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STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

| | |
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| Application No.: | A-1-MEN-14-0006 |
| Applicant: | Cellco Partnership, dba Verizon Wireless |
| Appellants: | (A) Commissioners Steve Kinsey and Mary Shallenberger; and (B) Lauren Moody, Norman L. de Vall, Greg Krouse, Zac Zachary, and Russell Fieber |
| Local Government: | County of Mendocino |
| Local Decision: | Approval with Conditions |
| Location: | Adjacent to and east of Highway One, approximately 1 mile south of Albion, at 2335 North Highway One in Mendocino County, (APNs 123-370-03, 123-360-07, and 123-320-02) |
| Project Description: | Development and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless), that includes: (1) construction of a 105-foot-tall “monopine” (described as a monopole designed to resemble a pine tree) with 12 panel antennas and 2 GPS antennas; (2) installation of a 30-kilowatt diesel generator; (3) installation of a 132- gallon propane tank; (4) construction of a 176-square-foot equipment shelter; and (5) construction of approximately 500 feet of a 12-foot-wide gravel access driveway and turnaround to connect to the existing driveway. |
| Staff Recommendation: | Substantial Issue |

SUMMARY OF STAFF RECOMMENDATION

On January 16, 2014, Mendocino County Planning Commission conditionally approved Coastal Development Use (CDU) Permit # CDU 10-2012 authorizing development and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless). The project site is located atop an uplifted coastal marine terrace adjacent to and east of Highway One, and is within a designated “Highly Scenic Area.”

Two separate appeals of the County’s decision to grant the permit with conditions were filed in a timely manner with the Commission within 10 working days of receipt by the Commission of the County’s Notice of Final Action. The appeals were filed by: (A) Commissioners Steve Kinsey and Mary Shallenberger (**Exhibit No. 8**); and (B) Lauren Moody, Norman L. de Vall, Greg Krouse, Zac Zachary, and Russell Fieber (**Exhibit No. 9**). The visual resource contentions of both appellants are similar. However, the local record indicates that the individuals filing as Appellant B are not aggrieved persons for purposes of Coastal Act sections 30625 and 30801 and therefore only Appellant A has standing to appeal. Therefore, the staff report views only Appellant A’s contentions as valid appeal contentions and views Appellant’s B similar contentions as written comments on the appeal submitted by a member of the public.

The valid appeal submitted by Appellant A contends that the approved 105-foot-tall cylindrical monopine that extends above the existing vegetation is: (a) not subordinate to the natural setting; and (b) not located in the least visible location as required by the visual resource protection policies of the certified LCP, including policies applicable to development sited in highly scenic areas.

The abovementioned LCP policies require that development within designated highly scenic areas be subordinate to the character of its setting. Information contained in the County’s findings demonstrate that the approved development will not be subordinate, but instead will be visible from public vantage points to and along the coast such as along portions of Highway One, at Salmon Creek Bridge, and from the nearby Navarro Blufflands property managed for public blufftop access. The approval further acknowledges that existing vegetation will not screen the approved development, and that “as much as two-thirds or 70 feet of the top of the “monopine” will be visible at a distance when travelling along the Highway.” Despite efforts to use “subdued colors” on the approved telecommunications facility, the rigid, unmoving 105-foot-tall cylindrical monopine will contrast with the broad, spreading canopies of surrounding shorter cypress and native shore pine trees. Contrary to the LCP, the approval also fails to conduct a comprehensive analysis of feasible alternative locations and designs that would have less visual impact and be subordinate to the character of its setting while still providing the proposed geographic coverage. A number of possible alternatives were not addressed. For example, the County’s findings and Applicant’s summary do not discuss alternative sites that might be in less visible locations than the open marine terrace on the subject property. In addition, the County findings and the summary analysis provided by the Applicant do not address alternatives involving the use of multiple smaller telecommunications facilities rather than just the single 105-foot-tall tower that was approved. Relying on smaller telecommunication facilities may allow for the use of true stealth designs (such as placement of antennas under decks or within chimneys) similar to previous County-approved telecommunications facilities in coastal Mendocino County.

Therefore, the degree of factual and legal support for the County’s action is lacking, because project alternatives and mitigation measures that would result in less environmental impact to visual resources were not adequately evaluated. Approval of a 105-foot-tall monopine that projects above surrounding vegetation in a designated highly scenic area creates an adverse precedent for future interpretations of the LCP. The protection of views to and along coastal Mendocino County is an issue of statewide concern as Highway One and access to the nearby blufftop trails are used by residents and coastal tourists from California, the nation, and the world.

Therefore, Commission staff recommends that the Commission find that the appeal raises a substantial issue of conformance with LCP policies regarding the protection of visual resources.

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APPENDICES

[Appendix A](#) – Commission’s Appeal Jurisdiction Over Project

[Appendix B](#) – Substantive File Documents

[Appendix C](#) – Visual Resources Policies

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EXHIBITS

Exhibit 1 – Regional location map

Exhibit 2 – Vicinity Map/ Aerial Photo

Exhibit 3 – Site Plans

Exhibit 4 – Visual Simulations Prepared by the County

Exhibit 5 – Visual Simulations Prepared by Verizon

Exhibit 6 – Project Description and Alternatives Analysis Prepared by Verizon

Exhibit 7 – Notice of Final Local Action and Findings for Approval for CDP 10-2013

Exhibit 8 – Appeal A

Exhibit 9 – Appeal B

I. MOTION AND RESOLUTION

Motion:

I move that the Commission determine and resolve that Appeal No. A-1-MEN-14-0006 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Staff recommends a **NO** vote on the foregoing motion. Following the staff recommendation by voting no will result in the Commission conducting a *de novo* review of the application, and adoption of the following findings. Passage of this motion via a yes vote, thereby rejecting the staff recommendation, will result in a finding of No Substantial Issue, and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners.

Resolution:

The Commission hereby finds that Appeal No. A-1-MEN-14-0006 presents 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 Plan and/or the public access and recreation policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

A. APPEAL JURISDICTION AND PROCEDURES

Appeal Jurisdiction

Pursuant to Coastal Act Section 30603, the County's approval is appealable to the Commission because: (1) the approved telecommunications facility is a form of development that is not designated as the "principal permitted use" under the certified LCP; and (2) the approved development is located within a designated "highly scenic area," which is a sensitive coastal resource area. The Commission's Appeal Jurisdiction is further discussed in Appendix A which is hereby incorporated by reference. The grounds for an appeal are limited to an allegation that the approved development does not conform to the standards set forth in the certified local coastal program and as the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The Coastal Act presumes that an appeal raises a substantial issue of conformity of the approved project with the certified LCP, unless the Commission decides to take public testimony and vote on the question of substantial issue.

IMPORTANT NOTE:
**THE COMMISSION WILL NOT TAKE PUBLIC TESTIMONY DURING THE
 SUBSTANTIAL ISSUE PHASE OF THE APPEAL HEARING UNLESS
 AT LEAST THREE (3) COMMISSIONERS REQUEST IT.**

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue¹ of conformity of the approved project with the certified LCP. Since the staff is recommending substantial issue, unless three Commissioners object, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its *de novo* review at the same or subsequent meeting. The Commission will not take public testimony during this phase of the appeal hearing unless three Commissioners request it.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicants, appellants with standing to appeal the local government's action, and persons who made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

Unless it is determined that there is no substantial issue, the Commission will proceed to the *de novo* portion of the appeal hearing and review the merits of the proposed project. Oral and written public testimony will be taken during this *de novo* review which may occur at the same or subsequent meeting.

B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

The Mendocino County Planning Commission approved the proposed project with special conditions at its hearing held on January 16, 2014. The North Coast District Office received the Notice of Final Local Action on January 31, 2014 (**Exhibit 7**). Two separate appeals of the County's decision to grant the permit with conditions were filed in a timely manner with the Commission within 10 working days of receipt by the Commission of the County's Notice of Final Action. The appeals were filed by: (A) Commissioners Steve Kinsey and Mary Shallenberger (**Exhibit No. 8**); and (B) Lauren Moody, Norman L. de Vall, Greg Krouse, Zac Zachary, and Russell Fieber (**Exhibit No. 9**).

¹ The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: (a) the degree of factual and legal support for the local government's decision; (b) the extent and scope of the development as approved or denied by the local government; (c) the significance of the coastal resources affected by the decision; (d) the precedential value of the local government's decision for future interpretations of its LCP; and, (e) whether the appeal raises only local issues, or those of regional or statewide significance.

Standing of Appellant B

Section 30625 of the Coastal Act provides, in applicable part, that any appealable action on a coastal development permit for any development by a local government may be appealed to the Commission by any aggrieved person. Section 30801 of the Coastal Act defines an "aggrieved person" as:

...any person who, in person or through a representative, appeared at a public hearing of the commission, local government, or port governing body in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the commission, local government, or port governing body of the nature of his concerns or who for good cause was unable to do either.

As Appellant B neither appeared at the public hearing on the project or informed the County of the nature of their concerns prior to the hearing and has not demonstrated good cause as to why they were unable to do either, Appellant B does not have standing as an aggrieved person to appeal the local government's approval of CDU Permit No. 10-2012 pursuant to Coastal Act Sections 30801 and 30625. Based on a review of the local record, none of the individuals filing as Appellant B testified at the local hearing on the development being appealed or informed the local government by other means of the nature of their concerns prior to the hearing. Although the local government published notice in the newspaper prior to the public hearing, Appellant B indicates that the only notice of the County Planning Commission hearing on the matter Appellant B was aware of came in the form of a newspaper article about the approved development that was published in the Mendocino Beacon hours after the January 16, 2014 meeting had commenced, "allowing no time for coast residents to attend the meeting." Following the January 16, 2014 publication of the County's action, Ms. Lauren Moody did contact County Planning staff on January 16 to express her concerns but only after the County had already taken action.

Further, there is no good cause for Appellant B's failure to meet the standing requirements set forth in the statute. None of the individuals that filed as Appellant B were entitled to receive direct notice of the January action and the County followed the notice requirements applicable to their approval of development appealable to the Commission.

Mendocino County Coastal Zoning Code (CZC) Section 20.536.010(C) requires noticing at least ten (10) calendar days prior to the first hearing on the development proposal, and CZC Section 20.536.010(D) requires in part that the notice contain the date, time, and place at which the application will be heard by the approving authority. Mendocino County Coastal Zoning Code Section 20.536.010 ("Coastal Development Permit Hearing and Notice Requirements") states in part the following:

(B) Hearing. *The approving authority shall hold at least one public hearing on each coastal development application for an appealable development or for a non-appealable development which requires a public hearing pursuant to other provisions of this Division. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The hearing shall occur no earlier than ten (10) calendar days following the mailing of the notice required in Subsection (C) below.*

(C) Notice. At least ten (10) calendar days prior to the first public hearing on the development proposal, the Coastal Permit Administrator shall provide notice by first class mail of a pending application for a development subject to this section. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions, to all property owners within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to all occupants of property within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership.

(D) Content of Notice. The notice shall contain the following information:

- (1) A statement that the development is within the coastal zone;
- (2) The date of filing of the application and the name of the applicant;
- (3) The number assigned to the application;
- (4) A description of the development and its proposed location;
- (5) The date, time and place at which the application will be heard by the approving authority;
- (6) A brief description of the general procedure concerning the conduct of hearing and local actions; and
- (7) The system for local and Coastal Commission appeals, including any fee(s) that may be required.

If a hearing on a coastal development permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in Subsection (C) above.

The County followed the above-required procedures for noticing the public about the pending coastal development permit application and the local hearing. There is no indication that the individuals who collectively comprise Appellant B should have been considered known interested parties by the County. The Applicant did post a notice of the pending permit application at the site on December 13, 2012, and the County provided direct notice of the hearing to those property owners and residents within a 300-foot radius of the site. Additionally, notice of the hearing and the staff report on the matter were posted to the County of Mendocino Department of Planning and Building Services website. The metadata indicates the posting took place on December 18, 2013. In addition, the County provided newspaper notice of the hearing in the “general legal” section of the Mendocino Beacon on December 19, 2013. According to the “proof of publication” prepared by the Office Clerk of the Mendocino Beacon and contained in the local record, the published hearing notice included, among other things: (a) the date, time, and location of the hearing; (b) the project case number; (c) a description of the project; (d) the location of the project; (e) how to access the staff report; (f) the comment submittal deadline and methods to provide comments via telephone, in writing, and in person; (g) methods of appeal to

the Board of Supervisors and the Coastal Commission; and (h) methods to obtain notification of the Planning Commission's decision.

In addition, by publishing a notice of the local hearing in the local newspaper 28 days prior to the hearing, the County provided a means for the public at large to be informed about the pending application and hearing. Appellant B also indicates that as the Mendocino Coast is a one and a half hour drive to Ukiah, where the Planning Commission hearing was held, the appellants could not attend. Mendocino County is a large County geographically, and the County seat of Ukiah is distant from many parts of the coastal zone. However, Ukiah is where the Planning Commission ordinarily meets and holds its public hearings on coastal development permits and other matters. Therefore, there was nothing unusual about the location of the public hearing on the coastal development permit that would make it more difficult for Appellant B to attend than other members of the public.

Therefore, as Appellant B neither appeared at the public hearing on the project or informed the County of the nature of their concerns prior to the hearing and has not demonstrated good cause as to why they were unable to do either, Appellant B does not have standing as an aggrieved person to appeal the local government's approval of CDU Permit No. 10-2012 pursuant to Coastal Act Sections 30801 and 30625. Therefore, Appellant B is not an aggrieved person who may file an appeal consistent with the requirements of Coastal Act sections 30625 and 30801.

C. FEDERAL TELECOMMUNICATIONS ACT

Public entities' powers to regulate the placement of telecommunication facilities are limited by the Federal Communications Commission ("FCC") and Federal law, specifically the Telecommunications Act of 1996 ("TCA"). First, the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in USC, Titles 15, 18 & 47), precludes state and local governments from enacting ordinances that prohibit or have the effect of prohibiting the provision of telecommunications services, including "personal wireless services."

Second, U.S. Codes Title 47, section 253 preempts state and local regulations that maintain the monopoly status of a telecommunications service provider. Section 253(a) states: "No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."

Third, the TCA also contains provisions applicable only to *wireless* telecommunications service providers. 47 USC section 332(c)(7) preserves the authority of local governments over zoning decisions regarding the placement and construction of wireless service facilities, subject to enumerated limitations in section 332(c)(7)(B). One such limitation is that regulations "shall not prohibit or have the effect of prohibiting the provision of personal wireless services." (47 USC section 332(c)(7)(B)(i)(II).) An agency runs afoul of either 47 USC section 253 or 47 USC section 332(c)(7) if (1) it imposes a "city-wide general ban on wireless services" or (2) it actually imposes restrictions that amount to an effective prohibition (47 USC section 253(a); 47 USC section 332(c)(7)(B)(i)(II)). A public entity also can run afoul of TCA's effective prohibition clause if it prevents a wireless service provider from closing a significant gap in service coverage, taking into account the feasibility of alternative facilities or site locations.

Fourth, state and local governments cannot "regulate the placement, construction and modification of cellular facilities on the basis of environmental effects of radio frequency

emissions” if the facilities comply with the FCC regulations with respect to such emissions. (47 USC section 332(c)(7)(B)(iv).) If an agency denied or regulated a cell phone tower on the basis of the environmental effects of radio frequency emissions (RFEs) that comply with the federal regulations, then that agency action is preempted.

The limitations upon a state and local government’s authority with respect to telecommunications facilities contained within the Telecommunications Act of 1996 (TCA) do not state or imply that the TCA prevents public entities from exercising their traditional prerogative to restrict and control development based upon aesthetic or other land use considerations. Other than the above-identified enumerated exceptions, the TCA does not limit or affect the authority of a state or local government. Though Congress sought to encourage the expansion of telecommunication technologies, the TCA does not federalize telecommunications land use law. Instead, Congress struck a balance between public entities and telecommunication service providers. Under the TCA, public entities retain control “over decisions regarding the placement, constructions, and modification of telecommunication facilities.” (47 USC § 332(c)(7)(A).)

State and local governments must act “within a reasonable time frame” in acting on applications, and decisions to deny such requests must be “in writing and supported by substantial evidence contained in a written record.” (47 USC section 332(c)(7)(B)(iii).) On November 18, 2009, the Federal Communications Commission (the “FCC”) released a Declaratory Ruling clarifying Section 332(c)(7) of the Telecommunications Act. *See In Re: Petitioner for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc.*, FCC 09-99 (FCC November 18, 2009) (the “Ruling”). This declaratory ruling defined what is a presumptively “reasonable time” beyond which an agency’s inaction may constitute a prohibited failure to act. The FCC found that “a reasonable period of time” upon application completeness is, presumptively, 90 days to process personal wireless service facility siting applications requesting collocations and 150 days for all other applications. The ruling permits a wireless service provider whose filed application has been pending for a period of 90 days for collocation applications, and 150 days for all other applications to seek judicial review within 30 days on the basis that a state or local permitting authority failed to act on the application within “a reasonable time.” The state or local government would have the opportunity to rebut the presumption of reasonableness. On May 20, 2013, the U.S. Supreme Court upheld the Fifth Circuit Court of Appeals’ decisions in consolidated *City of Arlington Texas et al. v. Federal Communications Commission et al.*, (2013) 133 S. Ct. 1863) affirming the FCC’s determination regarding the above-identified timeline provisions of the TCA.

In summary, while state and local governments continue to have the right to regulate telecommunications facilities, consistent with the existing limitations within the TCA, a state or local government may not: (1) unreasonably discriminate among providers of functionally equivalent services; (2) prohibit the provision of personal wireless services; (3) delay action on the application beyond a reasonable period of time after the request is duly filed; or (4) regulate the placement, construction, or modification on the basis of environmental effects of radio frequency emissions if in compliance with FCC regulations.

D. SITE DESCRIPTION

The approved telecommunications facility is to be sited on property owned by Wolfgang and Brunhilde Funke, located approximately one mile south of the small rural town of Albion and ¼

mile south of the Salmon Creek Bridge, at 2335 North Highway One in Mendocino County (**Exhibits 1-2**). The project site is located on a rangeland parcel atop an uplifted coastal marine terrace adjacent to and east of Highway One, and is within a designated “Highly Scenic Area.” The surrounding landscape consists of rolling hills east of Highway One and uplifted marine terrace bluff-tops west of Highway One. There is very little development located on either side of the highway in the immediate vicinity of the development site. Notable exceptions include a restaurant west of Highway One about 1/8-mile north, the Pacific Reef’s residential subdivision south of Salmon Creek on the west side of Highway One and a few other scattered residences not readily visible from Highway One on either side of the highway.

The property consists of semi-natural grasslands (managed for hay production) surrounded by a mature hedgerow of planted Monterey cypress trees. The County staff report describes the presence on the property of two riparian corridors, an agricultural pond, and two plant communities characterized by the project biologist as environmentally sensitive habitat areas (ESHA).

The approximately 115-acre subject property is comprised of three assessor parcel numbers (APNs) that are part of one single parcel. The site of the approved telecommunications facility (APN 123-370-03) is designated and zoned as Range Lands 160 Acres Minimum (RL-160), and is further designated as within a Type II Agricultural Preserve under the Williamson Act. A single family residence, two barns, and a detached two-car garage exist on the property. The two other APNs that are part of this single legal parcel include APN 123-360-07 that adjoins the project site to the north (designated and zoned RL-160 with a floodplain combining district) and APN 123-320-02 (designated and zoned RR-5 with a planned development combining district). All three properties are located adjacent to and east of Highway One.

E. DESCRIPTION OF APPROVED PROJECT

On January 16, 2014, the County of Mendocino conditionally approved Coastal Development Use (CDU) Permit # CDU 10-2012 authorizing development and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless). The County-approved telecommunications facility development includes: (1) construction of a 105-foot-tall “monopine” (described as a monopole designed to resemble a pine tree) with 12 panel antennas and 2 GPS antennas; (2) installation of a 30-kilowatt diesel generator; (3) installation of a 132-gallon propane tank; (4) construction of a 176-square-foot equipment shelter; and (5) construction of approximately 500 feet of a 12-foot-wide gravel access driveway and turnaround to connect to the existing driveway (**Exhibit 3**).

The County staff report describes that the approximately 3,450-square-foot lease area for the telecommunications facility site will be located within a hay field that is approximately 100 feet higher in elevation and 460 feet east of Highway One. The County staff report describes all approved developments as occurring more than 100 feet from all ESHAs.

F. APPELLANT’S APPEAL CONTENTIONS

Appellant A

Commissioners Steve Kinsey and Mary Shallenberger claim that the approved 105-foot-tall cylindrical monopine that extends above the existing vegetation is not subordinate to the natural setting, inconsistent with the visual subordination policies including but not limited to LUP

Policies 3.5-1 and 3.5-3, and CZC Section 20.504.015(C)(3). Appellant A also claims that the approved project is inconsistent with the certified LCP because it failed to consider other feasible alternative sites that exist in less visible locations, inconsistent with LUP Policy 3.5-4 and CZC Section 20.504.015(C)(7).

G. ANALYSIS OF APPELLANTS' APPEAL CONTENTIONS

As set forth in Section 30603 of the Coastal Act, after certification of its local coastal program, an appeal of a local government-issued coastal development permit is limited to allegations made on the grounds that the approved development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act.

As discussed above, Appellant B does not have standing to be considered an “aggrieved person” eligible to file an appeal. Thus, taken alone, Appellant B’s contentions do not provide a basis for the Commission to find substantial issue and proceed to a de novo review of the merits of the project. However, Appellant B’s contentions that the approved telecommunications facility is inconsistent with the visual resource protection provisions of the Mendocino County certified LCP are similar to the contentions of Appellant A which are addressed below and have been considered as the receipt of written comments on the appeal. Appellant B’s other contention that the County-approved telecommunications facility will distract motorists while driving does not allege an inconsistency of the project as approved with the certified LCP. Rather, the appellants allege that the County’s approval violates an unspecified provision of California State Law. If Appellant B had been eligible to file an appeal which the Commission has found they are not, the contention would not have been found to raise valid grounds for appeal, as the concern does not relate to conformance of the approved project with the certified LCP. While the Mendocino County certified LCP does contain exterior lighting provisions such as LUP Policy 3.5-15 and CZC Section 20.504.035 (**Appendix C**) requiring that “no lights shall be installed so that they distract motorists,” the certified LCP does not appear to contain provisions limiting authorization of telecommunications facilities in relation to potential driver distractions.

Visual Resources

The contentions raised in the appeal regarding visual resources present potentially valid grounds for appeal in that the contentions allege the approved development’s inconsistency with the visual resource protection policies of the certified LCP. Appellant A contends that the 105-foot-tall cylindrical monopine that extends above the existing vegetation is insubordinate to the natural setting and to the character of the surrounding area, inconsistent with the visual subordination policies including but not limited to the LUP Policies of Section 3.5, and CZC Section 20.504. Appellant A further contends that the approval of the telecommunications facility failed to adequately consider whether other feasible alternative sites exist in less visible locations, inconsistent with LUP Policy 3.5-4 and CZC Section 20.504.015(C)(7).

LUP Visual Resources Policy No. 3.5-1 and CZC Section 20.504.015 state that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas; furthermore, new development in Highly Scenic Areas (HSAs) shall be subordinate to the character of the setting. LUP Policy No. 3.5-3 and CZC Section

20.504.015(C)(3) additionally require that new development in HSAs shall be subordinate to the natural setting.

The appeal raises a substantial issue of whether the approved telecommunications facility is subordinate to the character of its setting. The Mendocino County coastline is a major visitor destination area visited by many thousands of travelers every year. A January 13, 2014 News Release submitted by Mendocino County Executive Office states the following:

On Friday, January 10, 2014, The New York Times released its annual “Places to Visit” list, with Mendocino County’s North Coast taking the No. 3 spot out of 52 destinations. The Coastline is listed alongside destinations and experiences such as Cape Town South Africa’s recent renaissance, a revived Downtown Los Angeles culinary scene and the biologically diverse environs of Ecuador including the Galápagos Islands. Specifically, the article mentions the spectacular natural features of the coastline, which has drawn tourists for decades. This includes opportunities for whale watching, hiking, and enjoyment of the rugged coastline that Mendocino County proudly claims as its own.

The County Executive Office news release highlights the importance of the scenic beauty of coastal Mendocino County to tourism and the character of the surrounding area. The County’s findings for approval and Initial Study state in part that:

...Staff determined that a varying portion of the top of the “monopine” would be visible periodically when travelling along an approximate 1.4 mile stretch of State Highway 1 from its intersection with Navarro Ridge Road to just south of where the Highway crosses Little Salmon Creek.

Mendocino Land Trust owns and maintains a property (APN’s 123-310-02 and 126-010-01) of approximately 55.29 acres on the west side of State Highway 1, which provides public access to bluff tops overlooking the Pacific Ocean. Improvements include a parking lot and numerous public trails. Staff visited the site during the visual simulation test and found, as shown in the photo-simulation viewpoint #6 on Page PC 61, that approximately the top 20 feet of the “monopine” would be visible from the bluff edge at the most western portions of the property...

...A key factor in monopole stealth design is successfully blending the pole into the natural surroundings. For the stealth goals to be adequately achieved, the placement of the “monopine” must be similar in size and appearance to nearby trees. According to the applicant’s Site Survey (Page PC 48), the height of Cypress trees, which effectively conceal the ground equipment and a portion of the 105 foot tall “monopine” from State Highway 1 and Mendocino Land Trust property, ranges from 78.7 feet to 103.3 feet Above Ground Level (AGL). As shown in the photo-simulations, depending on the vantage point, as much as two-thirds or 70 feet of the top of the “monopine” will be visible at a distance when travelling along the Highway. (Emphasis added)

The County staff report references the applicant’s site survey (Sheet C-1) that identifies the height of trees adjacent to Highway One. The site survey does not depict the height of those cypress trees that would be observed immediately surrounding the monopole as seen from the vantage points depicted in the visual simulations provided, such as from Salmon Creek Bridge (Viewpoint 4) and the Ledford Inn (Viewpoint 2) along Highway One. Nonetheless, the visual simulations provided by both Verizon (in the County staff referral; **Exhibit 5**) and in the

County's staff report (pages PCA-59 through PCA-61; **Exhibit 4**) demonstrate that the monopole will project noticeably higher above existing vegetation. While the County staff report acknowledges that "the artificial tree design has been used for other wireless telecommunication sites in Mendocino County, with differing degrees of success," and further recognizes the importance of mimicking surrounding vegetation both in height and form of the monopine, the visual simulations and design specifications for the approved project depict the 105-foot-tall "monopine" as a rigid, unnatural cylindrical form unlike the broad, spreading tops of the surrounding mature cypress trees.

The County summarized its approval of the visual impacts of the project by stating:

...Staff concluded that although, there is not enough vegetation at this location to fully conceal the "monopine" from all vantage points along State Highway 1, given the stealth design and at times significant distance away, the general public may well be unaware of the true nature of the structure. However, based on staff's experience with other "monopine" designs installed in the County, the stealth design may not be effective at disguises [sic] the true use when viewed from a close distance, such as the vantage point seen in photo-simulation viewpoint number 5 (page PC 59). It's likely that a local user will be more acutely aware of changes to the visual resources versus the tourist who is less sensitive to specific changes in an unfamiliar environment. The [Planning] Commission will need to balance potential visual impacts versus improved communication service in what is currently an unserved area.

Mendocino CZC Section 20.504.015(C) requires that development permitted in highly scenic areas shall provide for the protection of coastal views from public areas that include coastal trails. In addition to these requirements, LUP 3.5-3 further requires that development be subordinate to the character of its setting. The above cited statements from the County's findings evidence that the approved development will not be subordinate to the character of the natural setting, but instead will be prominently visible from public vantage points to and along the coast such as along portions of Highway One, at Salmon Creek Bridge, and from the nearby Navarro Blufflands property managed for public blufftop access.

The County's findings for approval included a determination that the 105-foot-tall "monopine" was a "stealth design," based in part upon the use of "subdued colors and non-reflective materials." Despite efforts to use "subdued colors" on the approved telecommunications facility, the rigid, unmoving 105-foot-tall cylindrical monopine will contrast with the broad, spreading canopies of surrounding shorter cypress and native shore pine trees. The County findings do not identify how the 105-foot-tall cylindrical monopine that extends above the existing vegetation is subordinate to the natural setting. Instead, the approval acknowledges that existing vegetation will not screen the development, and that "as much as two-thirds or 70 feet of the top of the "monopine" will be visible at a distance when travelling along the Highway."

Highway One is the primary travel corridor through coastal Mendocino County, and provides access to visitors travelling from throughout the region, state, and world to enjoy the beauty of the Mendocino coastline. Thus, the appeal raises issues of regional and statewide significance. Therefore, the Commission finds that the appeal raises a substantial issue with respect to conformance of the approved telecommunications facility by the County with LCP policies regarding the protection of visual resources including, but not limited to LUP Policy 3.5-1, LUP Policy 3.5-3, and CZC Section 20.504.015.

The appeal also raises a substantial issue of conformity of the approved project with LUP Policy 3.5-4 and CZC Section 20.504.015(C)(7) as the findings do not include a comprehensive analysis of feasible alternative locations and designs that would have less visual impact and be subordinate to the character of its setting while still providing the proposed level of service coverage. The County staff report states the following:

Staff is unaware of any existing telecommunication facilities in the area that the applicant could co-locate on and provide coverage in the area. The applicant is proposing to construct a “monopine” behind Cypress trees to help stealth the facility and minimize visual impacts. The property is in a semi-rural area with the closest off-site residence located approximately one-quarter mile southwest of the facility. In accordance with Standard B(1)(a), staff requested the applicant provide evidence that a less visual alternative exists. The applicant’s Alternative Site Analysis (Exhibit A) identifies 7 other locations evaluated and reasons that alternative locations were not selected over the subject property.

The Applicant’s Alternatives analysis (**Exhibit 6**) referred to by the County consists of a brief summary analysis of alternatives in the applicant’s project description that provides a bullet list of seven alternative sites considered by the applicant that dismiss the feasibility of each alternative in one sentence without reference to whether there were alternatives that could be sited in a less visible location. For example, of the 7 other locations evaluated in Verizon’s “Alternative Site Analysis,” Verizon listed 3 sites that were dismissed because they were too far away (such as the “Leventhal parcel” located 8 miles away), and/or too close to existing telecommunication facilities (such as the Little River Airport described as too far -4.5 miles- away to cover Highway One and too close to the Comptche-Ukiah telecommunications facility site). Verizon also listed one site located 7.5 miles to the south that they concluded “Failed to achieve coverage objective – did not reach Highway 1 north of [Highway] 128.” Verizon listed one uninterested private property owner they approached to site their facility within a water tank. Verizon also listed that 2 sites did not have sufficient ground space.

The County’s findings and the Applicant’s summary do not discuss alternative sites that might be in less visible locations than the open marine terrace on the subject property. In addition, the County findings and the summary analysis provided by the Applicant do not address such alternatives involving the use of multiple smaller telecommunications facilities rather than just the single 105-foot-tall tower that was approved. Taller telecommunication facilities generally allow transmission over a greater coverage area than shorter facilities, as signals can be transmitted over hills and other topographical barriers with less interruption of service. However, it is possible to achieve a similar extent of coverage by the strategic placement of an array of smaller telecommunication facilities in multiple locations such as at the ends of valleys and on different sides of ridgelines to extend coverage to areas where signals would otherwise be blocked by topographical features. Relying on smaller telecommunication facilities may allow for the use of true stealth designs, such as the placement of antennas under decks, within chimneys and other parts of existing buildings, such as were employed in the development of two facilities previously approved by the County in nearby areas of the northern Mendocino County coastal zone. For example, alternatives could be evaluated that would place the facility within the existing agricultural barn or 2-story accessory building) or in an alternate, more stealth location on the project site.

On June 6, 2013, seven months prior to the local hearing on the project, Coastal Commission staff submitted comments on the project referral for CDU 10-2012 received from Mendocino County Planning staff. The June 6, 2013 letter identified concerns regarding the proposed project's consistency with the visual resources policies of the LCP, and commented in part that project analysis "should not be limited to Verizon's submitted analysis of sites that accommodate their desired coverage objectives, but should additionally identify any feasible alternative locations and designs for, and viable technical options to the subject telecommunications facilities..." The letter prepared by Commission staff further stated that the analysis should include:

...any feasible alternative locations and designs for, and viable technical options to the subject telecommunications facilities which would reduce their visual impact (through stealth technologies, co-location, screening, undergrounding support facilities, etc.). For example, the County in previous actions has approved coastal development use permit (CDU) #1-2003 that authorized a stealth wireless antenna disguised as a pier supporting a deck to a single-family dwelling. Similarly, the County authorized CDU #11-2003 and CDU #17-2007 that authorized placement of panel antennas to be hidden within existing chimney structures. The alternatives analysis should evaluate similar options to disguise telecommunication facilities on or within existing structures in the vicinity and that would render the facility as visually inconspicuous as possible.

On January 13, 2014, a County staff report for the subject project was received at the Commission's North Coast District office along with a notice indicating the project would be heard by the County Planning Commission in three days, on January 16.

Following receipt of the County staff report, Commission staff contacted the County Planner via electronic mail on January 13 reiterating concerns that the County's recommendation for project approval did not adequately demonstrate the project's consistency with the County's certified LCP policies, including but not limited to the protection of visual resources.

Therefore, the degree of factual and legal support for the County's action is lacking, because project alternatives and mitigation measures that might result in less environmental impact to visual resources in a designated highly scenic area and provide for a telecommunications facility that is sited and designed to be truly subordinate to the character of its setting were not adequately evaluated.

The County's approval of a 105-foot-tall monopine that projects above surrounding vegetation in a designated highly scenic area could create an adverse precedent for future interpretations of the LCP, particularly as wireless service providers pursue expansion of wireless coverage in highly scenic coastal areas. Telecommunication facilities have been granted coastal development permits within the Mendocino County coastal zone north of Manchester, a length of coast extending approximately 125 miles. These three approved facilities were sited and designed to be subordinate to the character of their settings:

1. **CDU No. 1-2003** (Edge Wireless) -- On July 22, 2003 Mendocino County Board of Supervisors conditionally approved a wireless telecommunications (cellular) facility consisting of an antenna concealed below the deck of an existing 18-foot-tall, 1,118-square-foot residence, placing a 53-inch by 25-inch radio cabinet within an existing 28-foot by 24-foot, approximately 6-foot-tall, 672-square-foot garage structure, new

underground electrical and telephone services, and an underground coaxial cable from the radio cabinet to the antenna. The antenna would be housed in a custom fiberglass composite shell that has the appearance of the adjacent concrete pier supports that serve as foundations for the deck platform and residence. The project site is a blufftop parcel in a designated highly scenic area approximately ¾-miles south of the Town of Mendocino off of Road 500B (Brewery Gulch Drive).

2. **CDU 11-2003** (U.S. Cellular) On May 25, 2004, Mendocino County Board of Supervisors conditionally approved the establishment of a wireless telecommunications (cellular) service facility with a stealth design to be concealed within two of six existing 35-foot chimney structures of a hotel property, “The Stanford Inn by the Sea” located within a designated highly scenic area at 44850 Comptche-Ukiah Road just south of the town of Mendocino. The approved facility included two four-panel antennas, two global positioning antennas, and associated electronic equipment to be housed within an existing storage room in the main structure. Cabling between the antennas and electronics would extend up the inside of the building through the attic to the antennas. Land-based electrical and telecommunication connections would be made to existing utility panels on the building.
3. **A-1-MEN-10-001** (Verizon-Sharples) – On July 7, 2010, the Commission conditionally approved a 160-foot tall lattice tower with 12 panel antennas; 2 microwave dishes; 2 wireless GPS antennas; and ground-based equipment within a fenced lease area consisting of approximately 1500 square feet (30’x50’), within a designated highly scenic area approximately 1.4 miles east of Highway One, at 43600 Comptche-Ukiah Road. The approved facility was sited near the ridgeline but within a mature, dense forest that is not visible when travelling to or along the coast, unless viewed from within the Town of Mendocino using binoculars and a trained eye to find the tower.

The protection of views to and along coastal Mendocino County is an issue of statewide concern as Highway One and access to the nearby blufftop trails are used by residents and coastal tourists from California, the nation, and the world. Therefore the appeal raises a substantial issue of conformance of the approved project with LCP policies regarding the protection of visual resources including, but not limited to LUP Policies 3.5-1, 3.5-3, 3.5-4 and CZC Section 20.504.015.

H. CONCLUSION

The Commission finds that the appeal raises a substantial issue with respect to conformance of the County-approved development with LCP policies regarding the protection of visual resources in a highly scenic area. The Commission finds the appeal raises a substantial issue of conformity of the approved project with these LCP requirements because the approval (1) fails to demonstrate how the 105-foot-tall rigid telecommunications facility that will project above surrounding natural vegetation as seen from public vantage points will be subordinate to the natural setting; and (2) fails to analyze alternatives, including true stealth design options such as placing antennas within existing infrastructure, to demonstrate whether feasible alternatives exist that could provide service to the geographic area, inconsistent with the visual resource protection provisions of the certified LCP including, but not limited to LUP Policies 3.5-1, 3.5-3, 3.5-4, and 3.5-5, and CZC Sections 20.504 and 20.532.

I. Information Needed for *De Novo* Review of Application

Section 30621 of the Coastal Act instructs the Commission to provide for a *de novo* hearing on all appeals where it has determined that a substantial issue exists with respect to the grounds on which an appeal has been filed. If the Commission finds substantial issue as recommended above, staff also recommends that the Commission continue the *de novo* hearing to a subsequent date. The *de novo* portion of the appeal hearing must be continued because the Commission does not have sufficient information to determine what, if any, development can be approved, consistent with the certified LCP.

Given that the project the Commission will be considering *de novo* has come to the Commission after an appeal of a local government action, the Commission has not previously been in the position to request additional information from the applicant needed to ultimately determine if the project can be found to be consistent with the certified LCP. The applicant has the burden to demonstrate the proposed project is the least intrusive means of filling a significant gap in service. Following is a discussion of the information needed to evaluate the development.

1. Definition of Coverage Objective

As indicated above, on June 6, 2013, Coastal Commission staff submitted comments on the project referral for CDU 10-2012 received from Mendocino County Planning staff. The June 6, 2013 letter commented in part that in addition to the “Alternative Site Analysis” prepared by Verizon and included in the referral, the project analysis “should not be limited to Verizon’s submitted analysis of sites that accommodate their desired coverage objectives, but should additionally identify any feasible alternative locations and designs for, and viable technical options to the subject telecommunications facilities which would provide coverage...”

To evaluate alternatives, it is necessary to understand the project objectives. Therefore, a description of Verizon’s coverage objective must be provided that includes the kinds of telecommunication services that would be accommodated by the facility and includes specifications on the minimum criteria necessary (e.g., the power rating for all antennas and equipment, facility spacing requirements relative to topography and distance from other towers, minimum number of antennas needed), to provide coverage in the area, including alternative levels of coverage compared to the minimum coverage requirements.

2. Revised Alternatives Analysis

A revised alternatives analysis must be provided that evaluates any feasible alternative locations and designs for, and viable technical options to the subject telecommunications facilities which would reduce their visual impact (through stealth technologies, co-location, screening, undergrounding support facilities, etc.). The alternatives analysis should evaluate similar options to disguise telecommunication facilities on or within existing structures in the vicinity and that would render the facility as visually inconspicuous as possible. The revised alternatives analysis should at minimum address coverage objective and the minimum levels necessary to achieve coverage) for all of the following scenarios:

1. Installation of multiple, closer-spaced facilities and lower-profile facilities rather than one facility to minimize bulk and height of a facility placed on a singular parcel, including:
 - a. On-site evaluation of the potential to place antennas within a façade on an existing structure, such as a cupola on the existing barn, within the two-story

accessory building, or within one or more chimneys on the existing garage and/or home;

- b. Off-site alternative locations that can accommodate a true stealth structure (e.g., Biaggi residence, Ledford House, Albion Hardware Store, Navarro Inn, residences in Pacific Reefs subdivision (Nonella Lane), Albion River Campground, Flats Café, etc.);
2. Reduced size of monopole and footprint of facility. For example, in 2013 the Coastal Commission granted conditional approval to T-Mobile (CDP 1-12-022) authorizing construction of a 50-foot monopole within a 900-square-foot area. The design could accommodate 4 antennas. The proposed telecommunications facility is described as supporting a 105-foot-tall monopole that will accommodate 12 antennas and occupies 3,450 square feet. Information must be provided that addresses what coverage could be achieved with a lower height monopole (50-75 feet) in the proposed location, both as a stand-alone facility and if combined with other stealth facilities nearby.

In addition, the previous sites that were evaluated but dismissed because they did not achieve Verizon's coverage objective (e.g., Cameron Road site) must be evaluated as to whether they would be feasible to include as part of an array of smaller telecommunication facilities placed in multiple locations designed to provide coverage to the same geographic area.

3. Analysis of Surrounding Tree Heights

The County staff report references the applicant's site survey (Sheet C-1) that identifies the height of trees adjacent to Highway One. The site survey does not depict the height of those cypress trees that would be observed immediately surrounding the monopole as seen from the vantage points depicted in the visual simulations provided, such as from Salmon Creek Bridge (Viewpoint 4) and the Ledford Inn (Viewpoint 2) along Highway One. Therefore, a site survey must be provided that contains a complete inventory of all trees that surround and affect the screening of the monopole. The site survey should provide the tree heights of all trees within the windbreak surrounding the monopole for a more accurate depiction of tree heights in the area.

APPENDIX A

COMMISSION'S APPEAL JURISDICTION OVER THE PROJECT

On January 16, 2014, Mendocino County Planning Commission conditionally approved Coastal Development Use (CDU) Permit # CDU 10-2012 authorizing development and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless). The project site is located atop an uplifted coastal marine terrace adjacent to and east of Highway One, and is within a designated "Highly Scenic Area."

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603). Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located 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 tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act because (1) the approved telecommunications facility is a form of development that is not designated as the "principal permitted use" under the certified LCP; and (2) the approved development is located within a designated "highly scenic area," which is a sensitive coastal resource area.

1. Approved Development is Not Designated the Principal Permitted Use

The site of the approved telecommunications facility (APN 123-370-03) is designated in the Coastal Land Use Plan and zoned in the Coastal Zoning Ordinance as Range Lands 160 Acres Minimum (RL-160), and is further designated as within a Type II Agricultural Preserve under the Williamson Act. The approved telecommunications facility is a form of land use consistent with the Major Impact Services and Utilities land use type listed in the LCP. The Coastal Zoning Ordinance lists the Major Impact Services and Utilities land use type as a conditional use in the Range Lands District. Therefore, the approved use is not the principal permitted use for the subject property and the County's decision to grant the Coastal Development Use permit for the development is appealable to the Commission pursuant to Section 30603 of the Coastal Act.

2. Within a Sensitive Coastal Resource Area

Section 30116 of the Coastal Act defines Sensitive Coastal Resource Areas as follows:

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.*
- (b) Areas possessing significant recreational value.*
- (c) Highly scenic areas. (emphasis added)*
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.*
- (e) Special communities or neighborhoods which are significant visitor destination areas.*
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.*
- (g) Areas where divisions of land could substantially impair or restrict coastal access.*

Section 30502 of the Coastal Act indicates that sensitive coastal resource areas are areas within the coastal zone where the protection of coastal resources and public access requires, in addition to the review and approval of zoning ordinances, the review and approval by the Commission of other implementing actions to protect coastal resources. Sensitive coastal resource areas (SCRAs) can be designated either by the Commission pursuant to Section 30502 of the Coastal Act, or by local government by including such a designation in its Local Coastal Program (LCP).

Section 30502 directs the Commission to designate SCRAs not later than September 1, 1977, pursuant to a report which must contain the following information:

- (1) A description of the coastal resources to be protected and the reasons why the area has been designated as a sensitive coastal resource area;*
- (2) A specific determination that the designated area is of regional or statewide significance;*
- (3) A specific list of significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access;*
- (4) A map of the area indicating its size and location.*

The Commission did not ultimately designate SCRAs or make recommendations to the Legislature, as contemplated by Section 30502 and 30502.5. Because it did not designate SCRAs, the Commission does not have the authority to require local governments to adopt such additional implementing actions. Nothing in Sections 30502 or 30502.5, however, overrides other provisions in the Coastal Act that assign primary responsibility to local governments for determining the contents of LCPs and that authorize local governments to take actions that are more protective of coastal resources than required by the Coastal Act. Such Coastal Act provisions support the position that the Commission does not have the exclusive authority to designate SCRAs. In 1977, the Attorney General's Office advised the Commission that if the Commission decided not to designate SCRAs, local government approvals of development located in SCRAs delineated in LCPs would nonetheless be appealable to the Commission.

The ability of local governments to designate SCRAs in LCPs is further supported by the legislative history of changes to Section 30603. In 1982, after the 1978 deadline for the

Commission to designate SCRAAs, the Legislature amended the provisions of Section 30603 that relate to appeals of development located in SCRAAs. (Cal. Stats. 1982, c. 43, sec. 19 (AB 321 - Hannigan).) The Legislature's 1982 revisions to the SCRA appeal process demonstrate that the Commission's decision not to designate SCRAAs did not have the effect of preventing local governments from designating SCRAAs through the LCP process. If the Commission's decision not to designate SCRAAs rendered the Coastal Act provisions that relate to SCRAAs moot, the Legislature's action in 1982 would have been a futile and meaningless exercise. Instead, by deliberately refining the SCRA appeal process, the Legislature confirmed that local governments continue to have the authority to designate SCRAAs.

Although a city or county is not required to designate SCRAAs in their LCP, at least four local governments have chosen to do so. The Commission has certified LCP's that contain SCRA designations from the City of Grover Beach (1982), San Luis Obispo County (1987), the City of Dana Point (1989) and the segment of Mendocino County's LCP that covers areas outside of the Town of Mendocino (1992).

Designation of SCRAAs in this manner is consistent with the reservation of local authority, under Section 30005, to enact certain regulations more protective of coastal resources than what is required by the Act. As noted above, the Coastal Act does not require local governments to designate SCRAAs, but local governments are allowed to designate such areas.

The appeal of Mendocino County Coastal Development Use (CDU) Permit No. CDU 10-2012 was accepted by the Commission in part, on the basis that the project site is located in a sensitive coastal resource area designated by Mendocino County and certified by the Commission when the County's LCP was certified in 1992.

