



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MALLOY PREVISICH, PLANNING DIRECTOR

December 20, 2011

Agenda Date: January 25, 2012

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: Appeal of Zoning Administrator Approval of Application #111114 for Seven Microcell Sites on North Coast

Planning Commissioners:

This item is an appeal of a December 2, 2011 Zoning Administrator's decision to approve Application #111114 (see Appeal Letter – Attachment 1) to install seven new microcell wireless communication facilities (WCFs), all to be co-located on existing utility poles along inland side of Hwy. 1 (Six sites in Caltrans Highway 1 right-of-way, and one site in County's Swanton Road right-of-way) (see ZA staff report - Attachment 2). The proposal also included a 192 square foot, 13'-6" tall equipment shelter (Telecommunications Hub) on an agricultural parcel (APN 058-022-11). The approval included a Level 5 Commercial Development Permit, a Level 5 Coastal Development Permit, and three Telecommunications Act Exceptions to requirements contained in the County WCF Ordinance. The exceptions were proposed to address new requirements of the Public Utilities Commission (PUC) for the design of the antennas and to allow the location of one antenna and equipment cabinet on land zoned for Commercial Agriculture (CA). The appeal of the Zoning Administrator's approval of this application was filed by a neighbor of one of the proposed microcell WCFs (site "DAV01" - located at the 3-Mile Beach turnout), and is based on viewshed and safety concerns at that single microcell site (they did not express concern with any of the other proposed sites).

Project Description

This proposal to install seven new microcell WCF sites, as a "Distributed Antenna System" or DAS, is the first DAS proposal in the unincorporated area (there is currently a DAS on the UCSC campus, inside Santa Cruz city limits). As a DAS, each of the seven proposed wireless communication facilities are to be linked together by a new approximately 1" diameter fiber optic cable line that will be strung along the existing utility pole line parallel to Hwy. 1. The seven new WCF microcell sites are to be located on existing utility poles. Six of the poles are located along the inland side of Hwy. 1 in the Caltrans right-of-way. These poles are located along an approximately 13 mile stretch of Hwy. 1, beginning 3.2 miles west of Western Drive (location of DAV01) and ending 0.4 miles north of the entrance to Big Creek Lumber yard near Big Basin State Park - Rancho del Oso Unit. The seventh site (DAV05) is located in the County's Swanton Rd. right-of-way, approximately 1.1 miles north of the southernmost Swanton Road intersection with Hwy. 1.

Reasons for Appeal

The appeal was filed by Andrew and Wan-Jean Hsu, neighbors of the proposed microcell site identified as "DAV01", located in the Highway 1 right-of-way (inland side) at the 3-Mile Beach turnout, 3.2 miles west of Western Drive (see Attachment 1). Their appeal is based on the following issues/concerns raised by the appellants regarding this single microcell site only:

1. The proposed microcell (DAV01) would be in direct view of a residence (theirs): The appellants are planning to build their new house some 20 yards to the north of the subject utility pole and the microcell antennas and equipment will be visually obtrusive.
2. The proposed microcell would be in the public viewshed: The proposed location next to a heavily used parking area and trailhead will be a visual blight for the many people who frequent the site.
3. The proposed microcell may cause safety issues (from radio-frequency radiation): The close proximity of the antennas to the proposed new house and other nearby residences could have a detrimental health effect from radio-frequency (RF) radiation on residents, especially children and seniors.
4. The proposed microcell equipment may cause traffic problems: The appellants are concerned that a microcell at this site will cause potentially dangerous traffic problems due to large trucks accessing the site for installation and maintenance and blocking the views of oncoming traffic for other users of the parking area.
5. There are less problematic potential sites for DAV01 on adjacent poles, either to the north or south of the proposed utility pole location: These adjacent poles are surrounded by agricultural land and do not pose the same problems as the proposed location.

The appellants were present at the Zoning Administrator hearing on December 2, 2011 and aired their concerns during the public hearing. The applicant, Natasha Ernst of NextG Networks, agreed to meet with the appellants and with NextG's RF engineers, to work with them and explore the possibility of moving DAV01 to another adjacent (and less problematic) pole. We were not informed as to the result of that meeting prior to the deadline for preparation of the Planning Commission agenda.

Staff Analysis of Appeal

1. The proposed microcell (DAV01) would be in direct view of a residence.

As a microcell-type WCF this project will have only minimal visual impacts. The proposed equipment is comparable to that which is installed by utility providers on utility poles.

