimburse city for any costs and expenses directly and necessarily incurred by the city in the course of the defense.

F. Adverse impacts on adjacent properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility. Any natural screening afforded by site conditions, including, but not limited to, the presence of trees, landscaping, topographical features, or structures on the site that shield the facility from view, shall be considered stealthing elements.

G. General maintenance. The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

H. Graffiti removal. All graffiti on facilities must be removed at the sole expense of the permittee within 48 hours after notification from the city.

I. RF emissions exposure compliance. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the wireless telecommunications facility, permittee or its representative must provide the city documentation demonstrating compliance with all applicable RF emissions exposure standards as certified by a licensed engineer.

J. Build-out period. This permit shall lapse one year after its date of approval unless one of the following has occurred:

1. The facility is constructed or modified as approved and in operation; or
2. The build-out period is extended by the city authority which originally approved the permit; or
3. A building permit has been issued, substantial money has been expended, and construction diligently pursued. Permittees seeking an extension of the one-year build-out period under this subsection (J)(3) shall provide adequate supporting documentation to the Community Development Director demonstrating of its efforts to date, which may include but is not limited to plans submitted for plan review, executed contracts with contractors or subcontractors for the installation or modification of the facility or other documentation.

K. Lapse. The permit shall automatically lapse if, after the commencement of operation of the facility, there is a discontinuance of the exercise of the entitlement granted by the permit for six consecutive months or more.

L. Testing. Testing of back-up generators and other noise producing equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.

M. Utilities undergrounded. Unless the facility is on a utility pole, extensions of electrical and telecommunications land lines to serve the wireless telecommunications facility shall be underground.

N. Encroachment. Permittee must obtain an encroachment permit for any work, staging, operations, or construction access in the public right-of-way or on city-owned public property.

O. Other approvals. The permittee shall obtain all other applicable permits, approvals, and agreements necessary to install and operate the facility in conformance with federal, state, and local laws, rules, and regulations.

P. Modifications. No changes shall be made to the approved plans, except for like-for-like modifications, replacements, alterations, and/or additions consist of upgrades or exchanges of equipment that are substantially similar in appearance and the same or less in size, dimensions, weight, and RF emissions to the then-existing and approved equipment, without review and approval in accordance with this chapter.

Q. Performance and maintenance. All wireless telecommunications facilities, including but not limited to fences, cabinets, poles and landscaping, shall be maintained in good working condition over the life of the permit. This shall include keeping the structures maintained to the visual standards established at the time of approval. The facility shall remain free from trash, debris, litter, graffiti and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 10 calendar days from the time of notification by the city or after discovery by the permittee.

R. Performance bond. Prior to issuance of a building or electrical permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is

revoked, or is otherwise terminated. The security shall be in the amount equal to 100% of the cost of physically removing the wireless telecommunications facility and all related facilities and equipment on the site, based on the higher of two contractors' quotes for removal that are provided by the permittee. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the City Council. Reimbursement shall be paid when the security is posted and during each administrative review.

S. Conflicts with improvements. For all wireless telecommunications facilities located within the public right-of-way, the permittee shall remove or relocate, at its expense and without expense to the city, any or all of its wireless telecommunications facilities when such removal or relocation is deemed necessary by the city by reason of any change of grade, alignment or width of any public right-of-way, for installation of services, water pipes, drains, storm drains, power or signal lines, traffic control devices, public right-of-way improvements, or for any other construction, repair or improvement to the public right-of-way.

T. City access. The city reserves the right of its employee, agents, and designated representatives to inspect permitted facilities and property upon reasonable notice to the permittee. In case of an emergency or risk of imminent harm to persons or property within the vicinity of permitted facilities, the city reserves the right to enter upon the site of such facilities and to support, disable, or remove those elements of the facilities posing an immediate threat to public health and safety. The city shall make an effort to contact the permittee, prior to disabling or removing wireless telecommunications facility elements.

U. Encourage collocation. Where the wireless telecommunications facility site can accommodate a collocation upon the same site, the owner and operator of the facility shall allow another carrier to collocate its facilities and equipment thereon, provided the parties can mutually agree upon reasonable terms and conditions.

