

CALIFORNIA COASTAL COMMISSION

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W12a - f

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Hearing item number: W12a-f

APPEAL STAFF REPORT - SUBSTANTIAL ISSUE DETERMINATION

Appeal number.....A-3-SCO-05-036, A-3-SCO-05-037, A-3-SCO-05-038, A-3-SCO-05-039, A-3-SCO-05-040, and A-3-SCO-05-041; Wireless Facilities

Applicant.....AT&T, Attn: Roger Haas

Appellants.....Marilyn Garrett, Stephen & Laura Brooks

Local government.....Santa Cruz County

Local decisionApproved with Conditions by the Santa Cruz County Zoning Administrator on May 6, 2005

Project location.....Six locations in the Highway 1 right-of-way between Santa Cruz and Davenport, North Santa Cruz County.

Project descriptionInstall a system of six "microcell" wireless communication facilities on existing utility poles on the inland side of Highway 1 right-of-way.

File documents.....Santa Cruz County Certified Local Coastal Program (LCP); Santa Cruz County CDP Application Files 03-0294, 03-0295, 04-0118, 04-0120, 04-0121, and 04-0336.

Staff recommendation ...No Substantial Issue

Summary of staff recommendation: The appealed permit authorizes AT&T to install a system of "micro-cell" wireless communication facilities on existing utility poles in the Highway 1 right-of-way at six locations between the City of Santa Cruz and Davenport. The six new sites are needed to fill-in the carrier's wireless network coverage along the north coast of Santa Cruz County and will provide benefits such as quick access to 911, support for emergency services (i.e., fire, police, etc.), and expanded communication services for the public.

Appellant's contend that the approved project is inconsistent with the LCP in several ways: (1) the project will not complement or harmonize with existing land uses; (2) the project does not adequately mitigate for potential visual impacts; (3) the county's approval is inconsistent with LCP guidelines for co-location; (4) the approved project threatens the health and safety of all life in the vicinity of the wireless facilities; and (5) the public was not given ample opportunity to participate at the local hearing.

After reviewing the local record, Commission staff has concluded that LCP visual resource protection requirements have been appropriately addressed by the County's action. The wireless facilities have been

**California Coastal Commission****September 14, 2005 Meeting in Eureka**Staff: M. Watson Approved by: *SM 8/25/05*

designed to blend into the existing roadway aesthetic by using "micro-cell" technologies and low profile installation procedures (i.e., flush mounting, camouflage coloring, etc.). The incremental amount of new equipment will not appear to be much different than the existing poles and utility equipment that currently serve the small neighborhood. The facilities will be sited on existing utility poles on the inland side of the Highway 1 right-of-way. The new equipment is small and inconspicuous and will result in minimal additional visual intrusion. Additionally, the project has been conditioned to require removal of the facilities if the pole-based utilities are relocated underground or if technological advances wireless communication facilities allow for reduced visual impacts.

In accordance with the County's wireless ordinance certified by the Commission on September 8, 2004, the applicant's propose to co-locate the wireless facilities on existing utility poles. Appellant's argue that the sharing arrangement is not co-location. However, the wireless ordinance specifically defines co-location as placing wireless facilities and antennas upon existing or new PG&E or other utility poles, as is the case here. To protect public health and safety, the County conditioned its approval to require post-construction monitoring of wireless facilities to ensure they are operated in compliance with the Federal Communication Commission radio frequency radiation exposure standards. Failure to operate in compliance with the established FCC standards is grounds for review of the use permit and permit revocation.

Finally, the permit has been noticed and processed in accordance with LCP procedures. The County conducted a properly noticed public hearing on the projects on May 6, 2005.

In sum, the County approved projects have been designed and sited to blend into the existing roadway aesthetic and minimize the amount of additional clutter consistent with LCP visual resource policies. The project is consistent with the certified LCP for co-location and must conform to federal standards established to protect the safety or health of the public. Additionally, new vehicle access has been prohibited. All construction and maintenance activities must be made by personnel on foot to prevent disturbance of undisturbed areas.

Thus, Staff recommends that the Commission find that **no substantial issue exists** with respect to this project's conformance with the certified LCP, and that the Commission decline to take jurisdiction over the coastal development permit for the project.

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1. Appeal of Santa Cruz County Decision

A. Santa Cruz County Action

Santa Cruz County approved this proposed project subject to multiple conditions on May 6, 2005 (see exhibit D for the County's adopted staff report, findings and conditions on the project). The County's approval by the Zoning Administrator was appealed to the Commission on June 9, 2005. The Appellant's in this matter before the Commission are residents of Santa Cruz County and participated in the local meetings at the County. The Zoning Administrator's approval was not appealed locally (i.e., to the Planning Commission).¹

Notice of the Zoning Administrator's action on the coastal development permits (CDPs) were received in the Coastal Commission's Central Coast District Office on May 25, 2005. The Coastal Commission's ten-working day appeal period for this action began on May 26, 2005 and concluded at 5pm on June 9,

¹ Normally local appeals must be exhausted before an appeal can be made to the Coastal Commission. In Santa Cruz County's case, the appeals process is that Zoning Administrator decisions can be appealed to the Planning Commission, and Planning Commission decisions can be appealed to the Board of Supervisors (and the Board can also independently elevate an item to the Board for consideration). However, because Santa Cruz County charges a fee for local coastal permit appeals, aggrieved parties can appeal lower decisions directly to the Commission. Since the appeal in this case is of a Zoning Administrator decision, the Appellants have availed themselves of the direct appeal route.



2005. Two valid appeals (see below) were received during the appeal period.

B. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is located between the sea and the inland extent of the first public road right-of-way and it is not a principally permitted use of the underlying zoning.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is so located and thus this additional finding would need to be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

C. Appeal of Marilyn Garrett

Mrs. Garrett contends that the proposed project (all six sites) is inconsistent with the County's wireless ordinance that governs the siting, design, and installation of wireless communication facilities and more specifically, the requirements co-locating communication facilities (IP ordinance 13.10.660(d)(7)). The appeal further contends that wireless technology is a public health and safety threat contrary to 13.10.661(d); and that the public has effectively been excluded from participating in local meetings on this issue.



D. Appeal of Stephen and Laura Brooks

The Appellant's contend that the proposed development is not consistent with the design criteria and special use standards of IP ordinance 13.20.130 et seq. They argue the wireless facilities are not compatible and integrated with the character of the neighborhood contrary to Section 13.20.130(b)(1) of the County's certified IP; the facilities will project above the ridgeline (13.20.130(b)(3)); and the development was not located in the least visible site from public view contrary to 13.20.130(c)(1).

2. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the County's decision in this matter would be final (conversely, a finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action).

Motion. I move that the Commission determine that Appeal Number A-3-SCO-05-036 raises **no** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.

Staff Recommendation of No Substantial Issue. Staff recommends a **yes** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution to Find No Substantial Issue. The Commission hereby finds that Appeal Number A-3-SCO-05-036 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

Recommended Findings and Declarations

The Commission finds and declares as follows:

3. Project Description

A. Project Location

AT&T Wireless proposes to install a system of six "microcell" wireless communications facilities on existing utility poles on the inland side of the Highway 1 right-of-way north of the City of Santa Cruz, between Western Drive and the City of Davenport. The specific geographic locations of all six sites are



shown on Exhibit A and more particularly described as: 1) Granite Rock Quarry (approximately 0.3 miles before the Highway 1 bridge over Wilder Creek; 2) Landfill Site (approximately 0.3 miles after the main entrance to Wilder Ranch State Park; 3) Dimeo Lane (approximately 0.15 miles after Dimeo Lane); 4) North Farmlands (approximately 1.2 miles after Dimeo Lane; 5) Scaroni Road (less than 0.1 mile after Back Ranch Road; and 6) Laguna Road (approximately 0.1 mile before Laguna Road). The Highway 1 right-of-way is owned by the State of California and maintained by the Department of Transportation (Caltrans).

The north coast of Santa Cruz County between Western Drive and Laguna Road is a scenic area offering abundant opportunities for coastal access and recreation. Much of the public and privately held land west of Highway 1 is maintained in agricultural production and/or open space. The views west of Highway 1 are generally of agricultural fields, farmhouses, and the undulating coastline. This stretch of shoreline is part of the Monterey Bay National Marine Sanctuary, the largest of twelve such federally protected sanctuaries nationwide. There are several popular pocket beaches that can be reached by a short hike and frequently visited by surfers, fishermen, and beachgoers. Inland of Highway 1 there are agricultural fields and farmhouses on the lower terraces of the watershed, and a mix of chaparral, oak woodland, and pine forest species on the upper benches of the mountains. Within the Highway 1 road right-of-way are existing utility poles that provide electric and telephone service to the north coast farms and residences. The utility poles can be seen on both sides of the highway and include the typical electric and phone facilities (i.e., wiring, transformers, insulators, etc).

B. County Approved Project

The County approved a system of six "microcell" wireless communication facilities on six existing utility poles between the City of Santa Cruz and Davenport. Currently, the Applicant has wireless facilities on Swift Street on the west end of the City and an approved Coastal Permit for facilities at the Davenport cement plant. The approved microcell sites that are the subject of this appeal are necessary to provide continuous wireless coverage on Highway 1 between the Swift Street location and Davenport. The series of low-power microcell facilities are perfectly suited to reach this topographically separated, winding, and hilly segment of Highway 1.

See exhibit B for County-approved plans and exhibit D for the adopted County findings, and conditions approving the project.

4. Substantial Issue Findings

A. Policies Cited by Appeal

The Appellants formally identify LCP policy 13.20.130 as the basis for the appeal. Aside from this section of the LCP, the Appellants generally refer to the project not meeting other goals of the LCP, such as threatening the health and safety of persons in the vicinity, incompatibility with the standards for co-



location, and precluding the public from participating in planning meetings. See exhibit C for the Appellants complete appeal documents.

B. Analysis of Consistency with Cited Policies

As detailed below, the appeal does not raise a substantial issue with respect to the project's conformance with the Santa Cruz County LCP.

1. Visual Resources

The following County LCP design criteria is protective of coastal zone visual resources, particularly views from public roads, on ridgelines, and in rural scenic areas. The LCP states:

13.20.130(b)(1) Visual Compatibility. All new development shall be sited, designed, and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.

13.20.130 (b)(3) Ridgeline Development. Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline.

13.20.130(c)(1) Rural Scenic Resources. Location of Development. Development shall be located if possible, on parts of the site not visible or least visible from the public view. Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points.

Appellants contend that the proposed additional wireless facilities are not visually compatible with the character of the neighborhood consistent with IP section 13.20.130(b)(1). They maintain that the placement of cell phone antennas, electrical and support facilities on a hillside directly overlooking the Old Coast Road neighborhood represents a visual hardship for residents accustomed to the rural character of the coastal hills.

Highway 1 along the north coast of Santa Cruz county is designated a scenic highway. The adjacent land use is both agricultural and residential. Several homes have been constructed west of the highway along Old Coast Road, however the views are primarily of farmland and the Pacific Ocean. Mature vegetation and trees provide visual screening of the residences from Highway 1. Utility poles dot the landscape on both sides of Highway 1. The poles and attendant infrastructure (i.e., wiring, guys, transformers, etc.) are necessary to provide electric and phone service to area residences and farms.

Section 13.20.130(b)(1) of the certified Santa Cruz County LCP requires new development to be sited, designed, and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. The applicant proposes to install two wireless antennas (7" wide, 24" in length, 2" thick) and ancillary equipment (max size 16" wide, 21" in length, 8" thick) on existing poles (18" diameter) on the inland side of the highway right-of-way, across the highway from area residences.



The wireless facilities have been designed to blend into the existing roadway aesthetic by using "micro-cellular" technologies, flush-mounting antennas, and co-locating facilities on existing utility poles on the inland side of the highway right-of-way. The proposed project will result in additional facilities on the existing poles, however, the incremental amount of new equipment is not unlike the existing poles, transformers, and wiring that currently serve the small neighborhood. The applicant's proposal takes advantage of the existing infrastructure and micro-cell technology to provide a wireless communication system that is far less intrusive than installation of new / additional poles and larger macro-cellular facilities. In addition, the proposed project has been conditioned to require removal of all permanent facilities if the pole-based utilities are relocated underground or if technological advances allow for reduced visual impact. As a result, the proposed wireless facilities will not significantly increase the visual impact of the existing utility poles. The proposed wireless facilities are fairly inconspicuous, will not impact or interrupt public views of the coast, and may result in fewer cumulative impacts by avoiding the need for larger facilities. The proposed project has been sited and designed to be visually compatible with the surrounding environment and therefore, **no substantial issue exists.**

Appellants also contend that the proposed facilities are not sited below the ridgeline as required by LCP section 13.20.130(b)(3). They contend there are feasible alternative sites that are less visible from the highway and of adequate height to provide wireless transmission signals. They recommend re-siting the antennas and ancillary equipment further inland on existing poles outside the Highway 1 right-of-way towards Bonny Doon.