2. The proposed microcell would be in the public viewshed.

As a small microcell-type WCF, this project will have only a minimal impact on public

views, even at this relatively heavily used location (see Attachment 3 for photo-simulations of DAV01). The equipment to be added to the existing utility pole is comparable to other types of equipment that are typically found on utility poles, such as transformers. The proposed microcell will not look out of place or be visually obtrusive.

3. The proposed microcell may cause safety issues (from radio-frequency radiation).

The highest levels of radio-frequency (RF) radiation exposure to the general public are predicted to be only 28% of the FCC limit for such exposures (see page 4 of Attachment 4). Federal law prohibits the County from considering the potential health effects of RF exposure as a reason for denial of this project, as exposure limits are regulated by the FCC.

4. The proposed microcell equipment may cause traffic problems.

Trucks used for installation and maintenance of the proposed microcell site will be present very infrequently and at this site can be parked away from the highway in such a manner as to not create any visual obstructions for cars entering the highway from this parking area.

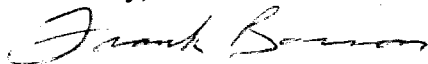
5. There are less problematic potential sites for DAV01 on adjacent poles, either to the north or south of the proposed utility pole location.

This may be true, but it must be determined by the applicant if those other potential sites are feasible from a technical and practical standpoint. It is not clear that these other sites have the required vehicle access for the aforementioned installation and maintenance vehicles.

Staff Recommendation

Based on the foregoing analysis of the reasons given by the appellant for this appeal, Planning Department staff recommends that your Commission **UPHOLD** the Zoning Administrator's action to approve application #111114 as conditioned (Attachment 2, Exhibit C), based on the findings made as part of the previous approval (Attachment 2, Exhibit B).

Sincerely,



Frank Barron, AICP
Project Planner
Development Review Section

Reviewed By:



Cathy Graves
Principal Planner
Development Review Section

Attachments:

1. Appeal Letter of Dec. 15, 2001 from Andrew and Wan-Jean Hsu

2. Staff report to the Zoning Administrator, heard on 12/2/11.
 - a. Exhibit A: Project plans
 - b. Exhibit B: Findings
 - c. Exhibit C: Conditions of Approval
 - d. Exhibit D: CEQA Notice of Exemption
 - e. Exhibit E: Assessor's, Location, Zoning and General Plan Maps
 - f. Exhibit F: Comments & Correspondence
 - g. Exhibit G: Alternatives Analysis

3. Photo of Mock-up of Microcell Site DAV01

4. NIER (RF) Calculations Report

2011 DEC 16 6 PM 41

Andrew & Wan-Jean Hsu
3050 Coast Road
Santa Cruz, CA 95060
December 15, 2011

Planning Commission
Planning Department,
Attn: Frank Barron
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Re: Appeal for the relocation of the microcell wireless communication facility on site DAV01
Approval of Application # 111114

Dear Planning Commissioners,

We are writing regarding the recent changes to a utility pole fitted with a microcell wireless communication facility (WCF) on November 4, 2011. This utility pole is next to our commercial agriculture property (Parcel Number 059-121-09) located at 3050 Coast Road, Santa Cruz, CA 95060. The utility pole's modification was brought to our attention only after the installation of the WCF equipment was completed.

The said utility pole with the newly placed WCF was built only yards away from our property and extremely close to our house. It is located across from the current entrance and proposed future parking lot for the Three-mile surf beach of the Wilder State Park. A tabulation chart can be found below with the site of the utility pole with the WCF in relation to specific areas of the surrounding properties:

Specific Location on 3050 Coast Road	Distance from Utility Pole with WCF
Owner's property fence	3-5 yards
Driveway and entrance gate	15-20 yards
Owner's main living quarters (house)	35-40 yards
Owner's future living quarters (house)	20-25 yards
Entrance to Three-mile surf beach	30 yards

On November 4, 2011, a microcell and its associated equipment (currently inactive) was installed on the said utility pole and named site DAV01. The following month on December 2, 2011, a public hearing was given by the county Planning Department for concerned citizens to

voice their opinion of the said utility pole's reconstruction. We attended that meeting and shared our concerns and requested that the said WCF on DAV01 be relocated onto the next utility pole, 0.2 miles North West into an agricultural zone with no nearby residents.