V. Interference. To the extent allowed under applicable federal rules and regulations, the operator of a wireless telecommunications facility shall correct interference problems experienced by any person or entity with respect to equipment such as television, radio, computer, and telephone reception or transmission that are caused by the facility. If a federal agency with jurisdiction over such matters finds that a facility is operating in violation of federal standards, the permittee shall promptly provide the Community Development Director with a copy of any notice of such violation issued by any federal agency and shall notify the Community Development Director as applicable once the facility comes back into compliance with applicable standards.

W. Discontinuance of use. The facility shall be removed by permittee within 90 calendar days of the discontinuation of the use or of permit expiration, whichever is earlier, and the site shall be restored to its previous condition. For facilities located on city property, this requirement shall be included in the terms of the lease. For facilities located on other sites, the property owner is responsible for removal of the facility within 90 calendar days of the discontinuation of the use or of permit expiration, whichever is earlier. The permittee shall provide the Community Development Department with a notice of intent to vacate the site a minimum of 30 calendar days before vacation.

X. Conditions of Approval for Eligible Facilities Requests. In addition to the foregoing Standard Conditions of Approval, any eligible facilities request approved pursuant to this chapter shall be subject to the following standard conditions unless modified by the Community Development Director:

1. No permit term extension. The city's grant or grant by operation of law of a permit for an eligible facilities request constitutes a federally mandated modification to the underlying permit or approval for the subject tower or base station. The city's grant or grant by operation of law of a permit for an eligible facilities request will not extend the permit term for any permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

2. No waiver of standing. The city's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the City to challenge any federal statute or regulation concerning eligible facilities request or any eligible facilities request .

3. Permit subject to conditions of underlying permit. Permits for eligible facilities requests shall be subject to the terms and conditions of the underlying permit for the existing tower or base station.

16.70.100 Peer review.

The Community Development Director and/or the hearing body considering the relevant permit application pursuant to this chapter may require the application, proposed findings, and conditions to be reviewed by an independent third-party peer review consultant of the City's choosing. The cost of the third-party peer review shall be the responsibility of the applicant.

16.70.110 Denial without prejudice due to failure to respond to notice(s) of incompleteness.

To promote efficient review and timely decisions, any application governed under this chapter regardless of type may be denied without prejudice by the Community Development Director when the applicant fails to tender a substantive response to the

city within 120 calendar days after the Community Development Director deems the application incomplete in a written notice to the applicant. The Community Development Director, in his or her discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the one hundred twentieth day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

16.70.120 Nonconforming facilities.

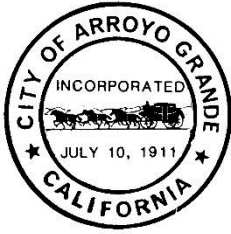
Nothing in this chapter shall validate any illegal or unpermitted wireless facilities installed prior to the effective date of this chapter. Any wireless telecommunications facility existing before the effective date of this chapter which is nonconforming to the provisions of this chapter may continue to be used. Such a facility may be operated, repaired and maintained but shall not be enlarged, expanded, relocated or modified to increase the discrepancy between the existing conditions and the requirements of this chapter, unless otherwise permitted by federal law.

16.70.130 Revocation.

A. Permittees shall fully comply with all conditions related to any permit or approval granted under this chapter or any predecessors to this chapter. Failure to comply with any condition of approval or maintenance of the facility in a matter that creates a public nuisance or otherwise causes jeopardy to the public health, welfare or safety shall constitute grounds for revocation. If such a violation is not remedied within a reasonable period, as determined by the City in its sole discretion, following written notice and an opportunity to cure, the City may schedule a public hearing before the Planning Commission to consider revocation of the permit. The Planning Commission revocation action may be appealed to the City Council pursuant Section 16.12.150.

1. If the permit is revoked pursuant to this section, the permittee shall remove its facility at its own expense and shall repair and restore the site to the condition that existed prior to the facility's installation or as required by the City within 90 days of revocation in accordance with applicable health and safety requirements. The permittee shall be responsible for obtaining all necessary permits for the facility's removal and site restoration.