Section 13.20.130(b)(3) of the LCP requires *structures* to be sited and designed not to project above the ridgeline. Though installation of the proposed wireless facilities clearly constitutes development, it is not clear whether the antennas and ancillary equipment can be considered a structure. The LCP defines a structure as anything that is founded in the ground, but also specifically identifies items such as electrical transmission lines as being a structure. In this case, the existing utility poles clearly can be considered a structure, whereas the wireless facilities may or may not be a structure. In any event, the County's interpretation of ridgeline has always been the top of the mountain. The proposed site of the new wireless facilities is on a utility pole midway up a small hill above Highway 1. In some cases, the wireless facilities may appear to rise above the ridgeline as viewed from public vantage points. However, these small "micro-cell" devices have been designed to minimize visual impacts and will not substantially degrade the views of the ridgeline. See Exhibit E. Moreover, placement of the micro-cell facilities on existing utility poles in the road right-of-way is consistent with the Santa Cruz County wireless ordinance, which was adopted to provide specific guidance on siting of wireless facilities to ensure that any expansion of the existing infrastructure will not degrade scenic views.

In response to the appellant's second part of this contention, more specific standards and guidelines for siting and designing wireless communication facilities are contained in the County's Wireless Communications Ordinance (IP sections 13.10.660 – 668). The Ordinance authorizes co-location of wireless facilities within the Highway 1 right-of-way on existing utility poles if they use "micro-cellular" technologies, have antennas that are no larger than 1' x 2', are flush mounted, and located on the inland side of the highway right-of-way. The applicant must first prove that the facility is needed to reduce or



eliminate a significant gap in the carrier's network coverage, and that there are no technically feasible alternatives and environmentally superior alternatives outside the right-of-way that could eliminate or reduce the coverage gap.

Currently, the Applicant has wireless facilities on Swift Street on the west side of Santa Cruz and an approved Coastal Permit for facilities at the Davenport cement plant. The series of micro-cell sites that are the subject of this appeal are necessary to provide continuous wireless coverage on Highway 1 between the Swift Street location and Davenport. Because cellular coverage is greatly affected by geographic features, a series of low-power micro-cell facilities are best suited to reach this topographically separated, winding, and hilly segment of Highway 1. The use of co-located micro-cellular facilities in place of larger wireless communication facilities also minimizes visual and environmental impacts associated with construction of wireless facilities due to the small size of the facilities and the presence of existing poles and utility infrastructure.²

In accordance with the LCP wireless ordinance, the proposed wireless facilities will be mounted onto existing structures (i.e., utility poles) within the Highway 1. The applicant proposes to install "micro-cellular" facilities that are designed to minimize visual impacts and fill-in a gap in the networks coverage. Micro-cellular antennas are most protective of visual resource because of their small size- 7" wide, 24" long, and 2" thick. They can be flush-mounted onto existing utility poles, and camouflaged with paint. By contrast, macro-cellular facilities are much larger in size and require a dedicated structure (i.e., mono-pole) that is between 75' - 100' in height. The proposed "micro-cell" wireless facilities are environmentally superior to other cellular alternatives and pose fewer visual impacts.

Appellants further contend that the development is not located in the least visible site from public view. As noted by the appeals, Highway 1 corridor is considered a scenic viewshed and must be protected consistent with LCP standard 13.20.130(c)(1). This standard applies to all projects located within designated rural scenic resource areas and requires development to be located, if possible, on parts of the site not visible or least visible from the public view.

The County's Wireless Ordinance provides specific guidance for siting and designing wireless facilities consistent with this objective. Specifically, as noted above, wireless facilities are prohibited in the highway right-of-way unless the carrier specifically uses "micro-cellular" technology, takes measures to camouflage the facilities, and installs it on existing utility poles (Section 13.10.661(c)(2)). The intent of the ordinance is to ensure that wireless facilities do not result in a significant expansion of existing infrastructure that would degrade scenic views. The County-approved project complies with these requirements by proposing the use of micro-cell antennas and facilities, carefully selecting locations on existing utility poles inland of Highway 1, and imposing special conditions that requires removal of the wireless facilities if the existing pole-based utilities are relocated underground or if technological advances in wireless communication facilities allow for reduced visual impacts.

² The County's wireless ordinance defines co-location as placing new wireless communication facilities / antennas upon existing or new PG&E or other utility towers or poles.



Therefore, the appeal does not raise a substantial issue regarding the project's conformance with the visual resource protection requirements of the certified LCP.

2. Wireless Facilities

The County's wireless communications ordinance provides specific guidance and standards for siting, designing, and operating wireless communications facilities. The LCP states:

13.10.660(c)(3) Applicability. Activities and development regulated by this ordinance include the siting design, construction, major modification, and operation of all wireless communication facilities, including Federal Communication Commission (FCC) regulated...wireless service facilities (e.g., cellular phone service, PCS – personal communication services, wireless paging services, wireless internet services, etc.). The regulations in this ordinance are intended to be consistent with state and federal law, particularly the Federal Telecommunications Act of 1996, in that they are not intended to:...(3) have the effect of prohibiting the siting of wireless communication facilities on the basis of the environmental / health effects of radio frequency emissions, to the extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions.

13.10.660(d)(7) Co-location or Co-located Facility. When more than one wireless service provider share a single wireless communication facility...Placing new wireless communication facilities / antennas upon existing or new PG&E or other utility towers or poles (e.g., "micro-cell" sites) is also considered co-location.

13.10.661(d) Compliance with FCC Regulations. Wireless communication facilities shall comply with all Federal Communication Commission (FCC) rules, regulations, and standards. Inhabitants of the county shall be protected from the possible adverse health effects associated with exposure to harmful levels of NIER (non-ionizing electromagnetic radiation) by ensuring that all wireless communication facilities comply with NIER standards set by the FCC.

The Appellants contend that the approved project is inconsistent with the County's wireless ordinance regarding co-location of wireless facilities, asserting that the County's definition of co-location incorrectly extends beyond the typical definition of "more than one wireless service provider sharing a single wireless facility" because it includes the placing of new wireless communication facilities / antennas upon existing or new P.G.&E. or other utility towers or poles. The contention is that this definition is imprecise and will facilitate further expansion of wireless communication facilities.

The applicant proposes to install micro-cellular antennas and equipment on existing utility poles within the Highway 1 right-of-way. This technique of "daisy-chaining" the new devices on the existing infrastructure is consistent with the County's ordinance regarding co-location and was endorsed to lessen mainly visual impacts associated with siting new infrastructure in highly scenic areas. The existing poles, wiring, transformers, and other equipment already exist. They already impose a visual impact on the local area. Co-locating small, unobtrusive, micro-cellular antennas and equipment with the existing



utility infrastructure will not substantially alter or degrade the visual impacts of the existing poles and infrastructure, or the visual aesthetic of the community.

In its deliberations on the wireless ordinance, the County found that the proliferation of wireless communication towers and antennas had the potential to create significant adverse visual impacts. They recognized the need to regulate the siting, design, and construction of wireless communication facilities to ensure that the appearance and integrity of the unincorporated areas of Santa Cruz County would not be marred by the cluttering of unsightly facilities. The ordinance deliberately included the use of existing utility poles within the definition of co-location in order to minimize visual clutter. This approach is consistent with the overall objective of "more than one service provider sharing a single facility. As approved by the County, the placement of wireless communication facilities on existing utility poles is consistent with the LCP standards for co-location. Therefore, **no substantial issue exists.**

The Appellants also contend that the County approved project threatens the health and safety of the public in the vicinity of the cell antennas. The claim is that the wireless facilities broadcast microwaves throughout the area adjacent to the cell towers and expose the public to dangerous levels of radiation resulting in numerous ailments. They claim this amounts to involuntary toxic trespass and intrusion into the sanctity of our homes, neighborhoods, and cars.

Section 13.10.664(a) of the County's wireless ordinance states that no wireless facility shall be located or operated in a manner that poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no telecommunications facility or combination of facilities may produce power densities in any area that exceed the FCC adopted standard for human exposure. To implement this, post-construction monitoring of wireless communication facility radio frequency (RF) radiation exposures is required for all wireless communication facilities to prove that all new wireless communication facilities operate in compliance with the FCC RF radiation exposure standards. The County conditioned its permit to require within 90 days after commencement of normal operations, a report documenting radiation measurements and comparing the results to the FCC standards for such facilities will be submitted to the Planning Director. Failure to supply the required reports or to remain in continued compliance with the established FCC standards is grounds for review of the use permit and may result in the initiation of permit revocation proceedings by the County.

A preliminary Radio Frequency (RF) report has been prepared for the project by a qualified consulting engineer. It is the finding of the report that the proposed facility will result in a maximum ambient RF level of less than 1% of the applicable public exposure limit.

Thus, this issue does not rise to the level of a substantial issue in terms of the project's conformance with the certified LCP.

3. Public Notice

The Appellant contends the County's hearing process precludes participation from the public. The complaint stems from the County's practice of scheduling meetings during the day when most of the



public is at work. They claim that evening meetings would better serve public participation.

Consistent with the County's certified LCP, public notice of the impending zoning Administrator's hearing was mailed to all owners of property within 300 feet of the proposed project, posted on the property, and published in the Santa Cruz Sentinel at least 10 days prior to the date of the hearing. The notice contained information on the location and description of the project, how to obtain additional information on the project, the date of the hearing, and description of the appeal procedures. There was a properly noticed public hearing on the proposed projects on May 6, 2005.

The projects have been processed consistent with LCP noticing and hearing requirements, and the Appellants have been provided with adequate opportunity to inform local decision makers of their concerns. Documents submitted with the appeal indicate that the Appellants submitted written comments on the project prior to the County's action. Therefore, **no substantial issue exists.**

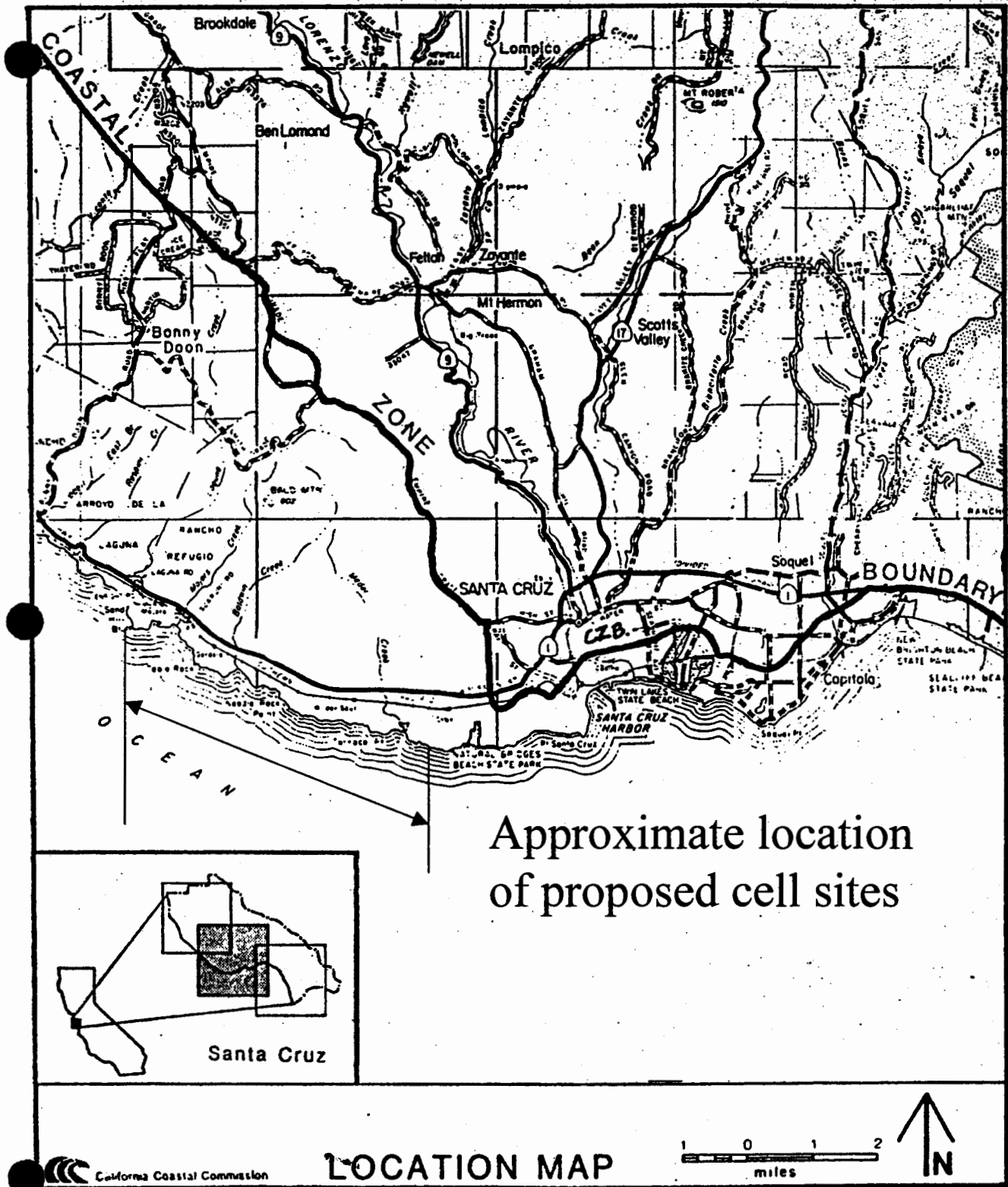
C. Substantial Issue Conclusion

The County-approved project is for a system of "micro-cell" wireless communication facilities at six locations on the north coast of Santa Cruz County. The wireless facilities will be co-located on existing utility poles and flush mounted to minimize visual intrusion. The project has further been conditioned to require the abandonment and removal of the wireless facilities if the pole based utilities are relocated underground. The conditions also require replacement of the facilities when technological advances allow for reduced visual impacts. With these conditions, the approved project is consistent with the certified wireless communication ordinance and will not have a significant impact on visual resources or the rural character of the north coast community.