We are appealing the relocation of the WCF for the following reasons:

1. The microcell equipment is in direct view of a residence:
 - An additional residence is currently being planned to be constructed on the hilltop, about 20 yards north of the DAV01. The property was originally purchased for its proximity to the ocean and its picturesque views. The said microcell blocks the future residence house's ocean view and creates a visually obtrusive appearance.
2. The microcell equipment is in the public view:
 - Many hikers, bikers, and surfers park their vehicles by the entrance of both the park and our driveway. They park on both sides of Highway 1 to access the beach and the nearby hiking trails. This microcell equipment is clearly visible to them and its visual impact will take away from the natural beauty of the surrounding areas.
3. The microcell equipment may cause safety issues:
 - The proximity of the microcell to a residence that houses children and senior citizens exposes them to excessive radio-frequency radiation (RFR). Over long term periods, that may lead to future health issues. Despite the proposed fact that a microcell emits no more than 3% RFR of the most restrictive applicable Federal Communication Commission's limit, there are several studies that report long term exposure of RFR can increase a person's risk for cancer.
4. The microcell equipment may cause traffic issues:
 - Any work that will need to be completed on the said microcell equipment may cause a traffic bottle neck, increasing the risk for traffic collisions. We have personally witnessed several collisions between traffic heading east on Highway 1 and persons trying to exit our driveway to return toward downtown Santa Cruz. Accidents happen because cars that park on the north side of Highway 1 obstruct the view of oncoming eastbound traffic for those exiting the said property's driveway. Having large sized utility repair trucks parked on the north side of Highway 1 will just cause further traffic concerns for the residents and visitors of the property.
5. A microcell equipment placed on the next utility pole (0.2 miles North West of DAV01) would be in an agricultural zone:

- This proposed alternative site has no residences and seldom has any visitors. Relocating the microcell will have a lower visual impact for a nonresidential area compared to space that has residential properties.

We feel very strongly regarding this issue of the newly placed WCF at site DAV01. We hope that you seriously consider our reasons for the appeal and have the microcell equipment moved to a better suited location that will not visually impact our property nor hurt our health and the health of other residents and visitors of Wilder State Park.

Thank you for your time in reviewing our appeal.

Sincerely,

Andrew C. Hsu DEC. 15, 2011
Andrew Hsu Date

Wan-Jean Hsu Dec. 15, 2011
Wan-Jean Hsu Date

Property owners of: 3050 Coast Road, Santa Cruz, CA 95060
Home: (626) 795-6124
Cellular: (626) 390-8446
Email: thehsufits@yahoo.com



Staff Report to the Zoning Administrator

Application Number: 111114

Applicant: Natasha Ernst, Next G Networks

Agenda Date: November 18, 2011

Owner: Rights of way owned by Caltrans (Hwy. 1) and County of Santa Cruz (Swanton Rd.). Coast Dairies & Land Co. owns equipment shelter site.

Agenda Item #:

APN: 7 Microcell sites in Caltrans (Hwy. 1) and County (Swanton Rd.) Rights-of-Way. Equipment shelter on APN 058-022-11.

Time: After 10:00 a.m.

Project Description: Proposal to install 7 new microcell wireless communication facilities, each to be co-located on existing utility poles along inland side of Hwy. 1 (6 sites in Caltrans Hwy. 1 right-of-way, 1 site in County's Swanton Rd. right-of-way). Proposal includes a 192 square foot, 13'-6" tall equipment shelter (Telecommunications Hub) on an agricultural parcel (APN 058-022-11). Requires a Level 5 Commercial Development Permit, a Level 5 Coastal Development Permit, and three Telecommunications Act Exceptions to requirements contained in the County Wireless Communications Facilities Ordinance.

Location: Six of the 7 sites would be located along the inland side of Highway 1 in the Caltrans right-of-way, and one would be located in County right-of-way along Swanton Road. The proposed utility pole microcell sites on Caltrans right-of-way are located as follows, as measured from the intersection of Hwy. 1 and Western Drive: DAV01: Approx. 3.2 miles north/west (NE of 3-Mile Beach pullout); DAV02: Approx. 3.8 miles north/west (just past 4-Mile Beach pullout); DAV03: Approx. 5.8 miles north/west (approx. 300 ft. north/west of northernmost Hwy. 1 intersection with Scaroni Rd.); DAV04: Approx. 6.5 miles north/west (approx. 250 ft. south of southernmost intersection of Laguna Rd. and Hwy 1); DAV09: Approx. 16.3 miles north/west (approx. 500 ft. north of northernmost intersection of Swanton Rd. and Hwy 1); DAV10: Approx. 16.9 miles north/west (approx. 0.4 miles north of entrance to Big Creek Lumber yard). DAV05 is proposed to be located in County right-of-way along Swanton Rd. on a utility pole approx. 1.1 miles north of the southernmost Swanton Road intersection with Hwy. 1.