2. At any time after 90 days following permit revocation, the City may require the facility to be removed and restoration of the premises as the City deems appropriate. The City may, but shall not be required to, store the removed facility (or any part thereof). The facility permittee shall be liable for the entire cost of such removal, repair, restoration, and storage. The City may, in lieu of storing the removed facility, convert it to the City's use, sell it, or dispose of it in any manner deemed appropriate by the City.



MEMORANDUM

TO: Planning Commission

FROM: Brian Pedrotti, Community Development Director

BY: Patrick Holub, Associate Planner

SUBJECT: Consideration of Tentative Parcel Map 23-001; Subdivision of One (1) Parcel into Four (4) with One (1) Remainder Parcel; Location – 444 Lierly Lane; Representative – Kerry Margason, MBS Land Surveys

DATE: October 15, 2024

RECOMMENDATION:

It is recommended that the Planning Commission continue the public hearing to a date uncertain to allow staff additional time to review the proposal. The project will be noticed again in advance of the next meeting.



MEMORANDUM

TO: Planning Commission

FROM: Andrew Perez, Planning Manager

SUBJECT: Supplemental Information
Agenda Item 8.C – October 15, 2024 Planning Commission Meeting
Consideration of Tentative Parcel Map 23-001; Subdivision of One (1)
Parcel into Four (4) with One (1) Remainer Parcel; Location – 444 Lierly
Lane; Representative – Kerry Margason, MBS Land Surveys

DATE: October 15, 2024

Attached are public comments received for the above referenced item after the publication of the agenda.

cc: Community Development Director
City Website

Andrew Perez

From: Nora Looney [REDACTED]
Sent: Friday, October 11, 2024 10:06 AM
To: pc publiccomment; public comment
Cc: Bruce Vanderveen; Jeanne Helphenstine
Subject: Lierly Lane, AG Project-Bruce Vanderveen on Planning Commission Agenda



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Dear Planning Commission & City Council:

My name is Nora Looney. I am writing to give you some insight and knowledge on the property located at 444 Lierly Lane, Arroyo Grande which is on your agenda.

I owned this property with my husband, Charles from 2002-2022. When the Cherry Creek Project came before the City for approval years ago, I attended every single meeting of the Planning Commission and City Council. There was a neighborhood plan drawn up and my property and the parcel owners beyond me to the east were called subarea 2. We had on site visits from the planning commission and City Council. A lot of thought and preparation was done collaboratively with First Owner Damian Mavis, Second Owner Cliff Branch and Third owner who developed Cherry Creek, Caroll Pruett. There were conversations and plans laid out as to how we could subdivide "subarea 2". There should be lots of files on this with the City of Arroyo Grande.

One of the big issues was road access. The City and the Fire Department want to have two access points into every property in case of an emergency. This was so important that the Owners of Cherry Creek who would subdivide and build out their neighborhood came to us and asked where we wanted the access roads and utilities, sewer etc. to be located. We were given a full opportunity to work together and lay out the best solution for our future lot potential. There was an access road close to the existing (444 Lierly) residence and another one farther out on our parcel. When Cherry Creek was built, those access roads were built in the agreed upon locations. Their property is currently fenced but we all agreed that when and if we built out our property, the fences would come down and those roads were to be used for emergency access only.

I am unable to attend the upcoming meeting. Please feel free to reach out to me directly if you have any questions.

Sincerely,

Nora Looney
[REDACTED]

Andrew Perez

From: Susan Evard [REDACTED]
Sent: Monday, October 14, 2024 9:06 AM
To: pc publiccomment
Subject: Public Comments for Upcoming Oct 15th Meeting, Agenda item 8.c, re: 444 Lierly Lane



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Dear Planning Commission Members,

I am writing to express to you several concerns about the proposed development at 444 Lierly Lane. While I acknowledge the necessity to increase housing in the city, there are several issues with the proposed development.

At the Planning Commission meeting of May 7th, one of the major issues with the proposed development at 444 Lierly was the road access of E. Cherry & Lierly Lane. At that time, it was pointed out that the home at 795 E Cherry was permitted to be built without installing the required curbs and gutters and without paving the road in front of the house. Also, I believe there is an 8 foot easement in front of the house which has been landscaped and a fence installed right up to the roadway.