The applicable designation of sensitive coastal resource areas was accomplished in the LCP by defining sensitive coastal resource areas within the LCP to include "highly scenic areas," and by mapping specific geographic areas on the certified Land Use Maps as "highly scenic." Chapter 5 of the Mendocino County General Plan Coastal Element (the certified Land Use Plan) and Division II of Title 20, Section 20.308.105(6) of the Mendocino County Coastal Zoning Code (CZC), both define "Sensitive Coastal Resource Areas" to mean "those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity." Subparts (c) of these sections include "highly scenic areas." This definition closely parallels the definition of SCRA contained in Section 30116 of the Coastal Act. Mendocino LUP Policy 3.5 defines highly scenic areas to include, in applicable part, "those [areas] identified on the Land Use Maps as they are adopted." Adopted Land Use Map Nos. 18 and 19 designate the area inclusive of the site that is the subject of Mendocino County Permit No. CDU 10-2012 as highly scenic. Therefore, it is clear that by defining sensitive coastal resource areas to include highly scenic areas, and by then mapping designated highly scenic areas on the adopted Land Use Maps, the County intended that highly scenic areas be considered sensitive coastal resource areas.

Section 30603 of the Coastal Act states that "after certification of its local coastal program, an action taken by a local government on a coastal development permit may be appealed to the Commission..." Included in the list of appealable developments are developments approved within sensitive coastal resource areas. Additionally, Division II of Title 20, Section 20.544.020(B)(6) of the certified Mendocino County Coastal Zoning Code specifically includes developments approved "located in a sensitive coastal resource area" as among the types of developments appealable to the Coastal Commission.

Therefore, for all of the above reasons, the Commission finds that as (1) highly scenic areas are designated and mapped in the certified LCP as a sensitive coastal resource area, and (2) approved development located in a sensitive coastal resource area is specifically included among the types of development appealable to the Commission in the certified LCP, Mendocino County's approval of local Permit No. CDU 10-2012 is appealable to the Commission under Section 30603(a)(3) of the Coastal Act and Section 20.544.020(B)(6) of the certified Mendocino County Coastal Zoning Code.

The decision of the Coastal Permit Administrator was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received at the Commission's North Coast District Office on January 31, 2014 (**Exhibit No. 7**). Section 13573 of the Commission's regulations allows for appeals of local approvals to be made directly to the Commission without first having exhausted all local appeals when, as here, the local jurisdiction charges an appeal fee for the filing and processing of local appeals.

Two separate appeals of the County's decision to grant the permit with conditions were filed in a timely manner with the Commission within 10 working days of receipt by the Commission of the County's Notice of Final Action. The appeals were filed by (A) Commissioners Steve Kinsey and Mary Shallenberger (**Exhibit No. 8**); and (B) Lauren Moody, Norman L. de Vall, Greg Krouse, Zac Zachary, and Russell Fieber (**Exhibit No. 9**).

APPENDIX B: SUBSTANTIVE FILE DOCUMENTS

Federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in USC, Titles 15, 18 & 47).

June 6, 2013. Letter submitted to Dusty Duley, Mendocino County Planning Department, from Coastal Commission North Coast District Staff, re: County Coastal Development Use Permit CDU 10-2012 (Verizon- Funke) for proposed wireless telecommunications facility.

Mendocino County Local Coastal Program

Appendix C
Mendocino County LCP Policies Regarding
Visual Resources
(Emphasis added)

Section 30251 of the Coastal Act has been specifically incorporated into **LUP Policy 3.5-1** of the Mendocino LCP, which states in part (emphasis added):

...

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

Policy 3.5-3 of the certified LUP states as follows, in applicable part (emphasis added):

The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

...

- *Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.*

In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land and boundary line adjustments within "highly scenic areas" will be analyzed for consistency of potential future development with visual resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies.

Coastal Zoning Code (CZC) Section 20.504.020 states, in applicable part (emphasis added):

...

(D) The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting. (Ord. No. 3785 (part), adopted 1991)

LUP Policy 3.5-4 states the following (emphasis added):

Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.

...

Minimize visual impacts of development on terraces by (1) avoiding development in large open areas if alternative site exists; (2) minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms; (3) provide bluff setbacks for development adjacent to or near public areas along the shoreline; (4) design development to be in scale with rural character of the area...

LUP Policy 3.5-5 states as follows, in applicable part (emphasis added):

Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged. In specific areas, identified and adopted on the land use plan maps, trees currently blocking views to and along the coast shall be required to be removed or thinned as a condition of new development in those specific areas. New development shall not allow trees to block ocean views.

...

Section 20.504.015 (“Highly Scenic Areas”) of the certified Coastal Zoning Code (CZC) states as follows, in applicable part (emphasis added):

(A) The visual resource areas listed below are those which have been designated highly scenic and in which development shall be subordinate to the character of its setting:

...

(2) Portions of the Coastal Zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River

as mapped with noted exceptions and inclusion of certain areas east of Highway 1...

(C) Development Criteria.

(1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

...

(3) New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

...

(5) Buildings and building groups that must be sited in highly scenic areas shall be sited:

- (a) Near the toe of a slope;*
- (b) Below rather than on a ridge; and*
- (c) In or near a wooded area.*

...

(7) Minimize visual impacts of development on terraces by the following criteria:

- (a) Avoiding development, other than farm buildings, in large open areas if alternative site exists;*
- (b) Minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms;*
- (c) Provide bluff setbacks for development adjacent to or near public areas along the shoreline;*
- (d) Design development to be in scale with rural character of the area.*

...

(10) Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas...

(12) Power distribution lines shall be placed underground in designated "highly scenic areas" west of Highway 1 and in new subdivisions. East of Highway 1, power lines shall be placed below ridgelines if technically feasible.

(13) Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access Highway 1 where an alternate configuration is feasible. (Ord. No. 3785 (part), adopted 1991).

LUP Policy 3.5-15 states in applicable part (emphasis added):

Installation of satellite receiving dishes shall require a coastal permit. In highly scenic areas, dishes shall be located so as to minimize visual impacts. Security lighting and floodlighting for occasional and/or emergency use shall be permitted in all areas. Minor additions to existing nightlighting for safety purposes shall be exempt from a coastal permit. In any event no lights shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible.

CZC Section 20.504.035 (“Exterior Lighting Restrictions”) states as follows, in applicable part (emphasis added):

(A) Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.

(1) No light or light standard shall be erected in a manner that exceeds either the height limit designated in this Division for the zoning district in which the light is located or the height of the closest building on the subject property whichever is the lesser.

(2) Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.

(3) Security lighting and flood lighting for occasional and/or emergency use shall be permitted in all areas.

(4) Minor additions to existing night lighting for safety purposes shall be exempt from a coastal development permit.

(5) No lights shall be installed so that they distract motorists.

CZC Section 20.532.095 “Required Findings for All Coastal Development Permits” states in applicable part:

(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:

(1) The proposed development is in conformity with the certified local coastal program; and

(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and

(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district; and

(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

...

Appendix D
Mendocino County LCP Policies Regarding
Planning and Locating New Development
(Emphasis added)

Section 2.2 of the Land Use Plan describes the uses on designated Rangelands as follows:

Intent: *The Range Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas. The classification includes land eligible for incorporation into Type II Agricultural Preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands.*

Principal Permitted Use: *Grazing and forage for livestock, including: raising of crops, wildlife habitat improvement; one single family dwelling per legally created parcel, harvesting of firewood for the residents personal use, home occupations.*

Conditional Uses: *Residential clustering, (as allowed by CL combining district.) Cottage industry; visitor accommodations where designated by an * on the Land Use Maps; processing of natural resources (i.e. harvesting of hardwood, small electrical generating facilities and cutting and milling of lumber), recreational uses determined to be related to and compatible with ranching, conservation and the development of natural resources; extraction of sand, shale and gravel in conjunction with an approved permit, which shall include a restoration plan on shore oil and gas development, off-site alternative energy facilities, electrical transmission and distribution lines (see Policy 3.11-9), natural gas pipelines (see Policy 3.11-5); and farm worker housing consistent with Policy 3.2-1.*

Parcel Size: *160 acres.*

Maximum Dwelling Density: *One dwelling per 160 acres.*

Coastal Zoning Code (CZC) Section 20.368.005 “Intent” states:

This district is intended to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas.

(Ord. No. 3785 (part), adopted 1991)

CZC Section 20.368.010 “Principal Permitted Uses for RL Districts” states:

The following use types are permitted in the Range Lands District:

(A) Coastal Residential Use Types.

Family Residential: Single-Family;

Vacation Home Rental.

(B) Coastal Agricultural Use Types.

General Agriculture;

Light Agriculture;

Row and Field Crops;

Tree Crops.

(C) Coastal Open Space Use Types.

Passive Recreation.

(D) Coastal Natural Resource Use Types.

Fish and Wildlife Habitat Management.

(Ord. No. 3785 (part), adopted 1991)

CZC Section 20.368.015 “Conditional Uses for RL Districts” states in part the following:

The following are permitted uses upon the issuance of a coastal development use permit:

(A) Coastal Residential Use Types.

Family Residential: Dwelling Groups;

Family Residential: Cluster Development;

Farm Employee Housing;

Farm Labor Housing.

(B) Coastal Civic Use Types.

Alternative Energy Facilities: On-site;

Alternative Energy Facilities: Off-site;

Community Recreation;

Major Impact Utilities;

Minor Impact Utilities.

(C) Coastal Commercial Use Types.

...

(D) Coastal Agricultural Use Types.

...

(E) Coastal Open Space Use Types.

Active Recreation.

(F) Coastal Extractive Use Types.

Mining and Processing;

Onshore Oil and Gas Development Facilities.

(G) Coastal Natural Resource Use Types.

Watershed Management.

(Ord. No. 3785 (part), adopted 1991)

CZC Section 20.368.020 Minimum Lot Area for RL Districts:

One hundred sixty (160) acres.

(Ord. No. 3785 (part), adopted 1991)

Mendocino County Municipal Code Section 22.08.080 of Chapter 22.08 “Land Usage: Resource Preserves,” which is incorporated by reference in CZC Section 20.508.015 states in part the following:

CZC Section 22.08.060(F) “Restricted Uses:”

Notwithstanding any other determination of compatible use under this section, unless the County makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are compatible uses within any agricultural preserve and shall not be excluded by reason of that use. (emphasis added)

CZC Section 22.08.080 – “Land Within the Rangeland District (R-L)”

With respect to property under an agricultural preserve contract zoned rangeland (R-L), the permissible agricultural and compatible uses shall be as follows:

(A) The permitted agricultural uses are as follows:

(1) Commercial use types

Animal sales and services: horse stables

Animal sales and services: kennels

Animal sales and services: stockyards

(2) Agricultural use types

Animal raising

Animal waste processing

Packing and processing: winery

(3) Residential use types

Family residential: single family

(B) Uses subject to a minor use permit. The following use types are permitted in the R-L district upon issuance of a minor use permit:

(1) Residential use types

Farm employee housing

Farm labor camp

(2) Commercial use types

Cottage industries: resource lands

(C) Uses subject to a major use permit. The following use types are permitted in the R-L district upon issuance of a major use permit:

(1) Agricultural use types

Packing and processing: general

(2) Commercial use types

Animal sales and services: permanent auction yard

Animal sales and services: veterinary (large animals)

Commercial recreation: outdoor sports and recreation

Commercial recreation: outdoor entertainment

Transient habitation: campground

Transient habitation: resort

Energy development: production of energy other than that used on the property.

(3) Extractive use types

Mining and processing.

(Ord. No. 3428, adopted 1983; Ord. No. 4006 (part), adopted 1998.)

Coastal Zoning Code (CZC) Section 20.532.010 describes the applicability of coastal development permit regulations as follows:

Any person, partnership, corporation, state or local agency or special district proposing to undertake any development as defined in Section 20.308.035(D) shall obtain a coastal development permit in accordance with the provisions of this Chapter, in addition to any other permit or discretionary approval required by any local agency or special district or any State or Federal agency as authorized by law or ordinance. If a coastal development permit is required pursuant to this section, no building permit, water well permit, septic permit, business license, grading permit, transient occupancy registration certificate, encroachment permit, occupancy permit or other entitlement for use shall be issued prior to the issuance of a coastal development permit.

CZC Section 20.532.095 “Required Findings for All Coastal Development Permits” states in part:

- (A) *The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:*
- (1) The proposed development is in conformity with the certified local coastal program; and*
 - (2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and*
 - (3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district; and*
 - (4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.*
 - (5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.*

...

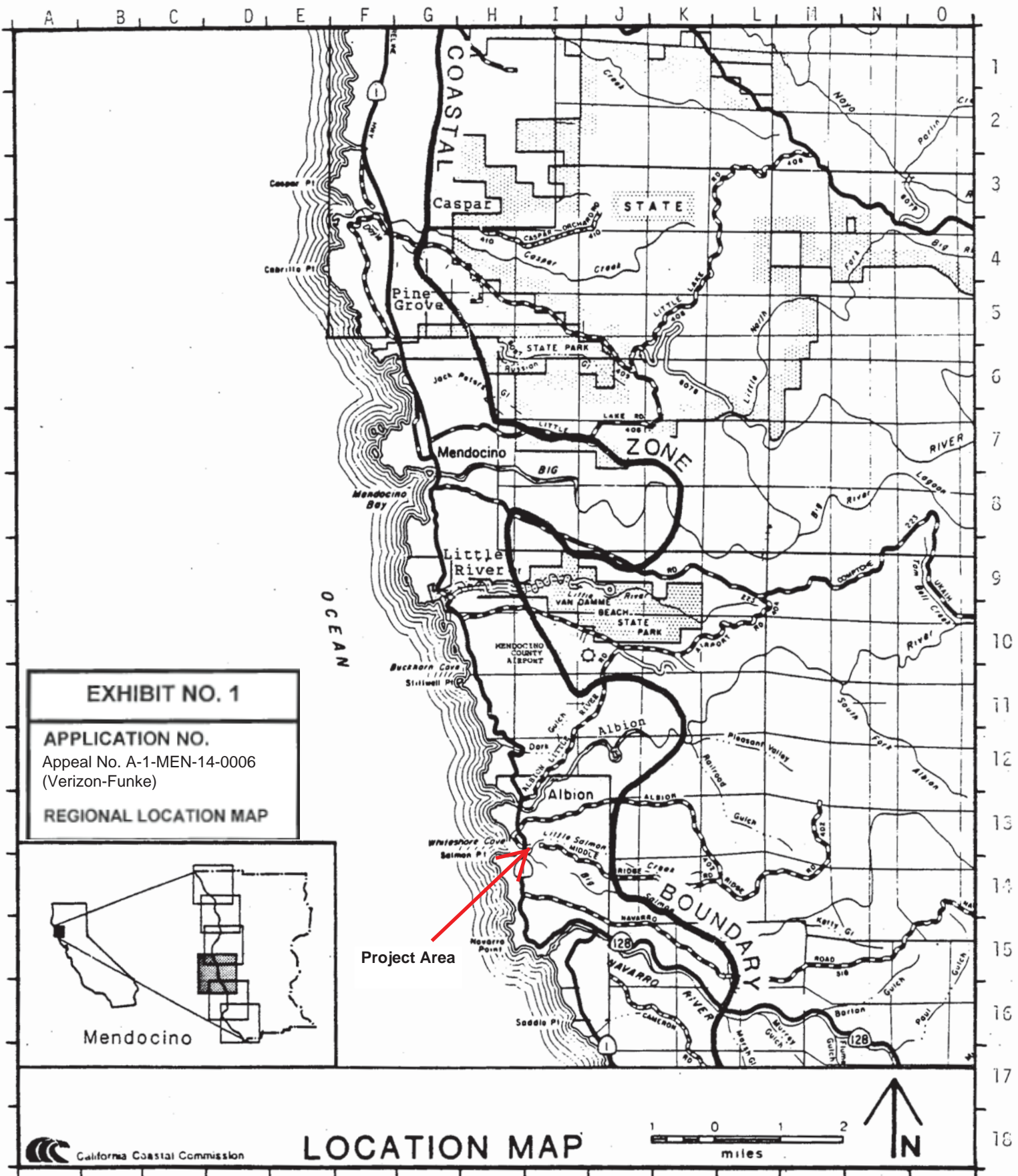




EXHIBIT NO. 2

**Appeal No.
A-1-MEN-14-0006**
(Verizon-Funke)

**VICINITY MAP/
AERIAL PHOTO**

0 120 240 480 720 960
Meters

1:23,342

Date: 2/27/2014

SITE PLANS

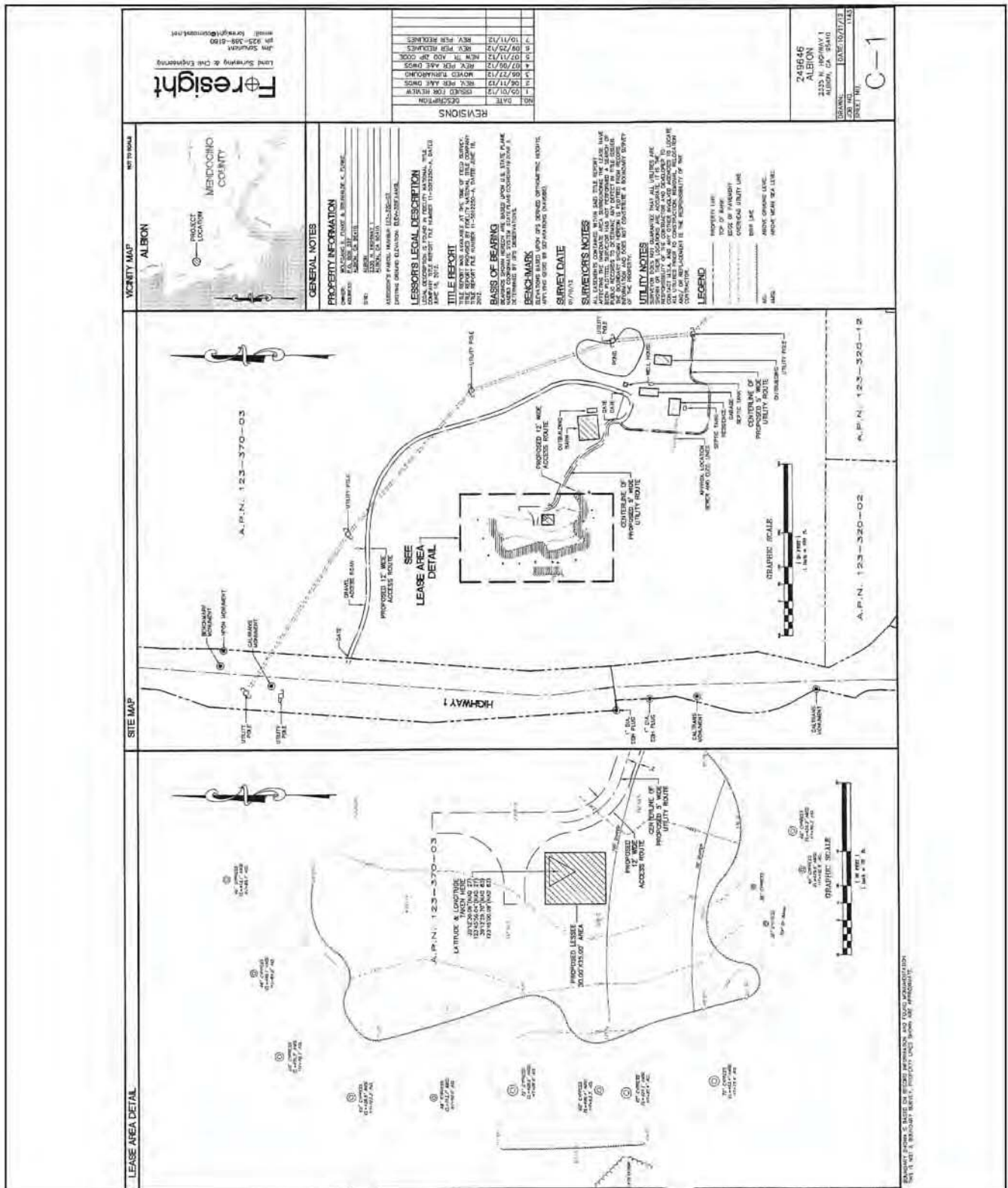
CDU 10-2012
PAGE PC-47

[illegible]

CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (SHEET T-1)

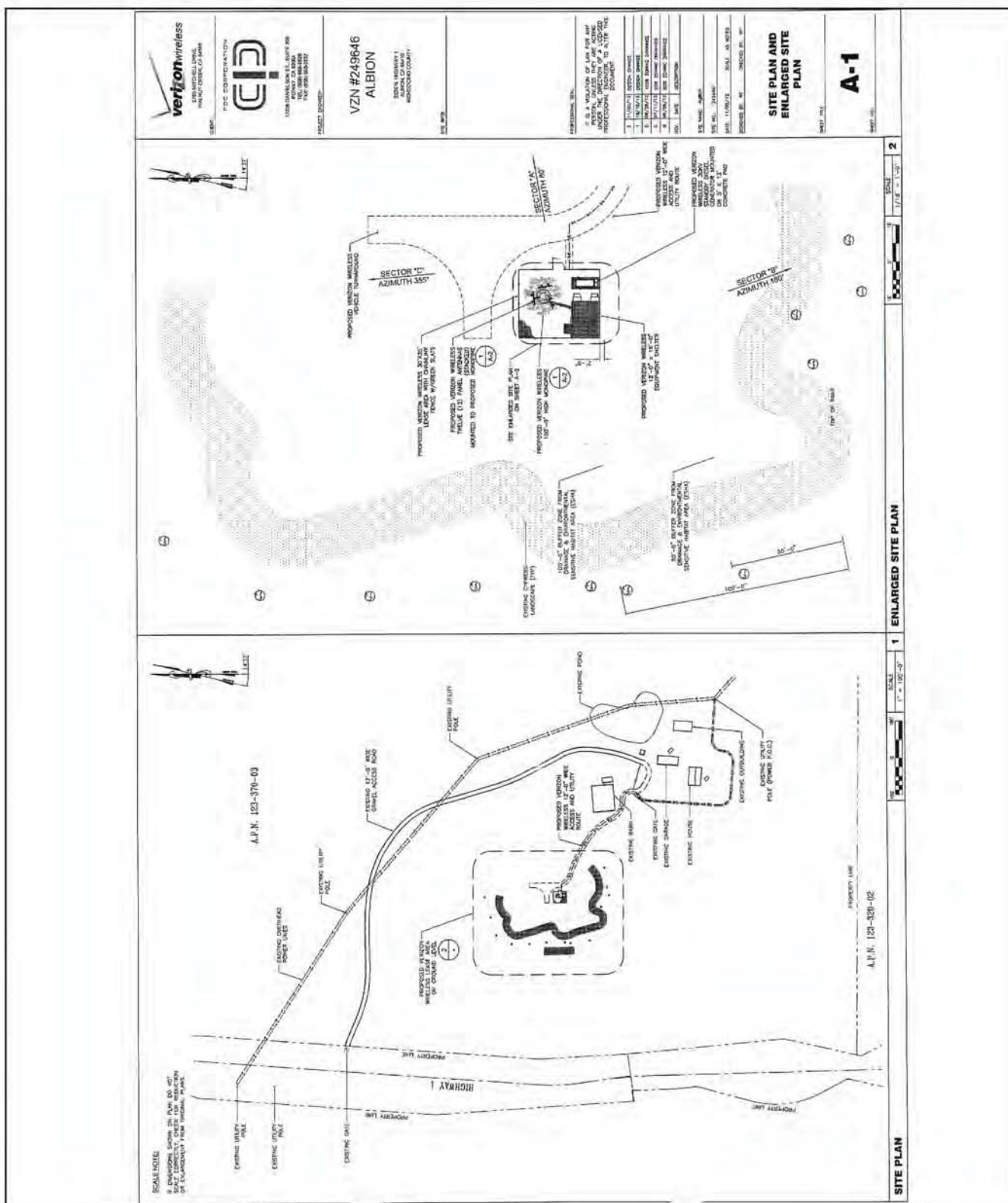
NO SCALE



CASE: CDU 10-2012
 OWNER: FUNKE, Wolfgang & Brunhilde
 APN: 123-370-03, 123-320-02, 123-360-07
 AGENT: NSA Wireless, Inc., Pamela Nobel
 ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (SHEET C-1)

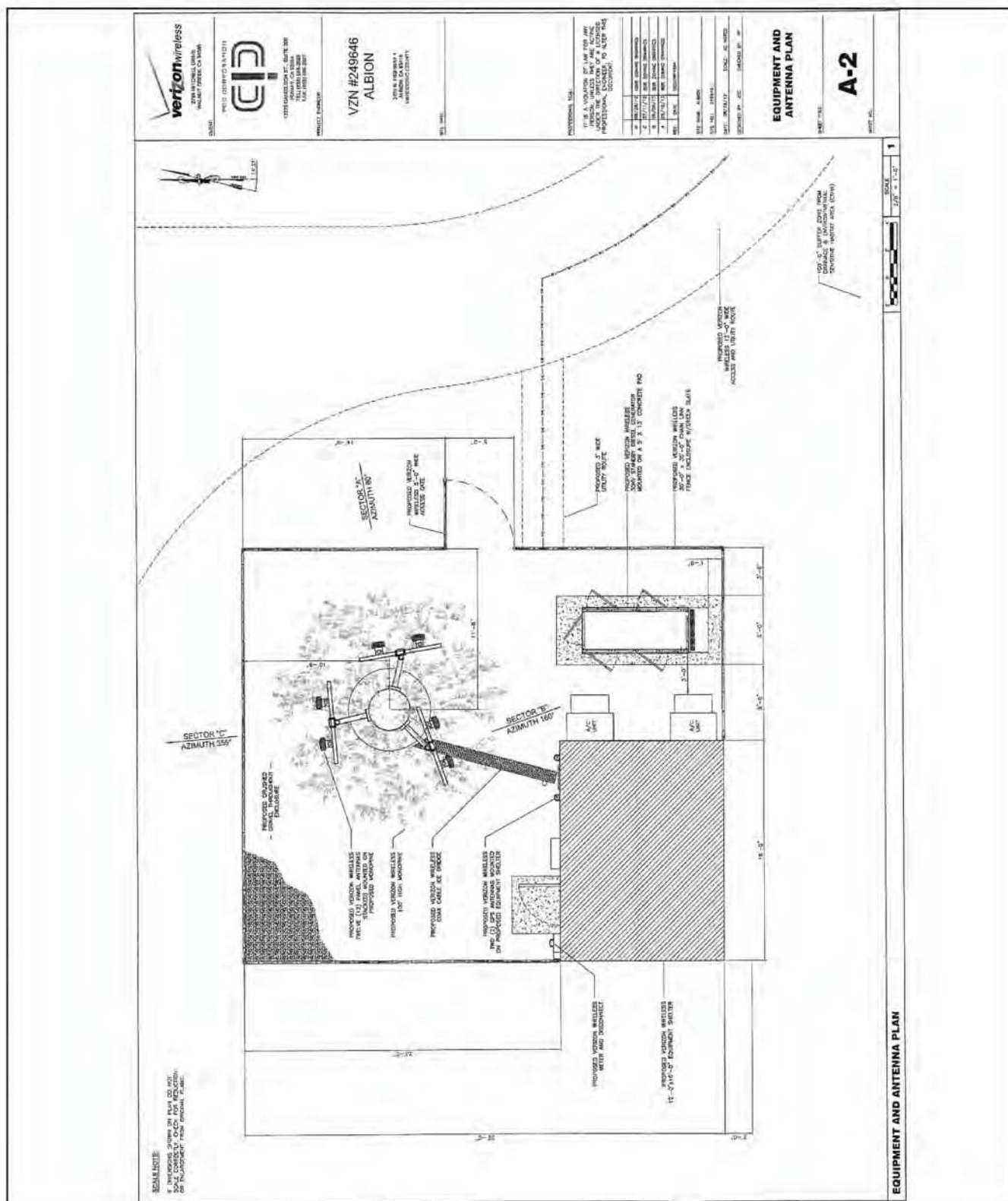
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CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (SHEET A-1)

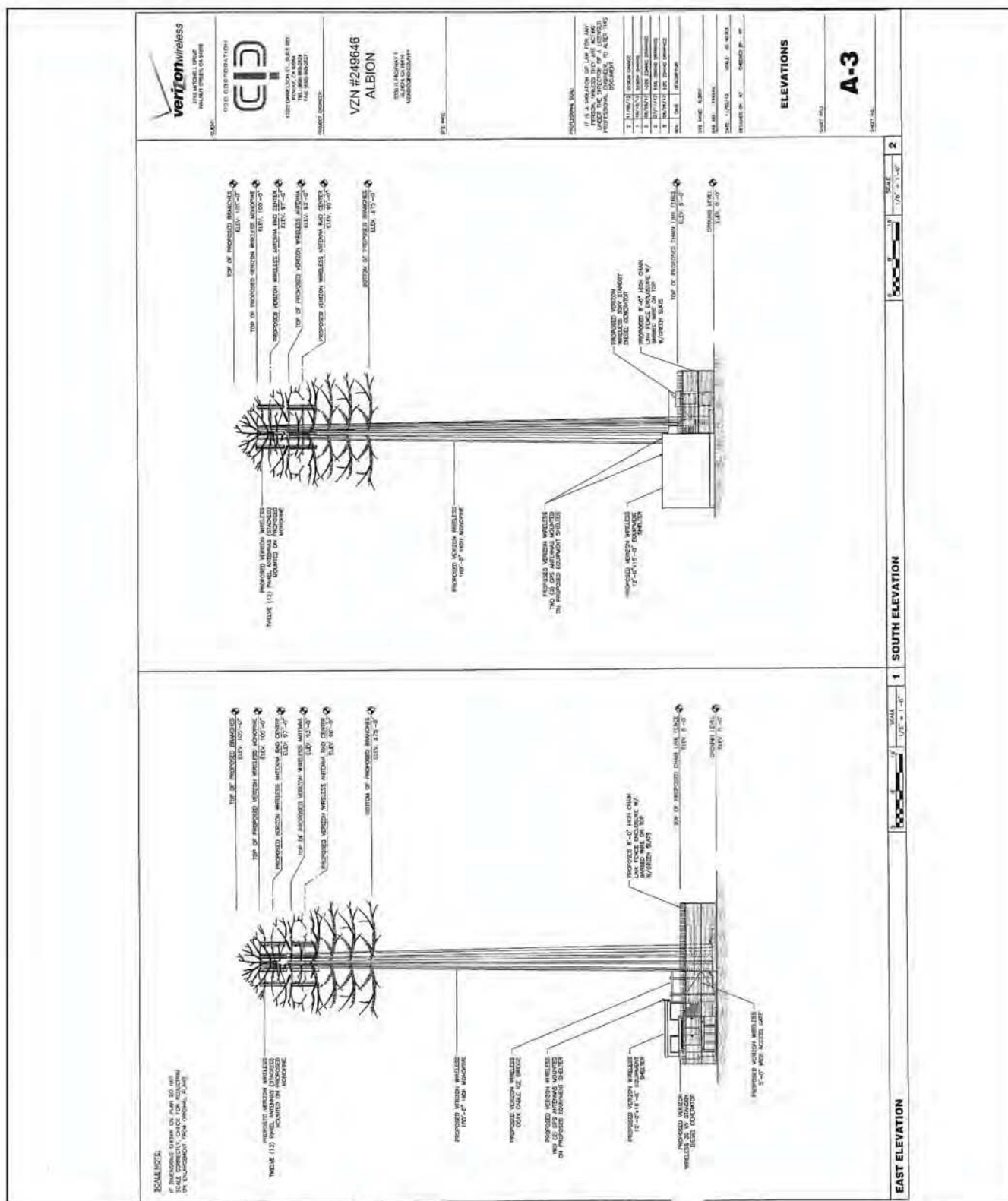
NO SCALE



CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (SHEET A-2)

NO SCALE



CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (SHEET A-3)

NO SCALE

SCALE NOTE:

IF DIMENSIONS SHOWN ON PLAN DO NOT
SCALE CORRECTLY, CHECK FOR REDUCTION
OR ENLARGEMENT FROM ORIGINAL PLANS.

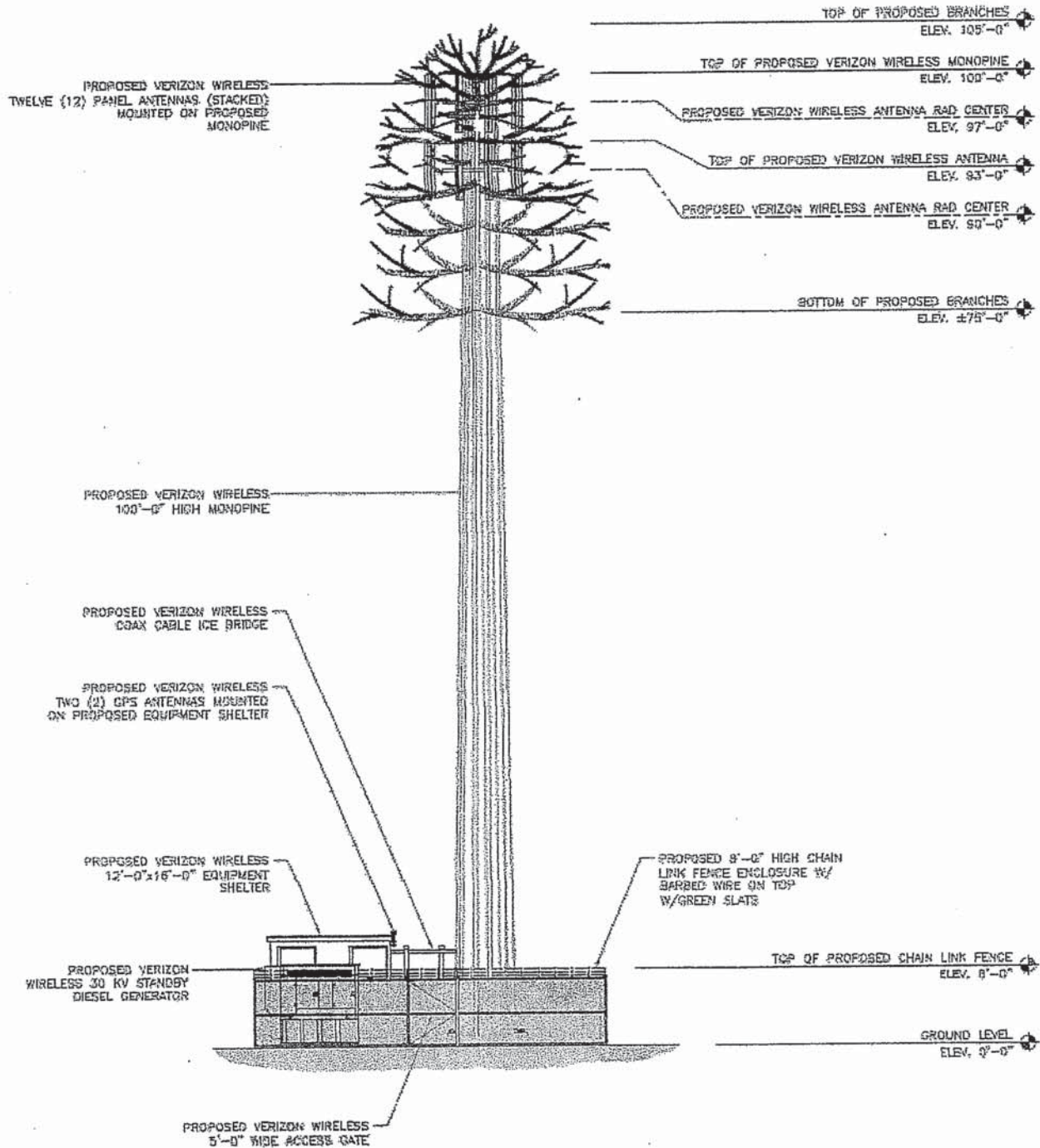
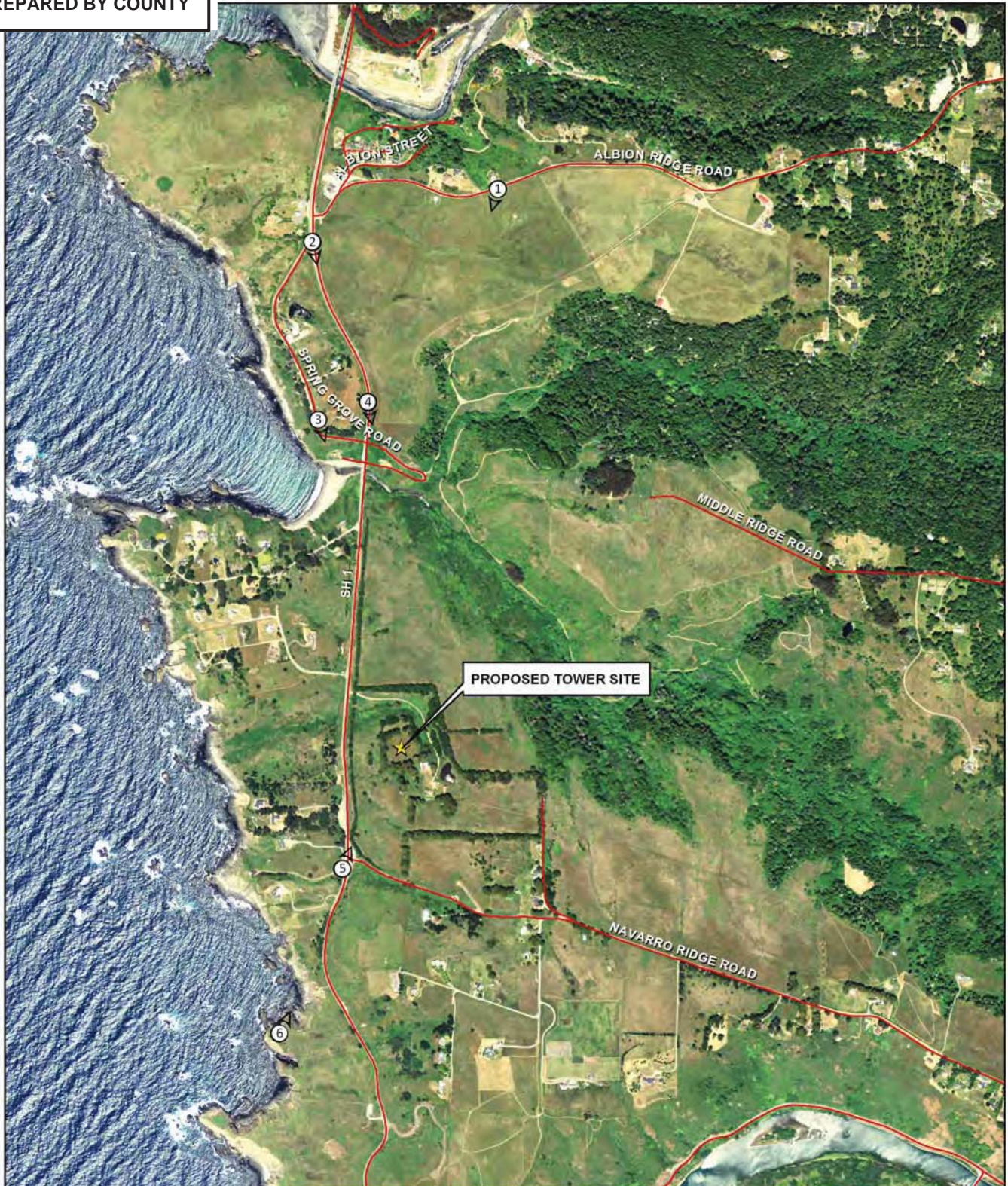
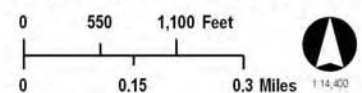


EXHIBIT NO. 4**STAL DEVELOPMENT USE PERMIT**CDU 10-2012
PAGE PC-58Appeal No.
A-1-MEN-14-0006
(Verizon-Funke)**VISUAL SIMULATIONS
PREPARED BY COUNTY**CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

① Viewpoint No. and Direction

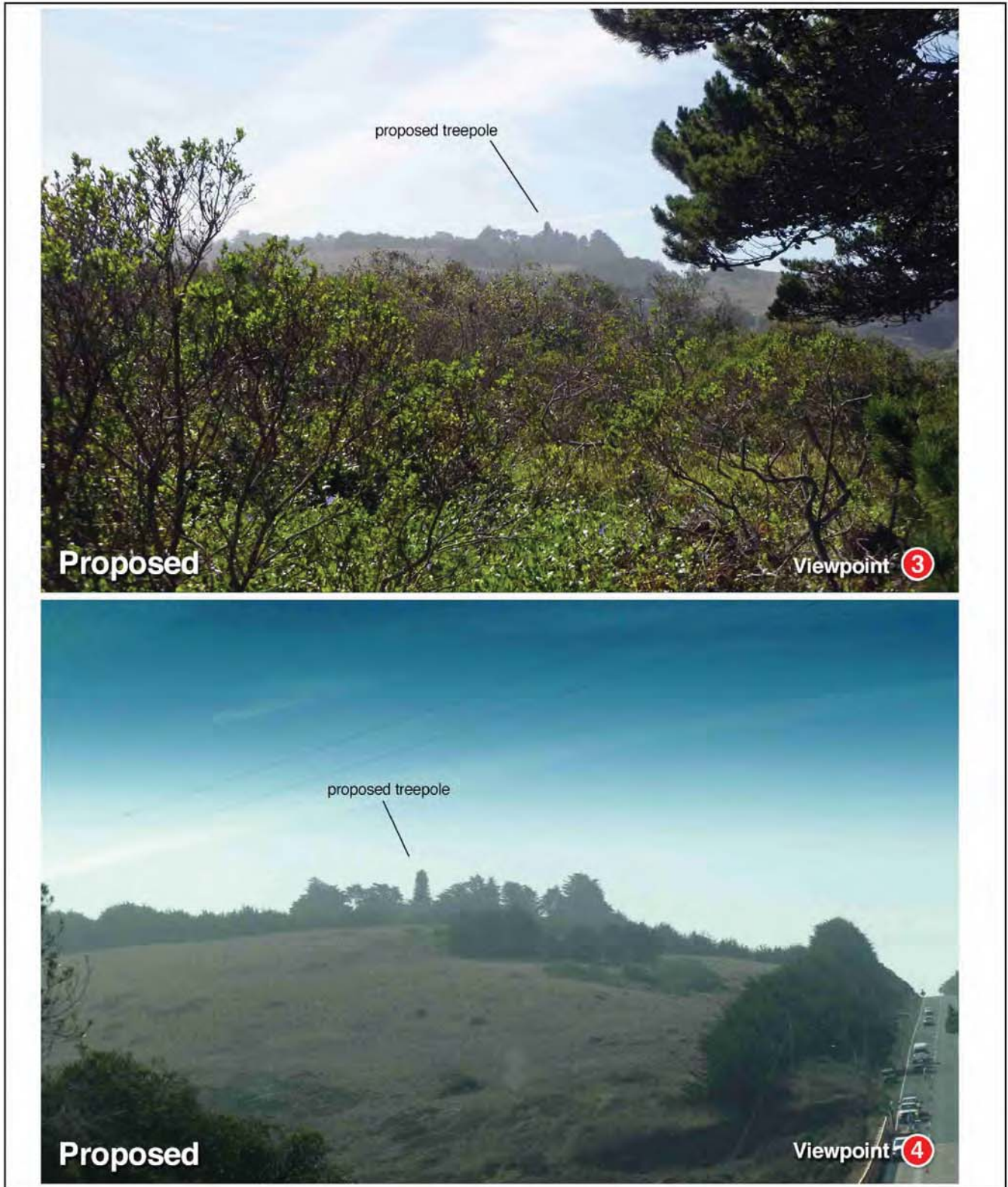
VIEWPOINTS FOR PHOTOSIMS



CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (PHOTOSIM 1)

NO SCALE



CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (PHOTOSIM 2)

NO SCALE



CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (PHOTOSIM 3)

NO SCALE

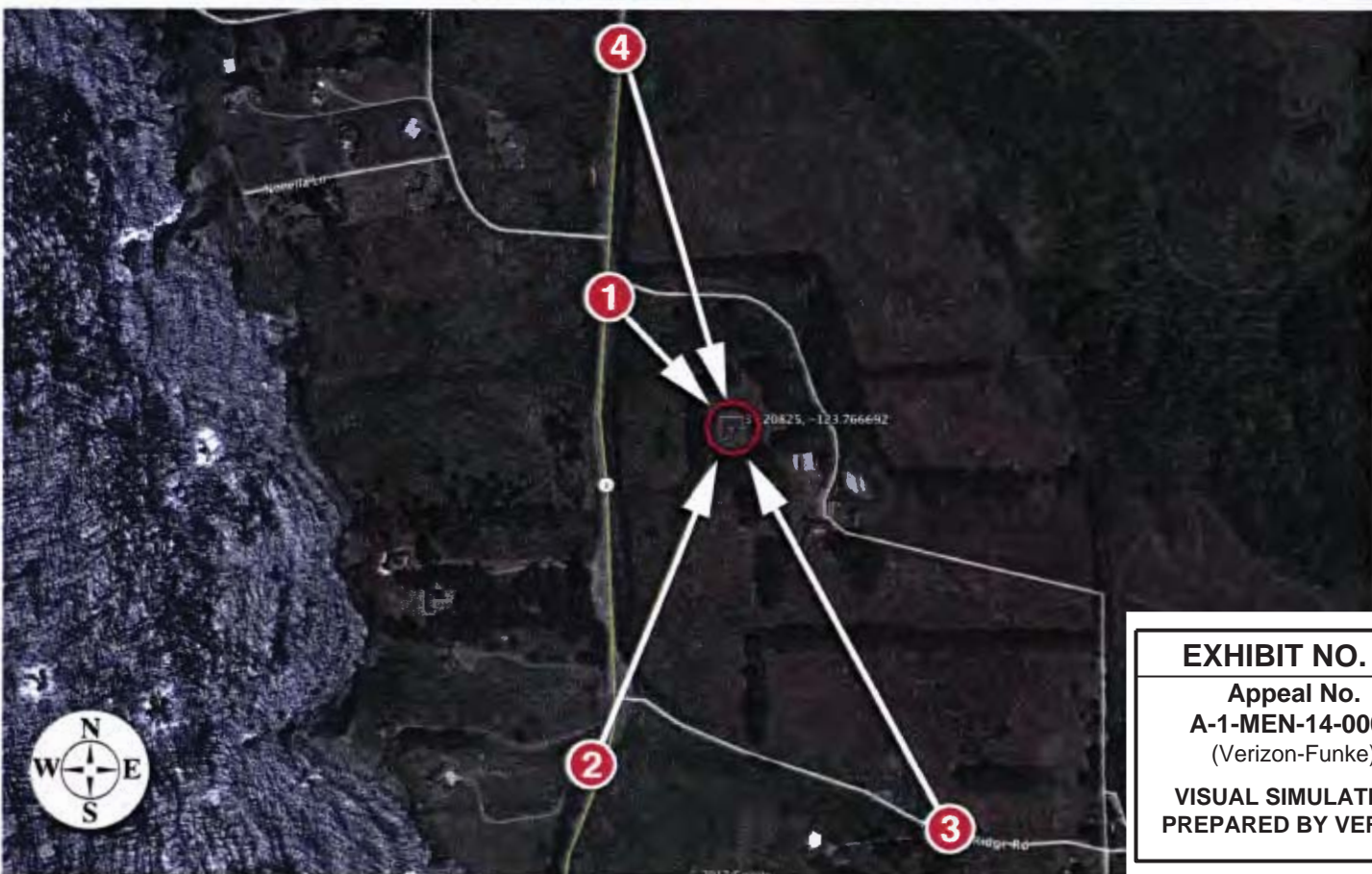


EXHIBIT NO. 5
Appeal No.
A-1-MEN-14-0006
 (Verizon-Funke)
VISUAL SIMULATIONS
PREPARED BY VERIZON