Supervisory District: 3rd District (District Supervisor: Neal Coonerty)

Permits Required: Requires a Level 5 Commercial Development Permit and a Level 5 Coastal Development Permit.

Technical Reviews: None

Staff Recommendation:

- Approval of Application # 111114, based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Project plans | E. Assessor's, Location, Zoning and General Plan Maps |
| B. Findings | F. Comments & Correspondence |
| C. Conditions | G. Alternatives Analysis |
| D. CEQA Notice of Exemption (Lead Agency: Cal. Public Utilities Commission) | |

Parcel Information

Parcel Size:	N/A – Hwy. 1 and Swanton Road rights-of-way
Existing Land Use - Parcel:	State Highway (Hwy. 1) and roadway (Swanton Rd.), lined with utility poles and associated equipment
Existing Land Use - Surrounding:	Primarily agricultural
Project Access:	Highway One and Swanton Road
Planning Area:	North Coast
GP/LCP Land Use Designation:	DAV01 & 02 are Parks, Recreation & Open Space (O-R) DAV03, 04 and 05 are Agricultural (AG) DAV09 & 10 are Mountain Residential (R-M) Equipment shelter is on Agricultural (AG)
Zone District:	All sites are zoned Special Use (SU), except for DAV05 which is zoned Commercial Agricultural (CA). Proposed Telecommunications Hub equipment shelter is also in the Commercial Agricultural (CA) zone.
Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Environmental Information

Geologic Hazards:	DAV01 lies within Liquifaction Zone “D” and DAV09 is within a mapped County Fault Zone
Soils:	N/A
Fire Hazard:	DAV05 (only) lies within a mapped Fire Hazard Area
Slopes:	N/A
Env. Sen. Habitat:	All 7 sites are within mapped Biotic Resource Areas. All sites except for DAV09 and 10 are within the mapped Special Grasslands area.
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	All 7 sites are in mapped Scenic Areas (i.e., within the viewsheds of Hwy. 1 and/or Swanton Rd., both of which are designated Scenic Roads)

Drainage: Existing drainage adequate
Archeology: All 7 sites are within mapped potential Archeological Resource Areas however no soil disturbance is proposed.

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: N/A – Project will not require water service
Sewage Disposal: N/A – Project will not require sewer service
Fire District: Davenport CDF
Drainage District: N/A - Out of zone

History & Discussion

This proposal to install 7 new microcell wireless communication facility (WCF) sites, as a "Distributed Antenna System" or DAS, is the first DAS proposal in the unincorporated area (there is currently a DAS on the UCSC campus, inside Santa Cruz city limits). As a DAS, each of the 7 proposed wireless communication facilities are to be linked together by a new approximately 1" diameter fiber optic cable line that will be strung along the existing utility pole line parallel to Hwy. 1. The 7 new WCF microcell sites are to be located on existing utility poles. Six of the poles are located along the inland side of Hwy. 1 in the Caltrans right-of-way. These poles are located along an approximately 13 mile stretch of Hwy. 1, beginning 3.2 miles west of Western Drive and ending 0.4 miles north of the entrance to Big Creek Lumber yard near Big Basin State Park - Rancho del Oso Unit. The seventh site (DAV05) is located in the County's Swanton Rd. right-of-way, approximately 1.1 miles north of the southernmost Swanton Road intersection with Hwy. 1.

At the 6 sites along Hwy. 1 in Caltrans right-of-way, the antennas are proposed to be mounted hanging at the ends of new cross-bar members, which are to be attached to the 6 existing utility poles. At the one site on Swanton Road, in County right-of-way (site DAV05), the 2-foot tall antenna is proposed to be mounted atop a 2-foot height extension to the existing pole. In addition to the antennas, mounted upon each of the 7 poles will be two narrow equipment boxes (approximately the width of the subject poles) and one larger more bulky equipment box.

This proposal also involves the construction of a 192 square foot, 13'-6" tall, equipment shelter or "Telecommunications Hub", to be disguised as a farm outbuilding, and located amongst other agriculturally-related structures on an agricultural parcel (APN 058-022-11) immediately northwest of the southernmost intersection of Highway 1 and Swanton Road. The new DAS network antennas initially will be utilized by users of the Verizon Wireless network, but the system can be enhanced to accommodate additional carriers in the future with no need for additional antennas, only a larger Telecommunications Hub equipment shelter.