Thus, the Commission finds that no substantial issue exists with respect to this project's conformance with the certified Santa Cruz County LCP and the public access and recreation policies of the Coastal Act and declines to take jurisdiction over the coastal development permit for the project.



Exhibit A: Location Map

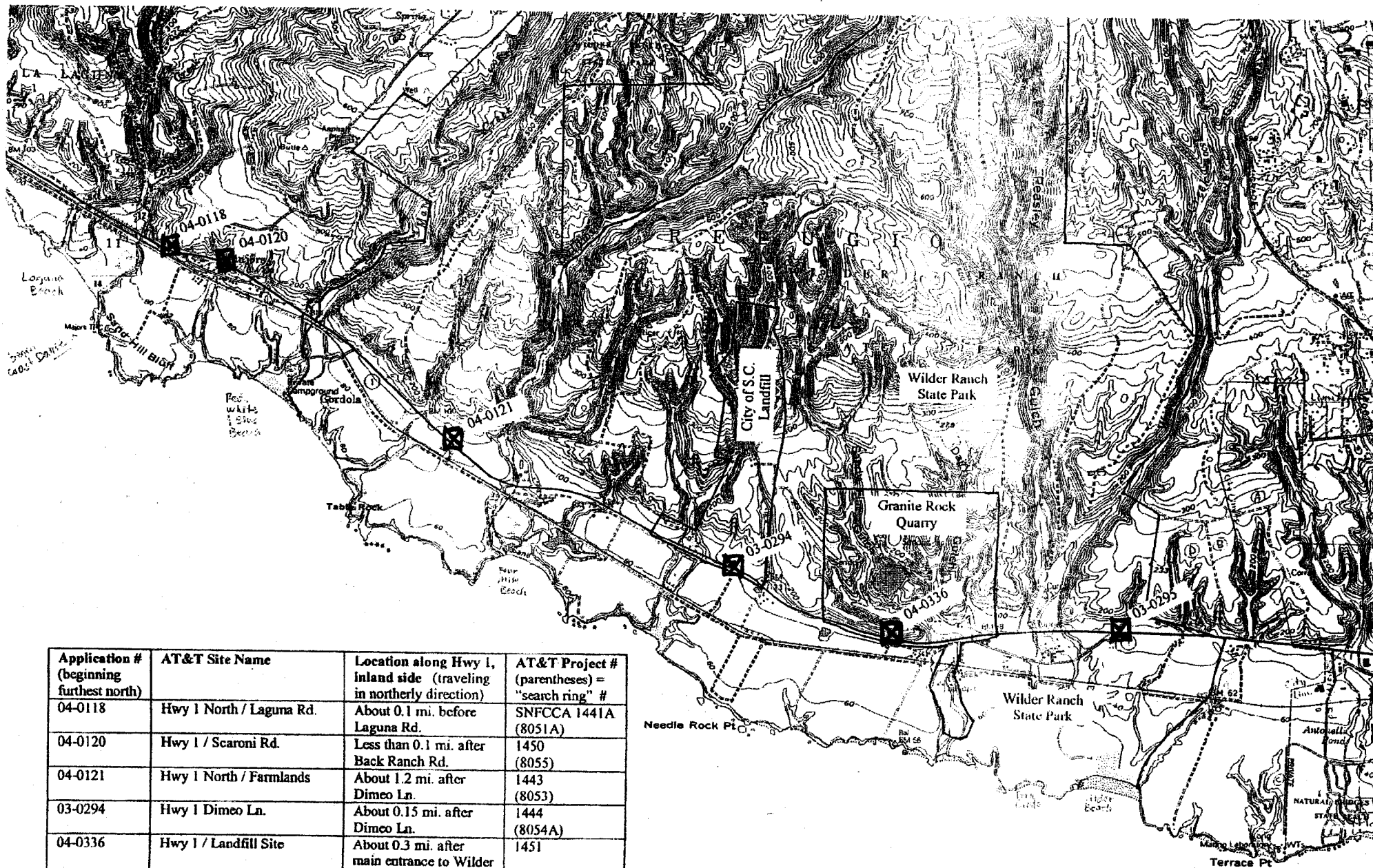


County of Santa Cruz

Sheet 2 of 3

CCC Exhibit A
(page 1 of 2 pages)

A-3-SC0-05-036...041



Application # (beginning furthest north)	AT&T Site Name	Location along Hwy 1, inland side (traveling in northerly direction)	AT&T Project # (parentheses) = "search ring" #
04-0118	Hwy 1 North / Laguna Rd.	About 0.1 mi. before Laguna Rd.	SNFCCA 1441A (8051A)
04-0120	Hwy 1 / Scaroni Rd.	Less than 0.1 mi. after Back Ranch Rd.	1450 (8055)
04-0121	Hwy 1 North / Farmlands	About 1.2 mi. after Dimeo Ln.	1443 (8053)
03-0294	Hwy 1 Dimeo Ln.	About 0.15 mi. after Dimeo Ln.	1444 (8054A)
04-0336	Hwy 1 / Landfill Site	About 0.3 mi. after main entrance to Wilder Ranch State Park	1451
03-0295	Hwy 1 / Granite Rock Quarry	About 0.3 mi. before Hwy. 1 bridge over Wilder Creek	1445. (8056B)

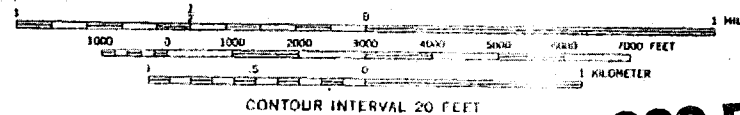
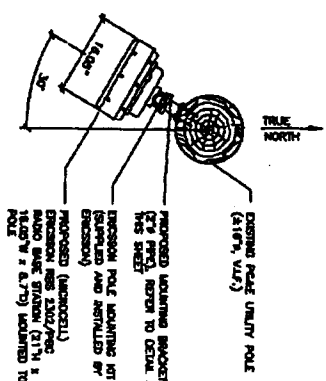
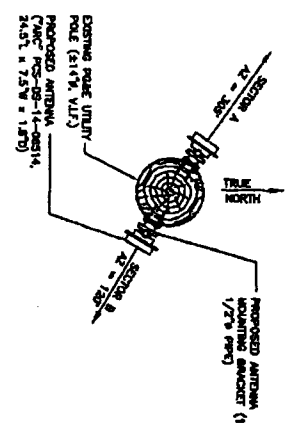


EXHIBIT E

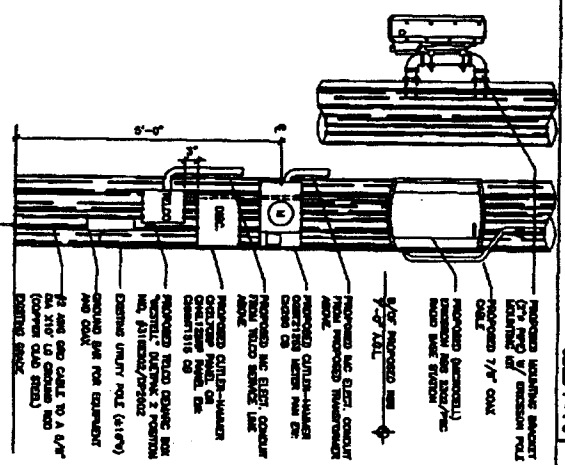
CCC Exhibit A
(page 2 of 2 pages)
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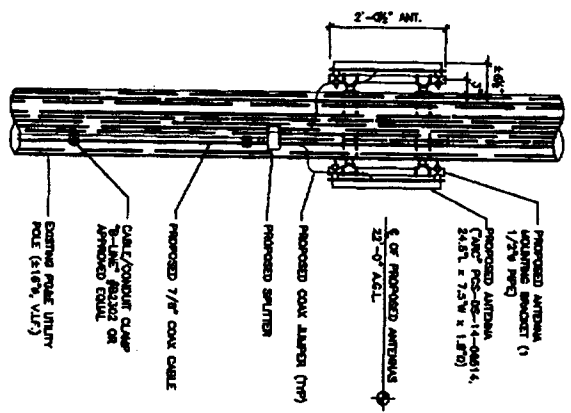
LAYOUT PLAN AT BASE RADIO
SCALE 1" = 1'-0"



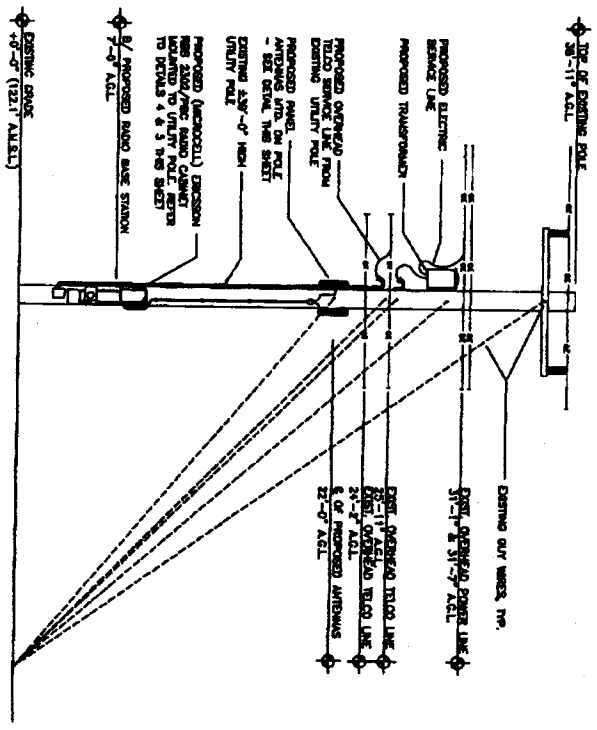
LAYOUT PLAN AT ANTENNAS
SCALE 1" = 1'-0"



PARTIAL ELEVATION AT BASE RADIO
SCALE 1" = 1'-0"



PARTIAL ELEVATION AT ANTENNAS
SCALE 1" = 1'-0"

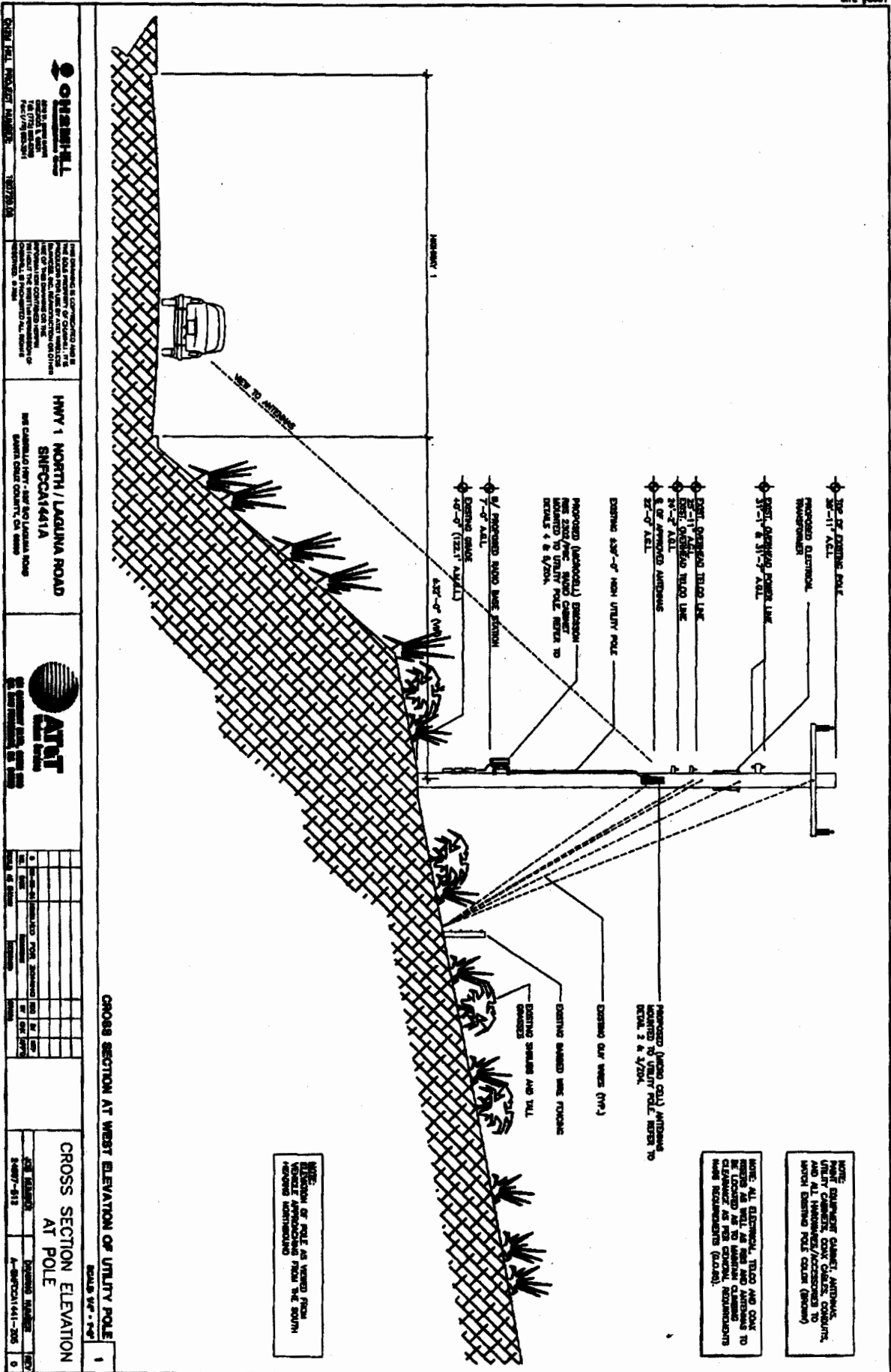


SOUTHWEST ELEVATION AT UTILITY POLE
SCALE 1" = 1'-0"