Albion Site # 249646

Aerial Map

9/12/12

2335 N. Highway 1
 Albion, CA 95410

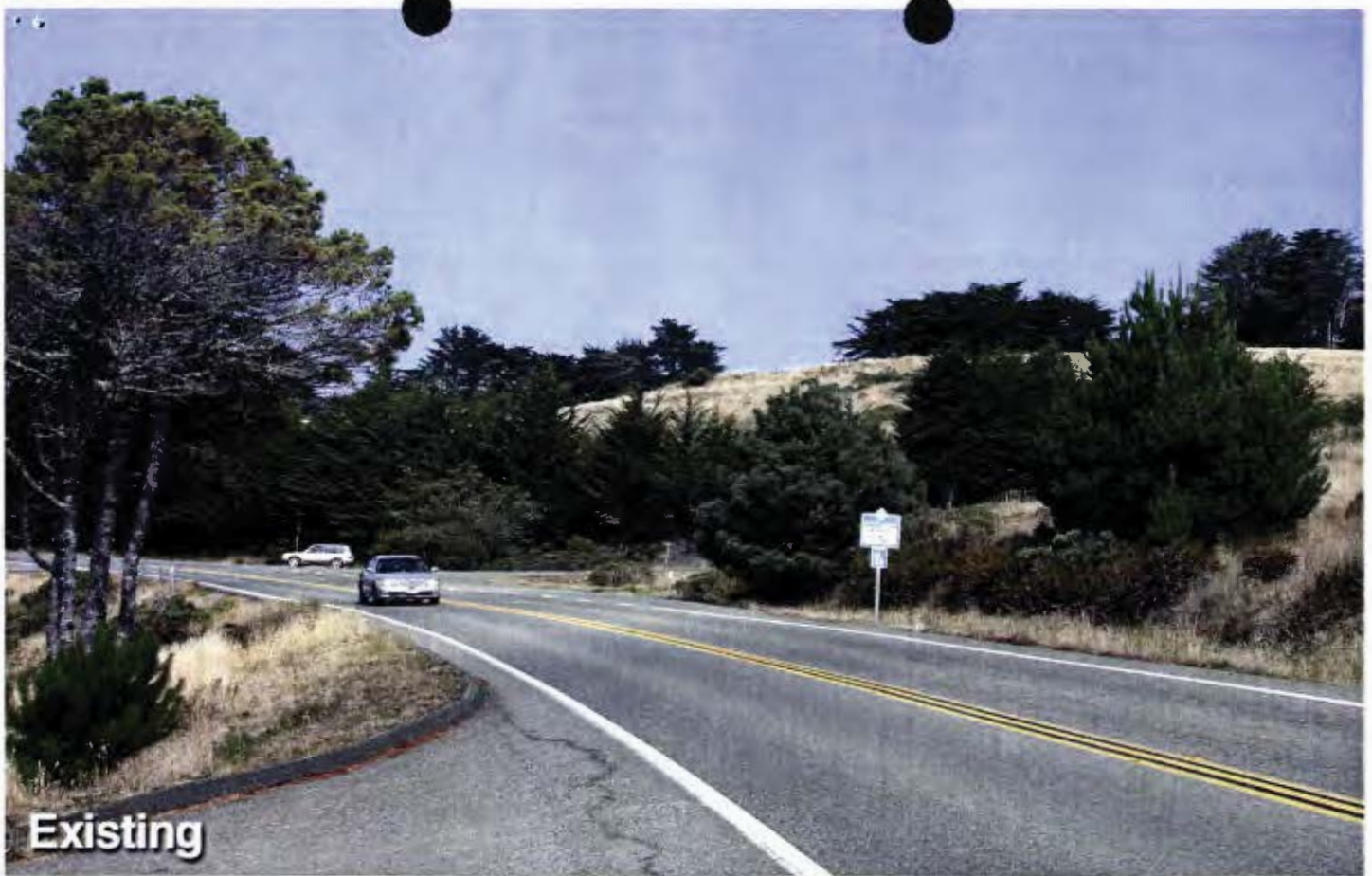
Applied Imagination 510 914-0500
 (1 of 5)



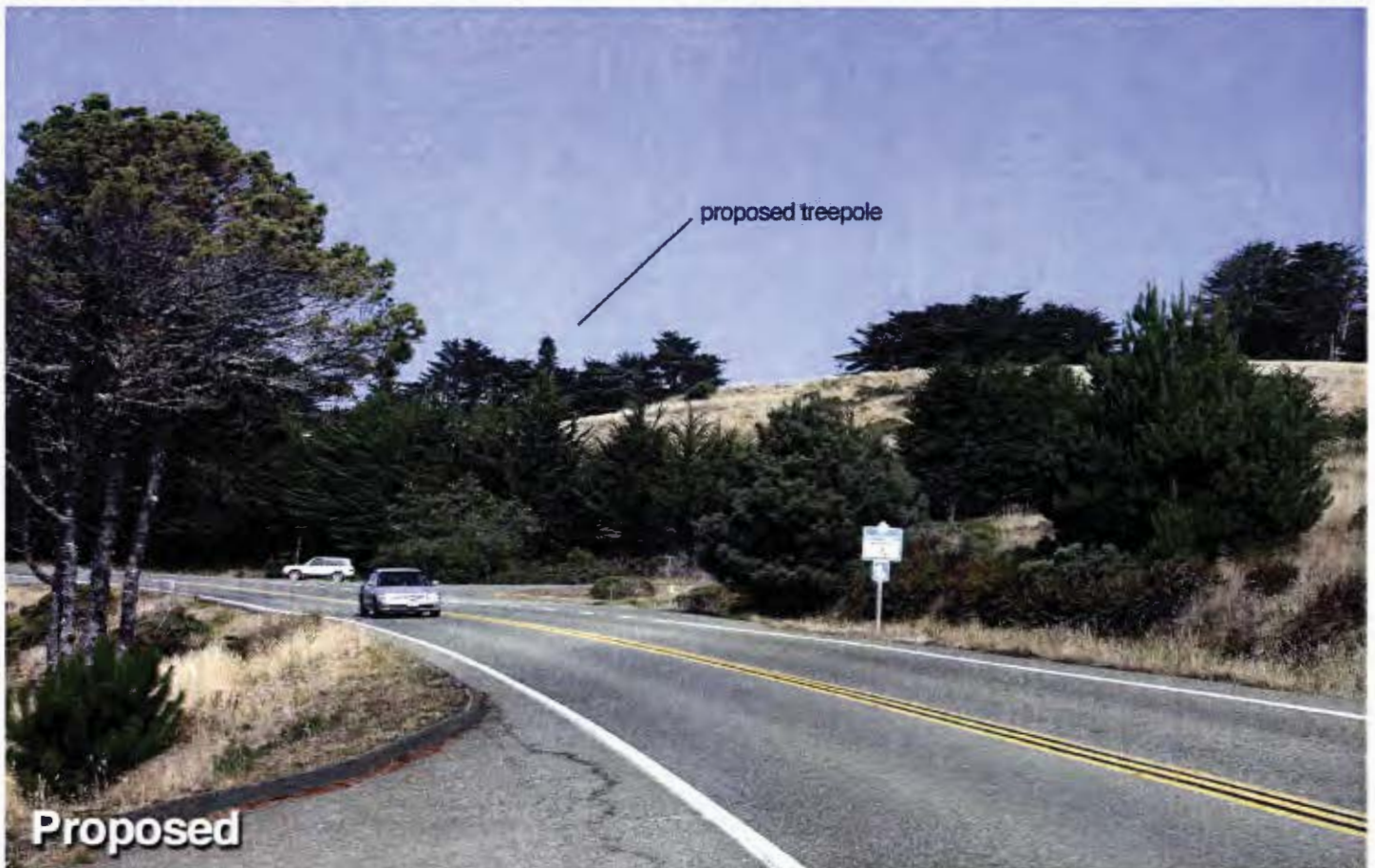
Existing



Proposed



Existing



Proposed





Existing



proposed treepole



Proposed

EXHIBIT A

Project Description-Proposal

Site Name: Albion Site # 249646

Proposed Verizon Wireless facility located at
2335 N. Highway 1
Albion, CA 95410

Owner: Wolfgang F. Funke & Brunhilde K. Funke
APN: 123-370-03

EXHIBIT NO. 6

Appeal No.

A-1-MEN-14-0006

(Verizon-Funke)

**VERIZON'S PROJECT
DESCRIPTION AND
ALTERNATIVES ANALYSIS**

Introduction

Verizon Wireless is the largest wireless communications provider in the U.S. with more than 27 million wireless voice and data customers. The coast-to-coast wireless provider was formed by the combination of the U.S. wireless businesses of Bell Atlantic Corp. and GTE Corp - now Verizon Communications (NYSE:VZ) - and Vodafone (NYSE and LSE: VOD). The new company includes the assets of Bell Atlantic Mobile, AirTouch Cellular, GTE Wireless and PrimeCo Personal Communications.

Verizon and its affiliates have acquired licenses from the Federal Communication Commission ("FCC") and the CPUC. These licenses include Sonoma County, California. The regional system operates under the name GTE Mobilnet of California Limited Partnership, a California limited partnership, d/b/a Verizon Wireless, by Cellco Partnership, its general partner.

Applicant's Request

Cellco Partnership, d/b/a Verizon Wireless formally requests pursuant to the County of Mendocino Wireless Telecommunications Policy approval of a Use Permit and Coastal Permit for an unmanned telecommunications facility located at 2335 N. Highway 1 in Albion, California.

Project Description

Installation of an unmanned Verizon Wireless telecommunications facility to be located at 2335 N. Highway One in Albion, California. The proposed facility will consist of the installation of twelve panel antennas mounted on new 105 foot monopine, a 12' x 16' equipment shelter and a *standby 30 KW Diesel generator with a UL142 gallon fuel tank, located with a 30'x 35' lease area within a chain link fence with green slates. Monopine and equipment will be located approximately 400 feet from N. Highway One behind an existing row of existing cypress trees. Proposed lease area will be accessed from the existing graveled driveway that will be extended and graveled to include a fire turn around per Mendocino County Fire Safe Requirements, Public Resource Code 4290.

*Verizon will include a new stand-by 30KW diesel generator with a 132-gallon diesel fuel tank. This generator will supply power in emergency situations only. This is part of Verizon's homeland security initiative. Verizon wants the entire network to be able to sustain itself in the event of blackout situations. The generator will meet all noise standards of the County of Mendocino.

Maintenance

The facility will be unmanned and will be visited only monthly for routine maintenance. The facility will emit no glare, odor or noise above acceptable levels, and will not have any signage other than those required for identification as mandated by the FCC and FAA, which are designed to protect public safety. To ensure structural integrity of the facility, Verizon Wireless will construct and maintain the site in compliance with all federal, state and local building codes and standards. In addition, each facility is monitored 24 hours a day, electronically for intrusion and environmental disruption. The facility will also contain a sign identifying a 1-800 number to call in case of an emergency (manned 24 hours a day by Verizon employees) and identifying it as a Verizon facility. Verizon will be in compliance with all FCC regulations regarding signage at the facility.

Need for Site and Location Justification

Wireless phone systems operate on a "grid" system, whereby overlapping "cells" mesh to form a seamless wireless network. The technical criteria for establishing cell sites are very exacting as to both the height and location of the telecommunication facility. Based on a computerized engineering study, which takes into account, among other things, local population density, traffic patterns, and topography, Verizon Wireless's RF engineers have identified this location as being a necessary and appropriate location for a cell site in order to provide coverage along N. Highway One and to the surrounding community of Albion. This site is intended to extend coverage south on Highway One from the recently built and on air location on Comptche Ukiah Road, and somewhat on Highway 128.

Alternative Site Analysis

Verizon Wireless investigated existing structures, towers and buildings high enough to accommodate the coverage objectives.

- (1) 4401 Cameron Road, Elk – Drive test was conducted May 24, 2011 – Failed to achieve coverage objective
- (2) Albion Volunteer Fire Department – Hwy One and Albion Ridge Road (West Street) Caltrans plan to reroute Highway One – Site too close to Highway - No Ground Space – referred to Funke Property as best location in Albion to place site.
- (3) Albion Post Office – Located at 3380 Albion Ridge Road (West Street @ N. Highway One – Caltrans rerouting Highway One – no Ground Space Available
- (4) Little River Airport – Too far east to cover Highway One south and 128, also too close to Comptche Ukiah Verizon site
- (5) Fensalden Inn – 33810 Navarro Ridge Road – Too far East from N. Hwy One

(6) Water Tank – Albion Ridge Road – Mendocino Water District Tank located directly in front of single family resident over look ocean view – Privately owned land, no contact interest.

(7) Leventhal Parcel – 26301 Albion Ridge Road- Willing property owner, however, too far from N. Highway One – (8 miles east)

Radio Frequency

The proposed facility will be designed and constructed to meet applicable governmental and industry safety standards. Verizon Wireless continues to comply with all FCC governing construction requirements, technical standards, interference protection, power limitations, and radio frequency standards. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC. (See EMF Evaluation dated November 12, 2012)

Noise & Acoustical Information

Standby Generator for emergency back up power supply

In order for Verizon to maintain the site's operational capability in the event of an emergency or extended power outage, a 30 kW diesel fired generator will be installed at time of construction. The generator itself is enclosed in a sound attenuated enclosure, utilizes a muffler with the exhaust pipe directed vertically approximately 8 feet above ground level. The generator would run for extended periods of time only in the event of a natural disaster, other emergency or prolonged power outage. Sound test results are available for the proposed generator and are attached for review.

Safety

The proposed site will be entirely self-monitored by sophisticated computers which connect directly to a central office and which alert personnel to equipment malfunction or breach of security. Moreover, no smoke, debris or other nuisance will be generated by the proposed facility.

The proposed facility will not be detrimental to nor will it endanger the public health, safety, morals, comfort, or general welfare of the community. The proposed facility will not pose a risk of explosion, fire or other danger to life or property due to proximity to other materials and the facility will be designed and a State of California qualified engineer will certify that the proposed facility will be structurally sound.

In Conclusion

Everyday, more than 296,000 "911" calls are made from wireless phones. According to the National Center for Health Statistics Interview Survey January – June 2010, 26.6% of U.S. Households are Wireless "Only" households. The proposed Verizon Wireless Telecommunications Facility enhances the general welfare of the community by

providing the infrastructure for these calls, as well as providing vital means of communication during times of emergency when traditional land lines are not available or in cases of power failure. The carefully selected and designed facility allows these calls to occur while remaining a site that meets the needs of the community now and in the future.

For the purpose and duration of this application, the project manager is **NSA Wireless, Inc. located at 2000 Crow Canyon Place Suite 400, San Ramon CA 94583, contact Pamela Nobel direct at (707) 486-7252, email: pdnobel@earthlink.net or NSA Wireless at (925) 244-1890, and Fax: (925) 355-0672.**

Verizon Wireless long-term responsible party and agent for service of process is:

GTE Mobilnet of California Limited Partnership,
dba Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUST STREET • UKIAH • CALIFORNIA • 95482

120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

STEVE DUNNICLIFF
TELEPHONE 707-463-4281
FAX 707-463-5709
FB PHONE 707-964-5379
FB FAX 707-961-2427
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

RECEIVED

JAN 31 2014

**CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**

NOTICE OF FINAL ACTION

January 28, 2014

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: CDU 10-2012

DATE FILED: 12/13/2012

OWNER: WOLFGANG & BRUNHILDE FUNKE

APPLICANT: CELLCO PARTNERSHIP/VERIZON WIRELESS

AGENT: NSA WIRELESS, INC. PAMELA NOBEL

REQUEST: Coastal Development Use Permit to authorize construction and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless) consisting of a 105 foot tall monopine (monopole designed to resemble a pine tree), 12 panel antennas, 2 GPS antennas, a 30 kilowatt diesel generator, a 132 gallon propane tank and a 176 square foot equipment shelter.

LOCATION: 1.1 +/- miles south of Albion, lying on the east side of State Highway 1. 0.1 +/- miles north of its intersection with Navarro Ridge Road, located at 2335 North Highway 1; AP# 123-370-03, 123-320-02 and 123-360-07.

PROJECT COORDINATOR: DUSTY DULEY

ACTION TAKEN:

The Planning Commission, on January 16, 2014, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

Attachments

cc: Coastal Commission
Assessor

EXHIBIT NO. 7

APPLICATION NO.

A-1-MEN-14-0006 - VERIZON-FUNKE

NOTICE OF FINAL LOCAL ACTION
AND FINDINGS FOR APPROVAL FOR
CDP 10-2013 (1 of 129)



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUST STREET • UKIAH • CALIFORNIA • 95482

120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

STEVE DUNNICLIFF

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FB FAX 707-961-2427

pbs@co.mendocino.ca.us

www.co.mendocino.ca.us/planning

FINAL FINDINGS AND CONDITIONS OF APPROVAL

CDU 10-2012 – FUNKE

JANUARY 16, 2014

The Planning Commission approves Coastal Development Use Permit # CDU 10-2012 per the findings and conditions of approval contained in the staff report and as modified during the public hearing, further findings;

CONDITIONS OF APPROVAL:

Aesthetics

- **1.** The total height of tower including antennas and faux branches will not exceed 105 feet in height above ground level. Within sixty (60) days of completion of the installation of the facility, the applicant shall confirm that the height is no greater than approved, and shall submit a written certification to the County of the actual height.
- **2.** Existing trees and other vegetation, which will provide screening for the proposed facility and associated access roads, shall be protected from damage. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
- **3.** If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site, and the site shall be restored to a natural-appearing condition.
- **4.** Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the facility and restoration of the site in the event that the applicant abandons operations or fails to comply with requirements for removal of facilities and restoration of the site.
- **5.** Exterior surfaces of structures and equipment shall have subdued colors and non-reflective materials selected to blend with their surroundings. Color samples shall be submitted to the Department of Planning and Building for approval.
- **6.** Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed.
- **7.** Branches of the "monopine" shall extend beyond the antennas and fully conceal the supporting structure and antennas. The branches must:
 - (i) Be constructed to a density of 2.5 branches for each one vertical foot of pole, and
 - (ii) Start attachment at no greater than twenty-five (25) feet above finished grade and continue to the top of the pole, and
 - (iii) Be a minimum of eight (8) feet long around the circumference of the lower level and shall taper appropriately as the branches progress upwards.
- **8.** The antenna array shall not extend more than thirty (30) inches from the structure to which it is attached.
- **9.** An evaluation of the facility's stealth capability shall be submitted for review and approval by the Department of Planning and Building Services after the initial construction, one year following

construction and every five years thereafter. The report shall assess surrounding vegetation growth, including height and density in the vicinity, and a color assessment to assess fading of material. Replacement or remediation of the wireless facility shall be performed by the applicant if required by the Department of Planning and Building Services.

Air Quality

10. Prior to the development phase of the project, the applicant shall contact the Mendocino County Air Quality Management District for a determination as to the need for a permit from the District for the proposed generator.
11. The new access road leading from the existing road to the project site shall be covered with an impermeable sealant or rock at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with regulations regarding asbestos content.
12. All grading activities must comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.

Biological Resources

- **13. Applicant shall comply with the recommendations for preserving Biological Resources identified in the Biological Assessment dated November 2012 and prepared by Kjeldsen Biological Consulting which state:
- All project construction activities must be limited to the project footprint. Best Management Practices including silt and erosion control measures must be implemented to protect off-site movement of sediment and dust during and post construction. Best Management Practices must be implemented throughout the construction period such as retaining ground cover litter, providing mulch for bare ground and standard erosion and dust control.
 - No vehicle traffic should be allowed outside of the existing road alignment or ranch courtyard.
 - Staging of equipment and materials for site construction must be located in the courtyard of the ranch headquarters or on the access road turn around at the project site.
 - All project construction activities must be limited to the project footprint. Best Management Practices such as retaining ground cover litter, providing mulch for bare ground, silt, and erosion control measures must be implemented to protect off-site movement of sediment and dust during and post construction.
 - Erosion control measures must be implemented to protect off-site movement of sediment and dust during and post construction will ensure that no significant adverse effects to biological resources will occur.
 - No grading or expansion of the existing access road, which is adjacent and within the 100 foot buffer zone of the riparian zone of the ESHA.

Cultural Resources

14. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Geology and Soils

- **15. As soon as practical following completion of any earth disturbance, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site. Project construction activities are limited to the project footprint. Trenches will need to be filled and resurfaced to match the original surface.

****16** All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices": The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.

- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
- b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
- c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
- d. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
- e. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
- f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless an Erosion and Sedimentation Prevention Plan, prepared by a registered civil engineer, has been submitted and approved by the Department of Planning and Building Services which outlines wet weather earthmoving and drainage control protocols. Such plan shall include all appropriate Best Management Practices that shall be installed in accordance with the approved Erosion and Sediment Prevention Plan prior to the start of construction during the rainy season.
- g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
 2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.

Noise

****17.** The Generator shall be equipped with mufflers and spark arresters, and shall not produce noise levels exceeding 50 dBA at the nearest off site residence. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and emergency use are not included in this limitation. If necessary the generator shall be enclosed by a noise barrier shelter designed by an acoustical engineer and remain oriented and screened to limit excessive noise to surrounding residences.

Public Services

18. The applicant shall complete Cal Fire standard fire safe requirements pursuant to Cal Fire #203-12. The applicant shall obtain written verification from Cal Fire stating that this condition has been met to the satisfaction of Cal Fire and submit it to the Department of Planning and Building Services.

19. The facility shall provide if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.

Transportation/Traffic

20. Prior to commencement of construction activities or issuance of a building permit, the applicant shall contact the California Department of Transportation as to the need to complete any driveway improvements to the private driveway encroachment onto State Highway 1. Applicant shall complete any improvements identified by the California Department of Transportation. The applicant shall obtain written verification from stating that this condition has been met to the satisfaction of the California Department of Transportation and submit it to the Department of Planning and Building Services.

Wireless Guidelines

21. Prior to the final inspection by the Building Division of the Department of Planning and Building Services, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than one square foot, shall be mounted on the fence exterior in a location visible when approached from the street, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall be posted.
22. The antennas and supporting structure shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.
23. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
24. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site and to require no more than a reasonable charge for collocation.
25. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower.

Standard Conditions

26. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
27. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
28. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
29. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. That the permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which the permit was granted have been violated.

- c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

30. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
31. This permit is issued for a period of ten years, and shall expire on January 16, 2024. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
32. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.

Fish and Wildlife Filing Fee

33. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Wildlife Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,206.25 (fee will change after January 1st, 2014), shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.

FILING REQUESTED BY
County of Mendocino
Planning & Building Services Dept
860 North Bush Street
Ukiah, CA 95482

AND WHEN FILED MAIL TO
County of Mendocino
Planning & Building Services Dept
860 North Bush Street
Ukiah, CA 95482

NOTICE OF DETERMINATION

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ Mendocino County Clerk
501 Low Gap Road, Room 1020
Ukiah, CA 95482

Subject: Filing of Notice of Determination in compliance with Section 21108 and 21152 of the Public Resources code.

Project Title:

CASE#: CDU 10-2012

DATE FILED: 12/13/2012

OWNER: WOLFGANG & BRUNHILDE FUNKE

APPLICANT: CELLCO PARTNERSHIP/VERIZON WIRELESS

AGENT: NSA WIRELESS, INC. PAMELA NOBEL

State clearing House Number
(If Submitted to Clearing House)

Contact Person
Dusty Duley

Area Code/Number/Extension
707-463-4281

Project Location: 1.1 +/- miles south of Albion, lying on the east side of State Highway 1. 0.1 +/- miles north of its intersection with Navarro Ridge Road, located at 2335 North Highway 1; AP# 123-370-03, 123-320-02 and 123-360-07.

Project Description: Coastal Development Use Permit to authorize construction and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless) consisting of a 105 foot tall monopine (monopole designed to resemble a pine tree), 12 panel antennas, 2 GPS antennas, a 30 kilowatt diesel generator, a 132 gallon propane tank and a 176 square foot equipment shelter.

This is to advise that the County of Mendocino has approved the above-described project on January 16, 2014 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Considerations was not adopted.

This is to certify that the Mitigated Negative Declaration and record of project approval is available to the general public at 860 North Bush Street, Ukiah.

Date of Filing _____

Signature _____

**COUNTY OF MENDOCINO
ENVIRONMENTAL REVIEW GUIDELINES
MITIGATED NEGATIVE DECLARATION**

I. DESCRIPTION OF PROJECT.

DATE: January 28, 2014

CASE#: CDU 10-2012

DATE FILED: 12/13/2012

OWNER: WOLFGANG & BRUNHILDE FUNKE

APPLICANT: CELCO PARTNERSHIP/VERIZON WIRELESS

AGENT: NSA WIRELESS, INC. PAMELA NOBEL

REQUEST: Coastal Development Use Permit to authorize construction and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless) consisting of a 105 foot tall monopine (monopole designed to resemble a pine tree), 12 panel antennas, 2 GPS antennas, a 30 kilowatt diesel generator, a 132 gallon propane tank and a 176 square foot equipment shelter.

LOCATION: 1.1 +/- miles south of Albion, lying on the east side of State Highway 1. 0.1 +/- miles north of its intersection with Navarro Ridge Road, located at 2335 North Highway 1; AP# 123-370-03, 123-320-02 and 123-360-07.

PROJECT COORDINATOR: DUSTY DULEY

II. DETERMINATION.

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

The proposed project will not have a significant effect on the environment, and it is recommended that a MITIGATED NEGATIVE DECLARATION be adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.



MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:

January 17, 2014

LOCATION:

Mendocino County Board of Supervisors Chambers
501 Low Gap Road, Room 1070
Ukiah, California

COMMISSIONERS PRESENT:

Little, Krueger, Nelson, Warner, Holtkamp, Hall, Ogle

COMMISSIONERS ABSENT:

None

PLANNING & BLDG SVC STAFF PRESENT:

Steve Dunncliff, Director
Andy Gustavson, Chief Planner
Mary Lynn Hunt, Senior Planner
Dusty Duley, Planner III
Fred Tarr, Planner II
Adrienne Thompson, Commission Services Supervisor
Heidi Morrison, Staff Assistant II

OTHER COUNTY DEPARTMENTS PRESENT:

Tom Peters, Department of Transportation
Terry Gross, Deputy County Counsel
Marlayna Duley, Environmental Health

1. Roll Call.

The meeting was called to order at 9:00 a.m.

2. Planning Commission Administration

2a. Election of the 2014 Chair and Vice Chair

Chairman Little asked if there were any objections to Chair and Vice Chair.

Commissioner Ogle made a motion to nominate Commissioner Little as Chair and Commissioner Warner as Vice Chair. Seconded by Commissioner Ogle and carried by a voice vote of (7-0).

The Commission welcomed Chairman Little and Vice Chair Warner as the 2014 Officers.

2b. Appoint Representative from the Planning Commission to serve on the Airport Land Use Commission.

Chairman Little noted there was a vacancy on the Airport Land Use Commission (ALUC).

Mr. Tarr stated that the Planning Commission had three representatives on the ALUC; however there was a vacancy since Commissioner Calvert had retired. He noted the Planning Commission would make a recommendation to the Board of Supervisors to appoint one new member.

The Commission recommended that the Board of Supervisors appoint Commissioner Krueger replace Commissioner Calvert on the Airport Land Use Commission.

2c. Determination of Legal Notice.

The Clerk advised the Commission that all items had been properly noticed.

3. Director's Report and Miscellaneous.

Mr. Dunncliff presented a verbal Director's Report and congratulated Chairman Little on his election to Chair for another year. He discussed the R3 rezonings, which would come before the Commission at their February meeting.

Commissioner Holtkamp asked if there was an update on the recognition for Commissioner Calvert.

Mr. Dunncliff noted the item was being timed with the Boards discussion of the final Mendocino Town Plan document hearing and a target date had not been selected. He assured the Commission that they would receive notice when the item was heard.

Commissioner Warner asked if the Commission could receive copies of the Original Ordinance.

Commissioner Ogle also asked if they could receive a copy of the Ordinance.

Mr. Dunncliff noted the items had just been finalized by the Board and he would request copies for the Commission.

Commissioner Ogle asked if there would be a presentation on Vision Mendocino 2030 and noted she would represent the January 2014 Planning Commission meetings.

Chairman Little noted so many presentations.

The Clerk advised the Commission that the Board was targeting the March or April hearing, but had not confirmed a date.

The Commission stated they would prefer the presentation in March so all Commissioners would be present.

4. Matters from Public.

No one was present from the public who indicated a desire to address the Commission.

5. Consent Calendar.

5a. Approval of the December 19, 2013 Planning Commission Minutes.

Commission Ogle and Commission Warner submitted corrections to the Minutes.

Upon motion by Commission Holtkamp, seconded by Commissioner Nelson and carried by a voice vote of (7-0), the December 19, 2013 Minutes are Approved as Corrected.

4. Regular Calendar.

5a. CASE#: MS 6-2013

DATE FILED: 8/5/2013

OWNER: ROBERT GITLIN & KARLA FREY-GITLIN

APPLICANT: ROB GITLIN

AGENT: RON FRANZ

REQUEST: Minor Subdivision to create four parcels and a remainder all with a minimum of 80,000 square feet.

LOCATION: In Redwood Valley, lying on the east side of West Road (CR# 237) to the south of Mohawk Trail (CR# 237G), located at 10301 West Road; AP# 160-200-31.

PROJECT COORDINATOR: FRED TARR

Mr. Andy Gustavson discussed new information that had been received by the Planning and Building Services Department alerting staff to multiple violations on the subject parcel and neighboring parcel including possible unpermitted construction over a leach field and property lines. He noted there was a question regarding encroachment of buildings into the planned access road into the subdivision, setback from property lines and other material questions which normally would have been addressed prior to the Planning Commission Hearing. He recommended the Commission open the public hearing and allow testimony, but continue the hearing to a later date to allow staff time to address the various concerns with the property.

Fred Tarr, Project Coordinator, reviewed the staff report and discussed the correspondence received on the project noting the applicant had requested revisions to several conditions. He also stated that Bill Koehler, the General Manager for the Redwood Valley County Water District was present to answer questions. Mr. Tarr continued with the staff report and provided a power point illustrating the location, parcel configuration and surrounding zoning. He commented that several conditions may need updating and briefly discussed water concerns. He noted that the remainder parcel had an existing connection to Redwood Valley and a separate well, which would be supplying water to Proposed Parcel 1. He also stated that Proposed Parcels 2 and 3 had existing wells and Proposed Parcel 4 would be served by a well. Mr. Tarr continued with his discussion of the zoning and noted that under the General Plan Update, the subject parcel had been rezoned from RR5 to RR2, although there were lands under a Williamson Act contract across the road, the General Plan requires lots smaller than 10 acres. He noted that the buffer between the proposed parcels and the Big Preserve would be approximately 110 feet with the 60 foot wide road and the 50 foot setback from property lines, stating that the General Plan recommended 200-300 feet as a buffer for resource lands. As a compromise, staff was allowing only 1 single detached unit per acre to develop bedrooms or guest cottages would be allowed. In closing, Mr. Tarr stated that the proposed parcels would be accessed by a private road that was not dedicated to the county's records. The staff's recommendation would be addressing roadway and easement.

Chairman Little asked staff the required setback from property lines for a septic system.

Mr. Tarr stated that a representative from Environmental Health was available to answer questions.

Chairman Little asked who regulated wells for draw down of neighboring properties and noted there was a concern that there were no clear guidelines as to the restriction on wells.

Mr. Gustavson noted Environmental Health regulated wells.

Marlayna Duley, Environmental Health, noted that a groundwater study was needed to be able to set requirements for the inland area. She commented that it would be the Water Agency, Planning & Building Services and the State Water Resources who would need to provide the study.

Commissioner Holtkamp asked if Environmental Health supervised the testing of wells.

Ms. Duley stated that Environmental Health issued the permit to drill through the crust and inspected the sealing only.

Commissioner Nelson asked how to instigate a groundwater study.

Mr. Gustavson stated direction from the Board of Supervisors would be needed so a discussion could take place on resource assessment and allocation of funds.

Commissioner Holtkamp asked how the Planning Commission could make a recommendation to the Board to begin an inland groundwater study.

Mr. Gustavson stated the Commission could note for the Board that during project consideration, water quantity in the inland areas is a topic that frequently arises.

Commissioner Nelson stated he would like to agendaize the discussion for a meeting.

Mr. Gustavson stated he would prepare a framework layout of the current water policies in the County for the February meeting.

Rob Gitlin, applicant, discussed affordable housing in the County and the inclusion of his property in the General Plan Update; reading a portion of the letter he had submitted to the Board of Supervisors in 2008. He discussed several projects he had completed in the City of Ukiah and asked how those "affordable housing credits" could pass over to his County project. He commented that he had discussed the issue with Charley Stump, Planning and Community Development Director for the City of Ukiah; however he still did not have an answer.

Commissioner Nelson asked how Mr. Gitlin's information pertained to his current subdivision request.

Mr. Gitlin stated he was addressing the fee waiver for affordable housing as a credit instead of paying the in lieu fee as a condition of his subdivision. He felt that paying the in lieu fee was a penalty to the project and did not feel the item needed to be continued to a later hearing date.

Chairman Little stated that staff had requested a continuance for building code violations and potential encroachment on surrounding property lines.

Mr. Gitlin stated he had met with Chris Warrick concerning the information had been brought to his attention and he was removing the street. He felt the issue had been addressed and did not see any reason to hold up the project. He stated adding conditions to the subdivision that would not allow the subdivision to be built until all wells had been drilled. He discussed water availability on the parcels and noted that Parcel 1 had a 12" well that would serve Parcels 3 and 4. Proposed Parcel 2 had a 12" well that would serve Parcel 1 and the parcel listed as Not Part of the subdivision. In addition to Redwood Valley Water and other wells that would be drilled.

Commissioner Nelson commented that new wells would be drilled.

Mr. Gitlin agreed and stated no new wells would be drilled for the project. He continued and discussed Conditions regarding road width and improvements. He felt findings could be made to allow for an 18 foot road with 4 inches of aggregate base and 6 inches onto the hammerhead. He also felt the utility easement should be reduced to 40 feet.

Commissioner Warner asked what was planted along the property line. She was also confused as to how Mr. Gitlin was building affordable housing.

Mr. Gitlin noted the parcel had many mature trees along the property lines and stated that the ordinance had language to create affordable housing, but it lacked direction on how to complete the process.

Commissioner Warner commented that the Inclusionary Housing Ordinance had been written to include the "in lieu fee" because it was not likely that a small developer could provide affordable units.

Chairman Little asked if Mr. Gitlin was implying that the units that would be built on each parcel would be affordable and that his historical projects grant him a credit towards this project so that the fee is waived.

Mr. Gitlin stated the Chairman was correct. He felt the parcels would sell under the market rate and he hoped to transfer credits from his City of Ukiah projects to cover the fee for the subdivision.

Commissioner Krueger asked how Mr. Gitlin planned to allocate water to the parcels that did not have wells on them when the properties were sold to different owners.

Mr. Gitlin stated deeded water rights had already been established.

Commissioner Krueger suggested adding a condition related to water allocation and also a road maintenance agreement for future use.

Mr. Tarr agreed with the road maintenance agreement condition and noted that staff would add the standard condition.

Mr. Gitlin did not have an issue with adding either condition.

The public hearing was declared open.

Bill Koehler, General Manager for the Redwood Valley Water District, provided the Commission with a redacted letter to demonstrate that the district had no objection to the minor subdivision. He noted it was not uncommon for the district to provide the clearance letters when there were existing wells on a property, thus Special Condition # 26 could be fulfilled by Tuesday morning.

Sheila Lucas commented that she was speaking for her parents who were away on vacation and stated their residence was directly behind the subject property. She noted that the vegetation in the photo that Commissioner Warner had asked about was marijuana and her family was concerned with the activities that surround grow operations. She stated that her parents were unable to enjoy their summer evening because of the smell that emanates from the plants and noted that the grow operation and green houses have been present for 3 years.

Commissioner Nelson asked if the grow was permitted.

Ms. Lucas did not know if the plants or multiple greenhouses were permitted, however she stated there were more than 25 plants on the parcel. She was concerned how many "garden" would be planted if the parcel was divided further.

David Kurland commented that he was the new owner of 281 West Road and stated he was aware of the public hearing on the property and he was not aware that the greenhouses required permits and had discussed the permitting process with the department to rectify to violations. He thought the parcels would be utilized for the families who would like to own a mini-farm. He also stated that the marijuana plants were from a previous year and commented that he would make sure the gardens were next to their neighbor's parcels to work things out.

Doris stated that she was new to Redwood Valley and lived on Road K, but stated the new neighbors at the end of the subject property had a substantial grow. She was concerned with the overall water usage on the property, noting she had installed 2 holding tanks to supplement her well and would like the pot removed.

Paul Spangenburg stated he was in the process of buying Proposed Parcel 1 from Mr. Gitlin and noted that as a single father, he never thought he would be able to afford land to build a home on; this was his "dream come true" for his daughter.

The public hearing was declared closed.

Mr. Gitlin responded to comments and noted that he had clauses in his leases stating that tenants could not grow marijuana and distributed a handout to the Commission relating to the General Plan Update of his parcel.

Mr. Gustavson discussed affordable housing and stated that if the applicant wished to submit for the affordable housing credit, he would need a revised application and the project agendaized for a future meeting.

Commissioner Ogle asked if cities do not have inclusionary housing ordinances.

Ms. Gross noted the use of the inclusionary housing ordinance was a policy debate and both city and county organizations throughout the State have an ordinance. She commented that the ordinance was technical, but not unreadable and had provisions for exemptions and waivers. She stated the Commission could not consider the proposed project for an affordable housing credit because the applicant had not submitted a plan as an affordable project.

Commissioner Holtkamp asked who prepares the plan.

Ms. Gross stated the applicant was obligated to prepare the plan if interested in the credit. The plan should provide the County with how many units are proposed to be built and an agreement for the person who buys the property on the length of time the unit is to remain affordable before resale.

Commissioner Nelson reiterated that with the information before the Commission, applying the Inclusionary Housing Credit was not an option.

Ms. Gross stated that was correct because the applicant did not have an application for an affordable housing plan submitted.

Commissioner Ogle asked about the ability to apply credit to new housing from existing housing that had not been applied for.

Ms. Gross stated those were two different entities, noting the County has Regional Housing Units for affordability assigned as an obligation imposed by the State, which must be demonstrated and the Inclusionary Housing Ordinance is the mechanism for satisfying that obligation.

Chairman Little noted the discussion of Inclusionary Housing was done in project review and thought the Ordinance should be reviewed to ensure there was clear on how to apply for affordable housing and how waivers are given.

Ms. Gross agreed that the Ordinance should be reviewed.

Commissioner Nelson noted the discussion of Inclusionary Housing was done in project review and thought the Ordinance should be reviewed to ensure there was clear on how to apply for affordable housing and how waivers are given.

Tom Peters, Department of Planning and Building Services, agreed there were site distance issues for the road, however he was able to view the site from the road due to a locked gate. He noted that he had met with the applicant to discuss the exception request form and get it filled out. He stated it was his preference to have the easement remain at 60 feet, but was not opposed to reducing the road width to 18 feet in the existing conditions. He noted the Commission would need to make findings for allowing the reduced road width in the motion since the standard condition had been applied to accommodating more traffic.

Commissioner Ogle noted there was an exception request form to submit to the Department of Transportation.

Commissioner Nelson commented that he thought the applicant had room for a 22 foot wide road and asked if Mr. Peters noted a reason for reduced width.

Mr. Peters commented that he did not see a reason to reduce the width, as there were no drainage issues and room to accommodate the full 22 feet.

Commissioner Nelson noted he did not see any reason to grant the exception.

Chris Warrick, Chief Building Official, stated the Department of Planning and Building Services had issued Mr. Gittlin a Notice of Violation (NOV) when the unpermitted structures were brought to his attention. He noted the applicant had assured him that the greenhouses would be demolished and permitted in a new location; however no permit had been issued at that time.

Commissioner Nelson noted he would prefer to continue the hearing until such time as the permits had been obtained and the buildings removed.

Ms. Gross stated the Commission would need to select a date to avoid re-noticing the hearing.

Upon motion by Commissioner Nelson, seconded by Commissioner Warner and carried by the following roll call vote (7-0), IT IS ORDERED to continue IMS 6-2013 to the March 20, 2014 Planning Commission hearing.

AYES: Little, Krueger, Nelson, Warner, Holtkamp, Hall, Ogle
NOES: None
ABSENT: None

[Break 10:35 AM - 10:45 AM]

5b. CASE#: CDU 10-2012

DATE FILED: 12/10/2012
OWNER: WOLFGANG & BRUNHILDE FUNKE
APPLICANT: CELLCO PARTNERSHIP/VERIZON WIRELESS
AGENT: NSA WIRELESS, INC./PAMELA NOBEL
REQUEST: Coastal Development Use Permit to authorize construction and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless) consisting of a 105 foot tall monopine (monopole designed to resemble a pine tree), 12 panel antennas, 2 GPS antennas, a 30 kilowatt diesel generator, a 132 gallon propane tank and a 176 square foot equipment shelter.
LOCATION: 1.1 +/- miles south of Albion, lying on the east side of State Highway 1, 0.1 +/- miles north of intersection with Navarro Ridge Road, located at 2335 North Highway 1, AP# 123-370-03, 123-320-02 and 123-320-01
PROJECT COORDINATOR: DUSTY DULEY

Dusty Duley, Project Coordinator, reviewed the staff report and presented a power point of the project. He noted that a total of 35 letters had been received; 33 in support of the tower for emergency services, safety, further internet/phone access to wireless in home area, and 2 letters had been received in opposition from Melissa Hays and Rixanna Wehren stating the site with less visual impact should be found. Mr. Duley discussed the project location, other sites that had been approved in area, coverage maps, and aerial maps of the area across from the proposed tower location. He noted the parcel was in a wooded area for the most part and the project site surrounded by cypress trees growing in a high water table 3 feet below the ground. Duley discussed the visual simulations he had prepared from the proposed Highway 1 and stated that the stealth design may not be enough to disguise the tower from view, stating it would most likely be visible for a 1.4 mile stretch of the Highway. He noted several new conditions for the Commission on Page PC 6, Condition's 7, 8, and 9, stating what staff expected from a successful monopine design, including density of branches, where branches should be placed, length of branches, to minimize extension of antennas from the pole, etc. The conditions also allow staff to require maintenance of the carrier should the monopole need revision due to unsuccessful stealthing or lack of upkeep of the facility and surrounding vegetation. He noted staff had balanced the visual impacts by focusing on the increased service and recommended approval of the project with a minor change to Condition #31, to correct the expiration date to January 16, 2024.

Commissioner Ogle asked the project must also be approved by the Coastal Commission.

Mr. Duley noted the project was in the highly scenic area and appealable to the Coastal Commission; however they were not required to approve the project.

Pam Nobel, agent for applicant, discussed the timeline of events prior to application submittal including the search ring, coverage from the approved Comptche site, and the drive tests completed for areas.

Commissioner Ogle noted Ms. Nobel had answered her question regarding alternate sites as questioned by the Sierra Club letter submitted by Ms. Wehren.

Commissioner Warner asked about moving the pole as indicated in the letter from Ms. Hays.

Ms. Nobel noted she had spoken to staff about relocating the pole; however much of the coverage along Highway 1 would be lost if the site was moved.

The public hearing was declared open.

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Mark Schoen stated he was one of the closest residents in the nearby housing subdivision and his windows directly face the proposed site. He supported the site and stated the benefits outweigh the potential impacts.

Deanne Schoen was also in favor of the project noting an emergency situation she had assisted in which could have benefited from increased cell coverage.

David Christianson noted a similar emergency situation that could have benefited from increased cell coverage. He was also in support of modern and felt cell towers were becoming more "scenically" acceptable.

Leona Walden supported the project in case of emergencies and power outages and thought have some kind of backup system was necessary.

Shirley Freriks, from Mendocino Broadband, summarized the various support letters that had been submitted and added that visitors expect to have cell service. She felt it was an absolute need to have connectivity, noting that 82% of small businesses are run from home. She suggested planting more trees if the aesthetics were an issue.

Ted Williams was in support of the project and discussed the advantage of online information for his children and the benefit it has created for homework. He also stated he was Chief for Albion-Little River area and stated some young adults do not understand what they are and rely on cell phones in emergency situations. He felt it was a public safety issue and there was a need for connectivity. He also pointed out that staff would be oversight conditions to ensure compliance.

Catherine Hughes stated she had nothing to add, but in support of the project and stated that more cell towers were needed, especially to the highway.

Mr. Williams added the tower would be located for the Fire Department, which was a huge advance.

The public hearing was adjourned.