The proposal requires a Level 5 Commercial Development Permit, a Level 5 Coastal Development Permit, and 3 Federal Telecommunications Act (TCA) Exceptions for deviations from three of the requirements of the County's Wireless Communication Facilities (WCF) Ordinance for three separate aspects of the project. These three aspects are: (1) the need to deviate from the required microcell design standards; (2) the necessity of locating one of the

microcell sites on an area of County controlled right-of-way (on Swanton Rd.) that is zoned Commercial Agriculture (CA) which is one of the “prohibited” zone districts; and (3) the necessity of locating the proposed “Telecommunications Hub” equipment shelter on “prohibited” CA-zoned land.

A Federal TCA Exception is a provision in the County’s WCF Ordinance (County Code Sec. 13.10.660-668) requires exceptions from the WCF Ordinance if the application any of the requirements or limitations set forth in the WCF Ordinance would have the effect of violating the Federal Telecommunications Act. The WCF Ordinance states that the approving body shall grant a Federal TCA Exception to allow an exception to the offending requirement in such cases. The WCF Ordinance states that applicant shall have the burden of proving that application of the requirement or limitation would violate the Federal Telecommunications Act, and that no alternatives exist which would render the approval of a Federal TCA Exception unnecessary. This proof has been provided in the attached Alternatives Analysis provided by the applicant (Exhibit G). This issue is discussed in detail under “Consistency with Wireless Communications Facilities (WCF) Ordinance” below.

Project Setting

All 7 sites are in mapped Scenic Areas within the viewsheds of Hwy. 1 and/or Swanton Rd., both of which are designated Scenic Roads. This North Coast area is one of the most scenic areas of the County and lies entirely within the Coastal Zone. Due to their uncommon aesthetic beauty, the scenic resources of this area are afforded a higher level of protection than most other areas of the County. However all 7 proposed sites are located on the inland side of Hwy. 1 on existing utility poles and thus will not impact views from the highway towards the ocean.

The 4 southernmost proposed utility pole microcell sites in the Caltrans Hwy. 1 rights-of-way (i.e., DAV01 through DAV04) are all located in Coastal scrub habitat, backed by low hills. DAV05 in County right-of-way along Swanton Road is located in Coastal scrub habitat on the flanks of a hillside overlooking Scott Creek Valley and Hwy. 1 where it crosses Scott Creek. DAV09 and DAV10 are located on the fringe of Monterey Pine forest habitat, backed by low hills. The proposed 192 square foot “Telecommunications Hub” equipment shelter is to be located on flat uncultivated land, where it will be surrounded by similar farm outbuildings on a site (Swanton Berry Farm) containing a residential structure.

Zoning & General Plan Consistency

General Plan/LCP Land Use Designations: Microcell sites DAV01 & 02 are proposed on Caltrans right-of-way (ROW) land that is designated Parks, Recreation & Open Space (O-R). DAV03, 04 and 05 are proposed on Caltrans ROW (and County ROW in the case of DAV05) areas that are designated Agricultural (AG). DAV09 & 10 are proposed on Caltrans ROW land that is designated Mountain Residential (R-M). The proposed Telecommunications Hub equipment shelter is proposed for land designated Agricultural (AG). None of the microcell or equipment shelter uses as proposed are inconsistent with the allowed uses in their respective General Plan/LCP land use categories

Zoning Districts: All proposed microcell sites are on ROW areas that are zoned Special Use

(SU), except for DAV05 which is on ROW land zoned Commercial Agricultural (CA). The proposed Telecommunications Hub equipment shelter is also proposed to be on land zoned Commercial Agricultural (CA). None of the microcell or equipment shelter uses as proposed are inconsistent with the allowed uses in their respective zone districts.

Consistency with Wireless Communications Facilities (WCF) Ordinance

While the proposed microcell WCFs in rights-of-way are largely consistent with the County's WCF Ordinance, being allowed and, moreover, encouraged by the Ordinance, as noted above in History & Discussion section, approval of this project will require three Federal Telecommunications Act (TCA) Exceptions to be granted by the County.