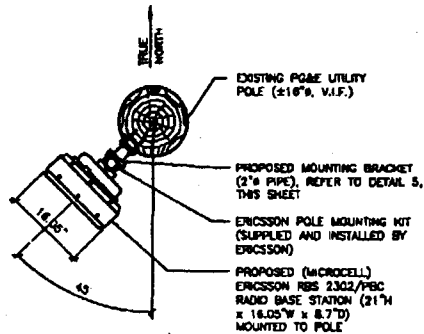
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DATE	BY	DATE	BY	DATE	BY
10/1/82	JAN	10/1/82	JAN	10/1/82	JAN
JOB NUMBER 1400-512		DRAWING NUMBER A-3-SC0-05-036		SHEET 0	

NOTE: ALL ELECTRICAL, TELEPHONE, AND CABLE ROUTES AS SHOWN ARE TO BE LOCATED WITHIN THE RIGHT-OF-WAY. ALL ELECTRICAL, TELEPHONE, AND CABLE ROUTES AS SHOWN ARE TO BE LOCATED WITHIN THE RIGHT-OF-WAY.

NOTE: ALL ELECTRICAL, TELEPHONE, AND CABLE ROUTES AS SHOWN ARE TO BE LOCATED WITHIN THE RIGHT-OF-WAY. ALL ELECTRICAL, TELEPHONE, AND CABLE ROUTES AS SHOWN ARE TO BE LOCATED WITHIN THE RIGHT-OF-WAY.

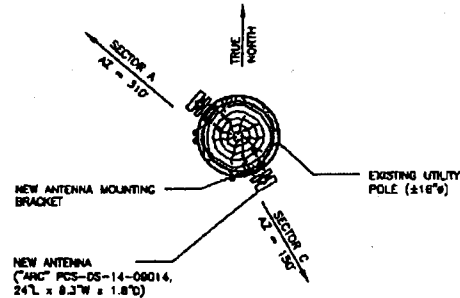


SITE CROSS



LAYOUT PLAN AT BASE RADIO

SCALE 1" = 1'-0"

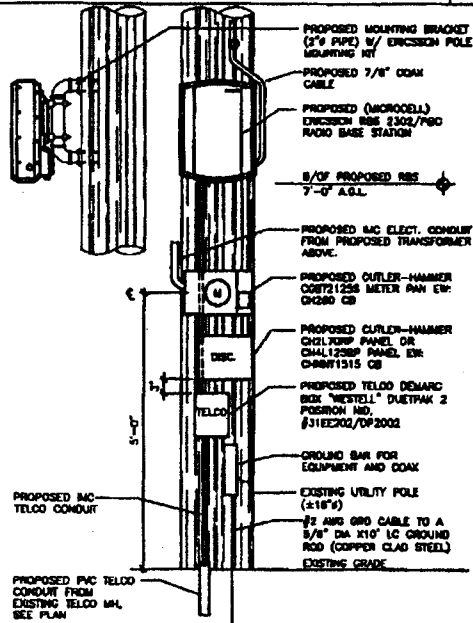


LAYOUT PLAN AT ANTENNAS

SCALE 1" = 1'-0"

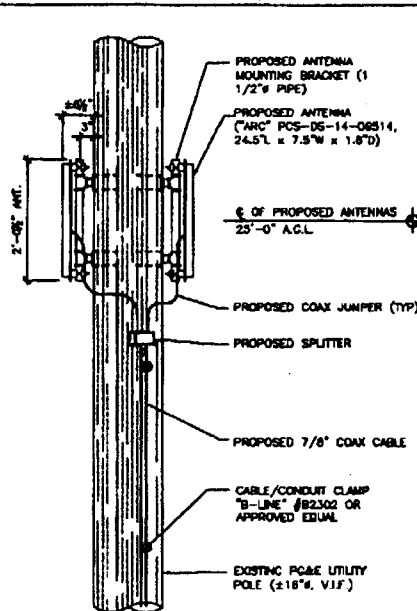
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NOTE: ALL ELECTRICAL, TELCO AND COAX RISERS AS WELL AS RBS AND ANTENNAS TO BE LOCATED AS TO MAINTAIN CLIMBING CLEARANCE AS PER GENERAL REQUIREMENTS H&S REQUIREMENTS (6.0.65).



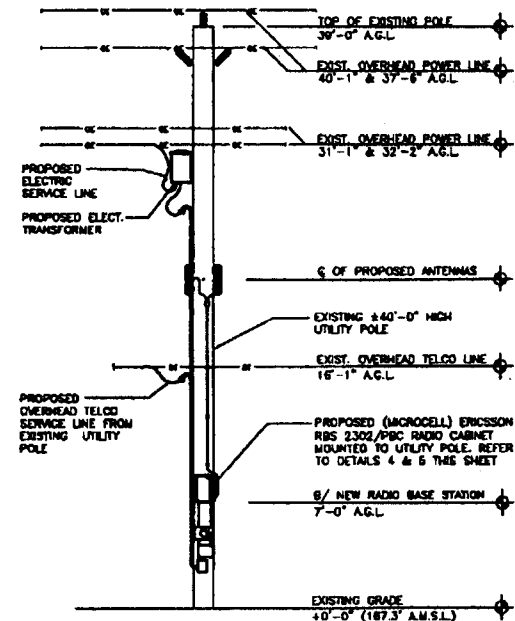
PARTIAL ELEVATION AT BASE RADIO

SCALE 1" = 1'-0"



PARTIAL ELEVATION AT ANTENNAS

SCALE 1" = 1'-0"



SOUTHEAST ELEVATION AT UTILITY POLE

SCALE 1/4" = 1'-0"



ONEHILL
Engineering Group
1815 W. BURNHAM
CHANDLER, AZ 84911
TEL: (772) 888-3333
FAX: (772) 888-3344

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HWY 1 / SCARONI ROAD
SNFCCA1450

1/4 MILE CASABILLO HWY. - 1/4 MILE EAST OF COAST RD
SANTA CRUZ COUNTY, CA 95068



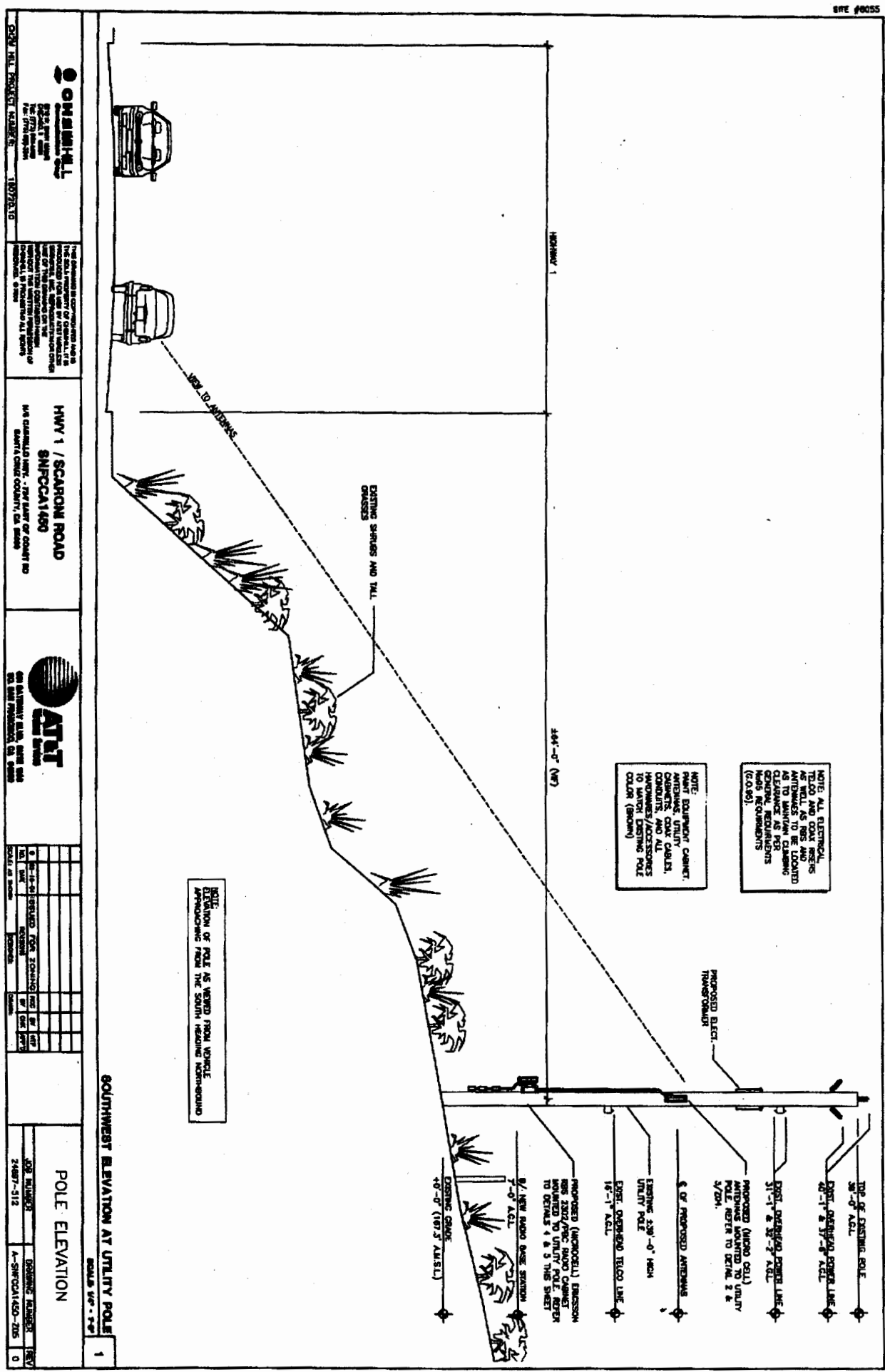
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SAN FRANCISCO, CA 94102

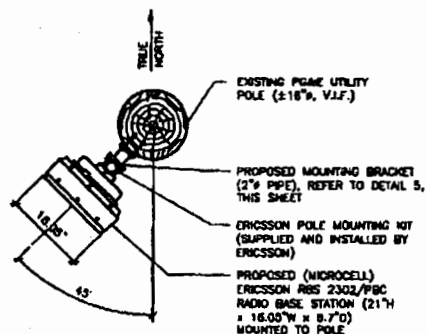
NO.	DATE	REVISIONS	BY	CHK	APP'D
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2	02-15-04	REVISED	ROC	SV	HTP

POLE ELEVATION AND
EQUIPMENT MOUNTING

JOB NUMBER	DRAWING NUMBER	REV
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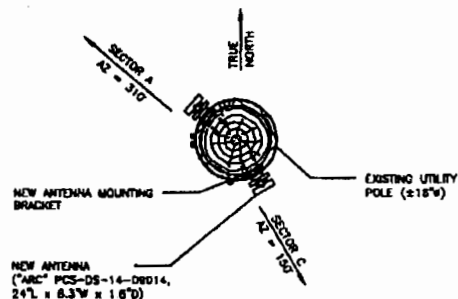
COC Exhibit B
(page 3 of 12 pages)
A-3-510-05-127