Chairman Little noted if service could be affected by weather conditions.

Ms. Noble did not think weather would affect the tower, but stated she was not familiar with the technical side of the process.

Chairman Little commented that with the highway traffic and residents relying on the tower for internet and phones, he hoped the tower would have the capacity to maintain a considerable volume of cell traffic without dropping service.

Ms. Noble stated the tower was a state of the art 4G long term tower and did not think capacity would be an issue.

Chairman Little asked if the antennas would face all directions.

Ms. Nobel stated it was a full sector antenna and would provide coverage into the ocean.

Commissioner Hall made a motion to approve CDU 10-2012 per the findings and conditions of approval contained in the staff reporting, noting the expiration date should be updated in Condition #31 to January 16, 2024.

Mr. Duley noted a situation with a cell tower in Potter Valley where the generator had not been installed and asked the Commission to add a new Condition, # 34, to state "The applicant shall install a generator as identified in the plan or an alternate as approved by Planning and Building Services."

The motion was seconded by Commissioner Holtkamp.

Chairman Little noted for the audience that sometimes projects are appealed to the Coastal Commission and asked that the community bring the same passion they had displayed for the Planning Commission to any possible appeal hearing, if that should happen.

Upon motion by Commissioner Hall, seconded by Commissioner Holtkamp and carried by the following roll call vote (7-0), IT IS ORDERED to approve CDU#10-2012 per the findings and conditions of approval contained in the staff report and as modified during the public hearing to correct the expiration date on Condition #31 and to add a new Condition regarding the installation of the backup generator.

General Plan Consistency Finding: The proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

Environmental Findings: The Planning Commission finds that the project can be adequately mitigated through conditions of approval and therefore the Commission adopts a Mitigated Negative Declaration.

Coastal Development Permit Findings: The Planning Commission approves CDU# 10-2012 subject to the conditions of approval recommended by staff further finding that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or to the general welfare of the county.
3. That such use preserves the integrity of the zoning district.
4. The proposed development is consistent with the certified local coastal program.
5. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.
6. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.
7. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
8. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
9. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

ALTERNATIVE MOTION: The Planning Commission denies Coastal Development Use Permit CDU# 10-2012 finding that the project is inconsistent with Coastal Zoning Code Sections 20.504.015(C)1, 20.504.020(D) and 20.504.015(C)7(d)

RECOMMENDED CONDITIONS OF APPROVAL:

Aesthetics

- **1. The total height of tower including antennas and faux branches will not exceed 105 feet in height above ground level. Within sixty (60) days of completion of the installation of the facility, the applicant shall confirm that the height is no greater than approved, and shall submit a written certification to the County of the actual height.

- **2.** Existing trees and other vegetation, which will provide screening for the proposed facility and associated access roads, shall be protected from damage. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
- **3.** If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site, and the site shall be restored to a natural-appearing condition.
- **4.** Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the facility and restoration of the site in the event that the applicant abandons operations or fails to comply with requirements for removal of facilities and restoration of the site.
- **5.** Exterior surfaces of structures and equipment shall have subdued colors and non-reflective materials selected to blend with their surroundings. Color samples shall be submitted to the Department of Planning and Building for approval.
- **6.** Exterior light fixtures shall be designed or located so that only reflectance is visible from beyond the immediate vicinity of the site, and shall be turned off when in use by facility personnel. No aircraft warning lighting shall be installed.
- **7.** Branches of the "monopine" shall not be used to conceal the supporting structure and antennas. The branches must:
- (i) Be cut at least 10 feet from the base of the pole, and
 - (ii) Start at least 25 feet above finished grade and continue to the top of the pole.
 - (iii) Be at least 6 feet long around the circumference of the lower level and shall taper as the branches progress upwards.
- **8.** The antenna array shall not extend more than thirty (30) inches from the structure to which it is attached.
- **9.** An evaluation of the facility's stealth capability shall be submitted for review and approval by the Department of Planning and Building Services after the initial construction, one year following construction and every five years thereafter. The report shall assess surrounding vegetation growth, including height and density in the vicinity, and a color assessment to assess fading of material. Replacement or remediation of the wireless facility shall be performed by the applicant if required by the Department of Planning and Building Services.

Air Quality

10. Prior to the development phase of the project, the applicant shall contact the Mendocino County Air Quality Management District for a determination as to the need for a permit from the District for the proposed generator.
11. The new access road leading from the existing road to the project site shall be covered with an impermeable sealant or rock at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with regulations regarding asbestos content.
12. All grading activities must comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.

Biological Resources

- **13.** Applicant shall comply with the recommendations for preserving Biological Resources identified in the Biological Assessment dated November 2012 and prepared by Kjeldsen Biological Consulting which state:

• All project construction activities must be limited to the project footprint. Best Management Practices including silt and erosion control measures must be implemented to protect off-site movement of sediment and dust during and post construction. Best Management Practices must be implemented throughout the construction period such as retaining ground cover litter, providing mulch for bare ground and standard erosion and dust control.

• No vehicle traffic should be allowed outside of the existing road alignment or ranch courtyard.

• Staging of equipment and materials for site construction must be located in the courtyard of the ranch headquarters or on the access road turn-around at the project site.

• All project construction activities must be limited to the project footprint. Best Management Practices such as retaining ground cover litter, providing mulch for bare ground, silt, and erosion control measures must be implemented to protect off-site movement of sediment and dust during and post construction.

• Erosion control measures must be implemented to protect off-site movement of sediment and dust during and post construction will ensure that no significant adverse effects to biological resources will occur.

• No grading or expansion of the existing access road, adjacent and within the 100 foot buffer zone of the riparian zone of the ES.

Cultural Resources

14. In the event that archaeological resources are discovered on the site, further disturbance in the immediate vicinity of the site must be halted and the requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological disturbance be followed.

Geology and Soils

- **15. As soon as practicable following completion of any earth disturbance, vegetative ground cover or driveway surfacing, or better than existing shall be reestablished on all disturbed portions of the site. Project construction activities are limited to the project footprint. Trenches will need to be filled and resurfaced to match the original surface.
- **16. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices": The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
 - Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless an Erosion and Sedimentation Prevention Plan, prepared by a registered

civil engineer, has been submitted and approved by the Department of Planning and Building Services which outlines wet weather earthmoving and drainage control protocols. Such plan shall include all appropriate Best Management Practices that shall be installed in accordance with the approved Erosion and Sediment Prevention Plan prior to the start of construction during the rainy season.

- g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
 2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.

Noise

- **17. The Generator shall be equipped with mufflers and spark arresters and shall not produce noise levels exceeding 50 dBA at the nearest off-site residence. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and emergency work are not included in this limitation. If necessary the generator shall be shielded by a barrier screen designed by a licensed acoustical engineer and remain oriented and screened from neighboring residences.

Public Services

18. The applicant shall complete all Fire Department safety requirements pursuant to Cal Fire #203-12. The applicant shall obtain written verification from Cal Fire stating that this condition has been met to the satisfaction of Cal Fire and submit it to the Department of Planning and Building Services.
19. The facility shall provide if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.

Transportation/Traffic

20. Prior to commencement of construction activities or issuance of a building permit, the applicant shall contact the California Department of Transportation as to the need to complete any driveway improvements to the private driveway encroachment onto State Highway 1. Applicant shall complete any improvements identified by the California Department of Transportation. The applicant shall obtain written verification from stating that this condition has been met to the satisfaction of the California Department of Transportation and submit it to the Department of Planning and Building Services.

Wireless Guidelines

21. Prior to the final inspection by the Building Division of the Department of Planning and Building Services, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than one square foot, shall be mounted on the fence exterior in a location visible when approached from the street, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall be posted.
22. The antennas and supporting structure shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.

23. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
24. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site and to require no more than a reasonable charge for collocation.
25. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower.

Standard Conditions

26. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
27. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
28. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
29. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following conditions:
- a. That the permit has been violated or is in violation.
 - b. That one or more of the conditions upon which the permit was granted have been violated.
 - c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

30. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
31. This permit is issued for a period of ten years, and shall expire on January 16, 2019 **January 16, 2024**. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
32. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.

Fish and Wildlife Filing Fee

33. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Wildlife Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,206.25 (fee will change after January 1st, 2014), shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if

the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.

****34. The applicant shall install a generator as identified in the plan or an alternate as approved by Planning and Building Services.**

AYES: Little, Krueger, Nelson, Warner, Holtkamp, Hall, Ogle
NOES: None
ABSENT: None

Commissioner Holtkamp noted she liked Condition #9 and hoped to see it added to all cell tower applications in the standard conditions of approval.

6. Matters from Staff.

Mr. Gustavson asked the Commission if they would like to review the Inclusionary Housing Ordinance, noting recent discussions that occurred during project review.

The Commission stated they would like to review the ordinance.

Mr. Gustavson stated he would prepare something for the next meeting.

Commissioner Holtkamp asked when wireless companies would come back to the commission.

Mr. Gustavson was unsure, but stated they would probably be back in February.

7. Matters from Commission.

Commissioner Nelson moved that the Commission like to discuss the potential for an Inland Groundwater Study and asked if other Commissioners were interested.

Commissioners Holtkamp and Warner all stated they were very interested in a groundwater discussion.

Chairman Little asked staff to provide an outline of the process for beginning an Inland Groundwater Study for the February meeting.

Mr. Gustavson stated he would prepare an outline for the next meeting that would illustrate existing policies so the Commission could understand the framework and discuss options to make a recommendation to the Board.

Commissioner Ogle noted she would not be at the February meeting, but asked to receive all the information for reference. She was also unavailable in April.

Chairman Little commented that the Mendocino Coast was rated as the third most desirable visitors spot in the world by the New York Times.

8. Adjournment.

Upon motion by Commissioner Nelson, seconded by Commissioner Hall, and unanimously carried (7-0), IT IS ORDERED that the Planning Commission hearing adjourn at 12:02 p.m.

STAFF REPORT FOR COASTAL DEVELOPMENT USE PERMIT

**CDU 10-2012
JANUARY 16, 2014
PAGE PC-1**

OWNERS: WOLFGANG AND BRUNHILDE FUNKE
2335 NORTH HIGHWAY 1
ALBION, CA 95410-0337

APPLICANT: CELCO PARTNERSHIP d/b/a VERIZON WIRELESS
2785 MITCHELL DRIVE
WALNUT CREEK, CA 94598

AGENT: NSA WIRELESS, INC
PAMEL NOBEL
2000 CROW CANYON PLACE #400
SAN RAMON, CA 94583

REQUEST: Coastal Development Use Permit to authorize construction and operation of a telecommunications facility to support a wireless carrier (Verizon Wireless), consisting of a 105 foot tall "monopine" (monopole designed to resemble a pine tree), 12 panel antennas, 2 GPS antennas, a 30 kilowatt diesel generator, a 132 gallon diesel tank and a 192 square foot equipment shelter.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve the request with recommended Conditions of Approval

LOCATION: In the coastal zone, 1.1± miles south of Albion, lying on the east side of State Highway 1, 0.1± miles north of its intersection with Navarro Ridge Road (CR# 518), located at 2335 North Highway 1 Albion, Ca 95410; AP# 123-370-03, 123-320-02, 123-360-07.

TOTAL ACREAGE: 1,050 square foot leased area within an 115± acres host parcel

GENERAL PLAN: Rangeland- 160 acre minimum (RL160)

ZONING: Rangeland- 160 acre minimum (RL160) + Ag Preserve (A)

ADJACENT ZONING:
North: Rangeland- 160 acre minimum (RL160)
East: Rangeland- 160 acre minimum (RL160) + Rural Residential- 5 acre minimum (RR 5)
South: Rural Residential- 5 acre minimum (RR 5)
West: Rural Residential- 10 acre minimum (RR 10) + Rural Residential- 5 acre minimum and Planned Development (RR 5 + PD)

EXISTING USES: Residential + Hay Production

ADJACENT LAND USES:
North: Vacant
East: Vacant
South: Residential/Inn/Vacant
West: Residential/State Highway 1

SUPERVISORIAL DISTRICT: 5

OTHER RELATED APPLICATIONS ON SITE: The subject parcel's current configuration resulted from County's recognition of Certificate of Compliance CC# 20-99.

OTHER RELATED APPLICATIONS IN THE SURROUNDING AREA: Staff summarizes the closest existing wireless telecommunication sites and their governing use permits. Map located on Page PC 52 shows the closest sites in relation to project location.

The Board of Supervisors, upheld the action of the Planning Commission, and approved Coastal Development Use Permit (CDU# 1-2003) on appeal. This approval authorized Edge Wireless, now AT&T Mobility, to install a "stealth" wireless antenna, disguised as a pier supporting a deck to a single-family dwelling near the Town of Mendocino. The associated electronics were located inside the property owner's garage. The permit was later modified (CDUM 1-2003/2010) to allow AT&T Mobility to place two additional "stealth" antennas under the deck for a total of three antennas. This site is located approximately 6.0 miles northwest of the proposed project site.

A Coastal Development Use Permit (CDU# 11-2003) was submitted by US Cellular for a similar project at the Stanford Inn. This request included the placement of 4 panel antennas within 2 existing chimney structures, two Global Positioning Satellite (GPS) antennas, and associated electronics housed within an indoor storage room. This project was a "stealth" application as antennas were proposed to be entirely hidden within the chimney structure. The project was approved by the Planning Commission at the February 19, 2004 meeting. Project opponents appealed the decision to the Board of Supervisors who overturned the Commission's decision at the May 25, 2004 meeting due to a perceived inconsistency with the County Wireless Guidelines as the area is primarily residential and that an alternative neighboring site at the nearby location of CDU# 1-2003 might have been available. It was later determined that the nearby facility CDU# 1-2003 could not support an additional carrier and thus was not a co-locatable site. Facing litigation from the cellular company, the Board overturned their earlier decision at the January 4, 2005 meeting. Opposition to the project appealed the Board's approval decision to the California Coastal Commission (CCC) contending that the use is inconsistent with the Rural Residential and Visitor Accommodations and Services Zoning Districts. The appellants also contended that the project approval was inconsistent with the Mendocino Town Plan, specifically those policies that address preservation of the town's "character", understanding that the use of cell phones would significantly change and modify the historic character of the Town of Mendocino. The CCC upheld the decision of the County finding that the project was consistent with Local Coastal Plan and did not impact coastal resources.

Coastal Development Use Permit (CDU# 17-2007) was approved by the Planning Commissions on March 6, 2008 allowing Edge Wireless to locate 3 panel antennas within two other chimney structures on the Stanford Inn and associated ground equipment within an enclosed outdoor lease area. Edge Wireless has since transferred their permit entitlement to another wireless carrier, T-Mobile. This site is located approximately 6.3 miles northwest of the proposed project site.

Verizon Wireless submitted a Coastal Development Use Permit (CDU# 11-2007) requesting to construct a 135-foot tall lattice tower with 12 panel antennas, 2 microwave dishes and associated ground equipment. CDU# 11-2007 was approved by the Planning Commission at the December 17, 2009 with the exception that the 135 foot tall lattice tower be replaced with a 135-foot tall "monopine". The project was appealed to the CCC whom upheld the Planning Commission's decision with the exception that the "monopine" be located at an alternate site within the property that would allow for a greater buffer to Environmentally Sensitive Habitat Areas (ESHA). This site is located approximately 6.1 miles north of the proposed project site.

BACKGROUND: The Telecommunications Act of 1996 was signed into law on February 8, 1996. This act preserves the authority of a State or local governments over decisions regarding the placement, construction, and modifications of personal wireless services, subject to limitations. Section 704(7)(B)(iii) requires that any denial *shall be in writing and supported by substantial evidence contained in a written record*. Section 704(7)(B)(iv) prohibits denial on the basis of radio frequency emissions if those emissions are below the standards as determined by the Federal Communications Commission (FCC).

On November 15, 2001, the Mendocino County Planning Commission adopted *Guidelines for the Development of Wireless Communication Facilities* to regulate wireless communication facilities. By adopting this resolution, the Planning Commission acted to maintain the County's authority over decisions regarding development, operation, and maintenance of wireless facilities.

PROJECT DESCRIPTION: The applicant is requesting a Coastal Development Use Permit to authorize the construction and operation of a new wireless communications facility. The project proposal includes the construction of a new 105 foot tall "monopine" (monopole designed to resemble a pine tree) to support 12 panel antennas. Associated ground equipment to be located within the applicant's 1,050 square foot leased area, includes a 30 kilowatt diesel generator, a 132 gallon fuel storage tank and a 176 square foot equipment shelter. The leased area will be secured by a 6-foot tall chain link fence around the perimeter. The wireless telecommunication facility will be unmanned and will operate 24 hours a day, 7 days a week.

The applicant's project description discusses Verizon's objectives, stating in part,

Verizon Wireless's RF [radio frequency] engineers have identified this location as being necessary and appropriate location for a cell site in order to provide coverage along Highway 1 and to the surrounding community of Albion. This site is intended to extend coverage south on Highway 1 from the recently built and on-air location on Comptche-Ukiah road, and somewhat on Highway 128.

The project site is located in the Coastal Zone on the east side of State Highway 1, approximately 1.1 miles south of Albion town. The site is within semi-natural grasslands (agricultural hay field) surrounded by Monterey Cypress trees. Existing improvements on the property include the owner's single-family residence, two barns, and a garage. The property is used for hay production and is in an Agricultural Preserve under the Williamson Act.

SERVICES:

Access: Existing private driveway via State Highway 1.
 Fire District: CalFire/Albion-Little River Fire District
 Water District: N/A
 Sewer District: N/A
 School District: Mendocino Unified School District

SURROUNDING LAND USE AND ZONING:

| | GENERAL PLAN | ZONING | LOT SIZES | USES |
|--------------|--------------|---------------|--------------------|------------------------|
| NORTH | RL160 | RL 160 | 2.5± acres | Vacant |
| EAST | RL160 + RR5 | RL 160 + RR 5 | 2.5± - 24± acres | Vacant |
| SOUTH | RR5 | RR 5 | 5.4± - 15± acres | Residential/Inn/Vacant |
| WEST | RR5 | RR 5 + PD | 0.4± - 12.5± acres | Residential |

REFERRAL AGENCY COMMENTS:

Agency comments are summarized below and are referred too throughout the staff report and initial study. Most agencies did not respond to staff's project referral or provided a "no comment" response.

| | |
|-----------------------------------|---|
| Planning – Fort Bragg Office | No response |
| Department of Transportation | No transportation issues. Recommend project approval |
| Environmental Health – Ukiah | Recommend project approval. |
| Building Inspection – Fort Bragg | No comment |
| Assessor | No response |
| Agricultural Commissioner | Recommend project approval |
| Air Quality Management District | Generator needs permit from District prior to construction |
| Archaeological Commission | Approved Archeological Report prepared for project. |
| Cal Fire | Fire Safe Standards pursuant to CDF File #203-12 |
| Native Plant Society | Found Biological Assessment to be adequate |
| Dept of Fish and Wildlife | No response |
| Coastal Commission | June 6, 2013 letter to staff: Concerns with visual impacts and loss of Ag land. |
| Caltrans | No response |
| Albion-Little River Fire District | No response |
| Mendocino Unified School District | No response |
| Federal Communications Commission | No response |
| Public Utilities Commission | No response |

| | |
|---------------------------------|--------------------------------------|
| Federal Aviation Administration | No response |
| North Coast RWQCB | No response |
| Army Corps of Engineers | No response |
| Mendocino Land Trust | Comments on potential visual impacts |
| Little River Airport | Recommend project approval |

KEY ISSUES:**Land Use Consistency**

The land use classification for the parcel is Range Lands – 160 acre minimums (RL 160). A wireless telecommunication facility is categorized under the Minor Impact Utilities Coastal Civic Use Type. Within the Range Lands classification, Minor Impact Utilities are a conditional use, subject to approval of a coastal development use permit. Coastal Zoning Code Section 20.368.005 states the intent of the Range Lands District,

This district is intended to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas.

Property owner currently used the majority of the approximate 115 acres property for hay production. According to the property owner, median hay production at the property is approximately 800 to 1,000 bales per year. As shown on the aerial photo on Page PC 41 applicant is proposing to locate the wireless telecommunication facility within an open field that is used for hay production. Approximately 3,450 square feet of land would be converted from hay production to accommodate project development.

The applicant hired an independent appraiser, Mr. Mike Pipkin with American Ag Appraisal whom determined that *the proposed cell site would not diminish the productivity or viability of the ranch for agricultural uses. The small site area is insignificant and would not hinder the farming or ranching use of the property.* Further, the County Agricultural Commissioner reviewed the project and is recommending project approval. Based on the minimal amount of land being converted from hay production to support the project, staff determined that the project will not conflict with the agricultural use on the property or the intent of the Range Lands District. Further discussion found in the Initial Study within Item II Agriculture and Forestry Resources and Item X Land Use Planning.

Aesthetics

Aesthetics is typically a concern associated with this type of use because of the substantial height of structures used to support communication antennas. The County Wireless Guidelines aim to minimize aesthetic or visual impacts from wireless telecommunication facilities by having them located or designed so as to be visually unobtrusive. The visibility of a facility is a function of its height, design, and its exposure to neighbors and the general public. Staff evaluation of potential visual impacts and applicable sections of the Local Coastal Plan and Coastal Zoning Code are found in the Initial Study within Item I Aesthetics

Staff concluded that although, there is not enough vegetation at this location to fully conceal the "monopine" from all vantage points along State Highway 1, given the stealth design and at times significant distance away, the general public may well be unaware of the true nature of the structure. However, based on staff's experience with other "monopine" designs installed in the County, the stealth design may not be effective at disguising the true use when viewed from a close distance, such as the vantage point seen in photo-simulation viewpoint number 5 (page PC 59). It's likely that a local user will be more acutely aware of changes to the visual resources versus the tourist who is less sensitive to specific changes in an unfamiliar environment. The Commission will need to balance potential visual impacts versus improved communication service in what is currently an unserved area.

STAFF RECOMMENDATION: Adopt a Mitigated Negative Declaration and approve Coastal Development Use Permit CDU# 10-2012 subject to the recommended Conditions of Approval.

FINDINGS FOR RECOMMENDED APPROVAL:

General Plan Consistency Finding: The proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

Environmental Findings: The Planning Commission finds that the project can be adequately mitigated through conditions of approval and therefore the Commission adopts a Mitigated Negative Declaration.

Coastal Development Permit Findings: The Planning Commission approves CDU# 10-2012 subject to the conditions of approval recommended by staff further finding that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
3. That such use preserves the integrity of the zoning district.
4. The proposed development is in conformity with the certified local coastal program.
5. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.
6. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.
7. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
8. The proposed development will not have any adverse impacts on any known archaeological or pale ontological resource.
9. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

ALTERNATIVE MOTION: The Planning Commission denies Coastal Development Use Permit CDU# 10-2012 finding that the project is inconsistent with Coastal Zoning Code Sections 20.504.015(C)1, 20.504.020(D) and 20.504.015(C)7(d)

RECOMMENDED CONDITIONS OF APPROVAL:

Aesthetics

- **1. The total height of tower including antennas and faux branches will not exceed 105 feet in height above ground level. Within sixty (60) days of completion of the installation of the facility, the applicant shall confirm that the height is no greater than approved, and shall submit a written certification to the County of the actual height.
- **2. Existing trees and other vegetation, which will provide screening for the proposed facility and associated access roads, shall be protected from damage. No trees that provide visual screening of the communications facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
- **3. If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site, and the site shall be restored to a natural-appearing condition.

- **4.** Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the facility and restoration of the site in the event that the applicant abandons operations or fails to comply with requirements for removal of facilities and restoration of the site.
- **5.** Exterior surfaces of structures and equipment shall have subdued colors and non-reflective materials selected to blend with their surroundings. Color samples shall be submitted to the Department of Planning and Building for approval.
- **6.** Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed.
- **7.** Branches of the "monopine" shall extend beyond the antennas and fully conceal the supporting structure and antennas. The branches must:
- (i) Be constructed to a density of 2.5 branches for each one vertical foot of pole, and
 - (ii) Start attachment at no greater than twenty-five (25) feet above finished grade and continue to the top of the pole, and
 - (iii) Be a minimum of eight (8) feet long around the circumference of the lower level and shall taper appropriately as the branches progress upwards.
- **8.** The antenna array shall not extend more than thirty (30) inches from the structure to which it is attached.
- **9.** An evaluation of the facility's stealth capability shall be submitted for review and approval by the Department of Planning and Building Services after the initial construction, one year following construction and every five years thereafter. The report shall assess surrounding vegetation growth, including height and density in the vicinity, and a color assessment to assess fading of material. Replacement or remediation of the wireless facility shall be performed by the applicant if required by the Department of Planning and Building Services.

Air Quality

10. Prior to the development phase of the project, the applicant shall contact the Mendocino County Air Quality Management District for a determination as to the need for a permit from the District for the proposed generator.
11. The new access road leading from the existing road to the project site shall be covered with an impermeable sealant or rock at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with regulations regarding asbestos content.
12. All grading activities must comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.

Biological Resources

- **13.** Applicant shall comply with the recommendations for preserving Biological Resources identified in the Biological Assessment dated November 2012 and prepared by Kjeldsen Biological Consulting which state:
- All project construction activities must be limited to the project footprint. Best Management Practices including silt and erosion control measures must be implemented to protect off-site movement of sediment and dust during and post construction. Best Management Practices must be implemented throughout the construction period such as retaining ground cover litter, providing mulch for bare ground and standard erosion and dust control.
 - No vehicle traffic should be allowed outside of the existing road alignment or ranch courtyard.

• Staging of equipment and materials for site construction must be located in the courtyard of the ranch headquarters or on the access road turn around at the project site.

• All project construction activities must be limited to the project footprint. Best Management Practices such as retaining ground cover litter, providing mulch for bare ground, silt, and erosion control measures must be implemented to protect off-site movement of sediment and dust during and post construction.

• Erosion control measures must be implemented to protect off-site movement of sediment and dust during and post construction will ensure that no significant adverse effects to biological resources will occur.

• No grading or expansion of the existing access road, which is adjacent and within the 100-foot buffer zone of the riparian zone of the ESHA.

Cultural Resources

14. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

Geology and Soils

- **15. As soon as practical following completion of any earth disturbance, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site. Project construction activities are limited to the project footprint. Trenches will need to be filled and resurfaced to match the original surface.
- **16. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices": The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
 - Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless an Erosion and Sedimentation Prevention Plan, prepared by a registered civil engineer, has been submitted and approved by the Department of Planning and Building Services which outlines wet weather earthmoving and drainage control protocols. Such plan shall include all appropriate Best Management Practices that shall be installed in accordance with the approved Erosion and Sediment Prevention Plan prior to the start of construction during the rainy season.
 - Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:

1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.

Noise

- **17. The Generator shall be equipped with mufflers and spark arresters, and shall not produce noise levels exceeding 50 dBa at the nearest off site residence. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Repairs and emergency use are not included in this limitation. If necessary the generator shall be enclosed by a noise barrier shelter designed by an acoustical engineer and remain oriented and screened to limit excessive noise to surrounding residences.

Public Services

18. The applicant shall complete Cal Fire standard fire safe requirements pursuant to Cal Fire #203-12. The applicant shall obtain written verification from Cal Fire stating that this condition has been met to the satisfaction of Cal Fire and submit it to the Department of Planning and Building Services.
19. The facility shall provide if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.

Transportation/Traffic

20. Prior to commencement of construction activities or issuance of a building permit, the applicant shall contact the California Department of Transportation as to the need to complete any driveway improvements to the private driveway encroachment onto State Highway 1. Applicant shall complete any improvements identified by the California Department of Transportation. The applicant shall obtain written verification from stating that this condition has been met to the satisfaction of the California Department of Transportation and submit it to the Department of Planning and Building Services.

Wireless Guidelines

21. Prior to the final inspection by the Building Division of the Department of Planning and Building Services, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than one square foot, shall be mounted on the fence exterior in a location visible when approached from the street, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall be posted.
22. The antennas and supporting structure shall be inspected every ten years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.
23. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
24. By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site and to require no more than a reasonable charge for collocation.
25. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower.

Standard Conditions

26. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code, unless modified by conditions of the use permit.
27. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless the Planning Commission has approved a modification.
28. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
29. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. That the permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which the permit was granted have been violated.
 - c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

30. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
31. This permit is issued for a period of ten years, and shall expire on January 16, 2019. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
32. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.

Fish and Wildlife Filing Fee

33. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Wildlife Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,206.25 (fee will change after January 1st, 2014), shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

DATE

DUSTY DULEY
PLANNER III

** Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Mitigated Negative Declaration.

DD/hm
December 12, 2013

Mitigated Negative Declaration
Appeal Fee - \$1855.00
Appeal Period - 10 days

ATTACHMENTS:
Initial Study
Maps
Exhibit A- Applicant Project Description

**MENDOCINO COUNTY
ENVIRONMENTAL REVIEW GUIDELINES
INITIAL STUDY**

DATE: December 1, 2012

CASE#: CDU 10-2012

DATE FILED: 12/13/2012

OWNER: WOLFGANG F. AND BRUNHILDE K. FUNKE

APPLICANT: CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

AGENT: PAMELA NOBEL - NSA WIRELESS, INC.

REQUEST: Coastal Development Use Permit to authorize construction and operation of a telecommunications facility to support a wireless carrier (Verizon Wireless), consisting of a 105 foot tall "monopine" (monopole designed to resemble a pine tree), 12 panel antennas, 2 GPS antennas, a 30 kilowatt diesel generator, a 132 gallon diesel tank and a 192 square foot equipment shelter.

LOCATION: In the coastal zone, 1.1± miles south of Albion, lying on the east side of State Highway 1, 0.1± miles north of its intersection with Navarro Ridge Road (CR# 518), located at 2335 North Highway 1, Albion, Ca. 95410. AP# 123-370-03, 123-320-02, 123-360-07.

PROJECT COORDINATOR: DUSTY DULEY

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).

Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | | | | |
|-------------------------------------|--------------------------|--------------------------|------------------------------------|-------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> | Aesthetics | <input type="checkbox"/> | Agriculture and Forestry Resources | <input type="checkbox"/> | Air Quality |
| <input checked="" type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Cultural Resources | <input checked="" type="checkbox"/> | Geology / Soils |
| <input type="checkbox"/> | Greenhouse Gas Emissions | <input type="checkbox"/> | Hazards & Hazardous Materials | <input checked="" type="checkbox"/> | Hydrology / Water Quality |
| <input type="checkbox"/> | Land Use / Planning | <input type="checkbox"/> | Mineral Resources | <input checked="" type="checkbox"/> | Noise |
| <input type="checkbox"/> | Population / Housing | <input type="checkbox"/> | Public Services | <input type="checkbox"/> | Recreation |
| <input type="checkbox"/> | Transportation/Traffic | <input type="checkbox"/> | Utilities / Service Systems | <input checked="" type="checkbox"/> | Mandatory Findings of Significance |

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

INITIAL STUDY/ENVIRONMENTAL REVIEW: This section assesses the potential environmental impacts which may result from the project. Questions in the Initial Study Checklist are stated and answers are provided based on analysis undertaken.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| I. AESTHETICS. Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) *Have a substantial adverse effect on a scenic vista?* **Less than Significant with Mitigation Incorporated**

The applicant is proposing to construct the facility, including 105 foot tall "monopine", in an open meadow surrounded by Monterey Cypress trees. An aerial photo is provided on Page PC 41 showing the project site in relation to the property boundaries, State Highway 1 and the Pacific Ocean. The project site is approximately 100 feet higher in elevation and 460 feet east of State Highway 1 and is in a designated "Highly Scenic Area" pursuant to County Coastal Zoning Code (CZC) Section 20.544.020(B)6. The following policy and codes are applicable to the project.

Policy 3.5-1 of the County Local Coastal Plan (LCP) states,

State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road.

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

CZC Section 20.504.020(D) implements Policy 3.5-1 stating,

The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

CZC Section 20.504.015(C)1 states,

Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

A visual simulation was conducted using a balloon to simulate the height of the proposed 105 foot tall "monopine". The balloon was flown at 115 feet to compensate for mild winds that day. Staff was present and observed the test. Photographic simulations using the balloon test are included with this report and are concluded to be a reasonable representation of the visual impacts. Staff drove along the closest public roads including State Highway 1 to help determine the project's visual impact to the surrounding area. Staff determined that a varying portion of the top of the "monopine" would be visible periodically when travelling along an approximate 1.4 mile stretch of State Highway 1 from its intersection with Navarro Ridge Road to just south of where the Highway crosses Little Salmon Creek.

Mendocino Land Trust owns and maintains a property (APN's 123-310-02 and 126-010-01) of approximately 55.29 acres on the west side of State Highway 1, which provides public access to bluff tops overlooking the Pacific Ocean. Improvements include a parking lot and numerous public trails. Staff visited the site during the visual simulation test and found, as shown in the photo-simulation viewpoint #6 on Page PC 61, that approximately the top 20 feet of the "monopine" would be visible from the bluff edge at the most western portions of the property. Staff is not aware of any other public places, including beaches, that the facility would be visible from. The facility will not interrupt public views to the Ocean.

As mentioned previously, the applicant is proposing to install a "monopine" rather than a typical monopole or lattice tower to help stealth the tower and minimize aesthetic impacts. The artificial tree design has been used for other wireless telecommunication sites in Mendocino County, with differing degrees of success. A key factor in monopole stealth design is successfully blending the pole into the natural surroundings. For the stealth goals to be adequately achieved, the placement of the "monopine" must be similar in size and appearance to nearby trees. According to the applicant's Site Survey (Page PC 48), the height of Cypress trees, which effectively conceal the ground equipment and a portion of the 105 foot tall "monopine" from State Highway 1 and Mendocino Land Trust property, ranges from 78.7 feet to 103.3 feet Above Ground Level (AGL). As shown in the photo-simulations, depending on the vantage point, as much as two-thirds or 70 feet of the top of the "monopine" will be visible at a distance when travelling along the Highway.

Although, there is not enough vegetation at this location to fully conceal the "monopine" from all vantage points along State Highway 1 and the Mendocino Land Trust property, given the stealth design and at times significant distance away, the general public may well be unaware of the true nature of the structure. However, based on staff's experience with other "monopine" designs installed in the County, the stealth design may not be effective at disguises the true use when viewed from a close distance, such as the vantage point seen in photo-simulation viewpoint number 5. Staff has included, Pages PC 62 through 65, photos of other "monopine" installations within Mendocino County as viewed from various distances.

Located on the east side of State Highway 1, the facility will not block or interfere with any public views to the west and towards the ocean or have a substantial adverse impact to scenic vistas. Further discussion found in Aesthetics Item 1 (c). Condition Numbers 1 and 2 are recommended to mitigate visual impacts by limiting the facilities height, and to protect/preserve existing vegetation.

In the event that use of the facility should cease, it is recommended that Condition Numbers 3 and 4 be imposed, requiring that all portions of the facility above ground level be removed from the site, and the site be restored to a natural condition. Condition numbers 5 through 9 are offered to further minimize aesthetic impacts.

- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?* **No Impact**

State Highway 1 is not an officially designated State Scenic Highway; however the California Department of Transportation (Caltrans) identifies the Highway as an "Eligible State Scenic Highway". Scenic resources are considered to be those landscape patterns and features that are visually or aesthetically attractive and that, therefore, contribute affirmatively to the definition of a distinct community including, but not limited to, trees, rock outcroppings, and historic buildings. The project will not result in damage to or block public views to any scenic resources. No mitigation required.

- c) *Substantially degrade the existing visual character or quality of the site and its surroundings?* **Less than Significant with Mitigation Incorporated**

Visual character is descriptive and non-evaluative, which means it is based on defined attributes that are neither good nor bad in and of themselves. The following County policy and codes are applicable in determining project's potential to degrade visual character of the site and its surroundings.

Policy 3.5-4 of the LCP states in part,

Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists. Further, Minimize visual impacts of development on terraces by (1) avoiding development in large open areas if alternative site exists; (2) minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms; (3) provide bluff setbacks for development adjacent to or near public areas along the shoreline; (4) design development to be in scale with rural character of the area.

CZC Section 20.504.015(C) states,

Buildings and building groups that must be sited in highly scenic areas shall be sited:

- (a) Near the toe of a slope;*
- (b) Below rather than on a ridge; and*
- (c) In or near a wooded area.*

The facility is proposed to be located on the toe of a slope near rows of Cypress trees; therefore, the project is consistent with CZC Section 20.504.015 (C).

CZC Section 20.504.015(C)7 states,

Minimize visual impacts of development on terraces by the following criteria:

- (a) Avoiding development, other than farm buildings, in large open areas if alternative site exists;*
- (b) Minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms;*

(c) Provide bluff setbacks for development adjacent to or near public areas along the shoreline;

(d) Design development to be in scale with rural character of the area.

The ability of an area to absorb visual change is dependent on its context. The property is part of an uplifted marine terrace with property elevations gradually increasing from west to east. Surrounding landscape consists of bluff top terraces on the west side of State Highway 1 and rolling hills to the east. Existing development on the property includes a single-family home, agricultural barn and 2-story accessory building. The telecommunication facility including 105-foot tall "monopine" will be located within a 1,050-square-foot fenced lease area in a small open meadow surrounded by Cypress trees.

There is little development along either side of State Highway 1 in the immediate area with surrounding lands primarily consisting of open rangeland. There are a number of scattered homes that can be viewed along State Highway 1 as well as power poles running along both sides of State Highway 1 in certain sections. The 105-foot tall "monopine" would certainly be the tallest structure in the immediate area. As mentioned previously the applicant is proposing to utilize the "monopine" design to help blend the facility with the surrounding trees. If the "monopine" design is successful in blending in with the surrounding Cypress trees, so as to be visibly unnoticeable, staff would find the project to be in scale with the rural character of the area and therefore consistent with CZC Section 20.504.015(C)7(d).

CZC Section 20.504.015(C)3 states,

New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

Consistent with Item (B)(2)(b) of the Wireless Guidelines and CZC Section 20.504.015(C)3, Condition Number 5 is recommended requiring all exterior surfaces of structures and equipment associated with a communications facility have subdued colors and non-reflective materials selected to blend with their surroundings.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
Less than Significant Impact

The applicant notes that no exterior lighting is proposed. However staff would anticipate that a small light would need to be installed near the equipment shelter for worker access during nighttime hours. According to the applicant, the tower is not of a height that will require any lighting to be installed on the monopole for aviation safety. The following policies and regulations are applicable to the project.

Policy 3.5-15 of the LCP states in part,

...no lights shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible.

CZC Section 20.504.035(A)2 and (A)5 states,

Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.

(2) Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.

(5) No lights shall be installed so that they distract motorists.

Further, Item B(2)i of the County Wireless Guidelines states,

Outdoor lighting shall be kept to a minimum. Towers requiring FAA lighting are discouraged. Tower lighting, if approved, shall be the minimum required by FAA regulations. Towers requiring strobe

lighting shall be prohibited. Other outdoor lighting shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and shall be turned off except when in use by facility personnel.

To ensure consistency with the above County policies related to exterior lighting, staff recommends condition number 6 requiring that any lighting be shielded or downcast to prevent the light source from being visible from off the property and prohibiting the installation of any aircraft warning lights.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|---|-------------------------------------|-------------------------------------|
| II. AGRICULTURE AND FORESTRY RESOURCES. Would the project: | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? **No Impact**

The property is categorized as "Grazing Land" as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The project will not convert any "Farmland".

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? **Less than Significant Impact**

The approximate 115 acres property is zoned Rangeland and is currently in an Agricultural Preserve Contract under the Williamson Act based on its use for hay production. According to the property owner, median hay production at the

property is approximately 800 to 1,000 bales per year. The facility is proposed to be located within an open field that is used for hay production. Project development that would convert portions of the property used for hay production includes a 30 foot by 35 foot lease area and an approximate 200 foot long section of a proposed 12 foot wide access road and turn-around. Approximately 3,450 square feet of the approximately 11.5 acres property would be removed from hay production. Existing development, terrain and trees prevent the entire property from being used for hay production.

Mendocino County Code Section 22.08.060(F) states,

Notwithstanding any other determination of compatible use under this section, unless the County makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are compatible uses within any agricultural preserve and shall not be excluded by reason of that use.

The applicant hired an independent appraiser, Mr. Mike Pipkin with American Ag Appraisal whom determined that the proposed cell site would not diminish the productivity or viability of the ranch for agricultural uses. The small site area is insignificant and would not hinder the farming or ranching use of the property. Further, the County Agricultural Commissioner reviewed the project and is recommending project approval. This determination is consistent with other telecommunication facilities approved to be located within Agricultural Preserves in Mendocino County. Based on the minimal amount of land being converted from hay production to support the project, staff determined that the project will not conflict with the agricultural use on the property or the Williamson Act. No mitigation required.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? **No Impact**

The property is zoned Rangeland. The project will result in the rezoning of any forest land or Timberland Production.

- d) Result in the loss of forest land or conversion of forest land to non-forest use? **No Impact**

The applicant is not proposing to nor will the project require the removal of trees. The project will not result in any loss or conversion of forest lands.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? **Less than Significant Impact**

See discussion under Item II Agriculture and Forestry b) and d) above. No mitigation required.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) Conflict with or obstruct implementation of any applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. Air Quality: a) through e) No Impact

The project is located within a part of the North Coast Air Basin. The Mendocino County Air Quality Management District (AQMD) is responsible for enforcing the State and Federal Clean Air Acts as well as local air quality protection regulations. Concerns to air quality as a result of the project include: Potential for property to contain naturally occurring asbestos, particulate matter generated by unpaved roads, vehicle emissions and fugitive dust emissions from grading activities.

According to County records, the project is not located in an area that likely contains Naturally Occurring Asbestos. As the facility will be unmanned and only serviced bi-monthly, the project is not expected to produce significant amounts of air emissions or odors once site construction is completed. Applicant is proposing to construct approximately 500 feet of new road, 12 foot wide gravel surface, to access the facility and provide for a fire turnaround. Staff notes that the applicant may need a permit from AQMD to operate the proposed 30 kilowatt diesel generator. Condition Numbers 10, 11 and 12 are recommended to achieve compliance with AQMD standards.

AQMD provided comments to staff on previous project #U 5-11 stating that, "the District is in attainment for all Federal criteria air pollutants and is also in attainment for all State standards except Particulate Matter less than 10 microns in size (PM10)."

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| IV. BIOLOGICAL RESOURCES: Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| Service? | | | | |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. **Less than Significant Impact**

A Biological Assessment by Kjeldsen Biological Consulting dated November 2012 was prepared for the project. Assessment states that the project site is within a semi-natural herbaceous grassland/agricultural field. Assessment concluded,

No special-status species are present on or near the project site. Habitat and vegetation associations on and surrounding the project site do not have the potential for presence for special-status species due to the decades of agricultural use and dominance of non-native species.

The project will not have a substantial adverse effect on any sensitive or special status species.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations and or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? **Less than Significant with Mitigation Incorporated**

Staff cross-referenced the project with the California Natural Diversity Database which indicated the potential for several sensitive plant species to be located on the property. As mentioned previously, at staffs' direction the applicant had a Biological Assessment prepared for the project. Assessment determined the presence of Coastal Prairie and Coastal Shrub plant communities between the facility site and State Highway 1 as well as Riparian Vegetation along two drainages within the property. Coastal Prairie and Coastal Shrub plant communities along with Riparian Vegetation are deemed to be Environmentally Sensitive Habitat Areas (ESHA) and are protected resources under Section 30240(a) of the California Coastal Act which states,

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

Further Section 30240(b) states,

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 20.496.020 of CZC identifies appropriate buffer areas to help ensure protection of ESHA from development stating in part,

A buffer area shall be established adjacent to all environmentally sensitive habitat areas...The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Wildlife, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width.

A map showing the extent of ESHA boundaries in relation to project development is included on Page PC 56. As shown on the map, project development including preparation of lease area, road construction and undergrounding of utilities will occur at least 100 feet away from the identified ESHA. Development is consistent with Section 20.496.020. Beyond maintaining appropriate buffers, the Assessment includes 6 recommendations to further protect ESHA from erosion and construction activities. Condition Number 13 is recommended to mitigate potential significant impacts to ESHA

- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Less than Significant Impact*

The Biological Assessment prepared for the project states that *there are no potential seasonal wetlands associated with the proposed project*. According to US Fish and Wildlife Service mapping resources, a freshwater pond and associated drainage on the property have been identified as potential wetlands. No development will occur within 100 feet of the pond and erosion control measures have been identified to protect biological resources. No additional mitigation required.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? No Impact*

The project will not interfere with the movement the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? No Impact*

Applicant is not proposing to nor is it necessary to remove any trees to support the project. Discussion of applicable biological resource protection policies is found above in Biological Resources Section IV b). The project will not conflict with any local policies or ordinances protecting biological resources.

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? No Impact*

The project is not located in an area subject to Habitat Conservation Plan, Natural Community Conservation Plan or similar plan.

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| V. CULTURAL RESOURCES. Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

V. Cultural Resources a) through e) No Impact

The Northwest Information Center at Sonoma State University reviewed the project and recommended that a professional archeologist conduct a field study of the site based on the potential presence of unrecorded archaeological sites. Registered Professional Archaeologist Michael Way with EBI Consulting completed a Cultural Resource Analysis on behalf of the applicant. The archaeologist concluded that there is "little likelihood of encountering significant archeological resources in association with this project". The Analysis was reviewed by the County Archaeological Commission at the February 13, 2013 meeting and determined that the analysis was adequate. No mitigation required, however, the applicant has been apprised of the standard "Discovery Clause" as noted in County Code Section 22.12.090 and 22.12.100. See Condition Number 14.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| VI. GEOLOGY AND SOILS. Would the project: | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking? No Impact*

The closest earthquake fault is the San Andreas Fault located approximately 13.6 miles south of the project site. Although the property would be subject to ground shaking in the event of major seismic activity, based on the distance to the San Andreas Fault and the fact that all structures must be built to current state building code, the project is not expected to pose a substantial risk to people due to a seismic event. No mitigation required.