The latest map of the development still does not address the problem of road access on E. Cherry & Lierly Lane. The road access, which was deemed unacceptable in May 2024, is unchanged. The new map only moves the proposed Emergency Access from one private driveway on Myrtle Dr. to another. These private driveways are not adequate for large fire trucks or other emergency vehicles. Currently, UPS trucks don't enter those driveways due to the narrow access.

A narrow, 8 foot wide dirt road (on Lierly) is clearly substandard for 4 additional residences with 4 ADUS and 16 more cars etc. This is an opportunity to fix both E. Cherry & Lierly Lane for future development. I would like to encourage the city to be proactive and consider the following;

-
-
- Install curbs, gutters
- and pave E. Cherry by exercising the right to the easement in front of 795 E. Cherry and bringing the road up to code.
-
-
-
- Install curbs, gutters
- & pave Lierly Lane while widening it to code.
-

I understand that doing these improvements would require the cooperation of the current homeowners on Lierly Lane & E Cherry. If the proper improvements are done on E Cherry & Lierly Lane, there would be no need to create an unworkable Emergency Access route on a narrow private driveway on Myrtle Dr.

Sincerely,

Susan Evard



Andrew Perez

From: Linda Griffin [REDACTED]
Sent: Sunday, October 13, 2024 9:46 PM
To: pc publiccomment
Subject: October 15th Planning Commission Agenda Item 8c.



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I am writing in regards to the following item:

“Consideration of Tentative Parcel Map 23-001; Subdivision of One (1) Parcel into Four (4) with One (1) Remained Parcel; Location - 444 Lierly Lane”

I am unable to attend the scheduled meeting for October 15th regarding the above mentioned item. I did attend the previous meeting regarding this item and the proposed use of the driveways off of Myrtle Drive for access into this proposed development on Lierly Lane. As we discussed at the prior meeting, these small driveways are meant for access into our garages and are not suitable for traffic of any kind, certainly not traffic of large fire trucks or other emergency vehicles. I am curious as to what would have changed from the discussion of the driveway entrance between 325 Myrtle Dr and 319 Myrtle Dr. to the current discussion of using the driveway between 313 Myrtle Dr and 307 Myrtle Dr. instead? What has changed to make this driveway more suitable as an entrance/access to Lierly Lane? As far as I can see, nothing at all has changed except the possibility that the occupants of 313 stand to benefit from this proposed development with the promise of annexing a parcel to their current property, thus increasing their parcel. This is my current understanding at this time. I'm not sure that the City of Arroyo Grande would issue permits for such an annexation, limiting the number of possible housing that would be added by this development and subdivision.

Lierly Lane remains a narrow dirt road without benefit of curbs or other finishes that would make it a suitable annexation to the Cherry Creek Estates area. I am not opposed to more development, I just feel that it should be in concert with the areas that lead onto East Cherry Lane and Lierly Lane. Curbs, corners, room for opposing traffic in both directions, room for sidewalks for folks to walk on, etc etc. and room for the vehicles to access the area as need be. The map of the proposed “roadway” through the homes at 313 and 307 is not the solution for this development. Please continue to search for a solution that makes sense for the builder, the homeowners and the community.

Linda Griffin
[REDACTED]
Cherry Creek Estates

Andrew Perez

From: Dave Pomeroy [REDACTED]
Sent: Tuesday, October 15, 2024 7:39 AM
To: pc publiccomment
Subject: Proposed Subdivision of 444 Lierly Lane



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To: Planning Commission, City of Arroyo Grande
Re: Proposed Subdivision of 444 Lierly Lane
October 15, 2024 Planning Commission Meeting

I am writing to express to you several concerns about the proposed development at 444 Lierly Lane. While the city recognizes the need for additional housing, this project does not meet city standards and if approved as submitted, is completely unsafe for vehicle travel on both East Cherry and Lierly Lane. City ordinance requires 20' wide roads unless the city finds that there is no way to get wider access and that approving the narrow road would not detrimentally affect the welfare, health, or safety of the community and would not damage property.