Proposed Federal Telecommunications Act (TCA) Exception Regarding Design Standards

The first Federal TCA Exception is needed because the proposed design of the 7 microcells do not conform to the requirement set out in the WCF Ordinance that microcells in the Coastal Right-of-Way must be flush-mounted on utility poles. The applicant proposes that the antennas not be flush mounted because flush mounting of WCF antennas to utility poles is no longer allowed by the California Public Utilities Commission (PUC) (General Order 95, Section IX, Part 94.4 E), which is the controlling authority regarding utility pole requirements/regulations in California, unless the pole is extended in height (by a distance that varies depending on the level of power being transmitted along the wires the pole supports) and the antennas are mounted at the top. The applicant originally proposed such a height extension design of each of the 7 sites, but staff determined that the visual impact of such height extensions would be too great (see Alternatives Analysis – Exhibit G).

The applicant subsequently proposed a design that instead adds a crossbar to each of the subject poles (except DAV05), without increasing their height, with two 2-foot long antennas hanging down, one from each end of the crossbar. In the case of DAV05 on Swanton Road which, due to coverage limitations of the crossbar design, the pole must have a 2-foot pole height extension with a single 2-foot tall antenna mounted on top of that. Such pole height extensions are also not allowed by the WCF Ordinance so this deviation from the design standards will have to be covered under this TCA Exception.

In addition to the antennas, mounted upon each of the 7 poles will be two long and narrow equipment boxes (approximately the width of the subject poles – i.e., approx. 1' wide, 4' high and 8" deep) and one larger more bulky "alpha power supply and battery back-up" equipment box (approx. 3' high, by 2.5' wide, by 1' deep), all of which also exceed the maximum size dimensions allowed for such boxes by the WCF Ordinance in the "Restricted Coastal Right-of-Way Area" (i.e., not to exceed 2' high, by 1.5' wide, by 10" deep). Therefore, a TCA Exception is needed to allow this aspect of the proposed design as well. As proposed, the design for each of the 7 poles has the larger more bulky "power supply and battery back-up" box mounted on the pole above the narrower boxes, creating a somewhat visually obtrusive appearance. To reduce this effect, the applicant has agreed to a Condition of Approval that will move the larger "power supply and batter back-up" boxes down to a position on each pole that is below the more narrow boxes, and also paint them and the antennas in colors similar to the background colors (e.g., light brown, forest green, etc.), making them less visually prominent.

A Federal TCA Exception is needed in this case because if the County were to strictly adhere to the design standards for microcells in the “coastal right-of-way” in the WCF Ordinance and require flush mounting of the antennas to the poles, the microcells could not be built because they would violate PUC requirements, meaning that the County would be preventing the filling of a “significant gap” in the carrier’s (in this case Verizon’s) coverage, which would be a violation of the Federal Telecommunications Act. Any alternative means of filling the carrier’s “significant gap”, such as constructing an equal number of full macrocell cell towers along the North Coast would have a much greater visual impact than the proposed utility pole co-located microcell sites, and would not be feasible, as a significant portion of the North Coast has “prohibited area” zoning. Moreover, the applicant, NextG Networks of California, does not install macro-cell sites, only microcells mounted upon utility poles. Therefore, the granting of a Federal TCA Exception is warranted and necessary in this case.

It should be noted that the stretch of Hwy. 1 between the City of Santa Cruz and Davenport already contains another series of utility pole-mounted microcell WCFs, these ones providing coverage for AT&T Wireless network. However, the option of co-locating the new proposed NextG DAS network on these poles is not viable because of the need for separation of the Verizon and AT&T antennas due to differing technologies. Moreover, it is not clear that doubling the number of antennas and related equipment on the AT&T poles would have less visual impact than having the new antennas and equipment installed on different poles.

Proposed TCA Exception Regarding Microcell Site Located on Property Zoned “CA”

A second Federal TCA Exception is also needed to allow the locating one of the microcell sites (DAV05) on an area of County controlled right-of-way (on Swanton Rd.) that is zoned Commercial Agriculture (CA), which is one of the “prohibited” zone districts. WCFs cannot be constructed in “prohibited areas” except as follows (as per Sec. 13.10.661[b][4]):

“If a Telecommunications Act Exception is approved pursuant to Section 13.10.668(a) that allows for siting a wireless communications facility within any of the ... prohibited areas, then such facility shall comply with the remainder of Sections 13.10.660 through 13.10.668 inclusive, and shall be co-located. Applicants proposing new wireless communication facilities in any of the above-listed prohibited areas must submit as part of their application an Alternatives Analysis, as described in Section 13.10.662(c) below. Non-located wireless communication facilities may be sited in the prohibited areas listed above only in situations where the applicant can prove that:

- (i) The proposed wireless communication facility would eliminate or substantially reduce one or more significant gaps in the applicant carrier’s network; and
- (ii) There are no viable, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives (i.e., sites and/or facility types and/or designs) outside the prohibited areas identified in Section 13.10.661(b) that could eliminate or substantially reduce said significant gap(s).