- b) *Result in substantial soil erosion or the loss of topsoil? Less than Significant with Mitigation Incorporated*

Grading will be required to support the project. Grading activities include road construction, site development and trenching to underground utilities. Access will in part be provided by an existing private driveway that serves the owner's single-family residence. Applicant is proposing to construct a new road to extend from the existing driveway to the facility, for a distance of approximately 500 feet, as well as a fire turnaround as required by the California Department of Forestry and Fire Protection. Applicant notes that the access road and turnaround will be cleared of vegetation and will be improved with a 12 foot wide gravel surface. Approximately 800 feet of trenching will be required to underground utilities, starting at the existing utility pole located on the southeast side of the "outbuilding" as shown on the site plan (Page PC 49). Additional grading will be required to level ground and clear vegetation within the lease area as well as to install foundations for the equipment shelter, generator and storage tank pad and "monopine" foundation. Applicant estimates that approximately 65 cubic yards of soil would be disturbed to accommodate the project.

Proposed earthmoving activities could result in significant soil erosion and impacts to water quality and biological resources. Measures must be taken to ensure that project construction activities do not result in significant soil erosion. Condition Numbers 15 and 16 are provided to address immediate and short-term impacts from grading activities. The applicant will need to contact the County Department of Planning and Building Services to determine if a grading permit will be required subject to the provisions contained in Appendix J, of the 2013 California Uniform Building Code. Limiting earthmoving activities to the project footprint and adhering to Best Management Practices is anticipated to prevent significant erosion.

- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? No Impact*

There are no geologic hazards or unstable soil conditions known to exist on the property. The project is not located on a known geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? No Impact*

According to the Soil Survey of Mendocino County, underlying soils at the project site consist of Pinole very gravelly Loam, 2 to 15 percent slopes. These soil types are not considered to be an expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), however construction of the facility will still require engineered plans to be approved through the building permit process. No adverse environmental effects related to topography, soils or geology are expected as a result of this project.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? **No Impact**

No septic or waste water disposal systems are proposed or required to accommodate the project.

VII. GREENHOUSE GAS EMISSIONS.

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

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- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? **Less Than Significant Impact**

Production of Greenhouse Gases (GHG) will result from construction activities, vehicle trips to maintain the facility, and emission from the diesel generator. After construction is complete, traffic to the site will consist of one or two visits per month by company representatives as necessary to maintain the facility. The applicant is proposing to install a 30-kilowatt generator, to be used solely for providing emergency power during periods of energy transmission interruption and for routine testing. Any diesel engines in excess of 50 horsepower are required to meet current emission standards and will require a permit from AQMD. Additional measures may be imposed by AQMD to control emissions through their permit requirements. The proposed project will not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of GHG, either directly or indirectly. No mitigation required.

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? **No Impact**

To date, no Federal, State, or Project area local agencies have developed thresholds against which a proposed project can be evaluated to assist lead agencies in determining whether or not the climate change impact from a proposed project is significant. The global nature of climate change warrants investigation of a statewide threshold of significance for GHG emissions. Staff determined that GHG emissions associated with the project will not result in a significant impact.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Less Than Significant Impact*

The applicant is proposing to install a 30-kilowatt generator, to be used solely for providing emergency power during periods of energy transmission interruption and for routine testing along with a 132 gallon diesel storage tank. Fuel trucks will need to access the site to refuel storage tank. Number of trips will depend on the number and length of primary line power outages. The periodic transport of diesel fuel to the site is not expected to create a significant hazard to the public or the environment.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Less Than Significant Impact*

Materials such as oil and diesel fuel used for the generator are subject to a Hazardous Materials Business Plan as approved by the County Department of Environmental Health (DEH). The plan identifies actions to be taken should a fuel or oil spill occur on site, including cleanup methods and appropriate agencies to contact in an emergency situation. Utilization of a generator as a back up power source for wireless telecommunication facilities is common and staff is unaware of any fuel spill associated with any existing facilities in the County. No mitigation required.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? No Impact*

The closest existing school, Albion Middle School, is located approximately 2.8 mile southwest of the project site. Staff is unaware of any proposed schools within the project vicinity. The project is not expected to have any impacts on surrounding schools.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?* **No Impact**

The property is not listed as a hazardous materials site pursuant to Government Code Section 65962.5.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?* **No Impact**

The property is located approximately 3.5 miles southwest of the Little River Airport. Airport staff responded to their project referral and is recommending project approval. The project is not expected to result in a safety hazard to those working at or around the project area.

- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?* **No Impact**

Staff is unaware of any private airstrips in the project vicinity. No impact anticipated.

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?* **No Impact**

Staff is unaware of any adopted emergency response plan or emergency evacuation plan that the project may impair or physically interfere with.

- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?* **No Impact**

The property is not in a heavily forested area subject to wildland fires. Surrounding properties are currently used to support residential and irrigated agriculture uses. The project will not expose people or structures to significant risk due to wildland fires.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| <u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | | | | |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| l) Have a potentially significant impact on groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| m) Impact aquatic, wetland or riparian habitat? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- a) *Violate any water quality standards or waste discharge requirements?* **Less than Significant with Mitigation Incorporated**

The project has the potential to impact water quality during project construction due to erosion. Condition Numbers 15 and 16 are recommended to prevent erosion and its potential impact to water quality. Further discussion found under Items IV (b) and VI (b).

IX. Hydrology and Water Quality b) through l)

The project does not require the use of water. The property is neither subject to flooding nor inundation by seiche, tsunami or mudflow. Development of the applicant's 1,050 lease area and construction of a gravel road will not substantially alter the existing drainage pattern of the site. No potential impacts to water quality are anticipated once the facility and roads are constructed.

- m) *Impact aquatic, wetland or riparian habitat?* **Less than Significant with Mitigation Incorporated**

As mentioned previously, there is riparian vegetation along 2 drainages within the property as well as a potential wetland in the form of an agricultural pond. There is a potential to impact riparian habitat and the possible wetlands during project construction due to erosion. Staff notes that the Biological Assessment did not identify the pond as a wetland. Condition Numbers 15 and 16 are recommended to prevent erosion and its potential impact to wetlands and riparian habitat. Further discussion found under Items IV (b) and (c) as well as VI (b).

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| X. LAND USE AND PLANNING Would the project: | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Physically divide an established community?* **No Impact**

The project will not result in any physical improvements or barriers that would divide an established community.

- b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?* **Less than Significant Impact**

The California Coastal Commission (CCC) staff reviewed the project and provided comments in a letter to County staff dated June 6, 2013. Within the comment letter, CCC references LCP policies and CZC sections that were adopted with the intent of protecting agricultural lands and maintaining lands viability to produce agricultural products. Applicable code sections are stated and followed by staff's evaluation.

Policy 3.2-4 of the LCP states in part,

Zoning regulations shall not discourage compatible activities that enhance the economic viability of an agricultural operation. These may include cottage industry, sale of farm products, timber harvesting, not subject to the Forest Practices Act and limited visitor accommodations at locations specified in the plan. Visitor accommodations shall be secondary to the agricultural activity. Proposed projects shall be subject to a conditional use permit. Granting of the permit shall require affirmation findings to be made on each of the following standards. The project shall:

- maximize protection of environmentally, sensitive habitats;*
- minimize construction of new roads and other facilities;*
- maintain views from beaches, public trails, roads and views from public viewing areas, or other recreational areas;*
- ensure adequacy of water, sewer and other services;*
- ensure preservation of the rural character of the site; and*

A wireless telecommunication facility is categorized under the Minor Impact Utilities Coastal Civic Use Type. Within the Rangeland (RL 160) classification Minor Impact Utilities are a conditional use subject to approval of a coastal development use permit. As discussed in Item IV Biological Resources, appropriate buffers, construction practices and erosion controls have been identified to protect ESHA from potential project impacts. To the extent possible, the applicant is utilizing the owner's existing private driveway. Impacts to public views and preservation of rural character are discussed in the Aesthetic Item I portion of report. The facility does not require use of water or sewer system. Findings can be made.

Policy 3.2-4 of the LCP further states,

No permit shall be issued to convert prime land and/or land under Williamson Act to non-agricultural uses, unless all of the following criteria are met:

- 1. All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable; and*
- 2. Agricultural use of the soils can not be successfully continued or renewed within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act); and*
- 3. Clearly defined buffer areas are developed between agricultural and nonagricultural uses (see Policies 3.2-9, 3.2-12 and 3.2-13); and*
- 4. The productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing; and*
- 5. Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality; and*
- 6. In addition, for parcels adjacent to urban areas, the viability of agricultural uses is severely limited by conflicts with urban uses, and the conversion of land would complete a logical and viable neighborhood and*

The project would convert approximately 3,450 square feet or 0.08 acres of land that is used for hay production. The County Agricultural Commissioner and an independent agriculture appraiser reviewed the project and found that the project would not substantially interfere with productivity of the agricultural lands. Areas within the property that are unsuitable for agricultural use either are too steep to build on, or cannot be accessed without creating new access that would further covert usable land. The project will not affect any off-site agricultural uses.

Policy 3.2-5 of the LCP states,

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime

agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Policy 3.2-16 of the LCP similarly states,

All agricultural lands designated AG or RL shall not be divided nor converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or (3) concentrate development consistent with Section 30250. Any such permitted division or conversion shall be compatible with continued agricultural use of surrounding parcels.

"Feasible", as used in this policy, includes the necessity for consideration of an economic feasibility evaluation containing both the following elements:

1. An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of proposed local coastal program or an amendment to any local coastal program.
2. An analysis of the operational expenses beyond the control of the owner/operator associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

Coastal Act Section 30250 states in part,

New development shall: (a) be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The facility will be located approximately 90 feet from the barn and 130 feet from the single-family residence. Within an approximate 115 acres property, determination can be made that the facility and associated development are within close proximity to existing developed areas. The project is consistent with LCP Policy 3.2-16.

Section 20.508.015 of the CZC states in part,

No permit shall be issued to convert prime lands and/or land under Williamson Act contracts to non-agricultural uses, without complying with Chapter 22.08 of the Mendocino County Code and making supplemental findings pursuant to Section 20.532.100(B)(2) and making the finding that continued, renewed, or potential agricultural use of the property is not feasible based upon an economic feasibility evaluation prepared pursuant to Section 20.524.015(C)(3).

Section 20.532.100 B(2) of the CZC identifies additional findings that the County must make to approve projects resulting in the conversion of Williamson Act Contracted Lands and states,

Impact Findings for Conversion of Prime Agricultural or Williamson Act Contracted Lands. Conversion of prime land and/or land under Williamson Act Contract to non-agricultural uses is prohibited, unless all of the following findings are made. For the purposes of this section, conversion is defined as either development in an AG or RL designation not classified as a residential, agricultural, or natural resource use type or the amending and rezoning of the Coastal Element Land Use Designation AG or RL to a classification other than AG or RL including amendments to add visitor-serving facilities.

- (a) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable;
- (b) Agricultural use of the soils cannot be successfully continued or renewed within a reasonable period of time, taking into account economic, environmental, social and technological factors;

- (c) Clearly defined buffer areas are established between agricultural and non-agricultural uses;
- (d) The productivity of any adjacent agricultural lands will not be diminished, including the ability of the land to sustain dry farming or animal grazing;
- (e) Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality; and
- (f) For parcels adjacent to urban areas, the viability of agricultural uses is severely limited by contacts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

Section 20.524.015(C)(3) of the CZC states,

An economic feasibility evaluation prepared by a land use economist with expertise in the economics of agriculture which shall contain the following:

- (a) *An analysis of the gross revenue from the agricultural products grown in the area for the five (5) years immediately preceding the date of the filing of proposed conversion and/or division; and*
- (b) *An analysis of the operational expenses beyond the control of the owner/operator associated with the production of the agricultural products grown in the area for five years immediately preceding the date of the filing of the proposed conversion and/or division.*
- (c) *The economic feasibility analysis shall be reviewed for adequacy by the Department of Planning and Building Services and the County Agricultural Commissioner prior to a determination that the application is complete for processing. If the report is determined inadequate, the applicant shall submit the required information to the satisfaction of the Department of Planning and Building Services and County Agricultural Commissioner. The application will not be considered complete until the feasibility analysis is submitted and deemed acceptable*

With respect to the above noted CZC Section 20.524.015(C)(3) and 20.532.100(B)(2), the negligible amount of land to actually be converted does not warrant an analysis based on the stated criteria given the lack of impact to "gross revenue from agricultural products grown in the area." The intent of this section does not apply to the circumstances of the proposed project.

Reference is made to other applicable sections of the County's Local Coastal Plan (LCP) and Coastal Zoning Code (CZC) throughout the report.

c) *Conflict with any applicable habitat conservation plan or natural community conservation plan? No Impact*

The project is not located within any habitat conservation or natural community conservation plan areas.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| XI. MINERAL RESOURCES. Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | | | |
|---|--|--|--|--|
| general plan, specific plan or other land use plan? | | | | |
|---|--|--|--|--|

XI Mineral Resources a) and b) No Impact

Staff is unaware of any mineral resources that would become unavailable as a result of the project. The property does not include a mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| XII. NOISE — Would the project result in: | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?* **Less than Significant Impact with Mitigation Incorporated**

The County has identified noise standard within the County General Plan to ensure noise compatibility between land uses. The project is subject to the noise standards found in the County General Plan including:

- The Exterior Noise Level Standards (Table 3-J) General Plan Policy DE-100
- The Noise Compatibility Guidelines (Table 3-K) General Plan Policy DE-101

- Maximum Acceptable Interior Noise Levels (Table 3-L) General Plan Policy DE-103

The applicant is proposing to install a 30-kilowatt generator to be used solely for providing emergency power during periods of energy transmission interruption and for routine testing. The only other anticipated noise to be generated by the project will result from construction activity and vehicles. The nearest off-site residence is located approximately one-quarter mile southwest of the facility. The project is not expected to conflict with above noted noise standards, however the County Wireless Guidelines Standard B(1)I calls for generators to be equipped with mufflers and spark arresters, and to not produce noise levels exceeding 50 dBA at the nearest off site residence. According to the applicant's project description, the generator will be within a sound attenuated enclosure and will be fitted with a muffler. See Condition Number 17.

- b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?* **No Impact**

There are no activities associated with the project that would generate excessive groundborne vibration or groundborne noise levels.

- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?* **No Impact**

The project will not result in any permanent increase in ambient noise levels in the project vicinity.

- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?* **Less than Significant Impact**

The applicant is proposing to install a 30-kilowatt generator to be used solely for providing emergency power during periods of energy transmission interruption and for routine testing. The only other anticipated noise to be generated by the project will result from construction activity and vehicles. The project is not expected to cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, however Condition Number 17 is offered to ensure project is consistent with Wireless Guidelines Standard B(1)I. Further discussion found under Section XII Noise a) above.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?* **No Impact**

The property is located approximately 3.5 miles southwest of the Little River Airport. After construction is complete, traffic to the site will consist of one or two visits per month by company representatives as necessary to maintain the facility. The proximity to the airport will not expose workers in the project area to excessive noise levels.

- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?* **No Impact**

The proposed project is no located within the vicinity of a private airstrip.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| XIII. POPULATION AND HOUSING. Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIII Population and Housing a) thru c) No Impact

The project is not expected to greatly affect existing housing or create a demand for new housing. No residences will be removed as a result of the project.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| XIV. PUBLIC SERVICES. | | | | |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection, police protection, schools, parks, other public facilities? **Less than Significant Impact**

Demand for fire protection and police services are not expected to significantly increase as a result of the project. The project is within the California Department of Forestry and Fire Protection (Cal Fire) responsibility area. Cal Fire reviewed the proposed project and recommended fire safe standards pursuant to Cal Fire Number 203-12. Condition Number 18 requires the applicant to complete fire safe standards to the satisfaction of Cal Fire.

By providing improved wireless telephone service, emergency communications may be facilitated, allowing more prompt response by emergency service providers in times of emergency. As communication capability is extremely important to emergency service providers, especially in remote locations, staff recommends Condition Number 19 which would require the facility to provide, if requested, space for any public emergency service provider to locate communication equipment on the tower, provided no interference to function will result at a minimum or no fee.

The project will not increase population or demand for schools and parks. The project will have no direct impact on public facilities.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| XV. RECREATION. | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV Recreation a) and b) No Impact

The project will not result in an increased demand or use of recreational facilities.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| XVI. TRANSPORTATION/TRAFFIC. Would the project: | | | | |
| a) Generate substantial additional vehicular movement? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Effect existing parking facilities, or demand for new parking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially impact existing transportation systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Alter present patterns of circulation or movement of people and/or goods? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Increase traffic hazards to motor vehicles, bicyclists or pedestrians. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

a) Generation of substantial additional vehicular movement? Less than Significant Impact

Access to the site is provided from an existing driveway off State Highway 1 that solely serves the subject property. The project will generate a minor amount of additional traffic in conjunction with the construction of the facility. After construction is complete, traffic to the site will consist of one or two visits per month by company representatives as necessary to maintain the facility. The County Department of Transportation (DOT) found no transportation issues with the project request and is recommending approval. Condition Number 20 requires the applicant to contact the California Department of Transportation (Caltrans) as to the need to complete any improvements to the private driveway encroachment onto State Highway 1.

b) Effect existing parking facilities, or demand for new parking? No Impact

Adequate parking exists on-site to accommodate workers and visitors. The public is restricted from accessing the site to drop off or pick up materials. The project will not utilize off-site parking facilities or create a demand for additional off-site parking spaces.

c) Substantial impact upon existing transportation systems? Less than Significant Impact

See Section XVI Transportation/Traffic a) above.

d) Alter present patterns of circulation or movement of people and/or goods? No Impact

Existing transportation system provides adequate access to the property. The project will not result in a substantial increase in traffic levels that would require the County to alter present traffic patterns.

e) Result in inadequate emergency access? Less than Significant Impact

Cal Fire is requesting the applicant to construct a 40 foot radius turnaround or 60 foot hammerhead "T" for improved emergency access to the facility pursuant to Cal Fire #203-12

f) Increase in traffic hazards to motor vehicles, bicyclists or pedestrians. Less than Significant Impact

Access to the site is provided from an existing driveway off State Highway 1 that solely serves the subject property. The project will generate a minor amount of additional traffic in conjunction with the construction of the facility. After construction is complete, traffic to the site will consist of one or two visits per month by company representatives as necessary to maintain the facility. The project will not result in a significant increase in traffic along State Highway 1 or traffic hazards to motor vehicles, bicyclist or pedestrians.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| <u>XVII. UTILITIES AND SERVICE SYSTEMS.</u> | | | | |
| Would the project: | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| needed? | | | | |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVII Utilities and Service Systems a0 through g) No Impact

The project does not require the use of water or a wastewater treatment system. No mitigation required.

| <u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u> | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? **Less than Significant with Mitigation Incorporated**

Based on the discussion in Section IV Biological Resources and throughout the report, there is evidence that the project does have the potential to degrade the quality of the environment by impacting ESHA. Mitigation Measures have been identified to reduce impact to a less than significant level. Staff does not find evidence that the project would substantially reduce the habitat of a fish or wildlife species, to cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

Based on discussion in Section V Cultural Resources and throughout the report, there is no evidence to support a finding that the project would have the potential to eliminate important examples of the major periods of California history or prehistory.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? **No Impact**

The nearest wireless telecommunication facilities that staff is aware of are located approximately 6.2 miles to the north near the Town of Mendocino and 5.1 miles northeast off Comptche-Ukiah Road. There are no impacts associated with the current project that become significant when considered in conjunction with other existing or planned facilities in the vicinity.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? **Less than Significant Impact**

Staff is aware of public concerns regarding potential health effects based on environmental effects of radio frequency emissions from these types of wireless telecommunication facilities. The Federal Communications Commission (FCC) has set maximum permissible exposure limits for radio frequency transmitters, and the Telecommunications Act of 1996 prohibits local governments from regulating wireless service facilities based on environmental effects of radio frequency emissions as long as the facilities comply with FCC regulations for emissions.

Verizon Wireless has retained the services of Hammett & Edison, Inc., Consulting Engineers to evaluate the proposed telecommunication facility for compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. Their report summary states:

For a person anywhere on the ground, the maximum RF exposure level due to the proposed Verizon operation is calculated to be 0.0016 mW/cm², which is 27% of the applicable public exposure limit. The maximum calculated level at any nearby building is 0.47% of the public exposure limit. The maximum calculated level at the second floor elevation of any nearby residence is 0.35% of the public exposure limit.

The wireless communications facility will be within a compound that is surrounded by a locked chain link fence is not in a location likely to be accessed by anyone other than maintenance personnel. Appropriate signage will be posted disclosing that the facility is not to be accessed by anyone other than maintenance personnel.

COMPLIANCE WITH WIRELESS COMMUNICATIONS GUIDELINES: On November 15, 2001, the Planning Commission adopted guidelines for approval and operation of wireless communications facilities. A review of applicable policy standards follows:

According to Standard B(1)(a) the Wireless Communications Guidelines:

Communications facilities that can co-locate with an existing facility will generally have highest preference, followed by facilities located on existing structures or buildings, then followed by facilities that can be designed or located so as to be visually unobtrusive ("stealthed"). Highly visible sites and sites within or near residential

areas or schools are least preferred and will only be considered when there is compelling evidence that no other less visible alternative exists.

Staff is unaware of any existing telecommunication facilities in the area that the applicant could co-locate on and provide coverage in the area. The applicant is proposing to construct a "monopine" behind Cypress trees to help stealth the facility and minimize visual impacts. The property is in a semi-rural area with the closest off-site residence located approximately one-quarter mile southwest of the facility. In accordance with Standard B(1)(a), staff requested the applicant provide evidence that a less visual alternative exists. The applicant's Alternative Site Analysis (Exhibit A) identifies 7 other locations evaluated and reasons that alternative locations were not selected over the subject property.

Standard B(2)(g) of the Wireless Communications Guidelines states,
New communications facilities shall be discouraged on ridge top sites where they will be silhouetted against the sky from the surrounding community, or from highly used public locations.

Property is part of an uplifted marine terrace with property elevations gradually increasing from west to east. As shown in the photo-simulations, depending on the vantage point, as much as two-thirds or 70 feet of the top of the "monopine" will be visible and silhouetted against the skyline when travelling along an approximate 1.4 miles stretch of State Highway 1.

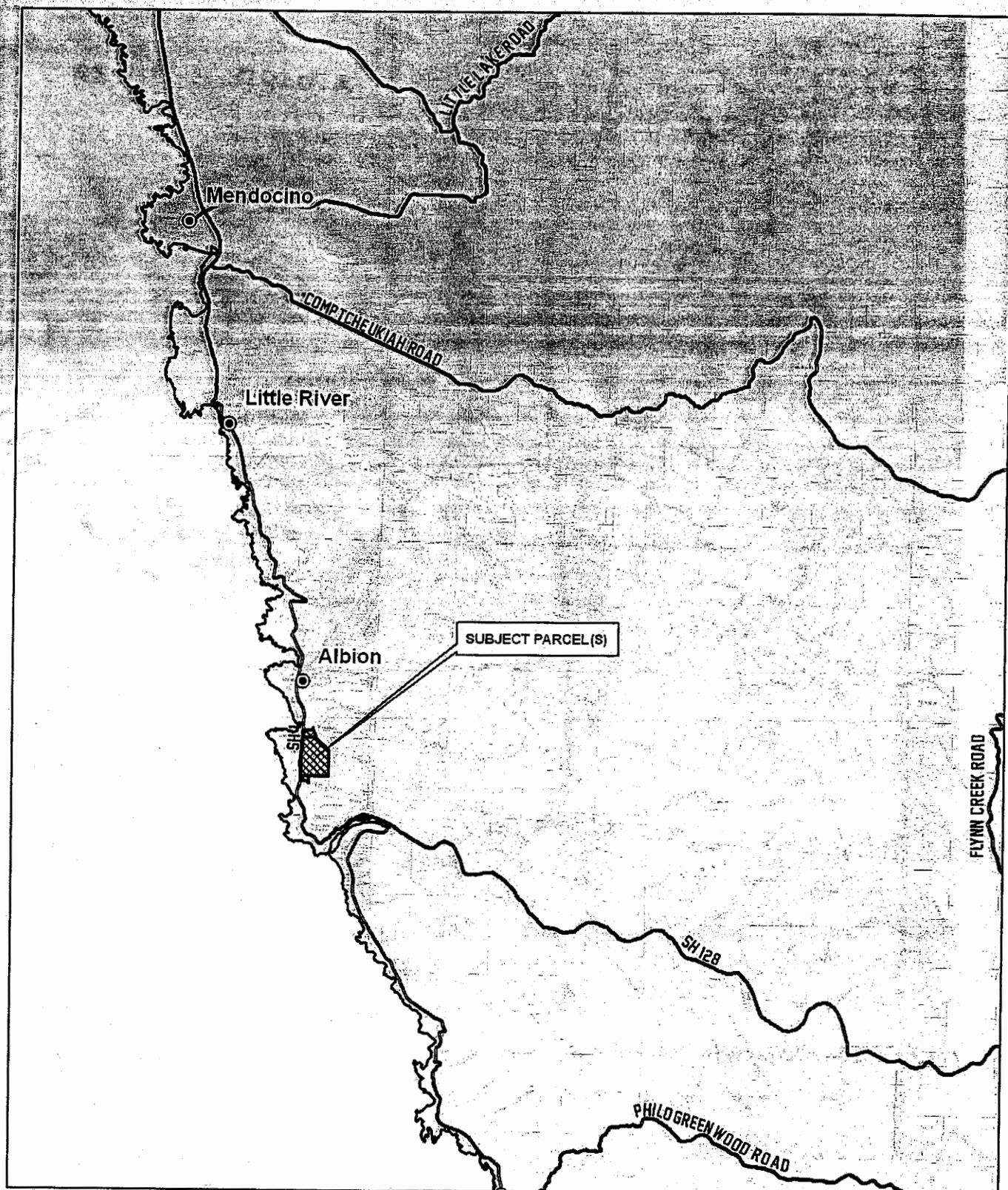
Condition Numbers 21 through 25 are recommended to achieve compliance with requirements of the Wireless Communications Guidelines.

Overall, no significant environmental impacts are anticipated which cannot be adequately mitigated. Therefore, a Mitigated Negative Declaration is recommended.

DATE

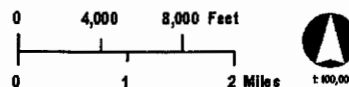
DUSTY DULEY
PLANNER III

DD/hm



LOCATION MAP

OWNER: Wolfgang & Brunhilde Funke
APN: 123-370-03, 123-320-02, 123-360-07
CASE: CDU 10-2012
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion





OWNER: Wolfgang & Brunhilde Funke

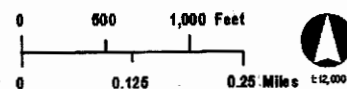
APN: 123-370-03, 123-320-02, 123-360-07

CASE: CDU 10-2012

AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

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CASE: CDU 10-2012

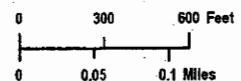
OWNER: FUNKE, Wolfgang & Brunhilde

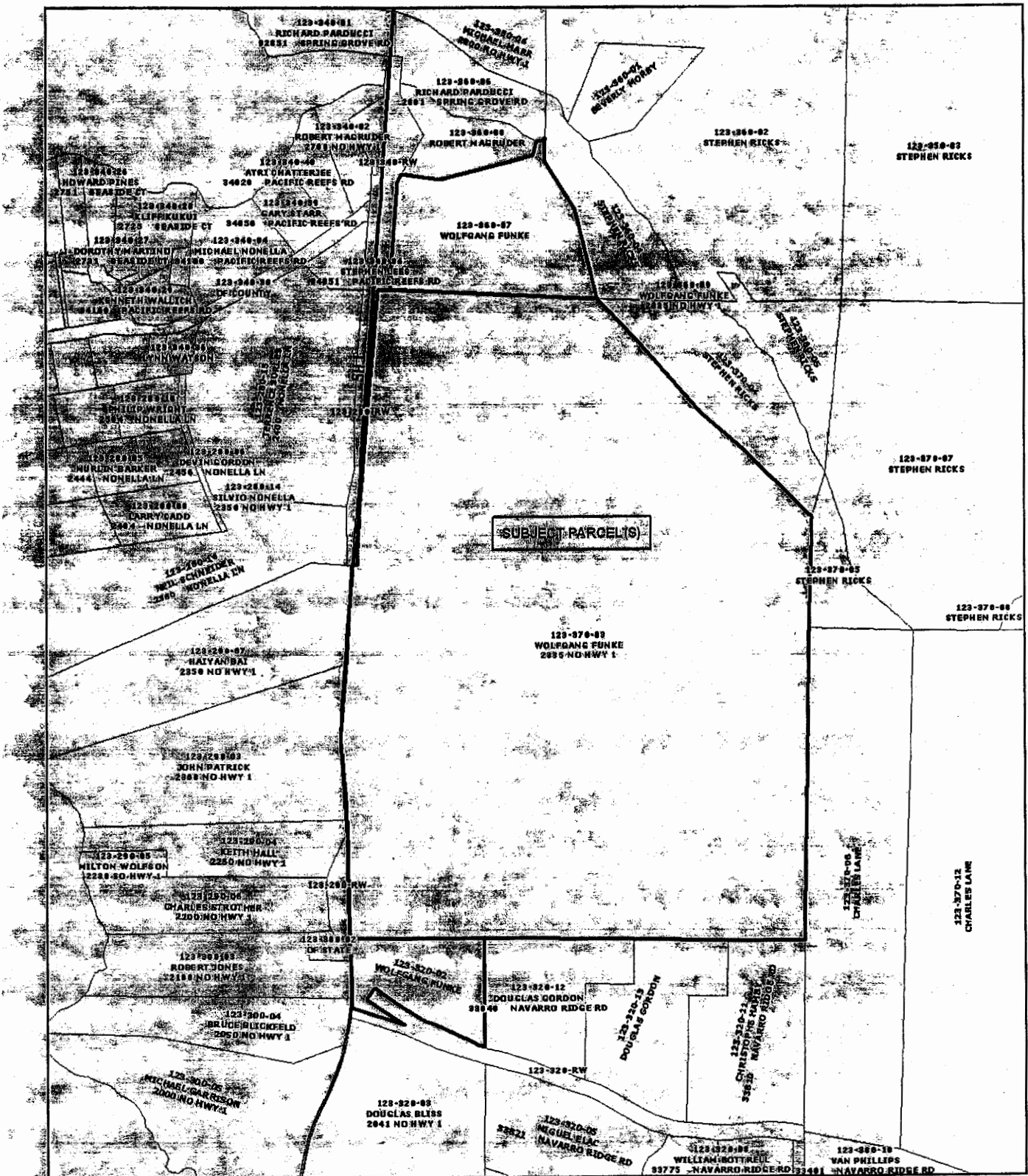
APN: 123-370-03

AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

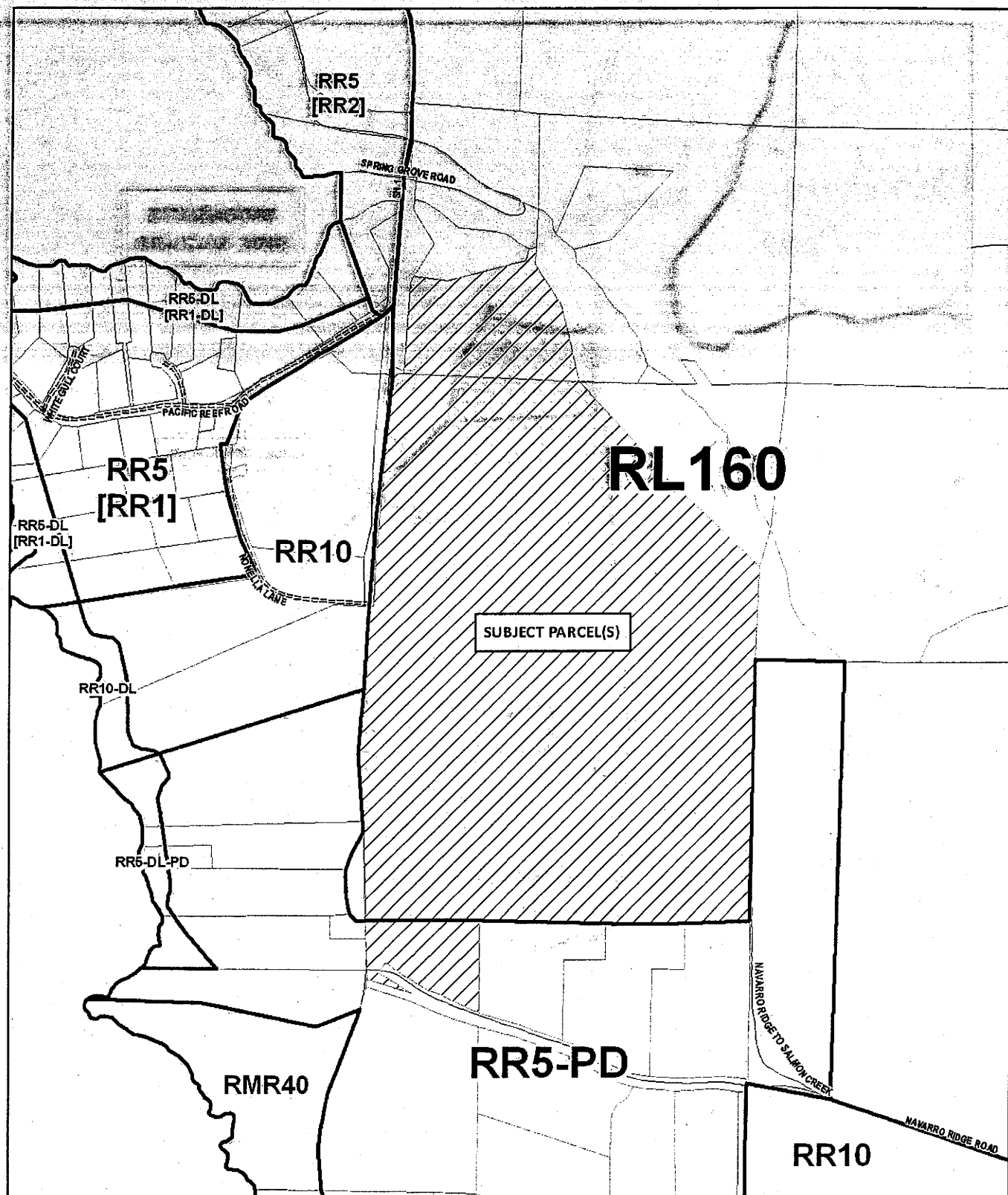
2012 NAIP AERIAL ORTHOPHOTO





OWNER: Wolfgang & Brunhilde Funke
 APN: 123-370-03, 123-320-02, 123-360-07
 CASE: CDU 10-2012
 AGENT: NSA Wireless, Inc., Pamela Nobel
 ADDRESS: 2335 N. Hwy. 1, Albion





OWNER: Wolfgang & Brunhilde Funke

APN: 123-370-03, 123-320-02, 123-360-07

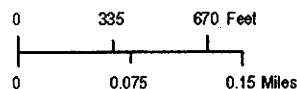
CASE: CDU 10-2012

AGENT: NSA Wireless, Inc., Pamela Nobel

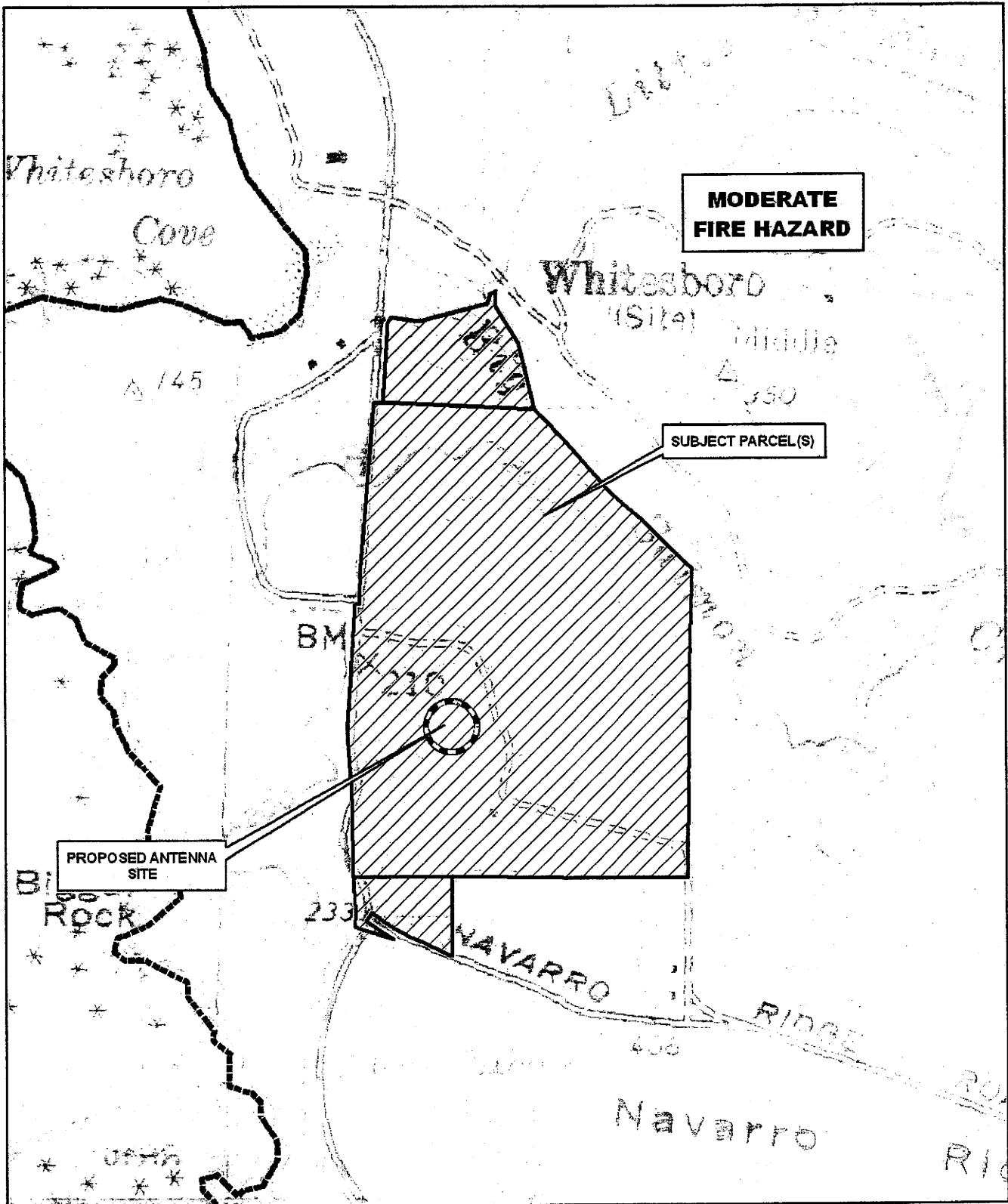
ADDRESS: 2335 N. Hwy. 1, Albion

65 of 129

ZONING DISPLAY MAP

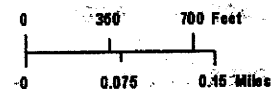


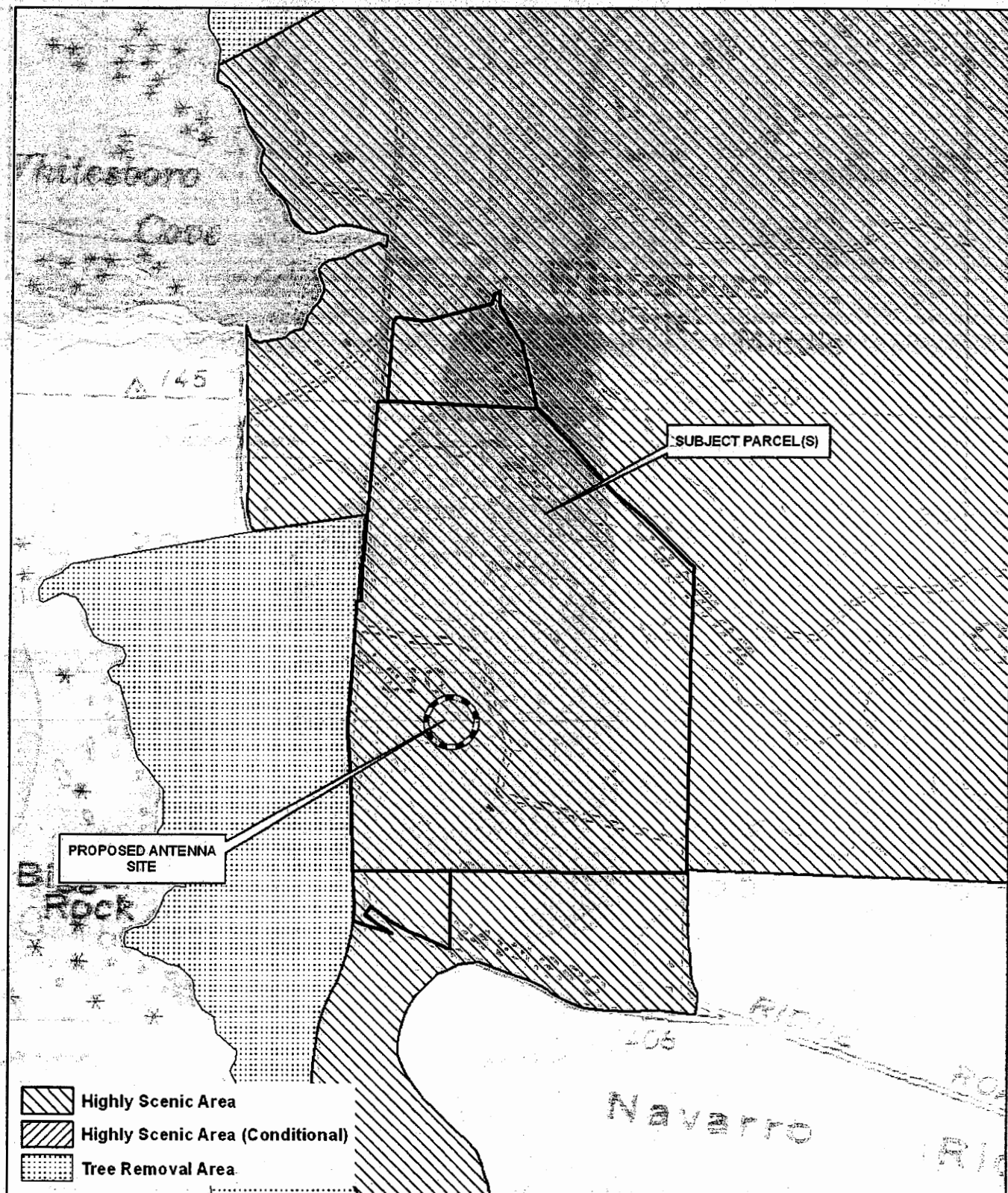
17.200



OWNER: Wolfgang & Brunhilde Funke
APN: 123-370-03, 123-320-02, 123-360-07
CASE: CDU 10-2012
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

FIRE HAZARD SEVERITY ZONES
ALBION-LITTLE RIVER FIRE PROTECTION DISTRICT





OWNER: Wolfgang & Brunhilde Funke

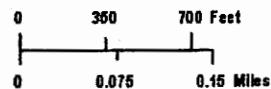
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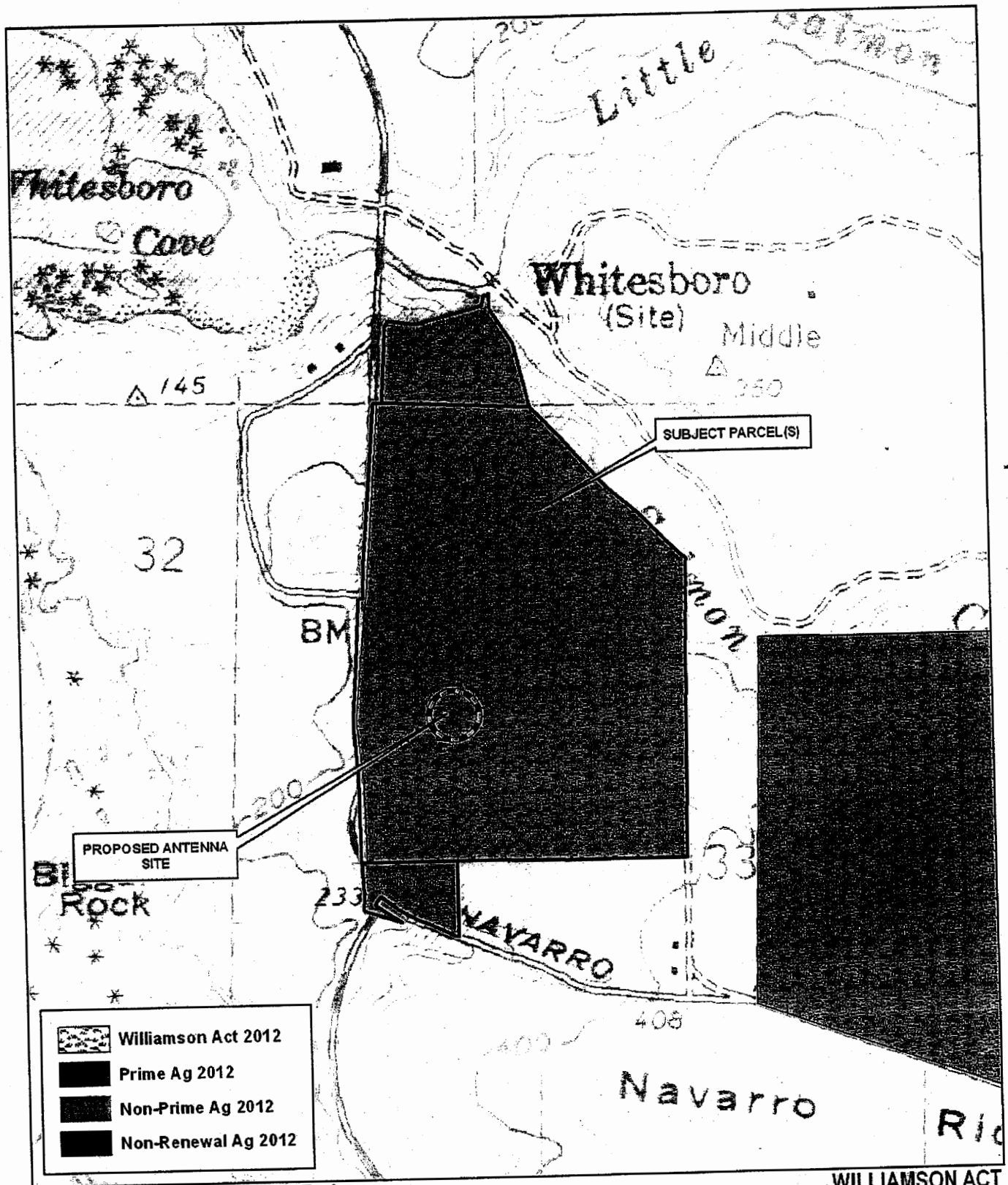
CASE: CDU 10-2012

AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

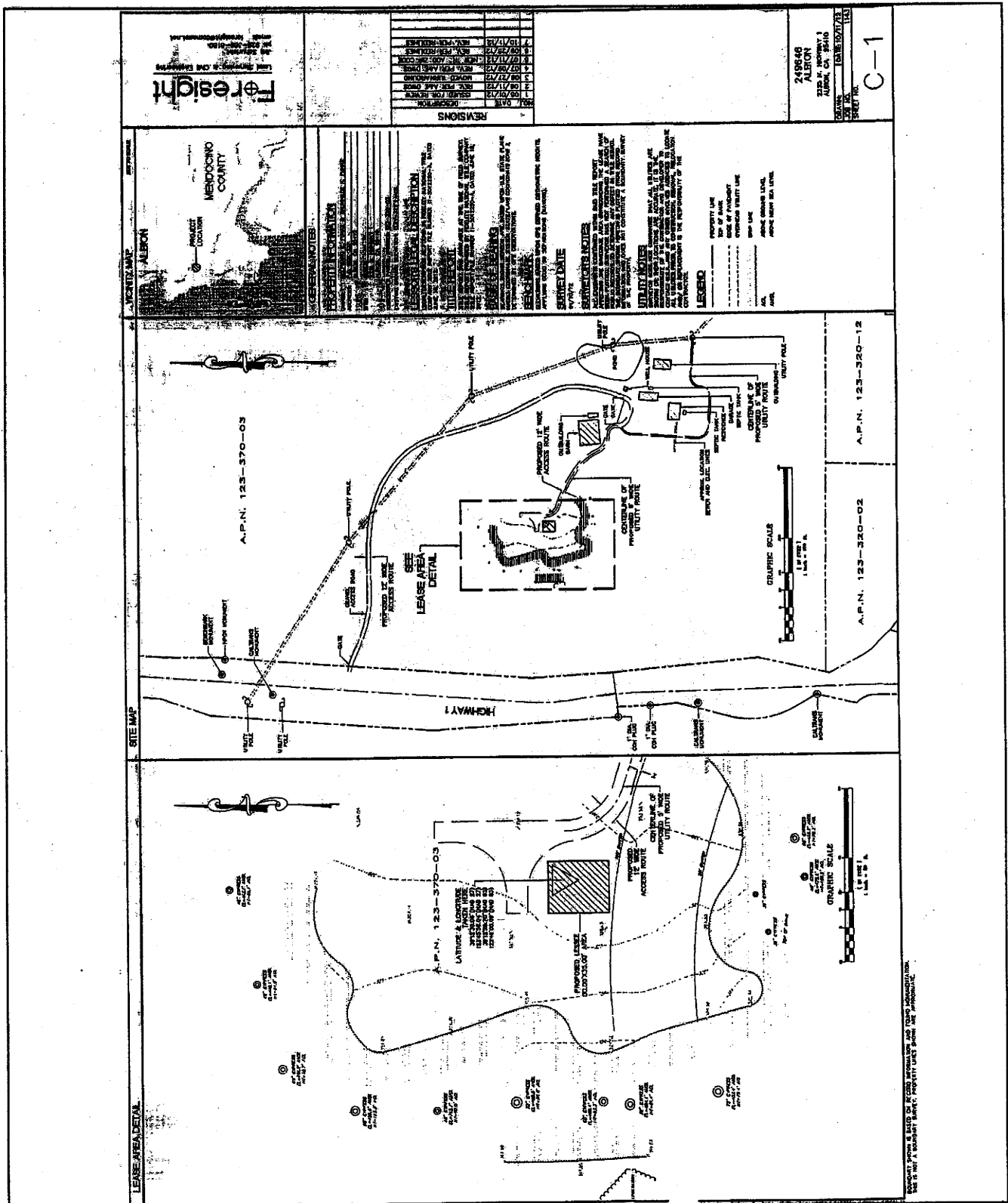
HIGHLY SCENIC & TREE REMOVAL AREAS





OWNER: Wolfgang & Brunhilde Funke
 APN: 123-370-03, 123-320-02, 123-360-07
 CASE: CDU 10-2012
 AGENT: NSA Wireless, Inc., Pamela Nobel
 ADDRESS: 2335 N. Hwy. 1, Albion

NO SCALE

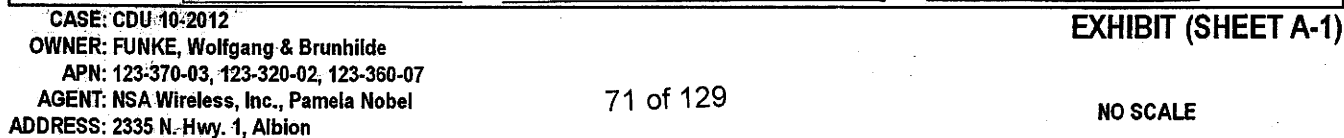


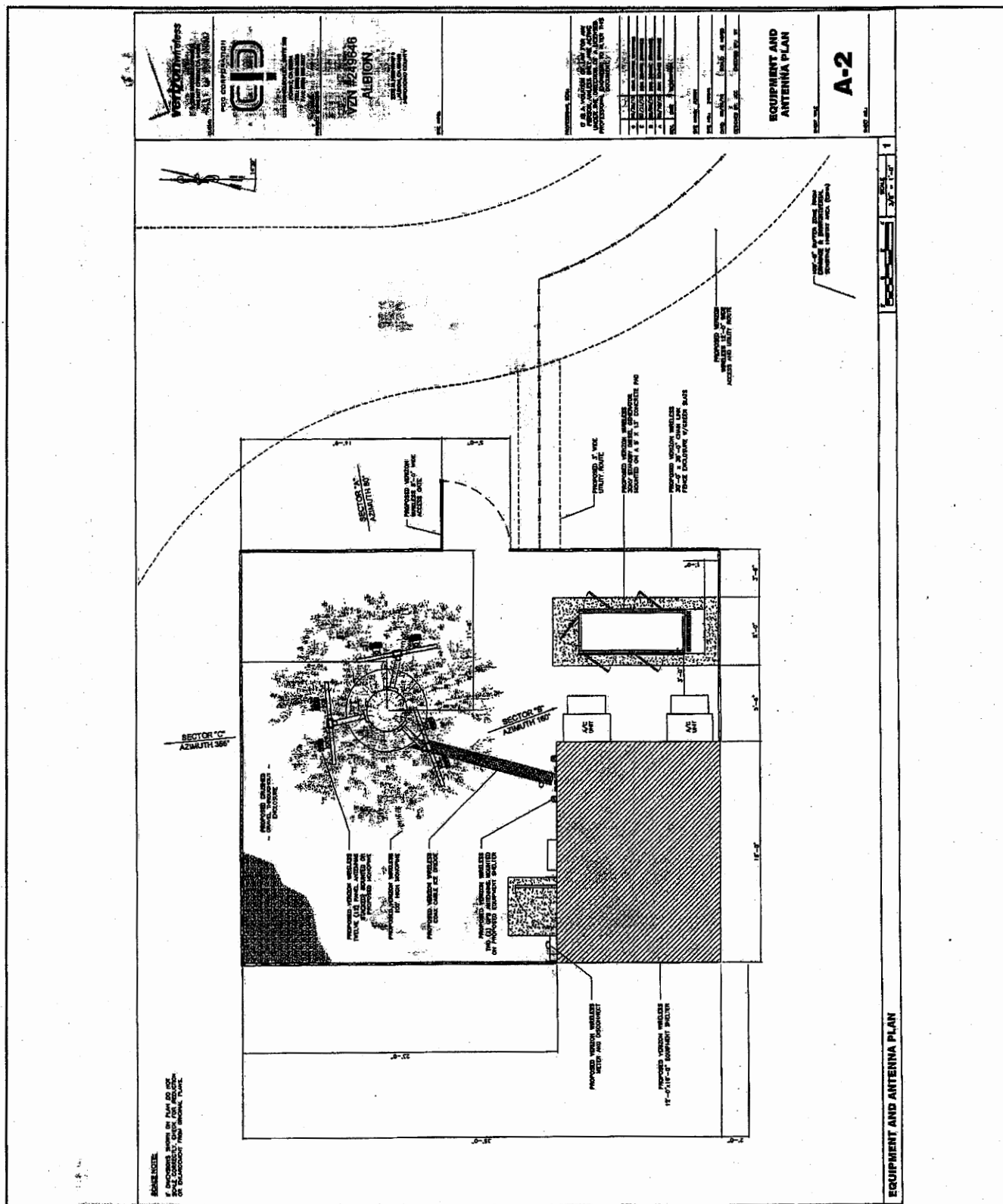
CASE: ODV 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

70 of 129

EXHIBIT (SHEET C-1)

NO SCALE

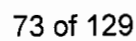


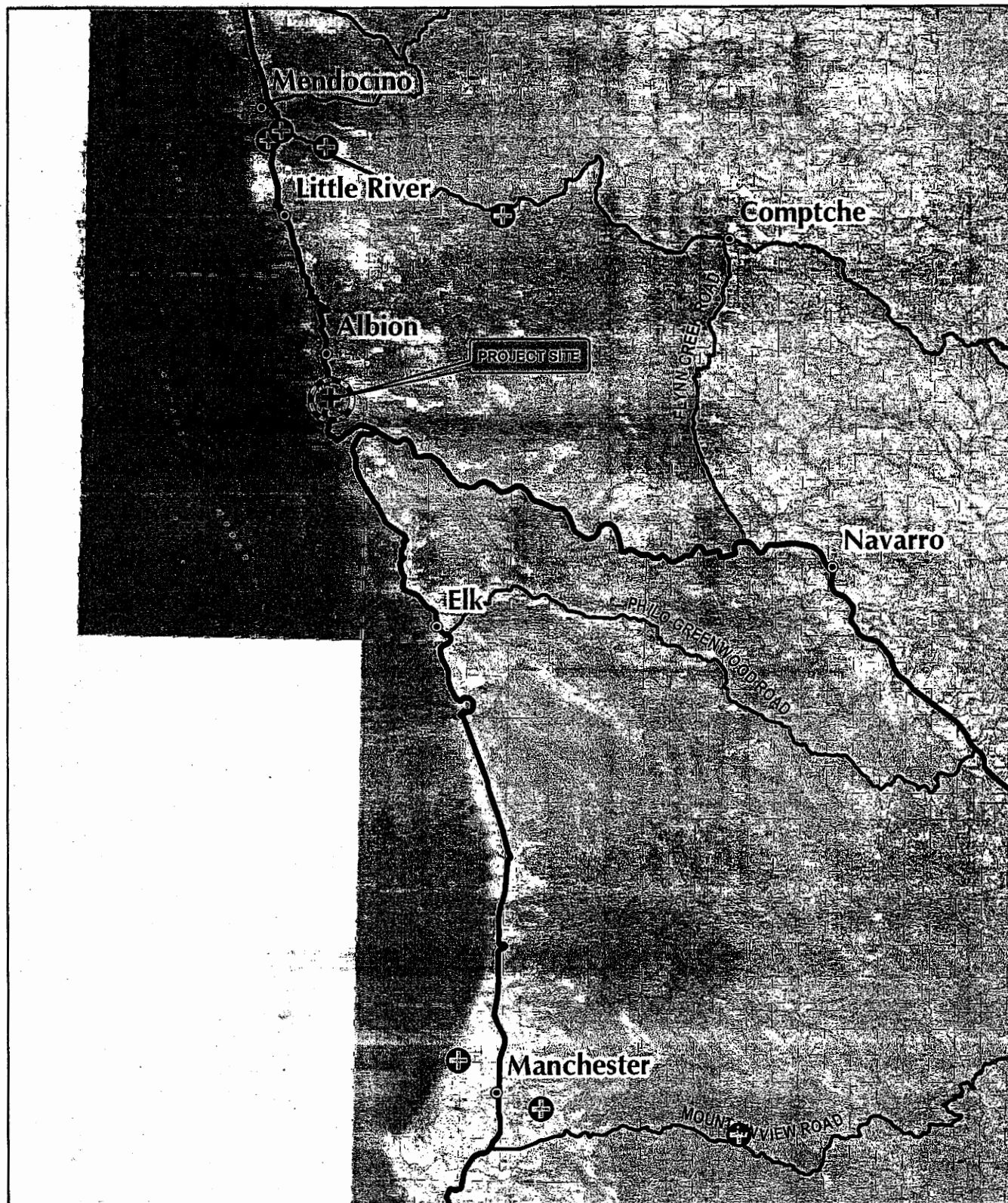


CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion


EXHIBIT (SHEET A-2)

NO SCALE





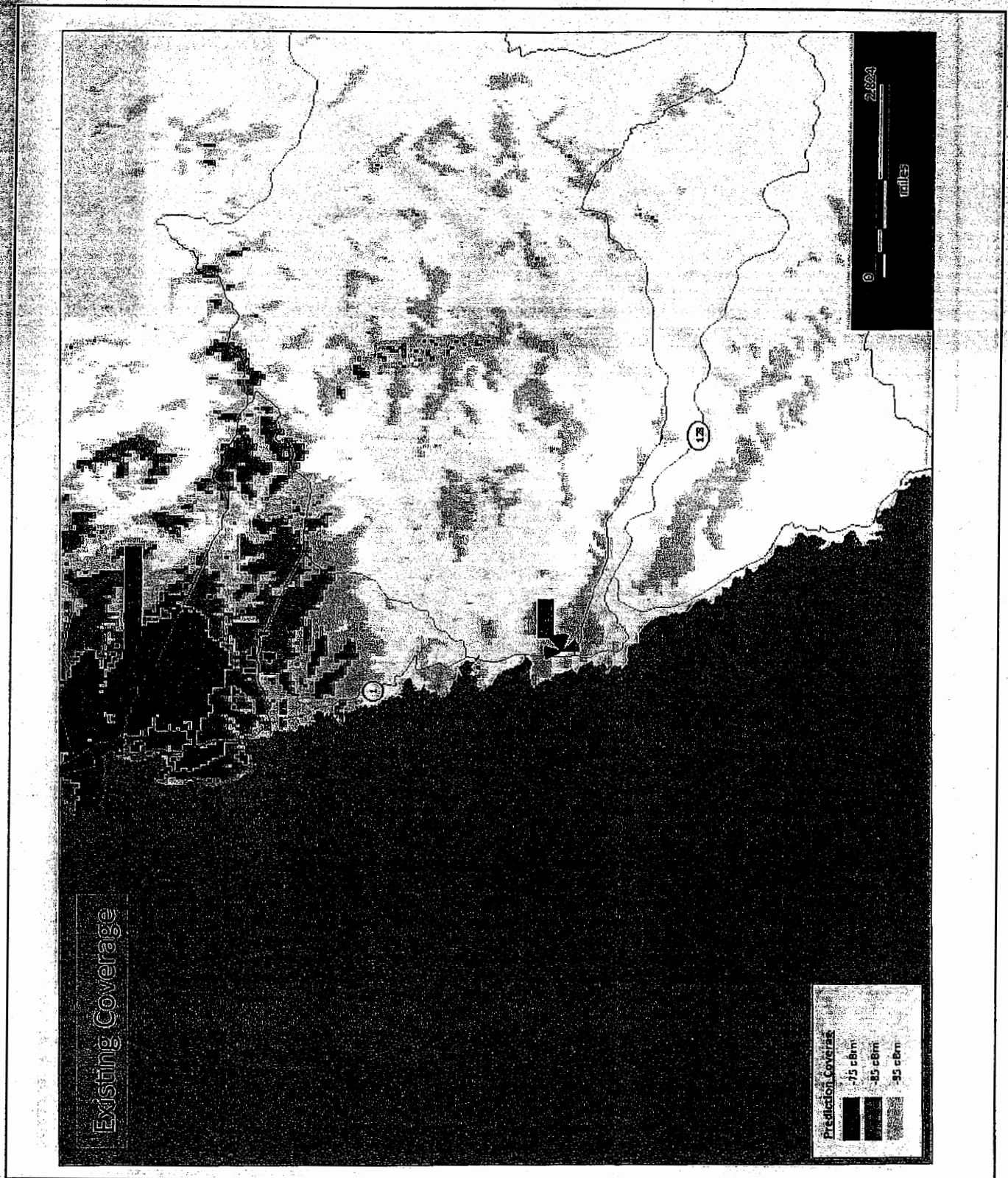
CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03
AGENT:
ADDRESS: 2335 N. Hwy. 1, Albion

 Closest Tower Sites

CLOSEST TOWER SITES

0 7,500 15,000 Feet
0 1.5 3 Miles





CASE: CDU 10-2012

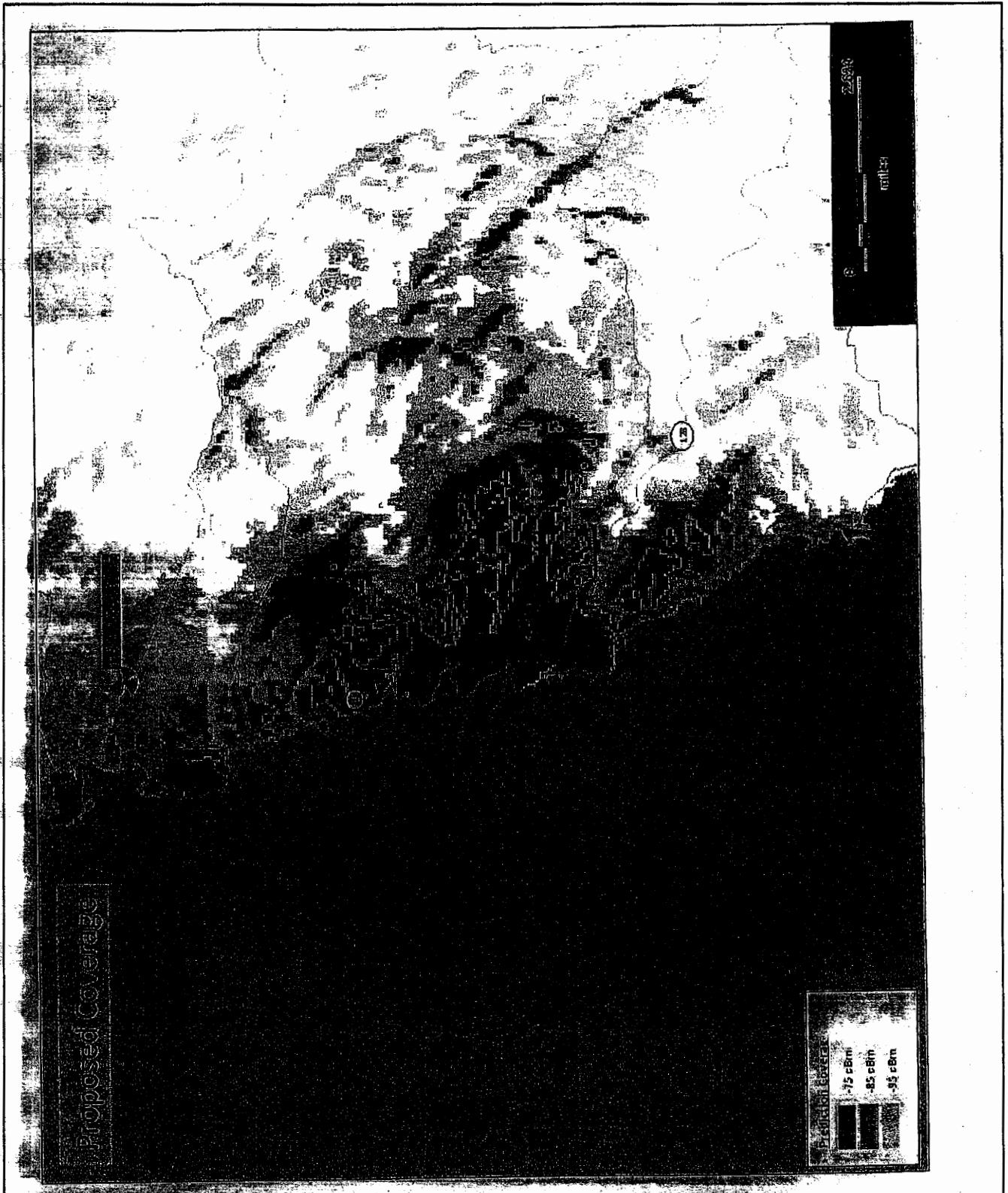
OWNER: FUNKE, Wolfgang & Brunhilde

APN: 123-370-03, 123-320-02, 123-360-07

AGENT: NSA Wireless, Inc., Pamela Nobel

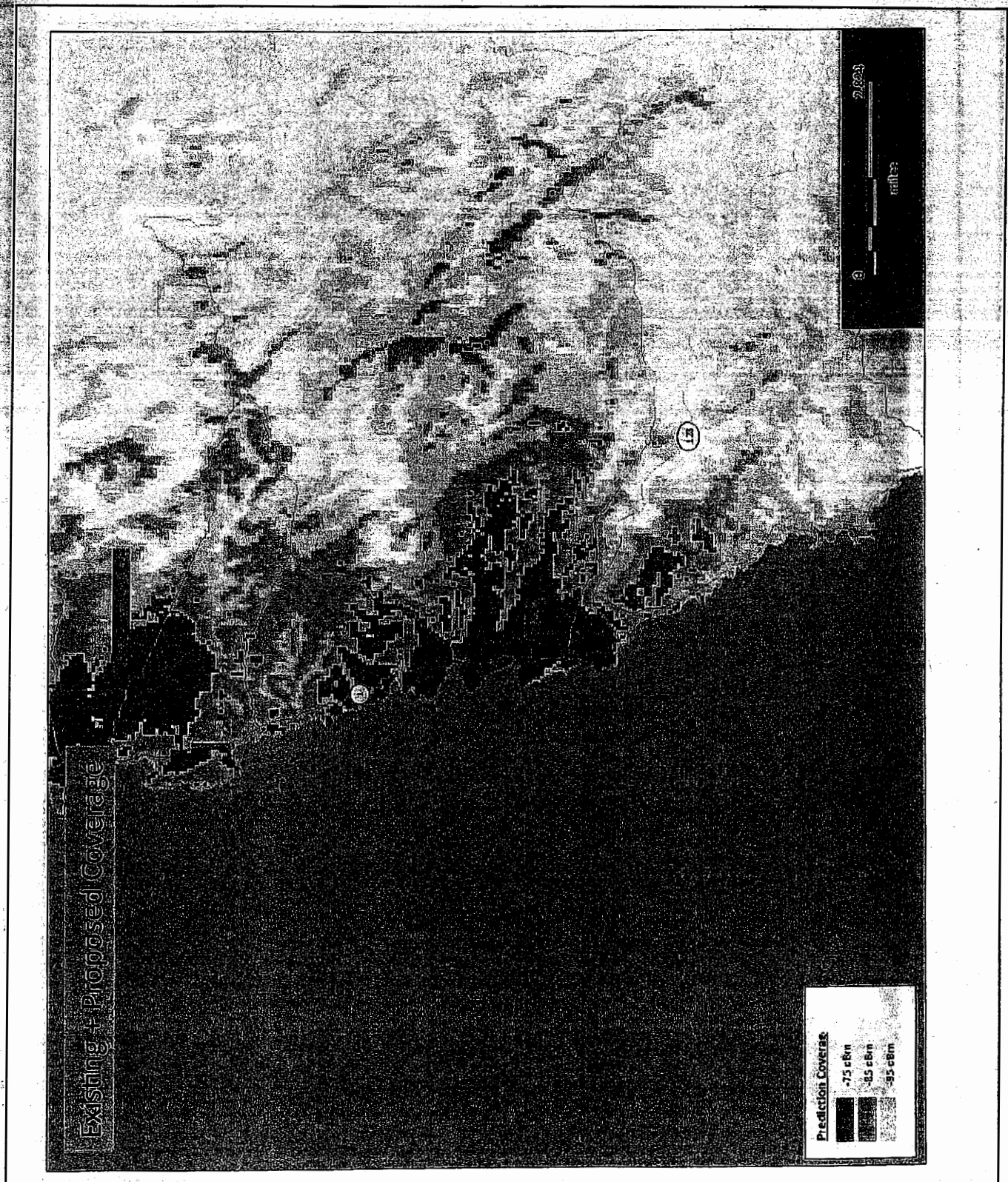
ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (EXISTING COVERAGE)



CASE: CDU 10-2012-11413
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (PROPOSED COVERAGE)



CASE: CDU 10-2012

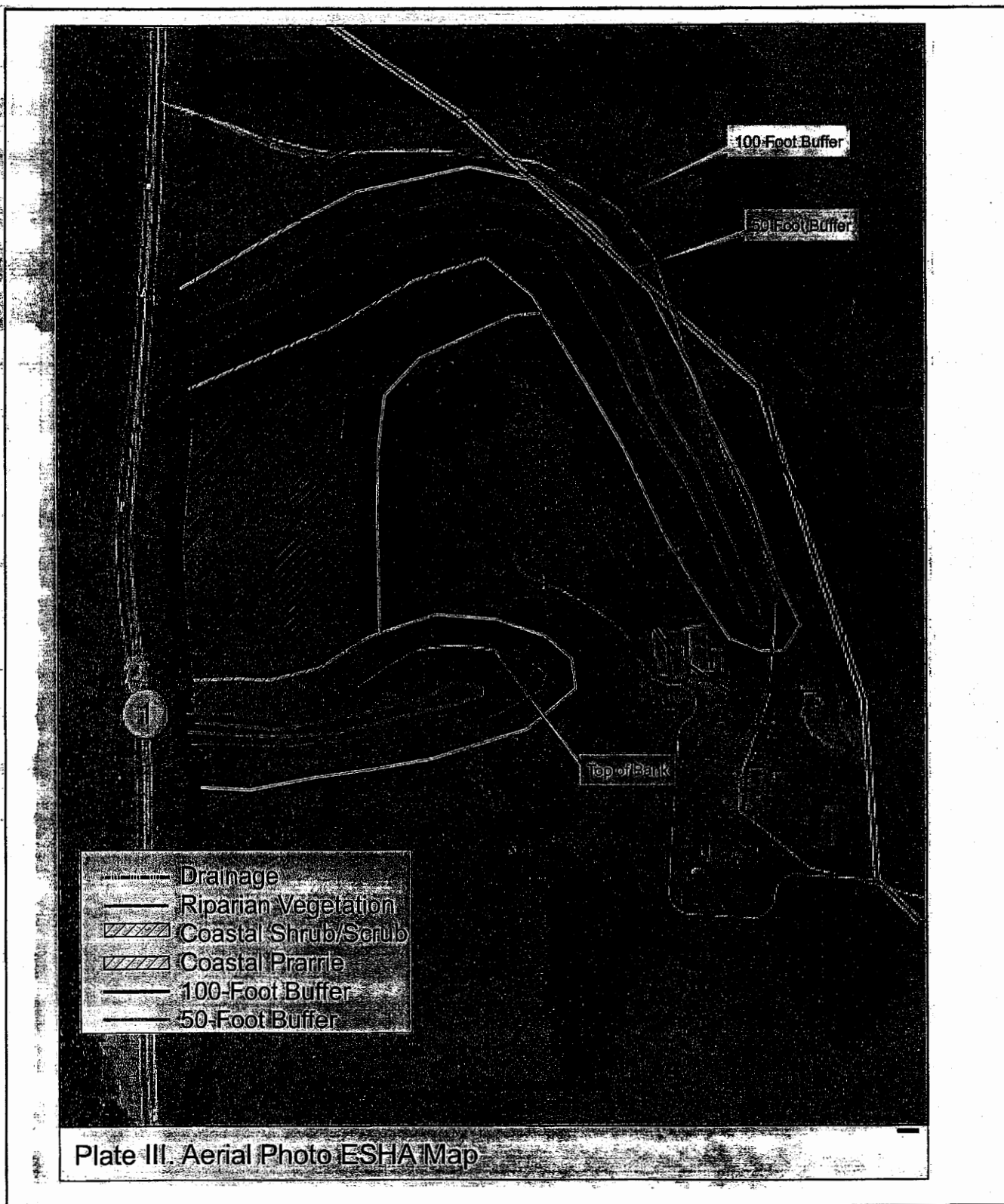
OWNER: FUNKE, Wolfgang & Brunhilde

APN: 123-370-03, 123-320-02, 123-360-07

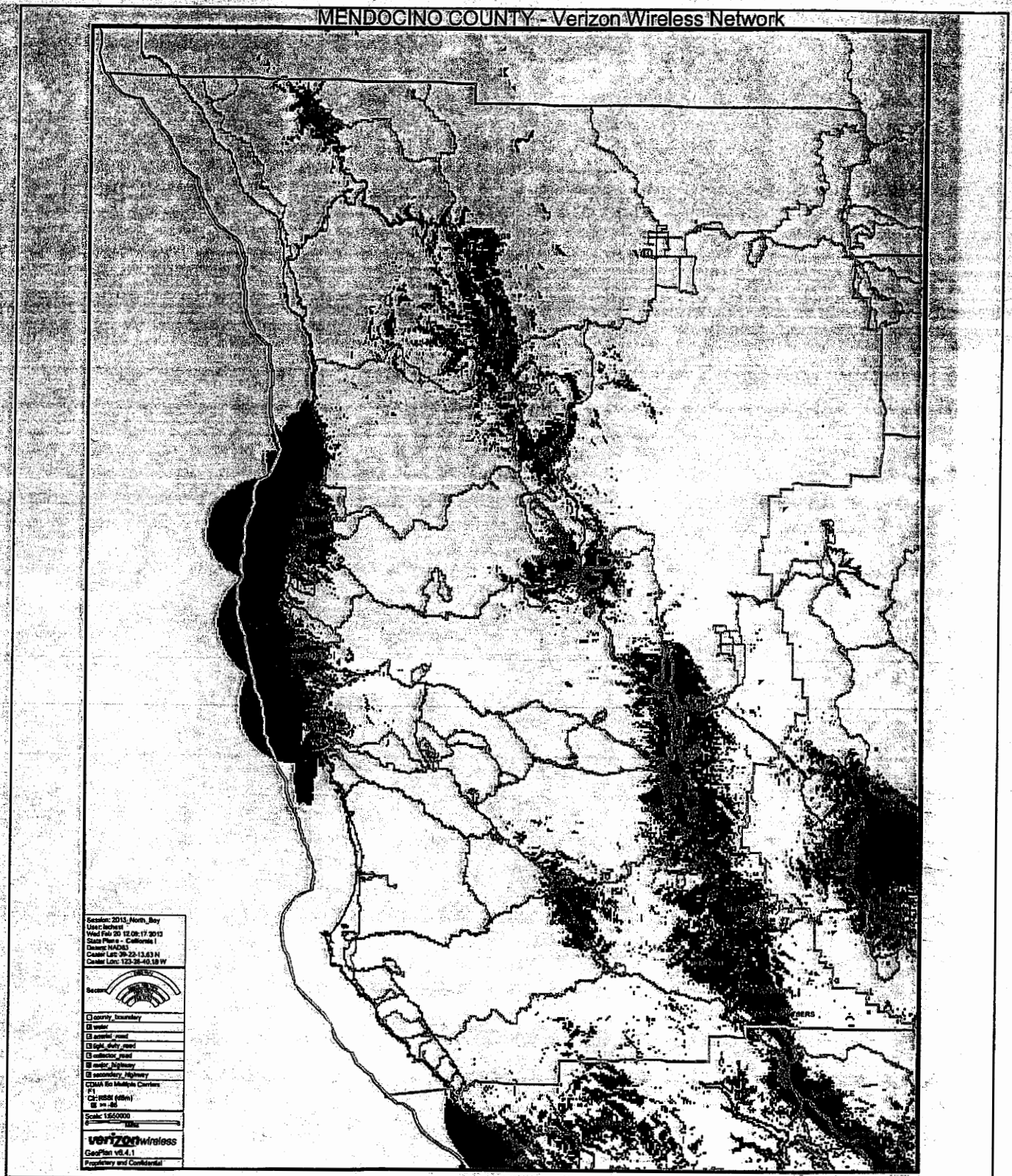
AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (EXISTING & PROPOSED COVERAGE)



CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion



CASE: CDU-10-2012

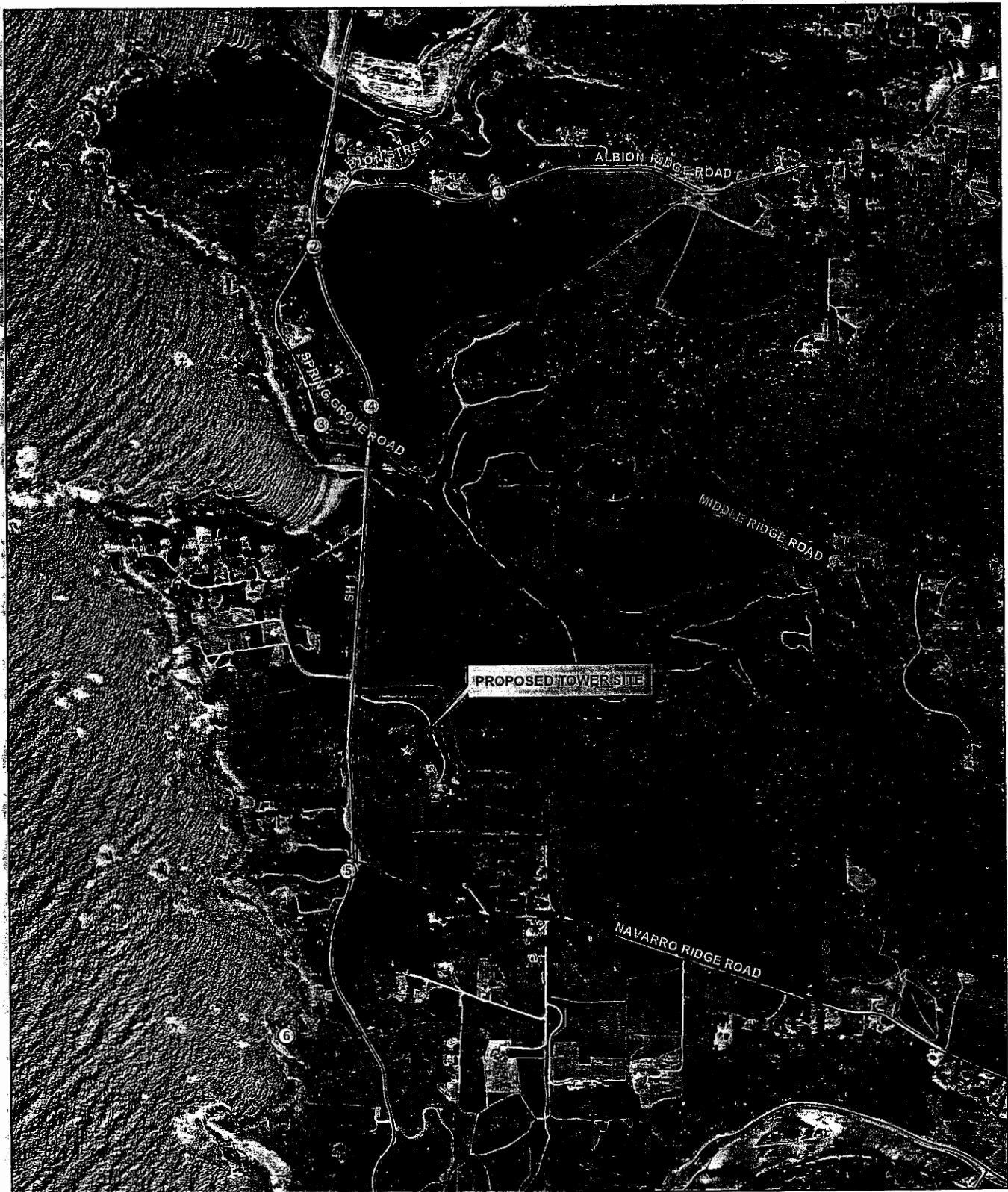
OWNER: FUNKE, Wolfgang & Brunhilde

APN: 123-370-03, 123-320-02, 123-360-07

AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

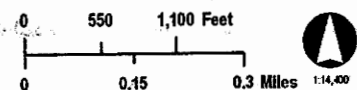
EXHIBIT (NETWORK COVERAGE)

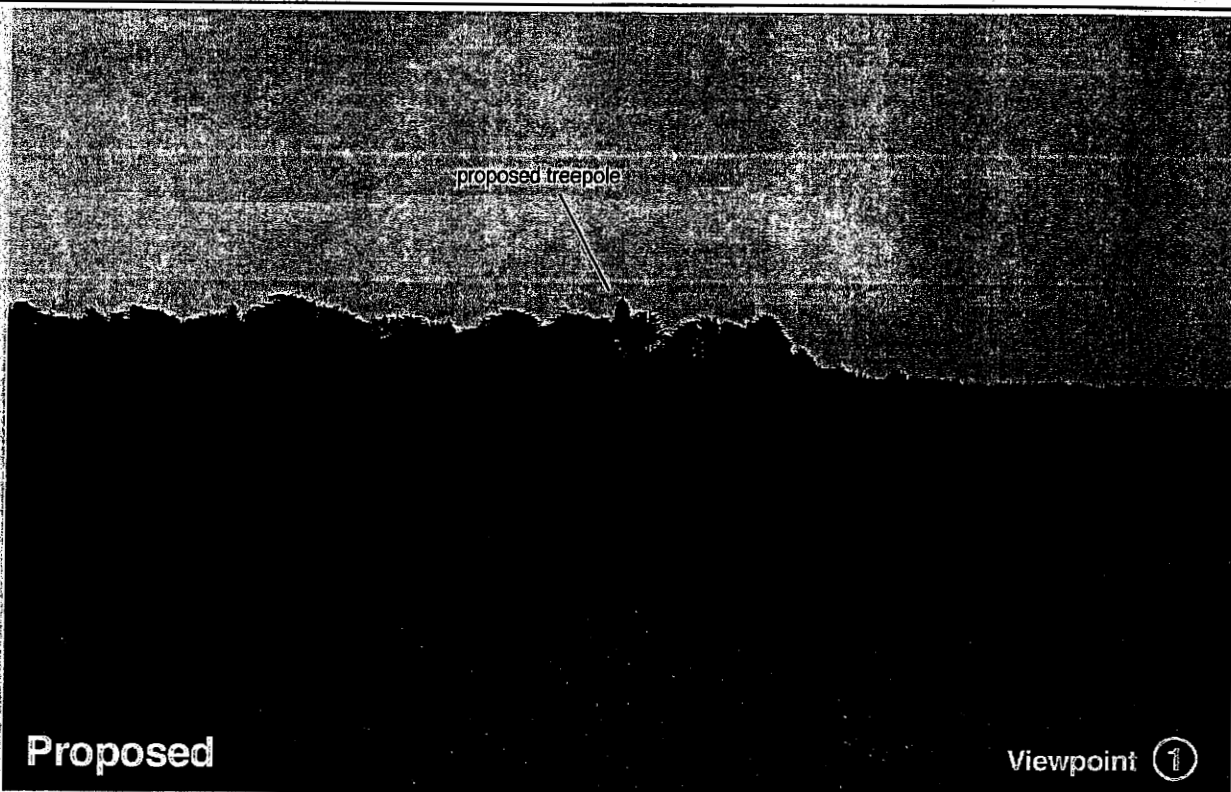


CASE: CDU 10-2012
OWNER: FUNKE, Wolfgang & Brunhilde
APN: 123-370-03, 123-320-02, 123-360-07
AGENT: NSA Wireless, Inc., Pamela Nobel
ADDRESS: 2335 N. Hwy. 1, Albion

① Viewpoint No. and Direction

VIEWPOINTS FOR PHOTOSIMS





CASE: CDU 10-2012

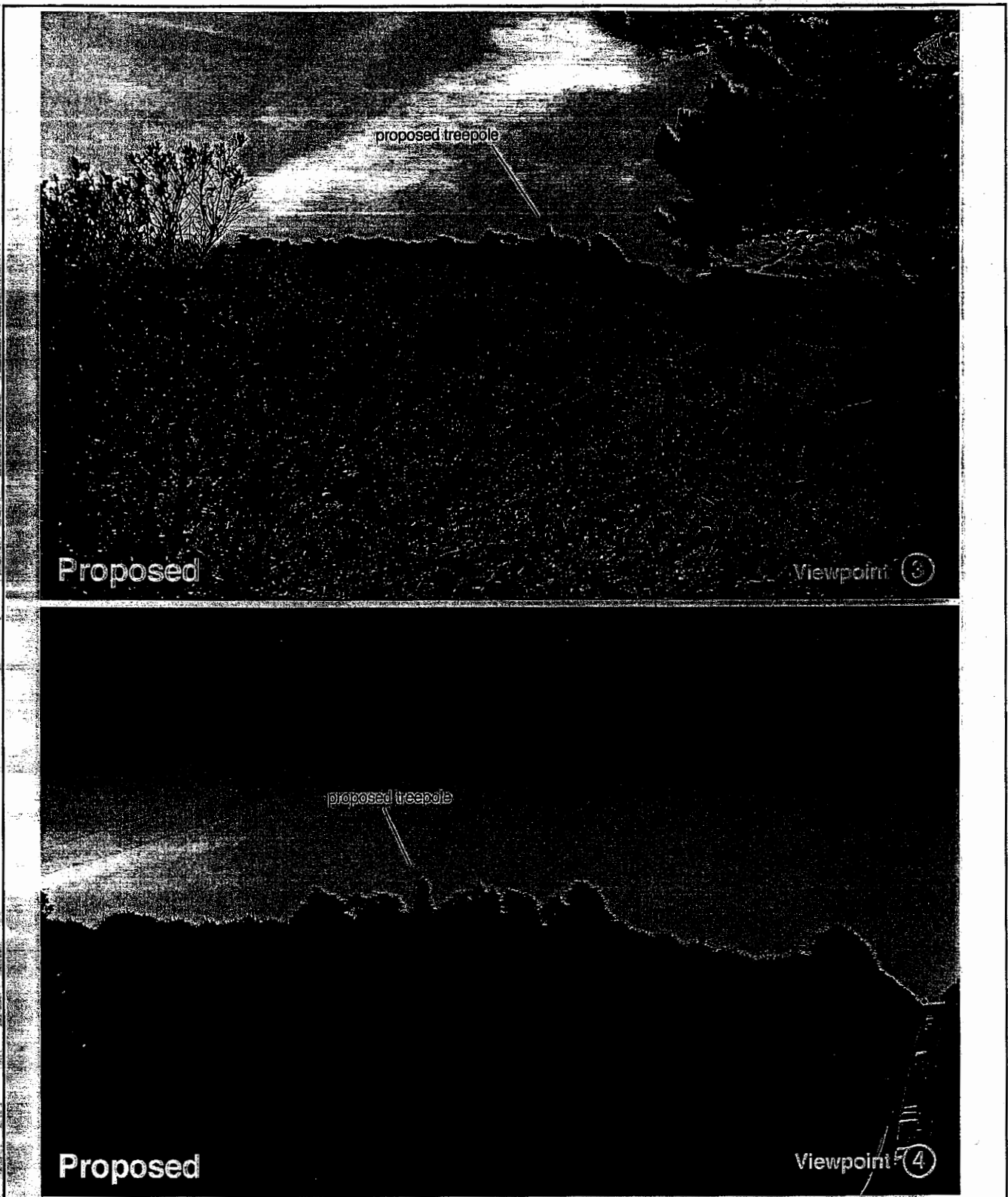
OWNER: FUNKE, Wolfgang & Brunhilde

APN: 123-370-03, 123-320-02, 123-360-07

AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (PHOTOSIM 1)