At the Planning Commission meeting of May 7th, one of the major issues with the proposed development at 444 Lierly was the road access of East Cherry & Lierly Lane. At that time, it was pointed out that the home at 795 E Cherry was permitted to be built without installing the required curbs and gutters and without paving the road, creating a situation where cars cannot pass safely because of the narrow road. Lierly Lane is a narrow, 8 foot wide dirt road and currently cars must drive onto an individual's private property each time two cars are attempting to pass each other.

The latest map of the development still does not address the problem of road access on E. Cherry & Lierly Lane. The road access, which was deemed unacceptable in May 2024, is unchanged. The new map only moves the proposed Emergency Access from one private driveway on Myrtle Dr. to another. These private driveways are not adequate for large fire trucks or other emergency vehicles. Currently, UPS trucks don't enter those driveways due to the narrow access.

A narrow, 8 foot wide dirt road (on Lierly) is clearly substandard and unsafe for 4 additional residences with potential of 5 ADUS and 20+ more cars making multiple trips per day. This is an opportunity to fix both E. Cherry & Lierly Lane for future development, which certainly will occur if this first subdivision is approved. The density of a new neighborhood should certainly follow City standards and safety standards.

I hope you will deny this application until the road issue at East Cherry and Lierly Lane can be remedied by widening and paving to city standards, providing safe passage for all, including emergency response vehicles.

Thank you,

Robin Greene
Arroyo Grande

Andrew Perez

From: Dave Pomeroy [REDACTED]
Sent: Tuesday, October 15, 2024 8:26 AM
To: pc publiccomment
Subject: Proposed subdivision of 444 Lierly Lane; Planning Commission Meeting 10/15/2024

To: Planning Commission, City of Arroyo Grande
Re: Proposed Subdivision of 444 Lierly Lane
October 15, 2024 Planning Commission Meeting

My name is David Pomeroy. My wife Robin Greene and I live directly next door to the existing house at 444 Lierly, on a flag lot accessed by a shared driveway in Cherry Creek Estates. I oppose the proposed subdivision of 444 Lierly as drawn.

The proposal is to subdivide a single family residential parcel into five parcels. The five proposed lots would each access the public roads by way of the narrow easement along Lierly Lane, and a too-narrow stretch of "dirt Cherry." Arroyo Grande Municipal Code §16.20.050(E)(2)(a)(ii) states that the easement must have an absolute minimum width of twenty feet. Lierly Lane is only eight feet in width, and is unpaved.

Municipal code §16.20.050(E)(2) says generally that the minimum standards may be modified for a specific project, but only where the board makes a determination that "the granting of the modification will not be detrimental to the public health, safety or welfare or be damaging to other property in the vicinity." Approval of a five-parcel subdivision on an easement that is only 40% of the minimum width set out by statute would be contrary to public safety, as cars would have to pass each other on that eight-foot dirt path, it would be contrary to the public welfare, and it would damage adjacent property as one car would have to pull off the easement each time two cars pass each other. The proposed subdivision is flatly inconsistent with the Arroyo Grande Municipal Code.

Making an exception to the minimum standards in this case would render the code standards essentially meaningless and would amount to poor planning.

§16.20.050(E)(1) says that each of the proposed new lots must have access to a publicly maintained road. §16.20.050(E)(2) says that the requirement can be waived only if several circumstances are present. The first of those listed circumstances is that the subdivision creates four or fewer lots. In this case, the proposed subdivision creates five lots, and must not be approved because the lots do not have access onto a public road. In counting the number of proposed lots, the code seems to spell out that the "remainder" lot should be counted. §16.20.050(D)(1) states, "Any contiguous property that is owned by the land divider shall be included within the boundaries of a land division when necessary or desirable in the design or improvement of the land division." That provision seems to disallow the game of calling the subdivision 4 lots with a remainder rather than calling it what it actually is: five lots created from one.

Even if the proposed subdivision were viewed as only 4 lots rather than the 5 lots, the minimum easement width is spelled out in §16.20.050(E)(2)(a)(ii) as a minimum of 20 feet. Otherwise, each lot must have its own access to a publicly maintained road.