LAYOUT PLAN AT BASE RADIO

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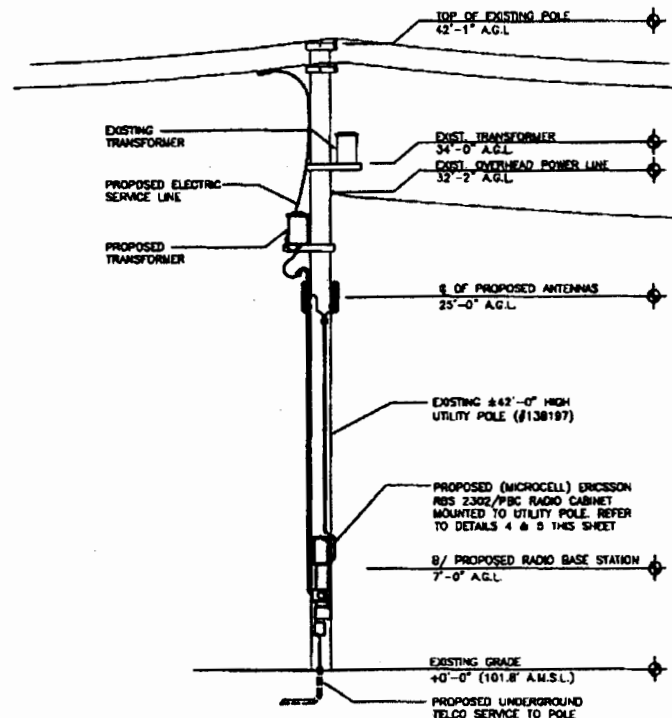


LAYOUT PLAN AT ANTENNAS

SCALE 1" = 1'-0"

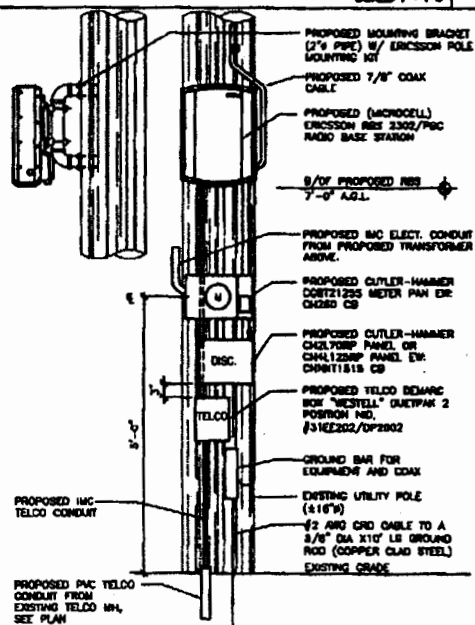
NOTE: PART EQUIPMENT CABINET, ANTENNAS, UTILITY CABINETS, COAX CABLES, CONDUITS, AND ALL HARDWARE/ACCESSORIES TO MATCH EXISTING POLE COLOR (BROWN)

NOTE: ALL ELECTRICAL, TELCO AND COAX RISERS AS WELL AS RIS AND ANTENNAS TO BE LOCATED AS TO MAINTAIN CLIMBING CLEARANCE AS PER GENERAL REQUIREMENTS NARS REQUIREMENTS (G.O.85).



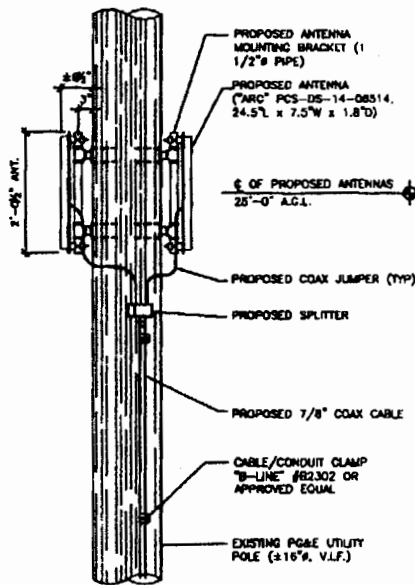
SOUTHWEST ELEVATION AT UTILITY POLE

SCALE 1/4" = 1'-0"



PARTIAL ELEVATION AT BASE RADIO

SCALE 1" = 1'-0"



PARTIAL ELEVATION AT ANTENNAS

SCALE 1" = 1'-0"



CH2M HILL
SANTA CRUZ COUNTY, CA 95068
TEL: (773) 880-0200
FAX: (773) 880-3041

CH2M HILL PROJECT NUMBER: 140790.00

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HWY 1 NORTH / FARMLANDS
SNFCCA1443

610 SCARDINE ROAD NIS CARRELLO HWY
SANTA CRUZ COUNTY, CA 95068



800 BATTERY BLVD, SUITE 1000
SAN FRANCISCO, CA 94102

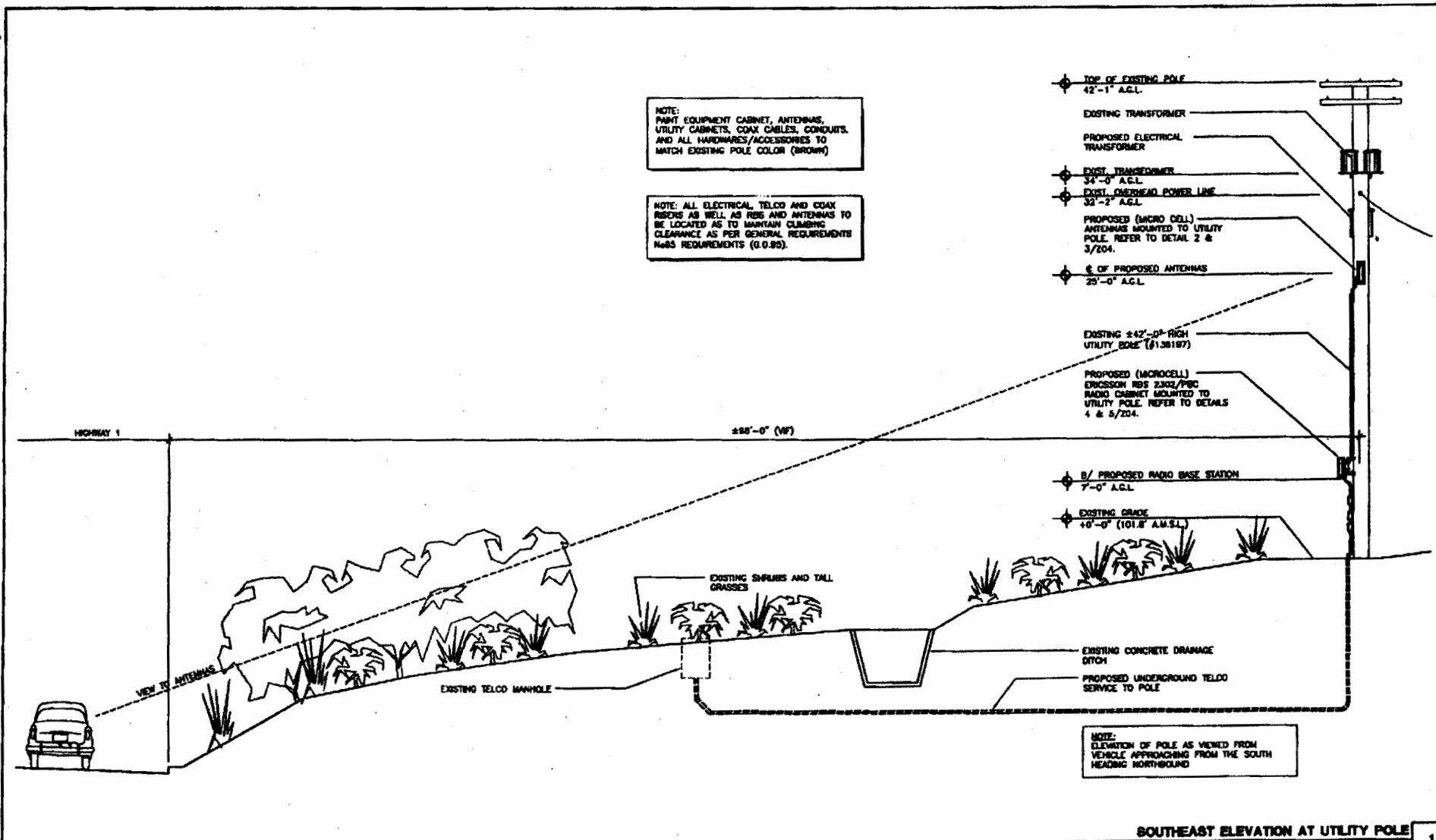
NO.	DATE	REVISION	BY	CHK	APP'D
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2	04-15-04	REVISION	BY	CHK	APP'D

POLE ELEVATION AND
EQUIPMENT MOUNTING

JOB NUMBER	DRAWING NUMBER	REV
24887-512	A-SNFCCA1443-204	0

CCC Exhibit B
(page 5 of 12 pages)
A-3-SC0-05-03B

DATE: 1/10/03



SOUTHEAST ELEVATION AT UTILITY POLE

SCALE: 1/4" = 1'-0"



CH2M HILL
SANTA CRUZ COUNTY
200 N. SPRING
SANTA CRUZ, CA 95060
TEL (574) 554-3300
FAX (574) 554-3301

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HWY 1 NORTH / FARMLANDS
SNFCCA1443

140 SCARSON ROAD N/S CARRELLO HWY
SANTA CRUZ COUNTY, CA 95060



801 BATTERY BLVD, SUITE 800
SAN FRANCISCO, CA 94099

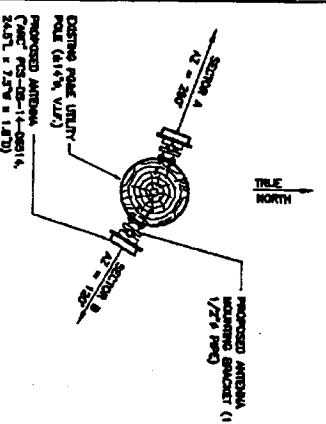
NO.	DATE	REVISION	BY	CHKD
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2	01-10-01	REVISION	OF	101-01-01
3	01-10-01	REVISION	OF	101-01-01

CROSS SECTION ELEVATION
AT POLE

JOB NUMBER	DRAWING NUMBER	REV
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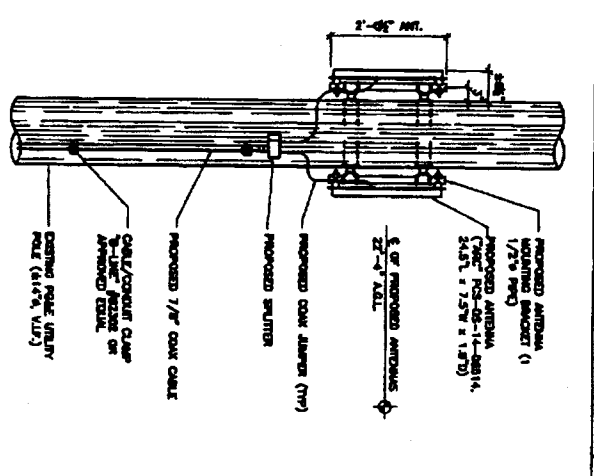
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CCC Exhibit B
(page 6 of 12 pages)
A-3-SCD-05-038

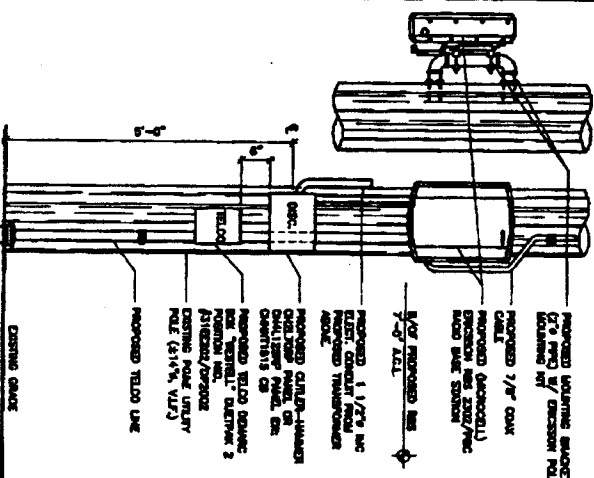


LAYOUT PLAN AT ANTENNAS

DOMS P - 1-0

PARTIAL ELEVATION AT ANTENNAS:

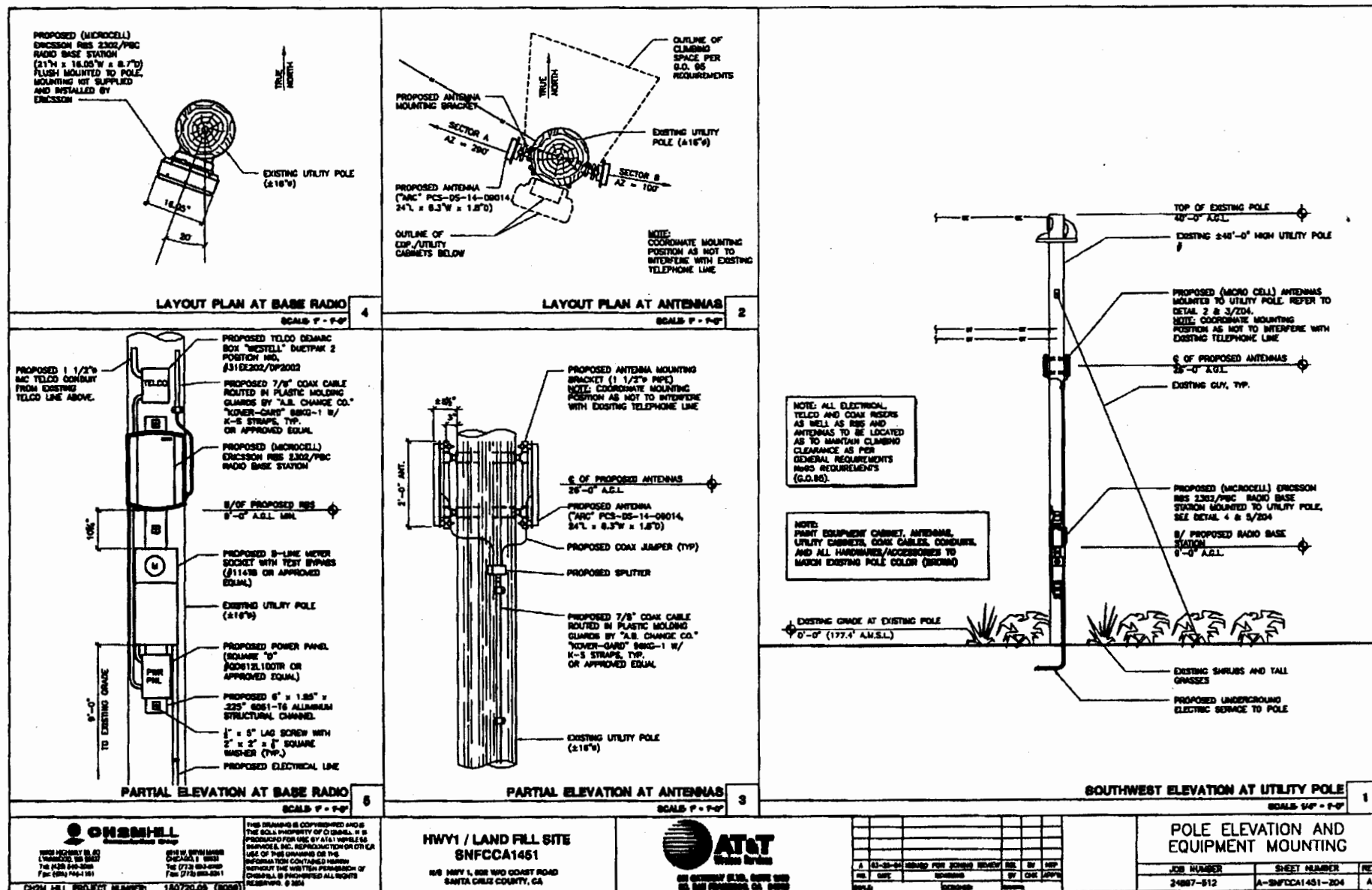
100-1-14



UTILITY POLE

BOULDER 447 - 9-01

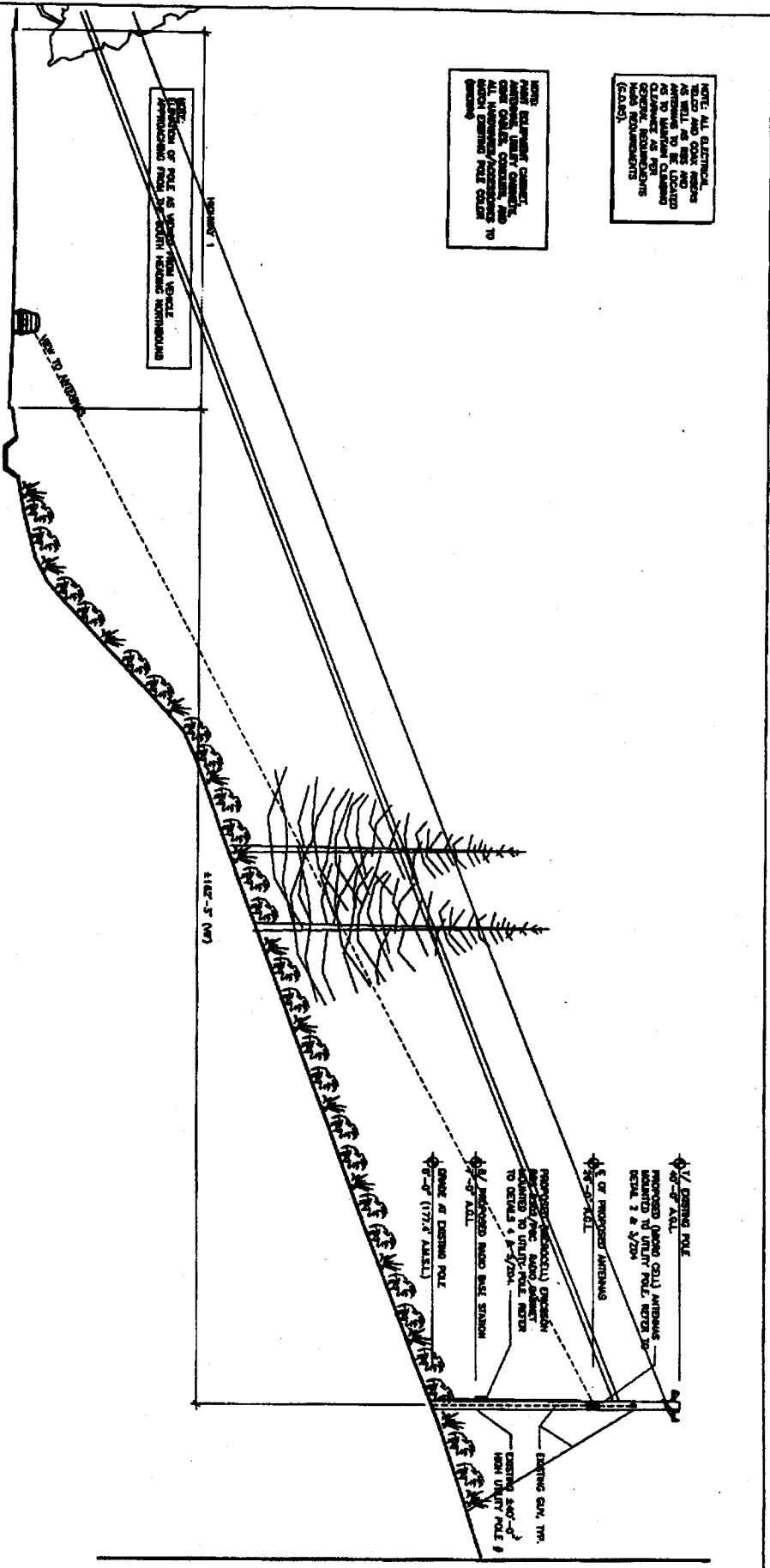
POLE ELEVATION AND EQUIPMENT MOUNTING					
DATE MAILED		SHEET NUMBER		REV.	
NOVEMBER 1984		704		A	



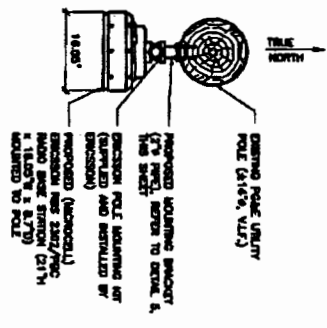
CCC Exhibit B
(page 9 of 12 pages)
A-3-SCO-05-040

NOTE: ALL ELECTRICAL
EQUIPMENT SHALL BE
LOCATED AS SHOWN
ON THIS PLAN. ALL
EQUIPMENT SHALL BE
PROTECTED BY A
CONCRETE FOUNDATION
(C.F.)

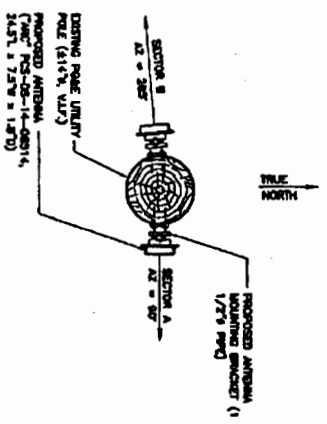
NOTE: ALL ELECTRICAL
EQUIPMENT SHALL BE
LOCATED AS SHOWN
ON THIS PLAN. ALL
EQUIPMENT SHALL BE
PROTECTED BY A
CONCRETE FOUNDATION
(C.F.)



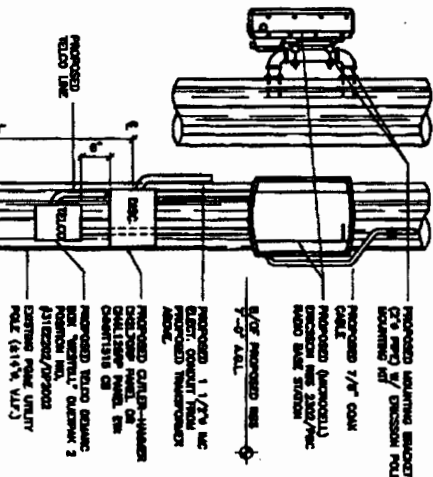
GENERAL PROJECT NO. 100-100-100 SHEET NO. 100-100-100 DATE 10/10/10		THE FOLLOWING IS A SUMMARY OF THE INFORMATION CONTAINED ON THIS SHEET. IT IS THE RESPONSIBILITY OF THE USER TO OBTAIN ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES AND TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.	
PROPERTY / LAND REL. SITE SNFCCA1481 SAN JOSE COUNTY, CA		AT&T 100-100-100-100	
POLE ELEVATION 100-100-100-100		100-100-100-100	



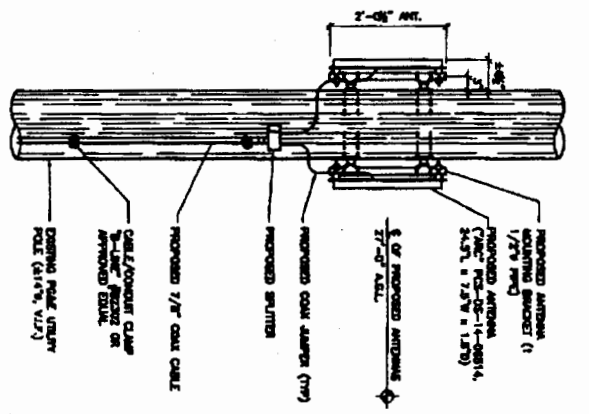
LAYOUT PLAN AT BASE RADIO



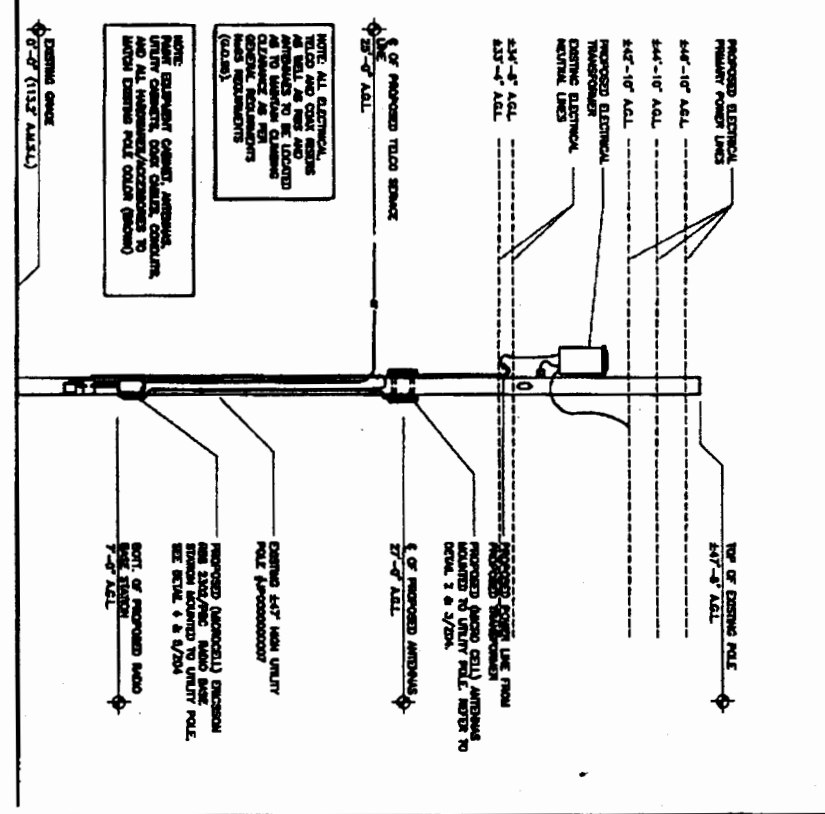
LAYOUT PLAN AT ANTENNAS



PARTIAL ELEVATION AT BASE RADIO



PARTIAL ELEVATION AT ANTENNAS



SOUTH ELEVATION AT UTILITY POLE

CHS/SHILL
 10000 W. 100th Ave.
 Suite 100
 Denver, CO 80231
 Tel: (303) 751-1111
 Fax: (303) 751-1111