CASE: CDU 10-2012

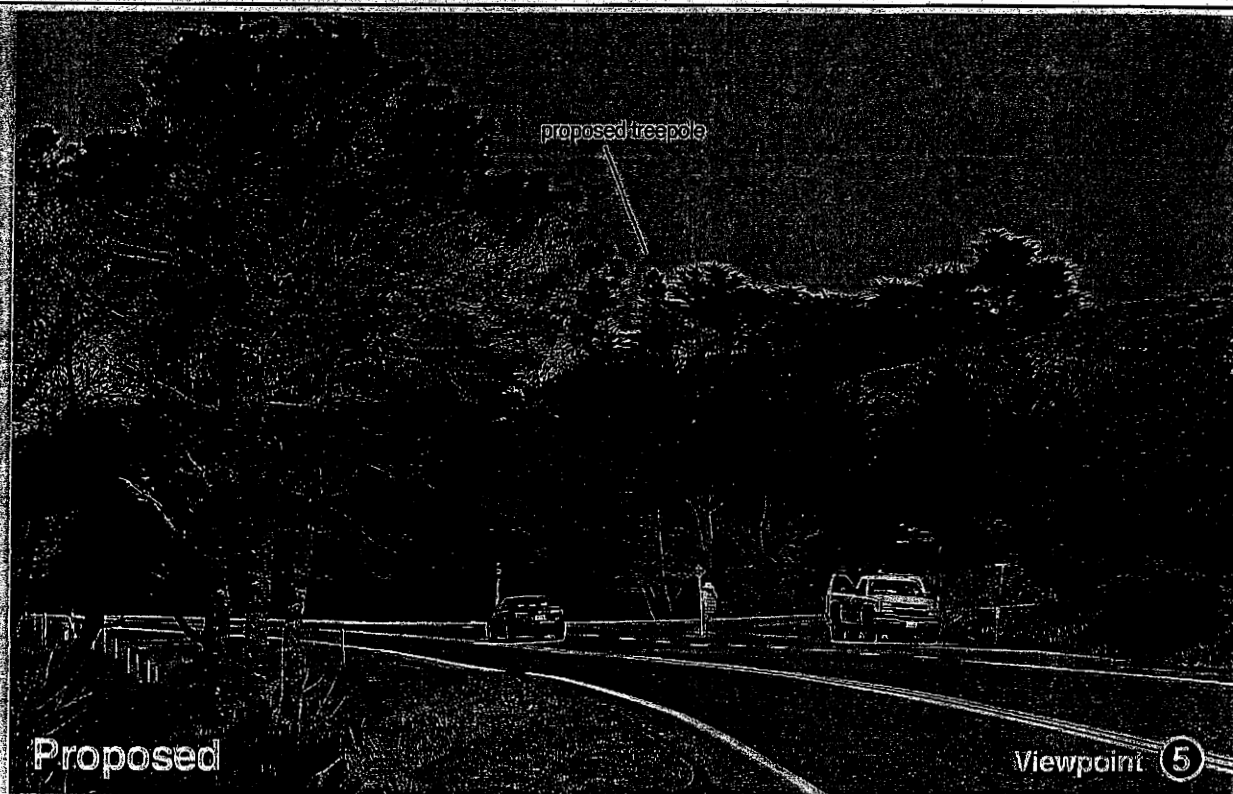
OWNER: FUNKE, Wolfgang & Brunhilde

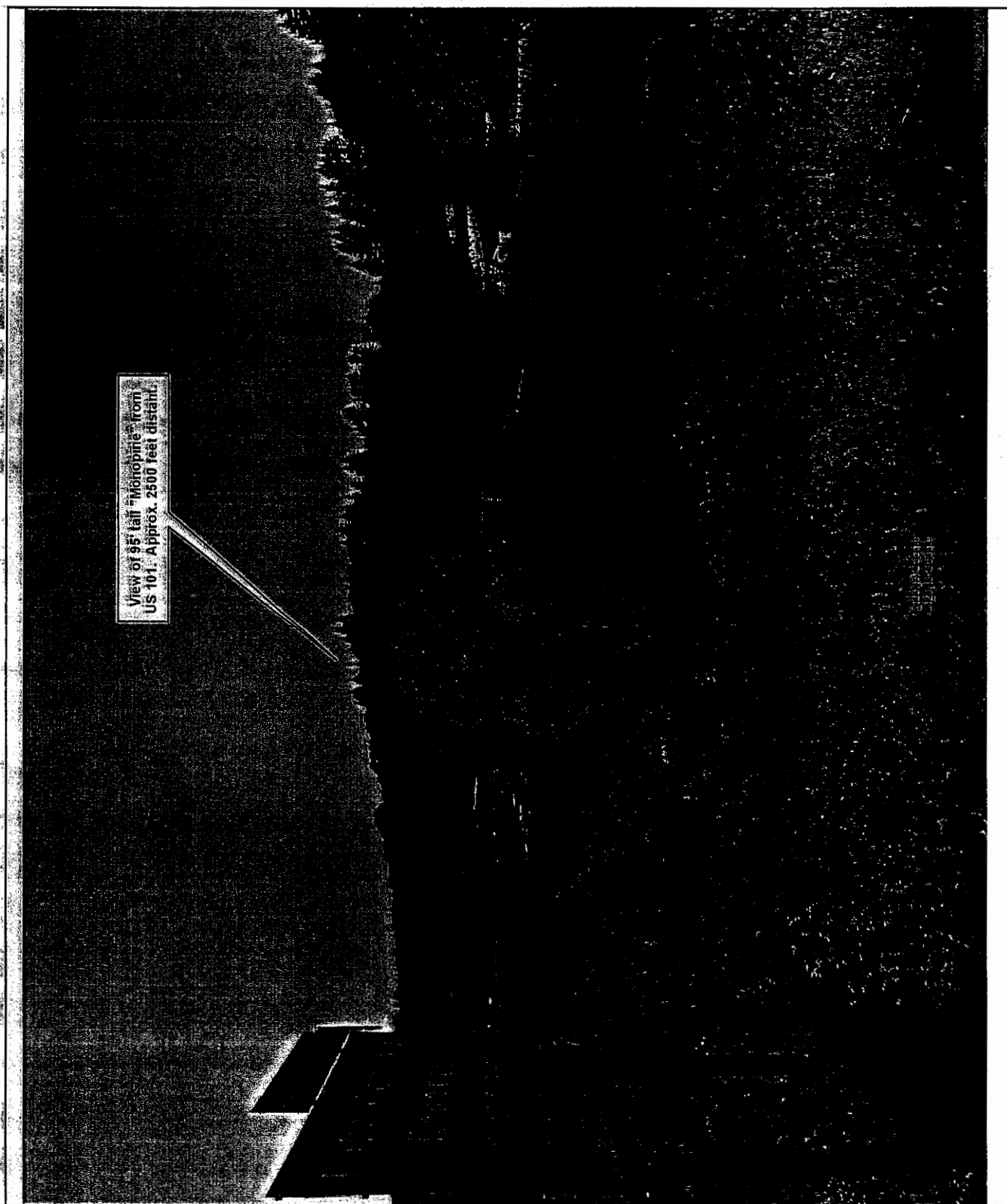
APN: 123-370-03, 123-320-02, 123-360-07

AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (PHOTOSIM 2)





CASE: CDU 10-2012

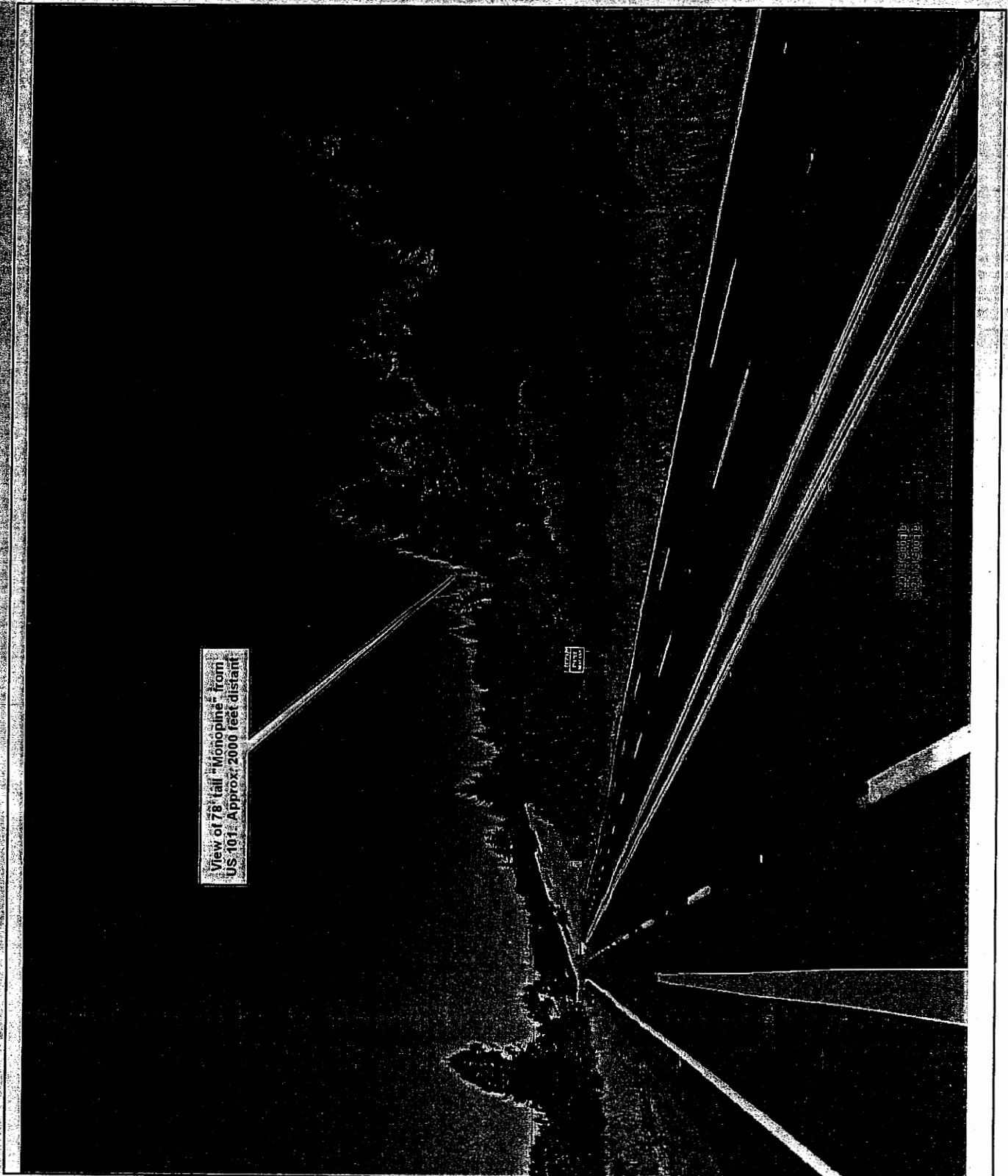
OWNER: FUNKE, Wolfgang & Brunhilde

APN: 123-370-03, 123-320-02, 123-360-07

AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (FINNE RD. TOWER)



CASE: CDU 10-2012

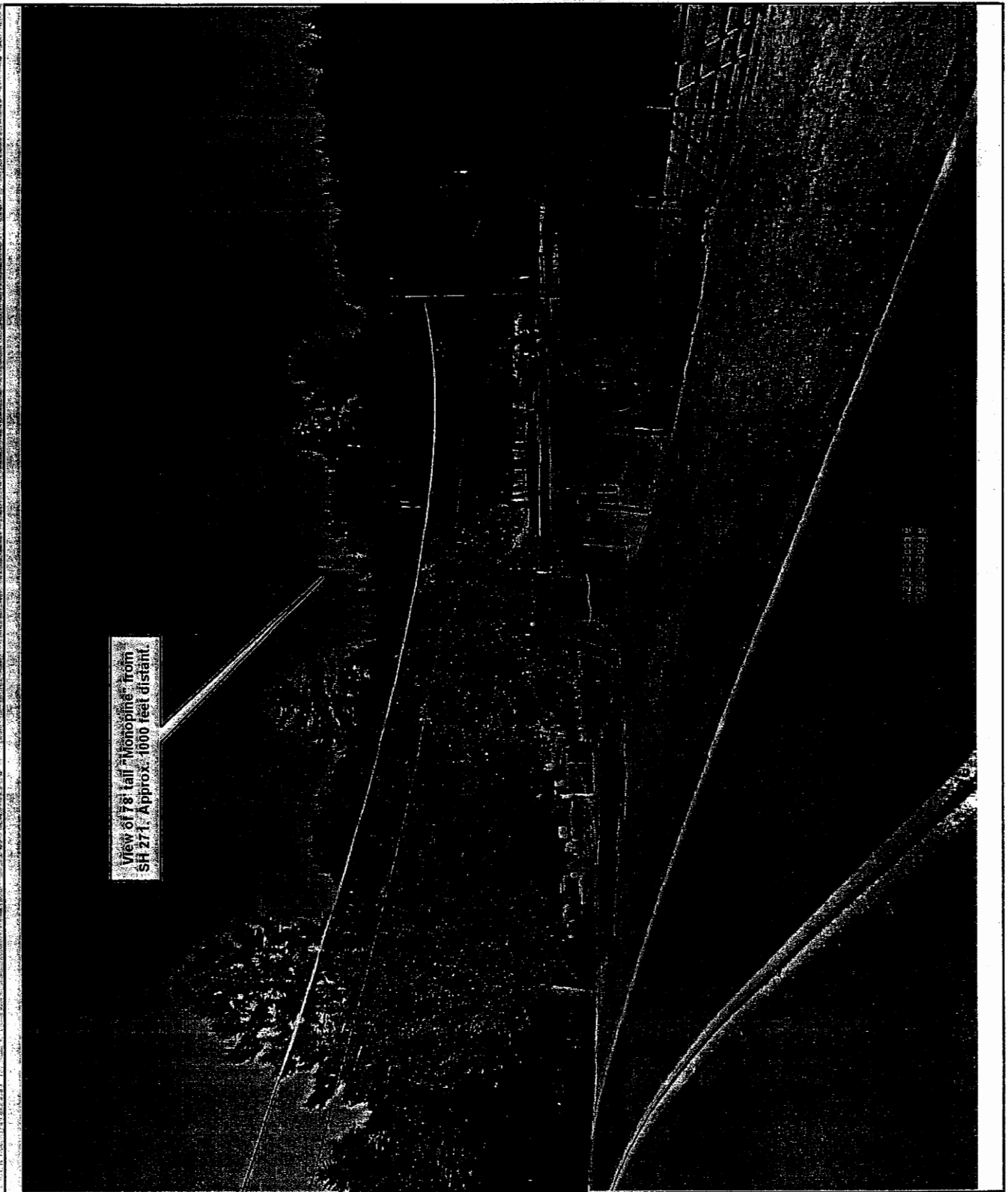
OWNER: FUNKE, Wolfgang & Brunhilde

APN: 123-370-03, 123-320-02, 123-360-07

AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (PIERCY TOWER)



View of 78' tall "Monopine" from
SH 271. Approx. 1000 feet distant.

CASE: CDU 10-2012

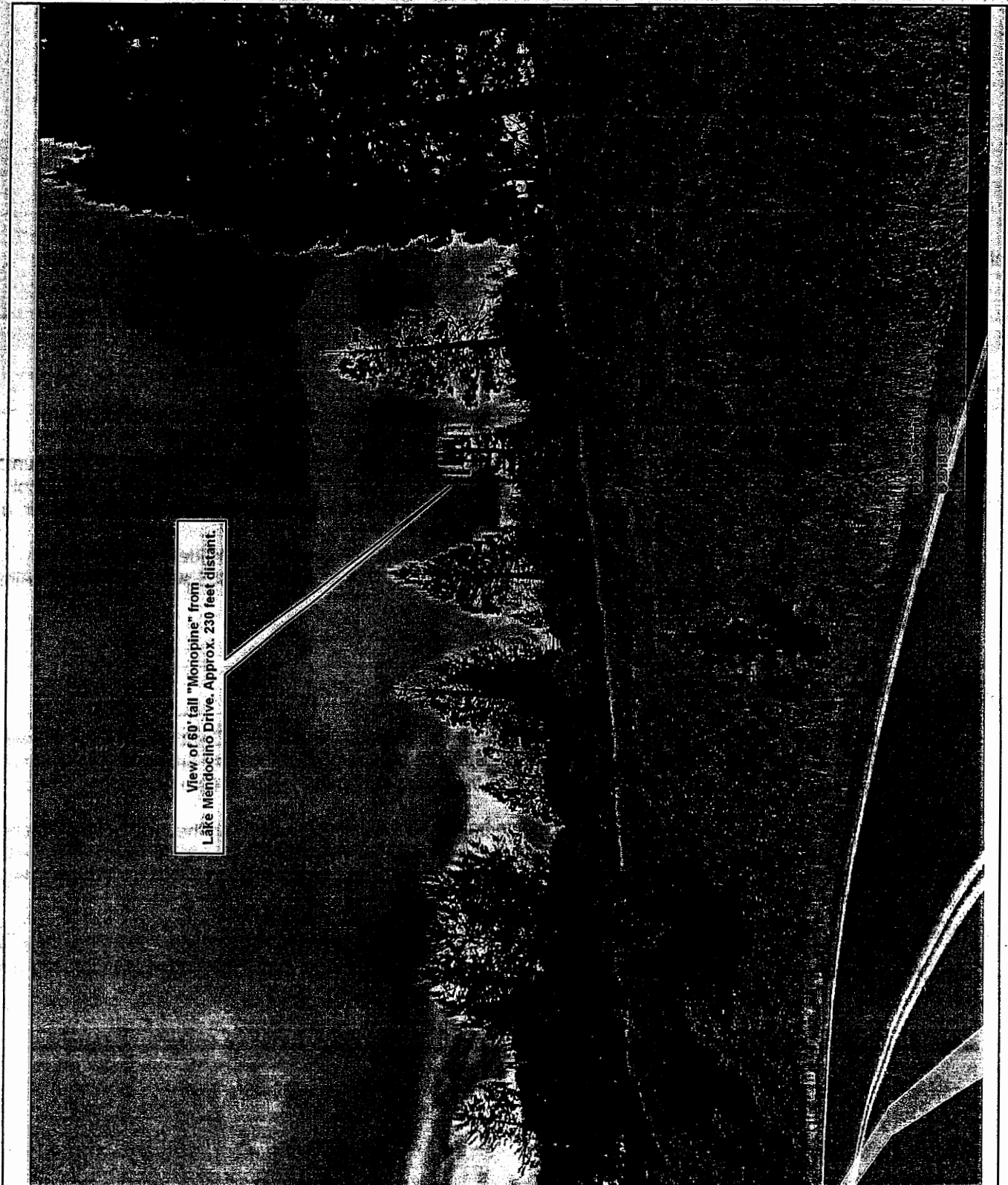
OWNER: FUNKE, Wolfgang & Brunhilde

APN: 123-370-03, 123-320-02, 123-360-07

AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (PIERCY TOWER 2)



CASE: CDU 10-2012

OWNER: FUNKE, Wolfgang & Brunhilde

APN: 123-370-03, 123-320-02, 123-360-07

AGENT: NSA Wireless, Inc., Pamela Nobel

ADDRESS: 2335 N. Hwy. 1, Albion

EXHIBIT (CLUBHOUSE TOWER)

**COUNTY OF MENDOCINO
ENVIRONMENTAL REVIEW GUIDELINES
DRAFT MITIGATED NEGATIVE DECLARATION****I. DESCRIPTION OF PROJECT****DATE:** December 5, 2013**CASE#:** CDU 10-2012**DATE FILED:** 12/13/2012**OWNER:** WOLFGANG & BRUNHILDE FUNKE**APPLICANT:** CELCO PARTNERSHIP/VERIZON WIRELESS**AGENT:** NSA WIRELESS, INC. PAMELA NOBEL**REQUEST:** Coastal Development Use Permit to authorize construction and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless) consisting of a 105 foot tall "monopine" (monopole designed to resemble a pine tree), 12 panel antennas, 2 GPS antennas, a 30 kilowatt diesel generator, a 132 gallon propane tank and a 192 square foot equipment shelter.**LOCATION:** In the coastal zone, 0.1 +/- miles south of Albion, lying on the east side of State Highway 1, 0.1 +/- miles north of its intersection with Navarro Ridge Road (CR# 518), located at 2335 North Highway 1, Albion, Ca 95410. AP# 128-370-03, 128-320-02 and 128-360-07.**PROJECT COORDINATOR:** DUSTY DULEY**II. DETERMINATION.**

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a MITIGATED NEGATIVE DECLARATION be adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

EXHIBIT A

Project Description-Proposal

Site Name: Albion Site # 249646

Proposed Verizon Wireless facility located at

2335 N. Highway 1

Albion, CA 95410

Owner: Wolfgang F. Funke & Brünhilde K. Funke

APN: 123-370-03

Introduction

Verizon Wireless is the largest wireless communications provider in the U.S. with more than 27 million wireless voice and data customers. The coast-to-coast wireless provider was formed by the combination of the U.S. wireless businesses of Bell Atlantic Corp. and GTE Corp - now Verizon Communications (NYSE: VZ) - and Vodafone (NYSE and LSE: VOD). The new company includes the assets of Bell Atlantic Mobile, AirTouch Cellular, GTE Wireless and PrimeCo Personal Communications.

Verizon and its affiliates have acquired licenses from the Federal Communication Commission ("FCC") and the CPUC. These licenses include Sonoma County, California. The regional system operates under the name GTE Mobilnet of California Limited Partnership, a California limited partnership, d/b/a Verizon Wireless, by Celco Partnership, its general partner.

Applicant's Request

Celco Partnership, d/b/a Verizon Wireless formally requests pursuant to the County of Mendocino Wireless Telecommunications Policy approval of a Use Permit and Coastal Permit for an unmanned telecommunications facility located at 2335 N. Highway 1 in Albion, California.

Project Description

Installation of an unmanned Verizon Wireless telecommunications facility to be located at 2335 N. Highway One in Albion, California. The proposed facility will consist of the installation of twelve panel antennas mounted on new 105 foot monopine, a 12' x 16' equipment shelter and a *standby 30 KW Diesel generator with a UL142 gallon fuel tank, located with a 30' x 35' lease area within a chain link fence with green slates. Monopine and equipment will be located approximately 400 feet from N. Highway One behind an existing row of existing cypress trees. Proposed lease area will be accessed from the existing graveled driveway that will be extended and graveled to include a fire turn around per Mendocino County Fire Safe Requirements, Public Resource Code 4290.

*Verizon will include a new stand-by 30KW diesel generator with a 132-gallon diesel fuel tank. This generator will supply power in emergency situations only. This is part of Verizon's homeland security initiative. Verizon wants the entire network to be able to sustain itself in the event of blackout situations. The generator will meet all noise standards of the County of Mendocino.

Maintenance

The facility will be unmanned and will be visited only monthly for routine maintenance. The facility will emit no glare, odor or noise above acceptable levels, and will not have any signage other than those required for identification as mandated by the FCC and FAA, which are designed to protect public safety. To ensure structural integrity of the facility, Verizon Wireless will construct and maintain the site in compliance with all federal, state and local building codes and standards. In addition, each facility is monitored 24 hours a day, electronically for intrusion and environmental disruption. The facility will also contain a sign identifying a 1-800 number to call in case of an emergency (manned 24 hours a day by Verizon employees) and identifying it as a Verizon facility. Verizon will be in compliance with all FCC regulations regarding signage at the facility.

Need for Site and Location Justification

Wireless phone systems operate on a "grid" system, whereby overlapping "cells" mesh to form a seamless wireless network. The technical criteria for establishing cell sites are very exacting as to both the height and location of the telecommunication facility. Based on a computerized engineering study, which takes into account, among other things, local population density, traffic patterns, and topography, Verizon Wireless's RF engineers have identified this location as being a necessary and appropriate location for a cell site in order to provide coverage along N. Highway One and to the surrounding community of Albion. This site is intended to extend coverage south on Highway One from the recently built and on air location on Comptche Ukiah Road, and somewhat on Highway 128.

Alternative Site Analysis

Verizon Wireless investigated existing structures, towers and buildings high enough to accommodate the coverage objectives.

- (1) 4401 Cameron Road, Elk – Drive test was conducted May 24, 2011 – Failed to achieve coverage objective
- (2) Albion Volunteer Fire Department – Hwy One and Albion Ridge Road (West Street) Caltrans plan to reroute Highway One – Site too close to Highway - No Ground Space – referred to Funke Property as best location in Albion to place site.
- (3) Albion Post Office – Located at 3380 Albion Ridge Road (West Street @ N. Highway One – Caltrans rerouting Highway One – no Ground Space Available
- (4) Little River Airport – Too far east to cover Highway One south and 128, also too close to Comptche Ukiah Verizon site
- (5) Fensalden Inn – 33810 Navarro Ridge Road – Too far East from N. Hwy One

(6) Water Tank – Albion Ridge Road – Mendocino Water District Tank located directly in front of single family resident over look ocean view – Privately owned land, no contact interest.

(7) Leventhal Parcel – 26301 Albion Ridge Road- Willing property owner, however, too far from N. Highway One – (8 miles east)

Radio Frequency

The proposed facility will be designed and constructed to meet applicable governmental and industry safety standards. Verizon Wireless continues to comply with all FCC governing construction requirements, technical standards, interference protection, power limitations, and radio frequency standards. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC. (See EMF Evaluation dated November 12, 2012)

Noise & Acoustical Information

Standby Generator for emergency back up power supply

In order for Verizon to maintain the site's operational capability in the event of an emergency or extended power outage, a 30 kW diesel fired generator will be installed at time of construction. The generator itself is enclosed in a sound attenuated enclosure, utilizes a muffler with the exhaust pipe directed vertically approximately 8 feet above ground level. The generator would run for extended periods of time only in the event of a natural disaster, other emergency or prolonged power outage. Sound test results are available for the proposed generator and are attached for review.

Safety

The proposed site will be entirely self-monitored by sophisticated computers which connect directly to a central office and which alert personnel to equipment malfunction or breach of security. Moreover, no smoke, debris or other nuisance will be generated by the proposed facility.

The proposed facility will not be detrimental to nor will it endanger the public health, safety, morals, comfort, or general welfare of the community. The proposed facility will not pose a risk of explosion, fire or other danger to life or property due to proximity to other materials and the facility will be designed and a State of California qualified engineer will certify that the proposed facility will be structurally sound.

In Conclusion

Everyday, more than 296,000 "911" calls are made from wireless phones. According to the National Center for Health Statistics Interview Survey January – June 2010, 26.6% of U.S. Households are Wireless "Only" households. The proposed Verizon Wireless Telecommunications Facility enhances the general welfare of the community by

providing the infrastructure for these calls, as well as providing vital means of communication during times of emergency when traditional land lines are not available or in cases of power failure. The carefully selected and designed facility allows these calls to occur while remaining a site that meets the needs of the community now and in the future.

For the purpose and duration of this application, the project manager is **NSA Wireless, Inc. located at 2000 Crow Canyon Place Suite 400, San Ramon CA 94583, contact Pamela Nobel direct at (707) 486-7252, email: pdnobel@earthlink.net or NSA Wireless at (925) 244-1890, and Fax: (925) 355-0672.**

Verizon Wireless long-term responsible party and agent for service of process is:

GTE Mobilnet of California Limited Partnership,
dba Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

January 9, 2014

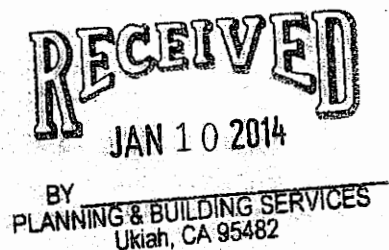
Mendocino Planning & Building Services

860 N. Bush Street

Ukiah, CA 95482

ATT: Adrienne Thompson for the Commissioners

RE: CDU-10-2012



Commissioners:

We learned with great excitement (and support with great enthusiasm) of the proposed Verizon tower to be erected just north of Navarro Ridge Road in Albion. As residents of Albion, living on Navarro Ridge Road, we welcome the opportunity to have more reliable, robust communications and move into the 21st century. In addition, as members of the Albion Little River Volunteer Fire Department, we are all too familiar with the difficulties in dealing with "dead zones" with radio transmissions, particularly along Highways 1 and 128 which are unfortunately the locations of numerous traffic collisions. Having consistent coverage throughout our fire district will improve our service and hopefully response time to incident scenes.

We look forward to a successful outcome on this urgent matter.

Sincerely,

Signature on File

Signature on File

Steven & Deborah Wolfe

33351 Navarro Ridge Road

Albion, CA 95410

January 8 2014

Write Letters of Support for CDU 10-2012 (mention this case number please) -

Attn. Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

RECEIVED
JAN 10 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Dear Adrienne:

As a home owner on Middle Ridge in Albion, I have for many years tried to get Verizon to expand there service there so we can enjoy real cell service and also have the internet service that comes with their Smart Phones. Right now we get very limited service from their "extended service" which uses US Cellular. It is very weak. So we are in favor of this.

We are located at 31801 Middle Ridge Rd. Home phone is 707 937 4830

This would answer our concerns about the lack of internet service, except the low speed dial up, now available. Also, it would improve our concerns for safety due to various risks of living in a rural area. We think this is a mandatory improvement for our area.

Sincerely


Signature on File


Signature on File

Stephen and Zoya Barlow

PO Box 489
Albion, CA 95410

David M. Brewer
33166 Frog Pond Road Box 326
Little River, CA 95456

Adreinne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush Street
Ukiah, CA 95482

RECEIVED
JAN 10 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Dear Ms. Thompson:

My wife and I would like to add our enthusiastic support for CDU 10-2012. We look forward to joining the rest of the country in the 21st century.

In addition to the practical advantages of cellular coverage, we have a safety issue. We are both in our late 70s and currently our only connection to emergency services is via a land line. It doesn't fail often, but it does fail.

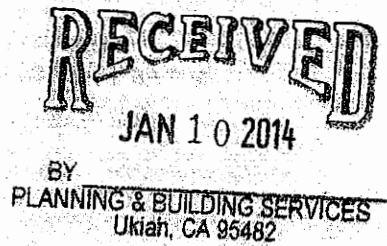
Sincerely,

Signature on File

David Brewer

January 7, 2014

Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482



Re: Support for CDU 10-2012

We live on Navarro Ridge Road at approximately the 4.25 mile marker. Over the years, we have tried internet service using dial up, and two different satellite services. Our cell phones work only spottily at our property. Satellite Internet is by all accounts "not so hot," and the bandwidth limitations placed on us by the Satellite Internet companies are quite unrealistic in today's world.

We depend on Internet and cell phone communication more and more every year, especially living in such an isolated area. The world is changing rapidly to a wireless one.

For both economic well being and safety, we need good, fast and reliable Internet and phone service. We wholeheartedly support the cell tower proposal. Please approve this now so that we may join the 21st century along with the rest of the world.

Thank you for your consideration.

Signature on File

Les and Linda Plack
30605 Navarro Ridge Road
Albion, CA 95410

From: Barbara Faulkner <faulkner@mcn.org>
To: <thompsoa@co.mendocino.ca.us>
Date: 1/11/2014 6:44 AM
Subject: support for CDU 10-2012

RECEIVED

JAN 13 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Hello Adrienne Thompson,

I'm writing in strong support of this case. Universal wireless coverage for phone and internet use is a basic need in our modern world. Leaving parts of the county without coverage puts those residents at great disadvantage. In order to make our community an ever more vibrant place to live, residents need to run businesses, communicate quickly, and be able to easily connect with medical services. Today, living without wireless service is comparable to living without electricity.

Thank you for considering my views regarding this important issue.

Sincerely,

Barbara Faulkner

January 7, 2014

Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

RECEIVED
JAN 10 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Re: Support for CDU 10-2012

We live on Navarro Ridge Road at the 4.12 mile marker. Over the years, we have tried internet service using dial up, and two different satellite services. Our Verizon cell phone does not work at our property.

We depend on internet and cell phone communication, especially living in such an isolated area.

For both economic and safety well being, we need good reliable internet and phone service. We wholeheartedly support the cell tower proposal. Please approve this now so that we may join the 21st century and the rest of the world.

Thank you for your consideration.


Signature on File 

Karen and Leonardo Bowers
29801 Navarro Ridge Road
Albion, CA 95410

From: "pclark@fortbraggrealty.co" <pclark@fortbraggrealty.co>
To: "thompsoa@co.mendocino.ca.us" <thompsoa@co.mendocino.ca.us>
Date: 1/13/2014 6:25 AM
Subject: Cell Tower CDU 10-2012

Attn. Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

RECEIVED
JAN 13 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Please add these short comments to the file for the application above. I understand there was some movement a while ago to remove cell towers and wireless applications from the public comment process and make them administrative permits with established guidelines. This should be done in this world that is tied so much to the internet for communications and in these remote areas as we live in, it often becomes a life or death situation for phone access. I know of no reason whatsoever why this project should not be approved, given the staff report posted.

Safety above all other issues should be the primary concern for additional cell towers, this application seems to be about as neat and tidy as one would hope for.

In our business, one of the most common questions for a home buyer looking at a remote property, is "is there high speed access?"

Please approve this application.
Thank you

Paul Clark
Century 21 Fort Bragg Realty
809 North Main Street
Fort Bragg, CA 95437

707-964-0811 Direct
707-964-3402 Fax
C21fortBraggRealty.com
Lic# 00640014

From: citiali calvillo werner <citialicw@hotmail.com>
To: "thompsoa@co.mendocino.ca.us" <thompsoa@co.mendocino.ca.us>
Date: 1/12/2014 11:52 PM
Subject: Internet

RECEIVED
JAN 13 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Case Number: 10-2012

Attn. Adrienne Thompson

For the Commisioners

Mendocino County Planning and
Building Services

860 N. Bush St.

Ukiah, CA 95482

To whom it may concern:

We decided to move to this area looking for a better way of life, with the intention to start a business and somehow promote business in the local community. One of the first obstacles we have come across has been the lack of infrastructure of the internet service providers. We have been trying to figure out a way to keep making progress with our business, but it has been very challenging without the basic infrastructure that a business demands in the 21st century, which is a fast and affordable internet service.

This is not only a personal point of view. There are several families in the area that feel the same.

Adrienne Thompson - Internet

From: citlali calvillo werner <citlalicw@hotmail.com>
To: "thompsoa@co.mendocino.ca.us" <thompsoa@co.mendocino.ca.us>
Date: 1/12/2014 11:49 PM
Subject: Internet

RECEIVED
JAN 13 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Case Number: 10-2012
Attn. Adrienne Thompson
For the Commisioners
Mendocino County Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

To whom it may concern:

We live almost at the end of Albion Rdg. Rd. in Albion. We have two daughters (13 and 15). We have a terrible internet service and we have gotten to the point that the girls are having trouble keeping up with school and homework. Most of their work is done through Google Docs.

Also, staying connected with family and friends has become challenging. This is a very important point, due to our isolated nature.

There is little work in the area, and an online business seems to be the direction to take. But not with the current intetrnet speed. Please take this information into consideration. We need faster internet.....

Thank you very much, Citlali Calvillo and family

28270 Albion Rdg. Rd.

101 of 129



Leona Fern Walden ~ 31401 Middle Ridge Road ~ Po Box 148 ~ Albion Ca 95460

January 6, 2014

Adrienne Thompson
Commissioners, Mendocino County
Planning and Building Services
860 N. Bush Street
Ukiah, CA 95482

RE: CDU 10-2012

Dear Ms. Thompson:

I am thrilled to learn that a cell tower is scheduled to be constructed in Albion and wish to add my name to the list of very pleased residents. I have lived on Middle Ridge Road in Albion for 42 years and as the digital age took over have been handicapped by the spotty cell phone service at my home office.

As I understand it, the placement of the proposed cell tower in Albion will benefit most residents, many visitors and businesses, such as mine, in our area.

Since cable service is unavailable and there is little hope for it in foreseeable future, the improved cell phone communication such a tower will provide will make living and working in this rural area much more satisfactory. It will bring us into the 21st century.

Than

Signature on File

Leona F. Walden
Wedding Photograhhy
31401 Middle Ridge Road
Albion, CA 95410

RECEIVED
JAN 08 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Tim Scully
32191 Albion Ridge Rd.
Albion, CA 95410
(707) 937 1906
January 7, 2014

re CDU 10-2012

Attn. Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

Dear Ms. Thompson:

I'm writing in support of Verizon's application to install a cell tower on Navarro Ridge, CDU 10 - 2012. I live on Albion Ridge and the lack of such reliable cell phone service in my neighborhood has been a significant issue for many years.

I'm getting older as is my partner Alice and both of us have medical issues. It would improve our safety greatly if we could carry cell phones with us when walking around the property and be able to call for help in case of a fall or other medical issue. Alice has already fallen and broken one hip so this possibility is not just theoretical.

I am Alice's primary caregiver and it would be very helpful if she were able to call me on my cell phone if I'm out and about in the neighborhood and she needs help urgently.

Telephone companies are doing their best to phase out landline service. Cell phone service is becoming a necessity in the modern world.

Thank you for your attention.

Respectfully yours,

Signature on File

Tim Scully

RECEIVED
JAN 08 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Tom Wodetzki
31901 Middle Ridge Road
Albion CA 95410

County Planning Commissioners
Mendocino County

January 6, 2014

Dear Commissioners;

I write to urge you to approve the proposed Verizon wireless communications facility on Navarro Ridge in Albion. My main reason is that we have a vacation rental next to our home in Albion that helps supports us (a retired couple) and earned Mendocino County \$2591 in bed taxes in 2013. We and the county could make more money if we had better cell phone reception and broadband service. Getting this proposed cell tower up and running will help our business, our paying visitors and the county.

Thank you for considering my viewpoint.


Signature on File

RECEIVED
JAN 08 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95432

2490 Nonella Lane
Albion, CA 95410-0308

January 7, 2014

The Commissioners
Mendocino County Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

Attn: Adrienne Thompson, for the Commissioners

Subject: CDU 10-2012

Dear Ms. Thompson,

I am writing this letter in support of Verizon's application to construct a cell tower on the Albion coast.

Wireless communication is an important issue, maybe even life saving, for me and my visitors. Albion is in a remote area with sparse development. We need wireless cell communication to assist in more rapid emergency response for accidents, medical emergency, fire and in some cases, crime prevention.

It is also helpful when visitors can't find our home and need additional instructions. Historically, when they could not find our home they drove to a commercial establishment to use a phone, thus causing delay, inconvenience and added unnecessary pollution as a result of the extra driving.

Additionally, the reliability of AT&T's service has been untrustworthy. I have experienced telephone outages for more than a week, which I have reported to AT&T and the PUC.

Thank you for your consideration in this important matter.

Sincerely yours,


Signature on File

Marc Schoen
Albion Resident

RECEIVED

JAN 08 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

From: "CarolSmith2@gmail.com" <carolsmith2@gmail.com>
To: "thompsoa@co.mendocino.ca.us" <thompsoa@co.mendocino.ca.us>
CC: Shirley Freriks <sfreriks@mcn.org>, John & Bettie Shand <beegie16@yahoo.com>
Date: 1/12/2014 3:08 PM
Subject: #CDU 10-2012 Support Cell Tower

RECEIVED
JAN 13 2014

Re: SUPPORT FOR ALBION CELL TOWER #CDU 10-2012

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Dear Planning Commissioners,

We are long time coastal Albion land owners. Our properties will have full view of the proposed cell tower.

We strongly support the cell tower project. The positive benefits outweigh any negatives and the tree design adequately mitigates views shed issues.

Reasons to support proposed cell tower:

1. SAFETY - Lives will be saved due to faster response times from car accidents, fires, heart attacks and falls from our Albion 75-100' high geologically unstable bluffs. Response time will be improved - communications accelerated. Parents will be better able to keep track of their children and more.
2. JOBS AND INCOME - My income relies on customers being able to contact me quickly at any time. Without cell coverage I am unable to make a living from Albion. Mendocino loses revenue from business licenses, and income and property taxes. Many people would love to live in Albion but need to work to make a living.
3. COMPETITIVE EDGE - Children and business owners in Albion are at a distinct disadvantage without the connectivity enjoyed by most of the rest of the world. Even third world countries have invested in cell coverage.
3. VIEW SHED - The Coastal Act does not say that development needs to be invisible - it says it needs to be subordinate to its setting. A cell tower disguised as a tree would be subordinate to its setting. The positive benefit of having cell coverage and the ability to adequately disguise the cell tower as a tree makes this project highly desirable.

I encourage Commissioners to support our community by voting in favor of the proposed cell tower.

Regards,

Carol Smith
3500 North Highway One, Albion CA
650-275-3817

Cc Shirley Freriks, President
Mendocino Coast Broadband Alliance

Expect abundance and thrive at business and in life



VOICE DIALOGUE INT'L

HAL STONE, PH.D. & SIDRA STONE, PH.D.

Attn. Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

RECEIVED

JAN 10 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

January 7, 2014

Re: **Support for CDU 10-2012**

To the Commissioners of Mendocino County:

I enthusiastically support the construction and operation of a Verizon wireless communications facility (a cell tower) on Navarro Ridge. This would bring a twenty-first century basic service to our woefully underserved rural portion of the North Coast. (I find it distressing to learn that cell phone reception is often available in similar rural areas in the developing nations of the world.)

I am sure that you are already aware of how this lack of basic infrastructure has negatively impacted the economic development of our county, so I need not speak of this. However, as an individual living on Middle Ridge Road, there have been several ways in which I personally have been negatively impacted by this lack of service:

- **Professionally**

I am a Clinical Psychologist, an author, and a teacher, who consults in my home and the lack of cell phone reception in Albion presents a problem professionally. The lack of cell phone coverage in this area will sometimes discourage clients from coming to Mendocino (this is a basic service as they see it).

My clientele is international - this year I will be working with people from Australia, Italy, Switzerland, France, Germany, and England. These individuals expect cell service; often their own business is dependent upon their availability. At best, they find it difficult to deal with this lack of basic business support. Some cannot come here at all; they are not interested in coming to an area that does not allow them to conduct their business as usual.

- **Financially & Environmentally**

I have had to install and maintain two otherwise unnecessary telephone land lines in order to replace the cell service expected by clients, friends, and family. These extra land lines are an unnecessary use of resources as well as a financial burden (however minimal).

▪ **Personally**

My immediate family, and many of my friends and associates, live at a distance. They now communicate primarily via their cell phone and expect access to mine.

I have three daughters and seven grandchildren (some living as far away as Rome, Italy and Shanghai, China) who use text messaging as their preferred way to communicate. Without cell phone reception in the area of my home, I don't have the freedom to contact them easily. I miss this easy - and spontaneous - way of connecting.

▪ **Health and Safety**

I am seventy-six years old and my husband is eighty-six. In case of a medical emergency (or any emergency) we can communicate only via land line. In a county with so many uninhabited areas, this is limiting and possibly even life-threatening. Cell phone access would greatly increase our safety - and our peace of mind!

▪ **Recreation**

As we have grown older, my husband and I no longer take long walks in our local parks or along the coast because we do not have access to cell coverage in the event that there is a need to summon help. Better coverage in this part of the county would give us increased freedom to move about and enjoy the beauty of Mendocino County in these later years of our lives.

I hope that you will grant approval for the installation of this cell tower (CDU 10-2012).

Thank you!

Sincerely,


Signature on File

Sidra L. Stone, Ph.D.
Clinical Psychologist
President, Voice Dialogue International

THE PARTNERSHIP SCHOLARS

- A life-changing pre-college education program for disadvantaged youth -

Commissioners, Mendocino Co.

January 9, 2014

Planning and Building Services

1860 North Bush St, Ukiah, CA 95482

Dear Commissioners:

I write to strongly support the proposed plan for a new cell tower on Navarro Ridge (CDU 1-2012). The resultant new wireless communications will greatly improve communications for a non-profit called the Partnership Scholars Program which I founded in California 17 years ago. It is operative in both Los Angeles and Mendocino Counties (in Ukiah, Fort Bragg and Mendocino School Districts). Its impact on these communities is summarized on the enclosed page. Currently we are involved in setting up a new venue in Cleveland, Ohio. My home office is in Little River, currently in a "wireless dead" area (Frog Pond Road). As we work to extend our uniquely successful educational model in California and beyond, access to wireless communications will be invaluable.

Sincerely,

Signature on File

Glenn A. Langer, MD /Founder/Past President

Enclosure

109 of 129

RECEIVED
JAN 13 2014

PROGRAM OPERATION- 2013

Now in its seventeenth year our goal is: *That motivated but economically and culturally disadvantaged students are limited not by their environment but are assured of progressing to a level determined only by their own considerable talents to the end that they will be competitive for entry into four year colleges with scholarship aid.* Our record speaks for itself:

(1) Over the seventeen years during which the program has been operative, we have inducted a total of 647 seventh grade scholars. We have lost (failure to maintain GPA, moved out of the venue, or failed to maintain standards of citizenship) less than 20%--strikingly low for the population served.

(2) As of June, 2013 we have graduated a total of 286 high school seniors. Of this group 265 (93%) have been accepted to, are attending or have graduated from a four year university. The 265 have received more than \$25 million in scholarship/financial aid, averaging over \$94,000 per scholar for their four years of college. This represents 7.5 times our total monetary investment over their six years in the Partnership program.

A partial list of the colleges which they are attending includes all the UC schools, Harvard, Columbia, Wellesley, Penn, Brown, Stanford, Duke, Occidental, Smith, Pomona College, Pitzer College, Claremont-McKenna, Mills, LMU, St. Marys(CA), St. Johns (NYC), Georgetown, Arizona State and a host of Cal States. **This record from public schools, where high school drop out rates of some approach 40%, match those of the best private prep schools in the country.**

(3) Six of our scholars have won Gates Millennial Scholarships @ up to \$50,000/ year for 5 years.

(4) Currently another 257 scholars are proceeding through the program in grades 7 through 12 in 9 school districts and 24 schools (both urban and rural) in California.

The operational format of the Program evolved on the basis of a very convincing study done at Johns Hopkins (*Alexander, et.al, Educational Evaluation and Policy Analysis 23, no.2: 171-191, 2001*) which concluded that, *"Virtually all of the advantage that bright wealthy students have over bright poor students is the result of differences in the way privileged kids learn when they are not in school. Poor homes and communities do not have the resources, enrichment opportunities or activities so that talented students can keep learning outside the formal classroom."* Our seventeen-year record strongly supports this conclusion and our remedy: **Providing for our 7th through 12th grade scholars what a middle class family would provide for their college bound child.**

Attn.: Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 North Bush Street
Ukiah, Ca. 95482

January 7, 2014

Dear Commissioners,

We are writing in support of CDU 10-2012 the installation of a Verizon tower on Navarro Ridge.

We live in Little River and try to operate using dial-up. Trying to exist in the twenty first century with this service is a kin to traveling by horse and buggy. My husband manages a swim team and must register his swimmers on-line and the downloading can take hours! I am an artist and need to send digital images of my work at 300psi and I have to leave home to do it. The time it takes to open pages, the pages that won't open, registering a bank account on-line and don't even think about videos. The list of inconveniences and impossibilities is endless and frustrating.

For students needing access it must be a formidable stumbling block.

Access to this technology is necessary to participate and function in today's world.

Please approve the tower.

Thank you,


Signature on File

Lisa Orselli
Bob Rodriguez

MICHAEL F. GARRISON

2000 Shoreline Highway

P.O. Box 727

Albion, CA 95410

Tel: (707) 937-0777

Email: mfgarrison@hotmail.com

RECEIVED

JAN 09 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

January 6, 2014

Mendocino County Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

Adrienne Thompson
For the Commissioners

RE: CDU 10-2012

My residence is located on the oceanfront west of Navarro Ridge road and would be serviced by the proposed Verizon cell tower. We are very much in support of the infrastructure that will bring the area connectivity with the civilized world.

Thank you for your consideration

Signature on File

January 14, 2014

Department of Planning and Building Services
860 North Bush Street
Ukiah CA 95482

RECEIVED
JAN 15 2014

BY _____
PLANNING
Ukiah, CA 95482

Dear Mendocino County Planning Commissioners,

We are writing in regards to application # CDU 10-2012, the installation of a cell tower at 2335 North Highway 1. While we appreciate the advancement of technology in our rural area, we ask that special attention be placed on the following items:

1. This application is in the highly scenic coastal zone and the monopine with equipment is 105 feet tall, taller than any tree in the area and will be seen from Highway 1 adjacent to the Ledford House and the Albion Headlands. It will also be visible from Navarro Point, the walking park established by the Mendocino Land Trust.
2. The monopine will be placed on Rangeland 160, mixing zoning and Intent.
3. Other cell towers in the area have been placed in stealth locations, such as inside chimneys and under stairs, minimizing their visual impacts in the highly scenic coastal zone.