The proposed subdivision adding four new lots converts the property from one residence to five, and potentially double that number if ADU's are added. The density of the proposal is a density wholly out of character with the neighborhood surrounding it. The density is similar to our adjoining neighborhood, which was required to install wide streets, sidewalks, and walking paths. The Planning Commission in the early 2000's had subdivision plans drawn up for a potential development of the Lierly Lane area neighborhood, called "Phase II." It never progressed further than a concept, but it included access provided by two twenty foot wide roads up from Cherry Avenue and ending in cul-de-sacs.

The Phase II concept plan called for a total of 4 lots on the applicant's parcel rather than a total of five lots. It didn't even include any emergency access from our shared driveway next to our house, although it did include an emergency access from the other shared driveway in our neighborhood.

If this board disagrees with me and votes to approve this subdivision with an emergency access gate at the end of our shared driveway, I ask that you specify that the access be a solid gate, so that we would not be looking directly into someone's backyard, and so that we don't have to deal with aggressively barking dogs in that backyard, barking through open slats in a gate every time we enter our own home. The only access to our house is via our shared driveway. I ask that the gate be inaccessible to pedestrians. The emergency easement on our shared driveway is only a fire department right to pass on our private property in the event of an emergency, not a pedestrian walkway. If the gate has to swing open, it should swing onto the applicant's lot, not ours. We have landscaped the dirt adjacent to the existing 6' fence. If our landscaping or its irrigation is damaged, I ask that the developer be required to replace it, and I ask that the burden of maintaining the gate fall on the developer and his buyers, not upon us.

I ask you to reject the proposed subdivision because it is too dense and wholly without minimum safe roadway infrastructure for the added traffic. It is inconsistent with the municipal code and with the existing neighborhood, and inconsistent with the concept that the city had in mind for development of the neighborhood.

Sincerely,

David Pomeroy
Arroyo Grande



Michael B Stanton, PLS 5702
3559 S. Higuera Street
San Luis Obispo, Ca 93401

Ofc: 805.594.1960
Cell: 805.440.4215
Fax: 805.594.1966

October 14, 2024

Brian Pedrotti, Patrick Holub
City of Arroyo Grande, Community Development
300 East Branch Street
Arroyo Grande, California 93420

RE: MBS 22-284, 444 Lierly Lane, Parcel Map AG 23-001

Dear Mr. Pedrotti and Mr. Holub:

The Project Owners are not in agreement with this request for continuance. We have made every effort to ensure this project is in compliance with the General Plan, Zoning Ordinance, Subdivision Ordinance and Subdivision Map Act and the project should now go to hearing for approval by the Planning Commission.

BACKGROUND

Prior to the application completeness determination, the applicants held 3 meetings with City staff, including a preapplication meeting. Lierly Lane was discussed at all 3 meetings. Staff was well informed of the difficulty applicants ran into when attempting to acquire additional width for Lierly Lane. Staff and the Fire Chief at the time were in agreement that with the use of the existing public emergency access easements provided through the Cherry Creek Estates project, Emergency Services would have adequate access to serve the development. Staff also held a Staff Advisory Committee meeting on August 3, 2023 and recommended approval of the project as submitted, with conditions of approval.

The project application was deemed complete, and categorically exempt per section 15315 of the State CEQA guidelines. A public hearing before the Planning Commission was held on March 19, 2024. Several concerns were raised by the neighbors of the project and the hearing was continued to May 7, 2024.

On April 11, 2024, City staff and the project applicants held an onsite meeting at 444 Lierly Lane. Several neighbors came out to discuss the project. The issues that were predominantly discussed were the use of the public emergency access easement and the width of Lierly Lane.

Over the next few weeks, the project applicants again tried to secure additional width on Lierly, but were unsuccessful. A follow up onsite meeting was held May 3, 2024 with the neighborhood to discuss progress, or lack of progress on Lierly.

The project was before the Planning Commission again on May 7, 2024 and again the Planning Commission continued the hearing at staff's request. The project was continued to a date uncertain to allow the applicant to explore alternative access options. The project is now scheduled for hearing on October 15, 2024 and it is our understanding that City staff will again recommend the project for continuance based on the same reasoning.

NONCOMPLIANCE WITH SUBDIVISION MAP ACT (California Government Code section 66410, et. seq.)