Any wireless communications facility and any associated development allowed in a prohibited area: (1) shall be sited and designed so that it is not visible from public vantage

points to the maximum extent feasible; or (2) where some portion or all of such a facility and/or any associated development is unavoidably sited and/or designed in a manner that makes it visible from public vantage points (and cannot be sited and/or designed to not be visible), that portion shall be screened and/or camouflaged so that it is inconspicuous and designed to blend seamlessly into the existing public view.”

The Swanton Road site (DAV05) is necessary to close a “significant gap” in the carrier’s network, and other potential alternative sites in allowed zone districts that could close that gap would be more visually obtrusive. The alternative method to closing this gap would require the construction of a new pole or tower (also not allowed by the WCF Ordinance) on Hwy. 1 near the Scott Creek Bridge in a highly scenic stretch of coast that currently does not contain utility poles. The proposed location of this microcell on an existing utility pole along Swanton Road in the ‘prohibited’ CA zone district is an alternative that is environmentally superior to the alternative of placing an entirely new tower/pole along a pristine stretch of Hwy. 1, therefore the granting of a TCA Exceptions to allow placement in the “prohibited” CA-zone is warranted.

Proposed TCA Exception Regarding Location of Equipment Shelter on Land Zoned “CA”

The third TCA Exception is needed to allow the placement of the Telecommunication Hub equipment shelter also on land that is zoned CA (APN 058-022-11), where such equipment can be allowed, pursuant to a TCA Exception, only if it is “...camouflaged so that it is inconspicuous and designed to blend seamlessly into the existing public view.” Since the Telecommunications Hub is proposed to be located inside a small 192 sq. ft. structure disguised to look like a typical small agricultural outbuilding or tool shed, it will be indistinguishable from the other agricultural outbuildings on the parcel, and will blend-in seamlessly as viewed from Swanton Rd. and Hwy 1. The structure will not be built on currently cultivated or otherwise agriculturally viable land. In addition, the main intent of the Prohibited Area is to prohibit the construction of new cell towers in these visually sensitive areas, not small equipment shelters such as the one proposed. In addition, any alternative site for the Telecommunications Hub in an allowed zone district not on CA-zoned land would likely have greater visual impacts than the one in the proposed location, since the shelter would be standing alone and not located amongst other farm outbuildings. Finally, the Alternatives Analysis (Exhibit G) documents that other possible locations for this equipment shelter are either unavailable or would result in a stand-alone structure that would be more visually conspicuous than the proposed location. It is clear that this location is the environmentally (i.e., visually) superior alternative site for this equipment shelter, which is a necessary component in eliminating the significant gap in the carriers (i.e., Verizon’s) network. Therefore, the granting of a Federal TCA Exception is warranted for this aspect of the project as well.

Local Coastal Program Consistency

The 7 proposed microcell WCFs and proposed 192 square foot Telecommunications Hub are generally in conformance with the County’s certified Local Coastal Program, in that they are sited and designed to be visually compatible, in scale with, and integrated with the character of their surroundings, and they will not interfere with public access to the beach, ocean, or other nearby bodies of water. However, as described above, the proposed microcell design is not consistent with the requirements of the County’s WCF Ordinance, which is part of the LCP Implementation Plan, a Federal TCA Exception will be needed to allow approval. A second Federal TCA

Exception will be needed to approve the proposed location of the Swanton Rd. site on CA-zoned right-of-way. And a third TCA Exception will be needed to approve the location of the Telecommunications Hub, also on CA-zoned land.

Design Review

The 7 proposed WCFs comply with the requirements of the County Design Review Ordinance, in that they will be relatively small and inconspicuous microcell designs mounted to existing utility poles and thus will have much less of a visual impact as compared with typical cell towers (i.e., macro-cell sites). The proposed 192 square foot "Telecommunications Hub" equipment shelter is also small, similar to a pre-fabricated tool shed, and will blend in very well with the surrounding agriculture-related outbuildings.