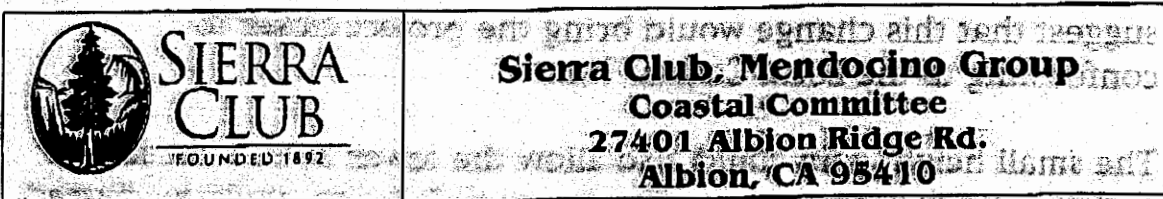
We ask that you carefully review this application and consider mitigating efforts to remove the visual impact of a cell tower in the coastal zone. Preserving the visual resources of our highly scenic coastal zone should be the first priority while reviewing this application.

Sincerely,

Melissa Hays
Albion Residents Association
PO Box 415
Albion CA 95410

RECEIVED
JAN 15 2014

BY _____
PLANNING & BUILDING SERVICES
Ukiah, CA 95482



Jan. 14, 2013

Mendocino County Planning Commission
120 W. Fir St.
Fort Bragg, CA 95437
860 North Bush St.
Ukiah, CA 95482

RECEIVED
JAN 15 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Re: CDU 10-2012 Funke

Dear Commissioners,

The Sierra Club would like to comment on the proposal for a "treepole" cell tower in the coastal zone at Albion. While we can appreciate the usefulness of an additional cell tower in this underserved area, the location and style of the tower should be carefully designed to minimize the disruption to the scenic resources. As you know, this part of the coast is designated as "highly scenic" and is one of the first views to and along the coast for visitor and residents approaching along Highways 1 and 128.

Unfortunately the tower located as proposed would be quite visible from the entire coastline, Highway 1, and the ocean. While the "treepole" style is appropriate for towers in the pine/fir/redwood forests, it would be very noticeable where there are only lower cypress and shore pine trees. With some changes in location and style it could be made less obtrusive.

The Funke property is quite large, over 110 acres, and is relatively flat on the top. In fact, it slopes only gently upward toward the eastern side of the property, gaining about 20 feet above the current proposed location. If the site were moved to the eastern boundary, still near trees, the angle of view from the Highway and coastal parks would be such as to hide much more of the tower. We

suggest that this change would bring the project closer to conforming to the Local Coastal Plan.

The small height gain could also allow the tower to be a bit shorter and still get the same range. The "treepole" design could be shaped more like the cypress trees around it to blend in with the skyline. (Neither site is actually at the "toe" of a slope) While we realize that a custom pole is unusual, a lot of the coastline will be getting cell towers in the highly scenic areas, and a compatible design could be reused in other areas.

The Sierra Club would generally not support intrusive projects in the Highly Scenic areas. It is only with respect to the resident's need for advanced technology that we would acquiesce to placing the cell tower here. Please consider our suggestions to bring the project into closer conformance with the Local Coastal Plan.

Sincerely,

Signature on File

Rixanne Wehren
Chair, Coastal Committee

Bill Fletcher

5501 Albion Little River Rd. Little River, CA 95456 (707) 937-2110
Bill@ScienceAndArt.com

Attn Adrienne Thompson
For the Commissioners
Mendocino County Planning & Building
860 N. Bush St.
Ukiah, CA 95482

re: CDU 10-2012 - the new Verizon Wireless tower in Albion, CA

Dear Adrienne Thompson,

I'm writing in support of the proposed new tower for the Albion/Little River area. While the benefits for visitors to the area and related local businesses are obvious (cell service where there now is none), I am speaking as a resident of the area. Here are some of the reasons that I see this new tower and service to be important.

It will offer high speed broadband for those of us living with trees in our Southern view of the sky which keeps us from obtaining satellite service. Having dependable cell service in our area will give us options for phone service and allow for significant savings if we cancel our land lines and use cell phones as our primary phone service. Verizon proposes to offer us a package that includes phone service and internet service which will also offer enough savings to allow us to buy more gigabites of internet access and help with the restricted download allowance.

Thank you for representing our interests,

Signature on File

Bill & Sally Fletcher

RECEIVED

JAN 14 2014

MENDOCINO COUNTY BUILDING SERVICES
Ukiah, CA 95482

From: Hal Stone <halstone@mcn.org>
To: <thompsoa@co.mendocino.ca.us>
Date: 1/13/2014 12:51 PM
Subject: New cell tower in Albion

From Dr. Hal Stone
P.O. Box 604/Albion 95410
halstone@mcn.org

To the Board of Supervisors of Mendocino County

I am totally in support of the proposed cell tower -- CDU#1-2003 -- that is being considered for Albion.

1. My wife and I are seniors. I am 86 and she is 76 and has written to you separately. I am in need of a home protection system when I am alone but I can't use one now because we have no wireless. This is a very serious matter for me since my wife periodically travels to spend time with the grandchildren and I am alone when she is gone unless it is a longer trip.

2. We are still active professionally in our psychotherapy work and writing and teaching and we have an international practice in couples work. Increasingly the absence of reliable cell phone usage will be a determining agent in whether the client chooses to come or not. For over 20 years we ran groups here and because of these groups a great deal of money was spent in Mendocino County. This absence of cell usage is going to increasingly harm the financial viability of people like us who use phones constantly for business purposes.

3. As it is now we pay a fortune for our cell phone because we need it when we travel. Our landline usage is at this time \$500 per month plus another \$150 for our cell phone monthly payment. If we have cell phone service available this amount will be cut back by several hundreds of dollars a month.

4. If phone service goes out in a power outage we are dead in the water. We can't even call for help.

I am aware and sympathetic to the position of people who are opposed to cellular activity around them. I believe there are valid concerns on these matters. These concerns have to be balanced against the need to create more convenience for cell phone users and more incentives for people to come here to do business, to learn and to vacation. Many years ago you could let a client know that there was no cell phone service here and they would accept this as being a necessary inconvenience. Today it feels archaic, in this day and age, that so many high calibre people who live in this area are denied this basic service.

Sincerely yours,

Hal Stone, PhD

From: "Stan Thornton" <Thorn@MCN.org>
To: <thompsoa@co.mendocino.ca.us>
Date: 1/13/2014 1:37 PM
Subject: Support of Support for CDU 10-2012

Hello Adrienne Thompson,

I am e-mailing in support of the proposed new cell tower on Navarro Ridge.
I have lived in Albion for over 30 years and the proposed cell tower would greatly improve internet communications.

Thanks for you support in approving CDU 10-2012.

Best regards,

Stan Thornton

Rosenthal Thornton Construction, Inc.

703 N. Main Street

Fort Bragg CA 95437

(707) 964-1200 Office

(707) 964-1125 Fax

thorn@mcn.org

Rodric A. Lorimer
P.O. Box 850
32731 Middle Ridge Rd.
Albion, CA, 95410

January 9, 2014

Adrienne Thompson, for the Commissioners
Mendocino County Planning and Building Services
860 N. Bush Street
Ukiah, CA 95482

re: CDU 10-2012

I am writing in support of CDU 10-2012 which would provide cell telephone and data services in and around Albion California.

Most of us who live in this area have no cell service and it is over 9 miles from my home to the closest point of access where service is available. This situation is not just an inconvenience but a threat to our safety and health.

The threat to personal safety is the inability to contact emergency or support services in case of an accident in an auto or at our beaches. It happened to my wife and me three weeks ago when driving on highway 1 near Navarro Point (not far from the proposed cell tower site) when a number of grapefruit sized rocks rolled on to the highway into our path. It happened suddenly and the rocks, which could not be avoided, destroyed two tires, disabling our vehicle. My cell phone was useless in this area, and I could not leave my invalid wife alone to summon help so we had to wait, only hoping for a Samaritan.

The health issue is similar. Whenever we leave our home (and landlines) we lose any way to contact health or emergency professional should a health emergency arise. As seniors, this is often on our minds as we know prompt medical attention saves lives.

And finally, cell phones coverage is important to our economic wellbeing. Our area is heavily dependent on tourism. Most tourists expect the same services here as at home. Those who provide tourism support also would benefit by being quickly able to provide the services tourism requires.

As for the visibility of the proposed tower, we may be one of the very few who will have the tower in our view shed. I live $\frac{3}{4}$ miles east of the site and expect to see the tower in my ocean view. But I am satisfied that the mitigation efforts will help and any minor annoyance will pale against the benefits of cell phone service in our area.

Sincerely,

Signature on File

RECEIVED
JAN 13 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

MARY ANN PARLAPIANO
33000 FROG POND ROAD
P. O. BOX 313
LITTLE RIVER, CALIFORNIA 95456
(707) 937-2410

January 10, 2014

Attn. Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 North Bush Street
Ukiah, California 95482

Re: CDU 10-2012

Dear Ms. Thompson:

I am writing in support of CDU 10-2012.

Many individuals now use mobile phones as their only telephones. Mobile phones allow individuals to keep in touch with children, elderly or ill relatives or friends and their businesses. If a person experiences car trouble while traveling Highway 1, it would be a Godsend to be able to call a towing service or a friend or relative for assistance. Because we in the Albion, Little River area are more isolated than many who live on the coast, I believe that it's more important for us to have cell phone coverage in case of emergencies. Telephone booths are a thing of the past. While there are those individuals who don't use common courtesy when speaking on their mobile telephones, I believe that the benefits of having mobile access available far outweigh the detriments. Therefore, I would urge you to approve the plan set forth in CDU 10-2012.

Thank you.

Ma Signature on File *plano*
MARY ANN PARLAPIANO

RECEIVED

JAN 13 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Attn. Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

January 7, 2014

Re: **Support for CDU 10-2012**

To the Commissioners of Mendocino County:

I very much support the construction and operation of a Verizon wireless communications facility (a cell tower) on Navarro Ridge. My wife and I are Clinical Psychologists, teachers and writers and we have brought many hundreds of people into Mendocino to study with us and these workshop participants have brought a very substantial income to the Inns, Restaurants and Shops of Mendocino Country.

I am now 86 years of age and I am not even able to purchase a protection plan when I am home alone because these plans require constant wireless contact.

We are paying a full fee for our cellular phone because we need the phone when we leave this area and we can't receive any calls at home.

Clients often refuse to come here to study with us because of the lack of cell phone service at our home. They are not at all pleased to know that to make a call they have to drive into town.

In serious power outages phone service often fails and we then we are left without contact.

I am very sympathetic to the concerns that many people have concerning the dangers of wireless activity. This has to be balanced however against the enormous damage that is being done to our economy and this will get worse as time goes on.

I hope that you will grant approval for the installation of this cell tower (CDU 10-2012).

Thank you!

Sincerely,

Hal Stone, PhD
Albion, CA 95410
halstone@mcn.org

Signature on File

RECEIVED
JAN 14 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

January 7, 2014

Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

RECEIVED

JAN 08 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Re: Support for CDU 10-2012

We live on Navarro Ridge Road at the 4.12 mile marker. Over the years, we have tried internet service using dial up, and two different satellite services. Our Verizon cell phone does not work at our property.

We depend on internet and cell phone communication, especially living in such an isolated area.

For both economic and safety well being, we need good reliable internet and phone service. We wholeheartedly support the cell tower proposal. Please approve this now so that we may join the 21st century and the rest of the world.

Thank you for your consideration.

Karen and Leonardo Bowers
29801 Navarro Ridge Road
Albion, CA 95410

RECEIVED
JAN 07 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Attn. Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

Dear Ms. Thompson:

I am writing in support of the internet tower that is proposed for Albion and is up for consideration by your group. I live in Little River and have been very disappointed in the internet connection and speed of service that is available here. It makes it very difficult to do the many things that are possible on the internet. Please accept the proposed new tower in Albion. It would be a great public service. Thanks very much.

Obe Brown
PO Box 2541
Mendocino, Ca 95460
707-937-3081
obrown2291@aol.com

RECEIVED
JAN 07 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

January 8, 2014

Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482



Re: Support for CDU 10-2012

We live on Navarro Ridge Road at the 4.00 mile marker. Over the years, we have had ineffective internet service using dial up and two different satellite services. The provider for our iPhones is Verizon, and the service is inconsistent.

We would like to have the same service available that the rest of the developed world has in 2014. It would make the area much more attractive to visitors, commercial interests and those individuals and families thinking about a move to our beautiful coast.

For economic and social reasons, we need reliable internet and cell phone service. We wholeheartedly support the cell tower proposal. Please approve this now so that we can join the 21st century.

Thank you for your consideration.

Christine and Bill Speake
29874 Navarro Ridge Rd.
Albion, CA 95410

RECEIVED

JAN 07 2014

Gary Grimm & Ann Holsberry

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

2390 Vine Street

Berkeley, CA 94708

Telephone: (510) 848-4140

Email: gjaygrimm@hotmail.com

Mendocino County Planning & Building Services
Attn: Adrienne Thompson for the Commissioners
860 N. Bush Street
Ukiah, CA 95482

Re: CDU 10-2012 - Letter of Support

Dear Commissioners:

We would like to express our strong support for issuance of the Coastal Development Use Permit for the construction and operation of a telecommunications facility to support a Verizon Wireless carrier.

We own and occupy a part-time residence at 29851 Navarro Ridge Road, Albion. We have been at this location for about 30 years. However, in recent years with the advancements in technology and telecommunications, it has been increasingly difficult for us to attend to the necessities of our personal and business lives from our house on the Navarro Ridge. We are currently using a dial-up modem for our computers, which is exceedingly slow, and mostly impossible to effectively use the internet. The possible use of a satellite hi-speed connection is probably not possible for us due to the many large trees on our property.

Construction and operation of the proposed Verizon Wireless facility would greatly encourage our more frequent use of our Navarro Ridge property and enable us to more fully participate in the social and cultural life in the Mendocino/Albion area.

After reviewing the Initial Study and proposed Mitigation Negative Declaration, it appears that the project proponent has taken significant steps to minimize and mitigate any potential adverse environmental impacts that might result from the project. This is especially true on the visual mitigation measures.

In closing, we urge you to approve this application – it appears that the benefits of this project greatly outweigh any potential adverse impacts of the project.

Sincerely,

Gary Grimm & Ann Holsberry

January 7, 2014

Re: Letter of Support for CDU-10-2012

Dear Adrienne Thompson,

We have a home in Albion CA. We have no cell service at our home and would love to have Verizon cell service or internet service available. This tower would allow us to more easily work from our home in Albion. Cell service would also be very important for public safety during emergencies. We have many electric and phone outages in winter, and the availability of cell service would be critical during these times. Visitors to the coast struggle with staying in touch with family, and making restaurant reservations without these basic services. It is time to bring Albion into the 21st century.

Sincerely,
Bill Manning
Christopher Knoppel
PO BOX 784
29461 Albion Ridge Road
Albion, CA 95410

RECEIVED
JAN 09 2014
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

01/07/2014

Attn: Adrienne Thompson
For the Commissioners
Mendocino County
Planning and Building Services
860 N. Bush St.
Ukiah, CA 95482

Support for CDU 10-2012

Please approve this. It is a matter of safety as well as convenience for many of us.

Fred Olson
Sally Olson
31950 Navarro Ridge Road
Albion, CA 95410

Signature on File

[Handwritten signature]

Signature on File

[Handwritten signature]

RECEIVED

JAN 09 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

R. ANTHONY WADE

31351 Middle Ridge Road ~ Post Office Box 142, Albion, California 95410

January 6, 2014

Adrienne Thompson
Commissioners, Mendocino County
Planning and Building Services
860 N. Bush St. Ukiah, CA 95482

RE: CDU 10-2012

Dear Ms. Thompson:

I am one of the lucky ones in Albion! My mobile phone service works from my home ... some of the time. It works just enough to be maddening ... when you are in a conversation and it drops because of the marginal signal, or when you miss an important call because the signal varies wildly with the temperature, the wind, sun spots (?) and the whims of perversity.

The near ideal placement of the proposed cell tower in Albion will benefit most residents, many visitors and businesses in our area.

Since cable service is unavailable and will be into the foreseeable future, the improved modern communication provided by such a tower will make the community much more functional for those of us who need to interface with the outside world.

If there is a downside to providing better cellular service, it will be vastly outweighed by moving Albion into the 21st century.

Thank you,


Signature on File

R. Anthony Wade
31351 Middle Ridge Road
Albion, CA 95410-0542

RECEIVED
JAN 09 2014

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

January 7, 2014

Attn: Adrienne Thompson
For the Commissioners
Mendocino County
Planning & Building Services
860 N. Bush St.
Ukiah, California 95482

Re: CDU 10-2012

To whom it may concern:

I am writing this letter in support of the proposed Verizon cell tower for the Albion, Navarro Ridge area.

I am a real estate broker living on Albion Ridge Road in Albion and working in the village of Mendocino since 1992. I drive the section of Highway I between my home and the Village many times a week and in fact was involved in a head on collision on this stretch of road in 1999 in which my vehicle was totaled by a tourist driving without insurance. At the time of the collision, there was no cell phone service and no way to call for help. At around 7 p.m. on a rainy dark night in November, we had to wait for a passing vehicle to summon help from the Albion store, then awaited the EMTs. Now, more than 14 years later, there is still no cell phone service on this potentially dangerous stretch of road.

Aside from the fact that it would be a great help in my real estate dealings while driving clients around the area, there have been numerous clients that I've had ask about cell service in the Albion area when considering whether or not to purchase property in that area. Many of our buyers come from large cities where cell service is just part of every day life.

I am hopeful that you will see the real need for cell phone service in this area, and that you will approve the proposed new cell tower.

Sincerely,

Signature on File

Phyllis St. John
Broker Associate
Mendo Realty of Mendocino, Inc.
P. O. Box 14
Mendocino, California 95460

RECEIVED
JAN 09 2014
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET • SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FACSIMILE (707) 826-8960

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: SEE ATTACHMENT A
Mailing Address:
City: Zip Code: Phone:

RECEIVED**FEB 14 2014****CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT****SECTION II. Decision Being Appealed**

1. Name of local/port government:

County of Mendocino

2. Brief description of development being appealed:

Coastal Development Use Permit to authorize construction and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless) consisting of a 105 foot tall monopine (monopole designed to resemble a pine tree), 12 panel antennas, 2 GPS antennas, a 30 kilowatt diesel generator, a 132 gallon propane tank and a 176 square foot equipment shelter.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

2335 North Highway One, Albion, (Mendocino County) CA 95410 (APNS 123-37-03, 123-320-02, AND 123-360-07)

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-1-MEN-14-0006

DATE FILED:

2/14/14

DISTRICT:

North Coast

EXHIBIT NO. 8

Appeal No.
A-1-MEN-14-0006
(Verizon-Funke)

APPEAL A

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission
☐ Other

6. Date of local government's decision: January 16, 2014

7. Local government's file number (if any): CDU 10-2012

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Cellco Partnership, dba Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Pamela Nobel
NSA Wireless, Inc.
2000 Crow Canyon Place, Suite 400
San Ramon, CA 94583

(2) Wolfgang & Brunhilde Funke
2335 North Highway One
Albion, CA 95410

(3) Steven & Deborah Wolfe
33351 Navarro Ridge Road
Albion, CA 95410

(4) Rixanne Wehren
Chair
Sierra Club
27401 Albion Ridge Rd.
Albion, CA 95410

(For continuation, see Attachment C)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attachment B.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 4a

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: _____
Appellant or Agent

Signature on File

Date: 2/14/14

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 4b

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: M **Signature on File** er
Appellant or Agent

Date: 2/14/14

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

ATTACHMENT A

SECTION I. Appellant(s)

1. Steve Kinsey
County of Marin
Board of Supervisors
3501 Civic Circle Drive, Suite 329
San Rafael, CA 94903
2. Mary Shallenberger
P. O. Box 354
Clements, CA 95227-0354

(415) 904-5200

ATTACHMENT B

APPEALABLE PROJECT:

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603). Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located 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 tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act because (1) the approved telecommunications facility is a form of development that is not designated as the "principal permitted use" under the certified LCP; and (2) the approved development is located within a designated "highly scenic area," which is a sensitive coastal resource area.

BACKGROUND:

On January 16, 2014, the County of Mendocino conditionally approved Coastal Development Use (CDU) Permit # CDU 10-2012 authorizing development and operation of a telecommunication facility to support a wireless carrier (Verizon Wireless). The County-approved telecommunications facility consists of the following developments: (1) construction of a 105-foot-tall "monopine" (described as a monopole designed to resemble a pine tree) with 12 panel antennas and 2 GPS antennas; (2) installation of a 30-kilowatt diesel generator; (3) installation of a 132-gallon propane tank; (4) construction of a 176-square-foot equipment shelter; and (5) construction of approximately 500 feet of a 12-foot-wide gravel access driveway and turnaround to connect to the existing driveway. The property, owned by Wolfgang and Brunhilde Funke, is located approximately 1 mile south of the small rural town of Albion and ¼ mile south of Salmon Creek Bridge, at 2335 North Highway One in Mendocino County.

The project site is located atop an uplifted coastal marine terrace adjacent to and east of Highway One, and is within a designated "Highly Scenic Area." The surrounding landscape consists of rolling hills east of Highway One and uplifted marine terrace bluff-tops west of Highway One. There is very little development located on either side of the highway in the immediate vicinity of the development site. Notable exceptions include a restaurant west of Highway One about 1/8-mile north, the Pacific Reef's residential subdivision south of Salmon Creek on the west side of Highway One (which is not prominently in view from the highway), and a few other scattered residences not readily visible from Highway One on either side of the highway.

The County staff report describes that the approximately 3,450-square-foot lease area for the telecommunications facility site will be located within a hay field that is approximately 100 feet higher in elevation and 460 feet east of Highway One. The property consists of semi-natural grasslands (managed for hay production) surrounded by a mature hedgerow of planted Monterey cypress trees. The County staff report describes the presence on the property of two riparian corridors, an agricultural pond, and two plant communities characterized by the project biologist as environmentally sensitive habitat areas (ESHA). The County staff report describes all approved developments as occurring more than 100 feet from all ESHAs.

The approximately 115-acre project site is comprised of three assessor parcel numbers (APNs) that are part of one single parcel. The site of the approved telecommunications facility (APN 123-370-03) is designated and zoned as Range Lands 160 Acres Minimum (RL-160), and is further designated as within a Type II Agricultural Preserve under the Williamson Act. A single family residence, two barns, and a detached two-car garage exist on the property. The two other APNs that are part of this single legal parcel include APN 123-360-07 that adjoins the project site to the north (designated and zoned RL-160 with a floodplain combining district) and APN 123-320-02 (designated and zoned RR-5 with a planned development combining district). All three properties are located adjacent to and east of Highway One.

REASONS FOR APPEAL:

The approved telecommunications facility is inconsistent with the policies of the certified LCP, including but not limited to the policies contained in the "Visual Resources, Special Communities and Archaeological Resources" sub-section of Section 3: Resources and Development Issues and Policies of the Land Use Plan, and the visual resources development regulations and standards of Sections 20.504 and 20.532 of the Mendocino County Coastal Zoning Code (herein "Coastal Zoning Code" or "CZC"), for the following reasons:

Inconsistencies with LUP Visual Resources Policies and Coastal Zoning Code Regulations Regarding Visual Resources and Highly Scenic Areas

LCP Policies on Visual Resources:

Section 30251 of the Coastal Act has been specifically incorporated into **LUP Policy 3.5-1** of the Mendocino LCP, which states in part (emphasis added):

...

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

Policy 3.5-3 of the certified LUP states as follows, in applicable part (emphasis added):

The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

...

- *Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.*

In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land and boundary line adjustments within "highly scenic areas" will be analyzed for consistency of potential future development with visual resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies.

Coastal Zoning Code (CZC) Section 20.504.020 states, in applicable part (emphasis added):

...

(D) The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting. (Ord. No. 3785 (part), adopted 1991)

LUP Policy 3.5-4 states the following (emphasis added):

Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.

...

Minimize visual impacts of development on terraces by (1) avoiding development in large open areas if alternative site exists; (2) minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms; (3) provide bluff setbacks for development adjacent to or near public areas along the shoreline; (4) design development to be in scale with rural character of the area...

LUP Policy 3.5-5 states as follows, in applicable part (emphasis added):

Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged. In specific areas, identified and adopted on the land use plan maps, trees currently blocking views to and along the coast shall be required to be removed or thinned as a condition of new development in those specific areas. New development shall not allow trees to block ocean views.

...

Section 20.504.015 ("Highly Scenic Areas") of the certified Coastal Zoning Code (CZC) states as follows, in applicable part (emphasis added):

(A) The visual resource areas listed below are those which have been designated highly scenic and in which development shall be subordinate to the character of its setting:

...

(2) Portions of the Coastal Zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusion of certain areas east of Highway 1...

(C) Development Criteria.

(1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

...

(3) New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

...

(5) Buildings and building groups that must be sited in highly scenic areas shall be sited:

(a) Near the toe of a slope;

- (b) *Below rather than on a ridge; and*
- (c) *In or near a wooded area.*

...

(7) Minimize visual impacts of development on terraces by the following criteria:

- (a) Avoiding development, other than farm buildings, in large open areas if alternative site exists;
- (b) Minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms;
- (c) Provide bluff setbacks for development adjacent to or near public areas along the shoreline;
- (d) Design development to be in scale with rural character of the area.

...

(10) Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas...

(12) Power distribution lines shall be placed underground in designated "highly scenic areas" west of Highway 1 and in new subdivisions. East of Highway 1, power lines shall be placed below ridgelines if technically feasible.

(13) Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access Highway 1 where an alternate configuration is feasible. (Ord. No. 3785 (part), adopted 1991).

CZC Section 20.532.095 "Required Findings for All Coastal Development Permits" states in applicable part:

(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:

(1) The proposed development is in conformity with the certified local coastal program; and

(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and

(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district; and

(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

...

Discussion:

LUP Visual Resources Policy No. 3.5-1 and CZC Section 20.504.015 state that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas; furthermore, new development in Highly Scenic Areas (HSAs) shall be subordinate to the character of the setting.

On June 6, 2013, Coastal Commission staff submitted comments on the project referral for CDU 10-2012 received from Mendocino County Planning staff. The June 6, 2013 letter identified concerns regarding the proposed project's consistency with the visual resources policies of the LCP, and commented in part that in addition to the "Alternative Site Analysis" prepared by Verizon and included in the referral, the County's project analysis "should not be limited to Verizon's submitted analysis of sites that accommodate their desired coverage objectives, but should additionally identify any feasible alternative locations and designs for, and viable technical options to the subject telecommunications facilities which would provide coverage other than Verizon's desired coverage objectives." The letter prepared by Commission staff further stated that the County should address:

...any feasible alternative locations and designs for, and viable technical options to the subject telecommunications facilities which would reduce their visual impact (through stealth technologies, co-location, screening, undergrounding support facilities, etc.). For example, the County in previous actions has approved coastal development use permit (CDU) #1-2003 that authorized a stealth wireless antenna disguised as a pier supporting a deck to a single-family dwelling. Similarly, the County authorized CDU #11-2003 and CDU #17-2007 that authorized placement of panel antennas to be hidden within existing chimney structures. The alternatives analysis should evaluate similar options to disguise telecommunication facilities on or within existing structures in the vicinity and that would render the facility as visually inconspicuous as possible.

On January 13, 2014, a County staff report for the subject project was received at the Commission's North Coast District office along with a notice indicating the project would be heard by the County Planning Commission in three days, on January 16.

Following receipt of the County staff report, Commission staff contacted the County Planner via electronic mail on January 13 reiterating concerns that the County's recommendation for project approval did not adequately demonstrate the project's consistency with the County's certified LCP policies, including but not limited to the protection of visual resources.

The development conditionally approved by the County on January 16 is inconsistent with the above cited LUP Visual Resources policies and Coastal Zoning Code Regulation standards because the County-approved 105-foot-tall monopine telecommunications facility is within a designated highly scenic area, and the development is not subordinate to the character of the setting. The County's findings for approval and Initial Study state in part that:

...Staff determined that a varying portion of the top of the "monopine" would be visible periodically when travelling along an approximate 1.4 mile stretch of State Highway 1

from its intersection with Navarro Ridge Road to just south of where the Highway crosses Little Salmon Creek.

Mendocino Land Trust owns and maintains a property (APN's 123-310-02 and 126-010-01) of approximately 55.29 acres on the west side of State Highway 1, which provides public access to bluff tops overlooking the Pacific Ocean. Improvements include a parking lot and numerous public trails. Staff visited the site during the visual simulation test and found, as shown in the photo-simulation viewpoint #6 on Page PC 61, that approximately the top 20 feet of the "monopine" would be visible from the bluff edge at the most western portions of the property...

...A key factor in monopole stealth design is successfully blending the pole into the natural surroundings. For the stealth goals to be adequately achieved, the placement of the "monopine" must be similar in size and appearance to nearby trees. According to the applicant's Site Survey (Page PC 48), the height of Cypress trees, which effectively conceal the ground equipment and a portion of the 105 foot tall "monopine" from State Highway 1 and Mendocino Land Trust property, ranges from 78.7 feet to 103.3 feet Above Ground Level (AGL). As shown in the photo-simulations, depending on the vantage point, as much as two-thirds or 70 feet of the top of the "monopine" will be visible at a distance when travelling along the Highway. (Emphasis added)

The County staff report references the applicant's site survey (Sheet C-1) that identifies the height of trees adjacent to Highway One. The site survey does not depict the height of those cypress trees that would be observed immediately surrounding the monopole as seen from the vantage points depicted in the visual simulations provided, such as from Salmon Creek Bridge (Viewpoint 4) and the Ledford Inn (Viewpoint 2) along Highway One. Nonetheless, the visual simulations provided by both Verizon (in the County staff referral) and in the County's staff report (pages PCA-59 through PCA-61) demonstrate that the monopole will project noticeably higher above existing vegetation. While the County staff report acknowledges that "the artificial tree design has been used for other wireless telecommunication sites in Mendocino County, with differing degrees of success," and further recognizes the importance of mimicking surrounding vegetation both in height and form of the monopine, the visual simulations and design specifications for the approved project depict the 105-foot-tall "monopine" as a rigid, unnatural cylindrical form unlike the broad, spreading tops of the surrounding mature cypress trees.

The County summarized its approval of the visual impacts of the project by stating:

...Staff concluded that although, there is not enough vegetation at this location to fully conceal the "monopine" from all vantage points along State Highway 1, given the stealth design and at times significant distance away, the general public may well be unaware of the true nature of the structure. However, based on staff's experience with other "monopine" designs installed in the County, the stealth design may not be effective at disguises [sic] the true use when viewed from a close distance, such as the vantage point seen in photo-simulation viewpoint number 5 (page PC 59). It's likely that a local user will be more acutely aware of changes to the visual resources versus the tourist who is less sensitive to specific changes in an unfamiliar environment. The [Planning] Commission will need to balance potential visual impacts versus improved communication service in what is currently an unserved area.

Mendocino CZC Section 20.504.015(C) requires that development permitted in highly scenic areas shall provide for the protection of coastal views from public areas that include coastal trails. In addition to these requirements, LUP 3.5-3 further requires that development be subordinate to the character of its setting. The County's findings demonstrate that the approved development will not be subordinate to the character of the natural setting, but instead will be visible from public vantage points to and along the coast such as along portions of Highway One, at Salmon Creek Bridge, and from the nearby Navarro Blufflands property managed for public blufftop access.

The County's findings for approval included a determination that the 105-foot-tall "monopine" was a "stealth design," based in part upon the use of "subdued colors and non-reflective materials." However, the County findings do not demonstrate how the unnatural 105-foot-tall cylindrical monopine that extends above the existing vegetation is subordinate to the natural setting. Instead, the County acknowledges that existing vegetation will not screen the development, and that "as much as two-thirds or 70 feet of the top of the "monopine" will be visible at a distance when travelling along the Highway," inconsistent with the visual subordination policies including but not limited to LUP Policies 3.5-1 and 3.5-3, and CZC Section 20.504.015(C)(3).

In addition to inconsistencies with the approved development and the visual subordination policies of the certified LCP, the County's findings did not include an analysis of feasible alternative locations and designs for, and viable technical options that could provide coverage other than Verizon's stated desired coverage objectives previously submitted in the County referral. For example, the County's findings for approval did not demonstrate whether other feasible alternative sites exist either in less visible locations than the open marine terrace on the subject property, or within other locations in the project vicinity, inconsistent with LUP Policy 3.5-4 and CZC Section 20.504.015(C)(7). The County staff report states the following:

Staff is unaware of any existing telecommunication facilities in the area that the applicant could co-locate on and provide coverage in the area. The applicant is proposing to construct a "monopine" behind Cypress trees to help stealth the facility and minimize visual impacts. The property is in a semi-rural area with the closest off-site residence located approximately one-quarter mile southwest of the facility. In accordance with Standard B(1)(a), staff requested the applicant provide evidence that a less visual alternative exists. The applicant's Alternative Site Analysis (Exhibit A) identifies 7 other locations evaluated and reasons that alternative locations were not selected over the subject property.

Instead of evaluating the feasibility of providing wireless service to the area using true stealth designs (such as placement of antennas under decks or within chimneys) similar to previous County-approved telecommunications facilities in coastal Mendocino County, the County relied on the applicant's Alternative Site Analysis that addressed Verizon's coverage objectives but that did not evaluate any stealth design alternatives. For example, of the 7 other locations evaluated in Verizon's "Alternative Site Analysis," Verizon listed 3 sites that were dismissed because they were too far away (such as the "Leventhal parcel" located 8 miles away), and/or too close to existing telecommunication facilities (such as the Little River Airport described as too far -4.5 miles- away to cover Highway One and too close to the Comptche-Ukiah telecommunications facility site). Verizon also listed one site located 7.5 miles to the south that they concluded

“Failed to achieve coverage objective – did not reach Highway 1 north of [Highway] 128.” Verizon listed one uninterested private property owner they approached to site their facility within a water tank. Verizon also listed that 2 sites did not have sufficient ground space. However, Verizon’s analysis does not define their coverage objective and does not evaluate any *design* alternatives that could subordinate the approved facility to the character of its setting, such as using a lower-height facility, or placing the facility within existing infrastructure (e.g., within the existing agricultural barn or 2-story accessory building) or in an alternate, more stealth location on the project site.

Therefore, because the County relied on Verizon’s Alternative Site Analysis that focused on Verizon’s undefined coverage objective and that did not evaluate alternative stealth designs, the County’s approval has not demonstrated whether other feasible alternative sites exist in less visible locations, inconsistent with LUP Policy 3.5-4 and CZC Section 20.504.015(C)(7).

CONCLUSION:

Despite efforts to use “subdued colors” on the approved telecommunications facility, the rigid, unmoving 105-foot-tall cylindrical monopine will contrast with the broad, spreading canopies of surrounding shorter cypress and native shore pine trees. The County did not demonstrate how the approved 105-foot-tall rigid telecommunications facility that will project above surrounding natural vegetation as seen from public vantage points will be subordinate to the natural setting. Additionally, the County failed to analyze alternatives, including stealth design options such as placing antennas within existing infrastructure, to demonstrate whether feasible alternatives exist that could provide coverage other than Verizon’s stated coverage objective. As a result, the project, as approved by the County, is inconsistent with the visual resource provisions of the certified LCP including, but not limited to LUP Policies 3.5-1, 3.5-3, and 3.5-5, and CZC Sections 20.504 and 20.532.

ATTACHMENT C

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Phyllis St. John, Broker
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Mendocino, Inc.
P. O. Box 14
Mendocino, CA 95460

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

1385 8TH STREET, SUITE 120

ARCATA, CA 95521

VOICE (707) 838-8850

FACSIMILE (707) 838-8860

EDMUND G. BROWN, JR., GOVERNOR



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s) - See attached sheets for contact information and signatures

Name:

1. NORMAN L. de VALL

4. ZAC ZACHARY

Mailing Address:

2. GREG KROUSE

5. RUSSELL FIEBER

City:

3. LAUREN MOODY

Zip Code:

Phone:

RECEIVED

FEB 14 2014

SECTION II. Decision Being Appealed

 CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

1. Name of local/port government:

COUNTY OF MENDOCINO

2. Brief description of development being appealed:

CASE #: CDU 10-2012

TELECOMMUNICATION FACILITY (VERIZON WIRELESS) CONSISTING OF: 105 FOOT TALL MONOPINE, 12 PANEL ANTENNAS, 2 GPS ANTENNAS, 30 KWATT DIESEL GENERATOR, 132 GALLON PROPANE TANK, 192 SQ. FT. EQUIPMENT SHELTER.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

2335 STATE HIGHWAY 1, ALBION, CA, 1.1 MILES SOUTH OF ALBION, 0.1 MILES NORTH OF NAVARRO RIDGE RD, AP# 123-370-03, 123-370-02 and 123-360-07.

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-1-MEN-14-0006

DATE FILED:

2/14/14

DISTRICT:

North Coast

EXHIBIT NO. 9

Appeal No.

A-1-MEN-14-0006

(Verizon-Funke)

APPEAL B

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission
☐ Other

6. Date of local government's decision:

JANUARY 16, 2014

7. Local government's file number (if any):

CASE # CDU 10-2012

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

CELLCO PARTNERSHIP / VERIZON WIRELESS
2785 MITCHELL DRIVE
WALNUT CREEK, CALIFORNIA 94598

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) NORMAN L. de VALL

P.O. Box 3

ELK, CALIFORNIA 95432

(2) GREG KROUSE

P.O. Box 42

PHILO, CALIFORNIA 95466

(3) ZAL ZACHARY

P.O. Box 1134

(4) MENDOCINO, CALIFORNIA 95460

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

1. CALIFORNIA COASTAL COMMISSION'S OWN JUNE 6, 2013, LETTER TO STAFF: CONCERNS WITH VISUAL IMPACTS AND LOSS OF AGRICULTURAL LAND - MENTIONED IN MENDOCINO COUNTY'S STAFF REPORT.
2. MENDOCINO LAND TRUST COMMENTS ON POTENTIAL VISUAL IMPACTS, MENTIONED IN MENDOCINO COUNTY'S STAFF REPORT.
3. MENDOCINO COUNTY PLANNING COMMISSION'S FINDINGS RE. AESTHETICS, PAGE PC-4:

"STAFF CONCLUDED THAT... THERE IS NOT ENOUGH VEGETATION AT THIS LOCATION TO FULLY CONCEAL THE "MONOPINE" FROM ALL VANTAGE POINTS ALONG STATE HIGHWAY 1".

"THE STEALTH DESIGN MAY NOT BE EFFECTIVE AT DISGUISES (SEE) (DISGUISES) THE TRUE USE... SUCH AS THE VANTAGE POINT SEEN IN PHOTO-SIMULATION VIEWPOINT NUMBER 5 (PAGE PC59)..."

"IT'S LIKELY THAT A... USER WILL BE ACUTELY AWARE OF CHANGES TO VISUAL RESOURCES..."

CONTINUED
SEE ATTACHED SHEETS

APPEAL FROM COASTAL PERMIT DECISION - SECTION IV: (PAGE 4)
REASONS SUPPORTING THIS APPEAL

CONTINUED

4. MENDOCINO COUNTY COASTAL ELEMENT

CHAPTER 3 - LAND USE PLAN

3.5 VISUAL RESOURCES, SPECIAL COMMUNITIES AND
ARCHAEOLOGICAL RESOURCES

3.5-1 - "PERMITTED DEVELOPMENT SHALL BE SITED AND DESIGNED TO PROTECT VIEWS TO AND ALONG THE OCEAN AND SCENIC COASTAL AREAS... TO BE VISUALLY COMPATIBLE WITH THE CHARACTER OF SURROUNDING AREAS... AND ENHANCE VISUAL QUALITY... NEW DEVELOPMENT IN HIGHLY SCENIC AREAS... SHALL BE SUBORDINATE TO CHARACTER OF ITS SETTING."

3.5-2 "... COMMUNITIES SHALL HAVE SPECIAL PROTECTION"

3.5-3 "VISUAL RESOURCE AREAS... SHALL BE DESIGNATED AS "HIGHLY SCENIC AREAS" WITHIN WHICH NEW DEVELOPMENT SHALL BE SUBORDINATE TO CHARACTER OF ITS SETTING".

3.5-4 "MINIMIZE VISUAL IMPACT OF DEVELOPMENT ON HILLSIDES"

3.5-4 "MINIMIZE VISUAL IMPACT OF DEVELOPMENT ON RIDGES BY (D) PROHIBITING DEVELOPMENT THAT PROJECTS ABOVE RIDGELINE."

APPEAL FROM COASTAL PERMIT DECISION - SECTION IV (PAGES)CONTINUED.5. MENDOCINO COUNTY PLANNING - DIVISION II OF TITLE 20 -
COASTAL ZONING CODECHAPTER 20.504 - VISUAL RESOURCE...SEC. 20.504.010 - PURPOSE

"... DESIGNED TO PROTECT VIEWS TO AND ALONG THE
OCEAN AND SCENIC COASTAL AREAS..."

SEC. 20.504.015 - HIGHLY SCENIC AREAS

(5)(b) : "... DEVELOPMENT SHALL BE SITED ...

(b) "BELOW RATHER THAN ON A RIDGE"

(8)(2) "PROHIBITING DEVELOPMENT THAT
PROJECTS ABOVE THE RIDGELINE

6. PLANNING COMMISSION STAFF REPORT ADMITS:

"THE 105 FOOT TALL 'MONOPINE' WOULD CERTAINLY BE
THE TALLEST STRUCTURE IN THE IMMEDIATE AREA."

IN VIOLATION OF PLANNING CODE SECTION 35-4

AND ACCORDING TO BOTH APPLICANT AND PLANNING
COMMISSION THE MONOPINE WOULD TOWER OVER SURROUNDING TREES,
VIOLATING HEIGHT PROVISIONS

APPEAL FROM COASTAL PERMIT DECISION SECTION IV. (PAGE 2)

CONTINUED:

7. AGAIN, THE PLANNING COMMISSION'S DECISION IS ON EVERY COUNT IN DIRECT VIOLATION OF COUNTY LAND USE PLAN DICTATES AS WELL AS COUNTY COASTAL ZONING CODES -

- AS QUOTED ABOVE FROM COUNTY POLICIES
- AS QUOTED ABOVE FROM COUNTY STAFF REPORT ADMISSIONS

8. THE "MONOPINES" WHICH CONSTITUTE AN ABSURDITY THAT RISE THREE (3) TIMES THE HEIGHT OF THE TREES ON "BAUD HILL" (PUDDING CREEK AREA) IN FORT BRISS ARE A PERFECT EXAMPLE OF THIS SORT OF TRAVESTY TO THE "HIGHLY SCENIC" AREAS ALONG THE COAST

THE ARTIFICIAL "MONOPINE" DESIGN IS AN ~~EXERCISE~~ VIOLATION OF COUNTY POLICY [POLICIES].

SUCH AN "EDIFICE" IS THE ANTITHESIS OF THE DEFINITION "HIGHLY SCENIC", AND SHOULD NOT BE VISIBLE TO OR FROM THE CALIFORNIA COASTAL MONUMENT, EITHER FROM SEAWARD VIEWS OR LAND VIEWS.

9. DRIVING DANGERS: - VIOLATION OF CALIFORNIA STATE LAW
A VISIBLE CELL PHONE TOWER WILL MOST CERTAINLY ENTICE AND ENCOURAGE DRIVERS TO TEXT WHILE DRIVING, AS WELL AS CHECKING EMAIL, WATCHING VIDEOS, ETC., ON CELL AND SMART PHONES, WHICH WILL INCREASE FATALITIES ON THIS PARTICULARLY CHALLENGING PORTION ON STATE HIGHWAY 1, FROM HWY. 128 TO MENDOCINO VILLAGE; THIS PORTION OF HIGHWAY IS NOTORIOUS FOR DRIVING ACCIDENTS HISTORICALLY, WITHOUT ADDITIONAL DRIVER DISTRACTIONS.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 7)SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature on File

P.O. Box 2300
MENDOCINO, CA 95460

Signature of Appellant(s) or Authorized Agent

* SEE COMMENT, BELOW:

Date:

2-14-2014

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date:

COMMENT/NOTE RE. "PERSONS ELIGIBLE TO APPEAL" -
COASTAL COMMISSION POLICY STATES THAT (P.R.C. SECTION
30625) ... "AN 'AGGRIEVED PERSON' IS ANY PERSON WHO...
... FOR GOOD CAUSE WAS UNABLE TO DO EITHER" ...

1. THE ONLY NOTIFICATION OF BOTH THE DATE OF
THE COUNTY PLANNING COMMISSION'S MEETING TO
ADDRESS THIS ISSUE WAS PUBLISHED IN THE
COAST NEWSPAPER "THE MENDOCINO BEACH" THREE
AFTER THE JANUARY 16, 2014 9AM MEETING
COMMENCED, ALLOWING NO TIME FOR COAST RESIDENTS
TO ATTEND THE MEETING (JANUARY 16, 2014 ISSUE).
2. FURTHER, IT IS OBVIOUS THAT THE
MENDOCINO COAST IS A 1 1/2 LONG AND ONE-
HALF HOUR DRIVE TO EUREKA - READERS
COULD NOT ATTEND, THEREFOR.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

Signature on File**Signature on File**

Signature of Appellant(s) or Authorized Agent

R7 ~~REBOX~~ GENERAL DELIVERY
MENDOCINO, CA.
95460
RESIDENT 3700 ALBION RIDGE RD.
ALBION, CA.

Date: FEBRUARY 14, 2014

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

MAILBOXES N MORE
BECKMAN

#5158 P.002/002
1 Feb 2014

02/14/2014 15:36 4163329197
02/14/2014 14:21 7079646352

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature on File

Signature of Appellant(s) or Authorized Agent

Date:

February 2014

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date:

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

PO Box 1134

Mendocino CA 95460

707-964-3621

Signature on File

Signature of Appellant(s) or Authorized Agent

Date:

2-14-14

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date:

02/01/2007 11:47 7078952667
02/14/2014 16:35 7074457877

EARTHDANCE LANDSCAPE
CA COASTAL COMMISSIO

PAGE 02
PAGE 02/02

CDU-10-2012

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature on File

Signature of Appellant(s) or Authorized Agent

Gregory Lewis Krahn

Date: 2/14/14

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature on File

Signature of Appellant(s)

Date: 2/14/14

CDU102012