Subdivision Map Act (SMA) section 66452.2 – this provision sets a time limit of 30 days for the legislative body to act on a project after the local agency has determined that the project is exempt from CEQA. City staff determined the project was exempt on, or before, March 19, 2024.

Subdivision Map Act (SMA) section 66452.4 – this provision of the SMA says when no action is taken upon a tentative map within the time limits specified, or any authorized extension thereof, the tentative map **shall be deemed approved**. Once deemed approved, the subdivider is entitled to receive a written certification of approval.

Subdivision Map Act (SMA) section 66452.1 – Advisory agency must act on tentative map within 50 days. **Approving agency must act within 30 days** after the local agency determines the project is exempt from Division 13 (commencing with Section 210000) of the Public Resources Code (CEQA).

This project was determined to be exempt from Division 13 on, or before, March 19, 2024. The 30 day time limit expired April 19, 2024. If using the second Planning Commission hearing based on the parties' agreement to the first continuance to May 7, 2024, the 30 day time limit expired June 7, 2024 and the project is still more than 90 days past the acceptable time limits. The project applicants have not been in agreement with any further time extension and City staff is proposing to continue the project again at the hearing on October 15, 2024.

COMPLIANCE WITH NECESSARY FINDINGS FOR PARCEL MAP

Land Use and Planning Documents

The project, as designed, is consistent with the City's Zoning Ordinance for Residential Single Family use and is consistent with the City's General Plan Land Use Element, Housing and Circulation Elements. The proposed lots exceed the minimum square footage of 7,000 square feet, and will provide an additional 4 units for the City's Regional Housing Needs Allocation.

The adopted Housing Element identifies this property on the *Housing Opportunity Sites Inventory Map*, Figure 4-1 as an underutilized parcel that could realistically provide an additional 4 dwelling units, to be counted towards City's Regional Housing Needs Allocation (RHNA). Based on the General Plan Annual Report of 2022, the City still needs approximately 200 of the State's allocation of 291 above-moderate dwelling units.

Findings for Parcel Map, Municipal Code Section 16.20.070 C

As discussed in the proposed resolution for approval of the project (attached), the project satisfies the required findings for a parcel map, as outlined in section 16.20.070 C. Findings in the City of Arroyo Grande's (City) municipal code.

The project is also consistent with the City's General Plan and Housing Element. The project has also been designed in accordance with the objects of Neighborhood Plan 04-001 (East Village Neighborhood) as adopted by the City Council in 2006.

CURRENT SITUATION

The applicants have worked diligently and have not been able to acquire additional width along Lierly. Mr. Janowicz was able to acquire an additional 8 feet of width at the northwest corner of Lierly Lane and East Cherry Avenue, providing 16 feet for the first 100 feet of Lierly Lane. The fence has been pulled back and now the electric pole, mailboxes and fire hydrant are in the Lierly right of way. The City will need to determine how this infrastructure will be relocated in order to make use of the additional width.

There remains 80-100 feet of Lierly that cannot be widened at this time without the City's assistance and the City appears to be reluctant to help. It needs to be said that the City planned this neighborhood with input from all the residents in the area. There must have been a plan for Lierly Lane because the Neighborhood Concept Map shows it as 20 feet wide. The City knew this neighborhood was likely to develop parcel by parcel and not as a large tract map like the one next door. When they were designing the neighborhood, how did they expect to widen Lierly?

The issue holding up tentative map approval for this project is the widening of Lierly Lane. However, the applicants have no right, title or interest in the land that would be needed in order to widen Lierly Lane. The applicants have contacted the neighboring property owners in an attempt to acquire additional land along Lierly so that the road could be widened. There have been meetings, phone calls, and physical layouts of the street to show what the additional property would achieve for Lierly Lane. While the neighbors are interested in seeing Lierly widened, they do not control the property needed for widening.

CONCLUSION

We would like the Planning Commission to consider the tentative map before them and approve the project based on the resolution and the proposed conditions of approval as originally written for the prior hearings.

Thank you,

/s/Kerry Margason

Kerry Margason
Planner

Enc: Draft Resolution from prior PC Hearing

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