THE FOLLOWING INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT A CONTRACT. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

Hwy 1 / GRANITE ROCK QUARRY
 9800080568
 1000 W. 100th Ave. Suite 100
 Denver, CO 80231

AT&T
 1000 W. 100th Ave. Suite 100
 Denver, CO 80231

NO.	DESCRIPTION	DATE	BY	CHKD BY
1	ISSUED FOR PERMITTING	01/01/01	JD	JD
2	REVISED FOR PERMITTING	01/01/01	JD	JD
3	REVISED FOR PERMITTING	01/01/01	JD	JD
4	REVISED FOR PERMITTING	01/01/01	JD	JD
5	REVISED FOR PERMITTING	01/01/01	JD	JD
6	REVISED FOR PERMITTING	01/01/01	JD	JD
7	REVISED FOR PERMITTING	01/01/01	JD	JD
8	REVISED FOR PERMITTING	01/01/01	JD	JD
9	REVISED FOR PERMITTING	01/01/01	JD	JD
10	REVISED FOR PERMITTING	01/01/01	JD	JD

POLE ELEVATION AND EQUIPMENT MOUNTING	
ITEM	REMARKS
1	POLE ELEVATION AND EQUIPMENT MOUNTING
2	POLE ELEVATION AND EQUIPMENT MOUNTING
3	POLE ELEVATION AND EQUIPMENT MOUNTING
4	POLE ELEVATION AND EQUIPMENT MOUNTING
5	POLE ELEVATION AND EQUIPMENT MOUNTING
6	POLE ELEVATION AND EQUIPMENT MOUNTING
7	POLE ELEVATION AND EQUIPMENT MOUNTING
8	POLE ELEVATION AND EQUIPMENT MOUNTING
9	POLE ELEVATION AND EQUIPMENT MOUNTING
10	POLE ELEVATION AND EQUIPMENT MOUNTING

6/9/05
351 Redwood Hts. Rd.
Aptos, CA 95003

To California Coastal Commission,

Re: Appeal zoning administrator's approval of six north coast microcell sites (see attached for locations)

Not everything that can be counted, counts.

Not everything that counts, can be counted.

Albert Einstein

I am requesting that you do what counts for the well being of the coastal ecosystem and its many inhabitants and visitors.

Four of us arrived at the 5/6/05 hearing (which began at 10:00.) Steve and Laura Brooks arrived at 10:15, a Japanese American resident of Dimeo Lane (if I recall correctly), and myself shortly thereafter.

We learned that all six sites were lumped together and passed as a group prior to our entrance. Since I've been attending these zoning meetings, I found this unusual. The Aptos Coastal sites had separate discussions. Unfortunately, no oral discussion is on the tape of the meeting. My written comments and attachments are here for your consideration.

Planner Jack Nelson's preparations of course are in the written record only (due to the quick passage of approval).

EVENING PUBLIC HEARINGS ARE NEEDED SO THE WORKING PUBLIC CAN ATTEND - NOT JUST HIGHLY PAID INDUSTRY REPRESENTATIVES.

I think that valid issues raised in the attached letters were not investigated. My sense is that Wireless sites do not follow the intent of the Coastal Act or the Local Coastal Plan. Solar powered call boxes work just fine without radiating the vicinity constantly, as these sites will do.

As comments submitted re: the Aptos flat panel antenna sites are relevant to all coast areas, I am including my 8/6/04 letter to Zoning Administrator Don Bussey.

I am not an attorney, but a retired elementary school teacher volunteering my energy and time in the public interest. I appreciate your consideration of this serious subject, which most people are as ill informed of health consequences as when the tobacco industry marketed their highly advertized cigarettes.

Thank you for your consideration.

Sincerely,

Marilyn Garrett
688-4603

RECEIVED

JUN 09 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CCC Exhibit C
(page 1 of 5 pages)

A-3-SC0-05-036-00

copy
To Zoning Administrator 5/6/05 agenda

PLEASE DO NOT APPROVE ITEMS one through 6 re: co-location of micro cell wireless communications facilities on six existing phone poles. .. on the North Coast in the Coastal Protection area.

Why:

Wireless means radiation and endangers people and all life.

Co)-location means one wireless facility located with another. THIS IS A MISDEFINITION IN THE ORDINANCE, which was recently questioned by Planning Commissioner Ted Durkee.

Approval of this paves the path for more ~~radiat~~ radiation on hundreds, perhaps thousands of poles throughout the County. As wires function as antennas conducting the microwave radiation throughout the wires and into homes, this creates involuntary toxic trespass and intrusion into the sanctity of our homes and neighborhoods.

REQUIRE PROOF OF EXPOSURE LEVELS AND VERIFICATION OF THE ABOVE STATED FACTS BY INDEPENDENT CONSULTANT (like Sage associates in S.B.)

Where wireless facilities are installed, declines in bird populations result. The Coast is a protected area.

~~As~~ As water conducts electricity and microwave radiation, and as my microalert detector sounds as I walk along West Cliff and other Santa Cruz Co. beaches, a thorough investigation needs to be made into harm to ocean ecosystems and beaching of mammals - radiation may play a key role compounded with other anti nature policies.

It is a fact that CORPORATIONS SYSTEMATICALLY DESTROY NATURE - the telecom industry being a major player. WHEN CORPORATIONS MAKE THE LEGISLATION, as with the telecom act of 1996, AND BUY THE GOVERNMENT OFFICIALS, democracy cannot exist.

You are obligated to view scientific facts. Much data has been submitted to you at previous hearings. Please read carefully the attachments. (18)

PLEASE CONTINUE THIS HEARING: DO NOT APPROVE THESE APPLICATIONS. SANTA CRUZ HAS A UNIQUE COASTLINE AND IS A MAJOR TOURIST HAVEN AND WILDLIFE REFUGE. EXHORBITANT FEES FOR APPEAL PROHIBIT THE PEOPLE OF SANTA CRUZ FROM PROTECTING THEIR QUALITY OF LIFE AND ARE PROOF OF CORPORATE DOMINANCE OVER DEMOCRACY. Their \$ is unlimited.

To rule in their favor is to favor corporations over the people of S.C.

A RECENT SUPREME COURT DECISION INVOLVING PALOS VERDES IN SO. CAL. BASICALLY said the Telecom corporations could not sue to bankrupt local governments for refusing placement of wireless facilities. I am requesting that you & the planning dept. obtain a copy of this ruling. I need a copy for myself as I haven't yet read it.

You speak of aesthetics. I am submitting the statement of S.C. City Planning Commissioner David Foster on this topic having to do with how people feel about a place - do they want to be there. For me the ugliest thing of all is corporations destructing of nature and the web of life. It is an irrational and anti-democratic policy. We need to reclaim democracy and thus reclaim the commons.

Sincerely, Marilyn Garrett
351 Redwood Hts. Rd. Aptos 95003

CCC Exhibit C
(page 2 of 5 pages)

A-3-80-05-036...041

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JUN 09 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

13.20. 122 a Grounds for Appeal (Brooks Appeal)

THE DEVELOPMENT WILL FAIL TO PROTECT PUBLIC VIEWS FROM ANY PUBLIC ROAD OR FROM A RECREATIONAL AREA TO AND ALONG THE COAST.

This proposed development is on Highway One on the North Coast, a designated scenic highway. The surrounding land use is both agriculture and residential within the Bonny Doon Planning area and zoned Special Use inside the Coastal Zone. In addition, the coastal portion of the coastal bluff property, Sand Hill Bluff, has been acquired by the Ca. State Dept. of Parks and Recreation and limited public access will be opened within the property. This public recreation area is located on the beach side directly across from the proposed development which is visible to residents and visitors alike as they return walking from the coastal bluff and beach. Further, this development is within view of most, if not all, of the residential community of Old Coast Rd., which in the past had its own Post Office and was known as Majors, California, which was because Majors Creek, part of the water supply for the City of Santa Cruz runs under Highway One at the West end of Old Coast Road. Near this proposed development are three roads which enter Scenic Highway One; Coast Road, which is a loop road and has two entrances and Back Ranch Road. There are also two bus stops, north and southbound, which are also within the view of this proposed project. Traffic slows at this juncture to permit the entrance and egress of cars, bicycles and pedestrians who ride the Santa Cruz County buses; In fact, traffic often comes to a complete stop in order to negotiate these right angle turns.

As you travel south on Scenic Highway One from Davenport to Santa Cruz this hillside is the only view available for a short while as the ocean view is blocked by the topography at that juncture. As the ocean view emerges a large turn-out is provided from which many people stop to rest and enjoy the natural beauty afforded them at this spot. Unfortunately, this proposed pole site and its attendant visual clutter would be in full view of the scenic resting spot.

PROJECT SETTING

"The subject site... is a utility pole on a moderately steep slope above a steep highway cut bank on the inland side of Highway One ..."

As may be deduced from the Project Setting description, this proposed pole is located on a hill which rises above all the land surrounding it. As such, it is decidedly not of "...negligible visual impact ..." [13.10.661 (c) (3). This pole is instead the dominant visual feature because it towers above both scenic Highway One and the Coast Road housing

CCC Exhibit C
(page 3 of 5 pages)

A-3-SC0-05-036...04

community. Again, we vigorously disagree with the finding that "... the visual impact of the proposed facility is negligible..."

In addition, "...where a PG&E transformer is not already available on the utility pole, PG&E may be providing electric power by means of installing a cylindrical transformer on the pole..."

Also of great concern is the likelihood that other telecommunications companies would want to site their antennas as well on poles which have been permitted by the Coastal Commission and the visual clutter would substantially and continuously compromise the community which lives here and those coming here to recreate. The public views from Scenic Highway One would become visual blight and not as "...protective of the visual environment.

1. VISUAL COMPATIBILITY. All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas.

The placement of multiple cell phone antennas, electrical and support on a hillside directly overlooking the Old Coast Road neighborhood of homes is neither visually compatible nor integrated with the character of the surrounding area. The hillside in question is of coastal grasses and home to Red-Tail Hawks. The technological pile-on of equipment onto a simple utility pole in full and direct view of an old established community and all who travel on Back Ranch and Coast Roads will be a clear and continuous visual hardship for those accustomed all these years to an appreciation of the rural character of these coastal hills.

Because this land is deemed agricultural and special use, no new roads or access are to be established to service this proposed site. Exhibit G of the Planning Permit is in error with the statement "Access to the site will be via the (E) dirt road on the west side of Dimeo Lane." No such road exists this direction from from Dimeo Lane and access has been and would be from Back Ranch Road. When these antennas were going up, before a valid permit application and before the work stoppage order went into effect, access was obtained by driving across the coastal grasses up a hillside with truck and equipment which affected the nesting Red-Tail Hawk population and left visible scars on the hillside that the grasses are still trying to reclaim.

2. RIDGELINE DEVELOPMENT. Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline.

A simple solution would be to site the cell phone antennas and attendant equipment further inland two poles on the same existing power line towards Bonny Doon, thus having an access road to the pole that already has a PG&E power down it. The damage proposed by this application could be forestalled by this placement. This would reduce the visual impact from the scenic corridor of Highway One to nearly negligible.

Let us make clear that unlike other of the proposed cell antenna sites, there are preferable alternatives along the inland utility pole line that are not visible from the road but are of the height required to provide transmission of signals.

(c) RURAL SCENIC RESOURCES. (Ord. 4346 12-13-94)

1. **Location of Development.** "Development shall be located, if possible, on parts of the site not visible or least visible from public view."

Highway One, the Coast Highway is considered to be a 'scenic viewshed'. As such, its character must be protected, whenever possible. To those who would argue that the viewshed occupies only the ocean side of the highway, let us recognize that a view is whatever is before us and that we see with both eyes and not merely to the left as we travel up the coast or to the right as we travel down the coast.

The utility pole co-location proposed near Back Ranch Road is not the only possible site, as the utility poles in this location travels inland to Bonny Doon. Most of the approved sites do not have any pole lines going inland, so are being sited along the Coast Highway pole line with no alternative. By moving the site at Back Ranch Road inland two poles, the problems mentioned in this appeal would be minimized as much as possible. This concern is of even greater importance when it is noted that the ordinance (# 4346 12-13-94) fails to limit the number of flat panel antennae that can be placed on existing power poles.

Everything possible must be done to mitigate the visual and aesthetic effects.

The California Environmental Quality Act Exemption is not exempt if:

"...The project and successive projects of the same type in the same place will result in cumulative impacts ..." This would apply to the addition of other cell phone antennae placed at this site, increasing the visual burden and blight.

Exceptions to the exemption apply. Highway One is a designated 'scenic highway' and because of this the burden is on Cingular to show that the proposed location of these antennae is the least intrusive means of filling "significant gaps" in service and that there are no other possible sites, which in this particular instance, is not true, as there are other utility poles available to rectify the major concerns presented in this appeal.

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned SU (Special Use), a designation which allows wireless communication facilities at Level V permit review, including that the SU district allows uses as are allowed in the RA (Residential Agriculture) zone district. The proposed "microcell" wireless communication facility is a permitted use within the zone district, consistent with the site's AG (Agriculture) General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that the project is designed and coordinated to occupy space within the existing utilities infrastructure.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the proposed facility will be co-located on an existing utility pole and will blend with the existing utility infrastructure to reduce potential visual impact.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road and the project will be located on an existing utility pole on the inland side of a public right of way. Consequently, the "microcell" wireless communication facility will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the proposed project is designed and located in a manner that will minimize potential impacts to visual resources, and that the construction of the proposed project will not impede access to the beach or other recreational resources.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the maximum ambient RF level due to the proposed facility will be less than 1% of the applicable public exposure limit.

The proposed project will not result in inefficient or wasteful use of energy, in that the proposed microcell facility is a low power, localized station limited to filling in a documented signal gap that would otherwise exist.

The project will not be materially injurious to properties or improvements in the vicinity in that the project will be co-located on an existing utility pole, resulting in a negligible visual impact.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that microcell wireless communication facilities co-located on existing utility poles are allowed as an exception to the restricted areas (including the inland side of Coastal right-of-ways) prohibition, without the requirement of further alternatives analysis, per County Code section 13.10.661(c)(3). The antennas and equipment box also meet the size limitations for restricted areas.

The project site is located within the SU (Special Use) zone district, in which wireless communication facilities are an allowed use.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed microcell wireless communication facility will be co-located on an existing utility pole. Microcell wireless communication facility installations that are co-located on existing utility poles, such as this proposal, are an environmentally superior alternative to larger wireless communication facility installations and their associated visual and environmental impacts.

The site of the proposed project is within the Highway 1 scenic corridor. The proposed project complies with General Plan Policy 5.10.3 (Protection of Public Vistas), in that the co-located microcell facility minimizes visual and environmental impacts, due to the small size of the proposed facility and the presence of an existing utility pole and utilities infrastructure. The existing public views from the scenic highway will remain relatively unchanged as a result of this project.

The property is located in the SU (Special Use) zone district, which is consistent with the AG (Agriculture) General Plan designation. Wireless communication facilities are an allowed use in this zone district.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed "microcell" wireless communication facility can access electric power already available at the site, and will require only periodic inspection by maintenance personnel, which will not impact traffic levels in the vicinity.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed facility will be co-located on an existing utility pole. This proposed design will adequately mitigate any potential visual resource impacts.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed facility will be co-located on an existing utility pole and will blend with the existing utilities infrastructure to reduce potential visual resource impacts.

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EXHIBIT B

Wireless Communication Facility, Use Permit Findings

1. The development of the proposed wireless communications facility as conditioned will not significantly affect any designated visual resources, environmentally sensitive habitat resources (as defined in the Santa Cruz County General Plan/LCP Sections 5.1, 5.10, and 8.6.6.), and/or other significant County resources, including agricultural, open space, and community character resources; or there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed wireless communications facility as conditioned (including alternative locations and/or designs) with less visual and/or other resource impacts and the proposed facility has been modified by condition and/or project design to minimize and mitigate its visual and other resource impacts.

This finding can be made, in that the proposed microcell wireless communication facility will be co-located on an existing utility pole. Facilities that are co-located on existing utility poles, such as this proposal, are an environmentally superior alternative to larger facilities and the associated visual and environmental impacts.

The use of such co-located facilities in place of larger wireless communication facility installations, when technically feasible, minimizes the visual and environmental impacts associated with the construction of wireless communication facilities due to the small size of the facilities and the presence of an existing pole and utilities infrastructure.

The proposed project will not have an impact on north coast agricultural lands or other significant County resources, again because of the small sized facility located on an existing utility pole.

2. The site is adequate for the development of the proposed wireless communications facility and, for sites located in one of the prohibited and/or restricted areas set forth in Sections 13.10.661(b) and 13.10.661 (c), that the applicant has demonstrated that there are not environmentally equivalent or superior and technically feasible: (1) alternative sites outside the prohibited and restricted areas; and/or (2) alternative designs for the proposed facility as conditioned.

This finding can be made, in that there is an existing utility pole, and in that installation of microcell wireless communications facilities co-located on existing utility poles is allowed as an exception to the restricted areas prohibition without the requirement of further alternatives analysis, per County Code section 13.10.661(c)(3).

3. The subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this title (County Code 13.10.660) and that all zoning violation abatement costs, if any, have been paid.

This finding can be made, in that the project site is located within a public right-of-way and is used for the purpose of public access and utilities infrastructure.

The antennas and equipment box for this project site were installed prematurely without benefit of permits, and the contractor was required to stop work. The facility has not been in operation. This permit application is a required remedial step. Code Compliance staff advised that no zoning violation abatement fees are applicable to the subject property or project.

4. The proposed wireless communication facility as conditioned will not create a hazard for aircraft in flight.

This finding can be made, in that the proposed wireless communications facility will be located on an existing utility pole, which is too low to interfere with an aircraft in flight.

5. The proposed wireless communication facility as conditioned is in compliance with all FCC and California PUC standards and requirements.

This finding can be made, in that the maximum ambient RF levels due to the proposed facility are calculated to be less than one percent of the public exposure limit.

6. For wireless communication facilities in the coastal zone, the proposed wireless communication facility as conditioned is consistent with all applicable requirements of the Local Coastal Program.

This finding can be made, in that the proposed wireless communication facility is designed and located in a manner that will minimize potential impacts to scenic, agricultural, and other resources, and that the construction of the proposed facility will not impede access to the beach or other recreational resources.

adverse environmental impacts, the applicant shall submit a Hazardous Materials Management Plan for review and approval by the County Department of Environmental Health Services, if required.

- C. Meet all requirements and pay any applicable plan check fee of the County Fire district.
- V. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. Construction and maintenance access shall be made by personnel on foot. No new vehicle access shall be constructed.
 - B. All site improvements shown on the final approved Building Permit plans shall be installed.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - D. The Hazardous Materials Management Plan, if required, shall be approved by the County Department of Environmental Health Services.
 - E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- VI. Operational Conditions
- A. Operation of the facility shall be in conformance with the County's Wireless Communication Facilities Ordinance, and with requirements of Caltrans, the Joint Pole Authority, and any other regulatory authority.
 - B. Transfer of Ownership. In the event that the original permittee (or original permit applicant) sells or has sold its interest in a wireless communication facility, the succeeding carrier shall assume all responsibility concerning the project and shall be held responsible to the County for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name, if changed, for the project shall be provided by the succeeding carrier to the Planning Department within 30 days of transfer of interest in the facility.

- C. The exterior finish and materials of the wireless communication facility must be maintained when needed to continue to blend with the existing utilities infrastructure. Additional paint and/or replacement materials shall be installed as necessary to blend the wireless communication facility with the existing utilities infrastructure.
- D. The operator of the wireless communication facility must submit within 90 days of commencement of normal operations (or within 90 days of any major modification of power output of the facility) a written report to the Santa Cruz County Planning Department documenting the measurements and findings with respect to compliance with the established Federal Communications Commission (FCC) Non-Ionizing Electromagnetic Radiation (NEIR) exposure standard. The wireless communication facility must remain in continued compliance with the NEIR standard established by the FCC at all times. Failure to submit required reports or to remain in continued compliance with the NEIR standard established by the FCC will be a violation of the terms of this permit.
- E. The use of temporary generators to power the wireless communication facility is not allowed at any time is prohibited. Any generator used during associated with construction and installation shall not be left running while personnel are not present and shall not be left onsite overnight.
- F. If, in the future, the pole based utilities are relocated underground at this location, the operator of the wireless communication facility must abandon the facility and be responsible for the removal of all permanent structures and the restoration of the site as needed to re-establish the area consistent with the character of the surrounding natural landscape.
- G. If, as a result of future scientific studies and alterations of industry-wide standards resulting from those studies, substantial evidence is presented to Santa Cruz County that radio frequency transmissions may pose a hazard to human health and/or safety, the Santa Cruz County Planning Department shall set a public hearing and in its sole discretion, may revoke or modify the conditions of this permit.
- H. If future technological advances would allow for reduced visual impacts resulting from the proposed telecommunication facility, the operator of the wireless communication facility must make those modifications which would allow for reduced visual impact of the proposed facility as part of the normal replacement schedule. If, in the future, the facility is no longer needed, the operator of the wireless communication facility must abandon the facility and be responsible for the removal of all permanent structures and the restoration of the site as needed to re-establish the area consistent with the character of the surrounding natural landscape.
- I. Any modification in the type of equipment shall be reviewed and acted on by the Planning Department staff. The County may deny or modify the conditions at this

time, or the Planning Director may refer it for public hearing before the Zoning Administrator.

- J. A Planning Department review that includes a public hearing shall be required for any future co-location at this wireless communications facility.
- K. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

VII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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Owner: Caltrans

- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.


Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.


Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.

Approval Date: 5-6-05

Effective Date: 5-20-05

Expiration Date: 5-20-07


Don Bussey
Deputy Zoning Administrator


Jack Nelson
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

CCC Exhibit D
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EXHIBIT C

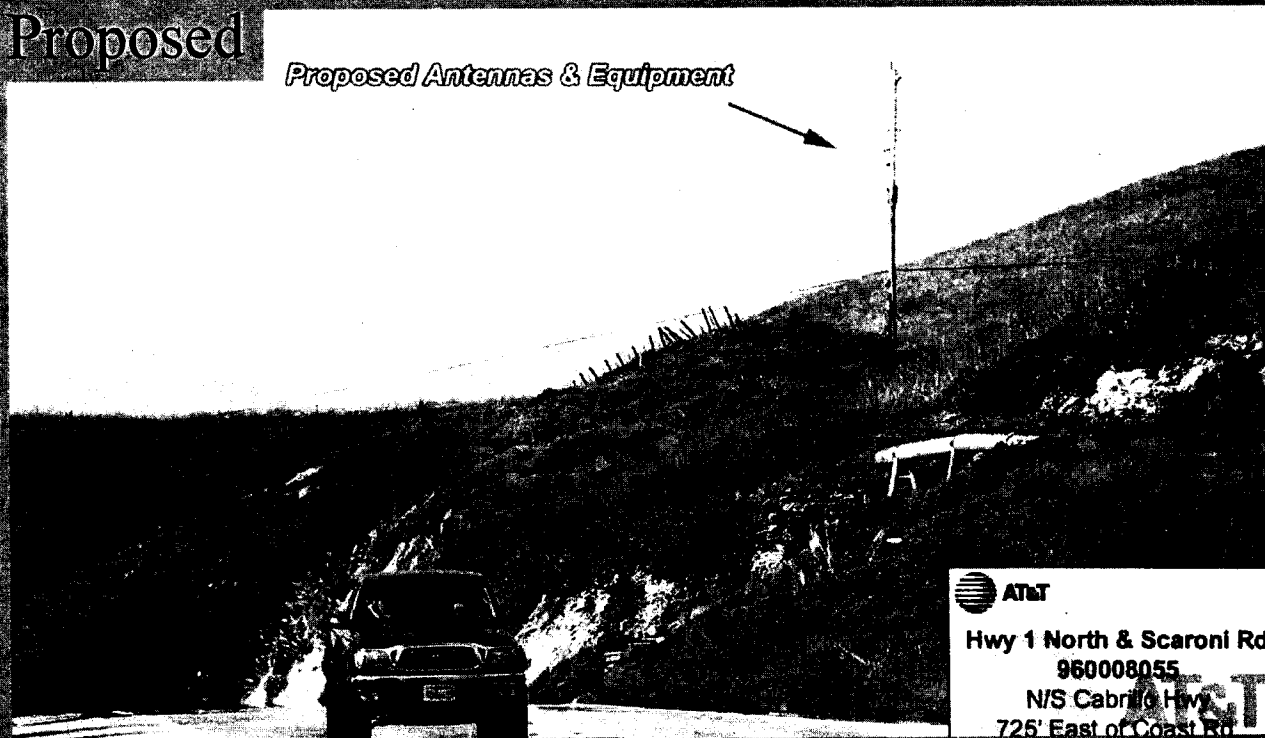
Exhibit E: Site Photos (typical)

Existing



Highway 1
Northbound

Proposed



Hwy 1 North & Scaroni Rd
960008055
N/S Cabrillo Hwy
725' East of Coast Rd

Exhibit E: Site Photos (typical)

Existing

Existing
Utility Pole

Highway 1
Southbound



Proposed

Proposed Antennas & Equipment



Hwy 1 North & Scaroni Rd
960008055
N/S Cabrillo Hwy
725' East of Coast Rd.