Environmental Review

As lead agency for all utility pole-mounted microcell WCFs in California, the California Public Utilities Commission (PUC) has determined that all such project are Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA). The PUC's blanket Categorical Exemption form is attached as Exhibit D.

Conclusion

As proposed (with the three proposed Federal Telecommunications Act Exceptions) and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- **APPROVAL** of Application Number 111114, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Frank Barron
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2530
E-mail: frank.barron@co.santa-cruz.ca.us

NOTE: A COPY OF ALL PERMITS MUST BE PRESENT DURING ANY WORK ON THE LOCATION AND PERMITS MUST BE RETURNED TO THE LOCATION MONITORING THE CONSTRUCTION AND RECORDS MUST BE MAINTAINED THROUGHOUT THE PROJECT. CONTACT THE PERMITTING AGENCY FOR MORE INFORMATION.

Call Before you Dig!
 Know what's below.
 Call before you dig.
 Call 811 Before you Dig!



CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING: NATIONAL ELECTRICAL CODE (NEC), NATIONAL FIRE ALARM AND SIGNALING CODE (NFPA 72), NATIONAL WIRELESS COMMUNICATIONS CODE (NWC), LOCAL ORDINANCES, AND ALL APPLICABLE STATE AND LOCAL REGULATIONS.

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING: NATIONAL ELECTRICAL CODE (NEC), NATIONAL FIRE ALARM AND SIGNALING CODE (NFPA 72), NATIONAL WIRELESS COMMUNICATIONS CODE (NWC), LOCAL ORDINANCES, AND ALL APPLICABLE STATE AND LOCAL REGULATIONS.

PROPERTY INFORMATION

OWNER: SHERMAN WILLIAMS
 PROJECT: DAVENPORT
 ADDRESS: 1122-1111336
 CITY: SANTA CRUZ, CA 95060
 COUNTY: SANTA CRUZ
 STATE: CA
 ZIP: 95060

NextG Networks of California, Inc.
 DAVENPORT
 DAV01
 CABRILLO HWY / HWY 1
 SANTA CRUZ, CA. 95060



VICINITY MAP
 ALL POLE MOUNTED EQUIPMENT TO BE PAINTED WITH SHERMAN WILLIAMS #8108 PAINT

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF WIRELESS EQUIPMENT AND ANTENNAS FOR MOBILE COMMUNICATIONS ON EXISTING WOOD UTILITY POLES.

PROJECT SCOPE

INSTALL NEW WIRELESS EQUIPMENT AND ANTENNAS AND ALL ASSOCIATED HARDWARE IN ACCORDANCE TO CONTRACTOR'S DRAWINGS AND ALL APPLICABLE REGULATIONS AND ORDINANCES TO PROVIDE COMMUNICATION SERVICES.

GENERAL CONTRACTOR NOTES

CONTRACTOR SHALL VERIFY ALL PERMITS AND RIGHTS OF WAY ARE IN PLACE AND VALID PRIOR TO COMMENCING WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RIGHTS OF WAY PRIOR TO COMMENCING WORK.

SHEET	DESCRIPTION	REV.
1	TITLE SHEET	1
2	UTILITY POLE EQUIPMENT MOUNTS	1
3	UTILITY POLE EQUIPMENT TYPICALS	1

SHEET INDEX

<p>NextG Networks of California, Inc. 3000 California Street, Suite 200 San Jose, CA 95128 (408) 253-1000</p>	<p>PROJECT INFORMATION: CABRILLO HWY / HWY 1 SANTA CRUZ, CA 95060</p>	<p>PERMIT ISSUE DATE: 11/18/11</p>	<p>PERMIT SUBMISSION:</p>	<p>REV. DATE: DESCRIPTION: SHEET NO.</p> <table border="1"> <tr> <td>1</td> <td>5/09/11</td> <td>SHEET INDEX REV. M2</td> </tr> </table>	1	5/09/11	SHEET INDEX REV. M2	<p>PLANS PREPARED BY: HP COMMUNICATIONS INC. 12011 Townsend Dr. #2 Gilroy, CA 95020 PHONE (408) 811-1018</p>	<p>PLANS APPROVED BY: SHERMAN WILLIAMS 1122-1111336 SANTA CRUZ, CA 95060</p>	<p>COMMENTS: SHERMAN WILLIAMS 1122-1111336 SANTA CRUZ, CA 95060</p>	<p>PROJECT NUMBER: 11-1079</p>
1	5/09/11	SHEET INDEX REV. M2									

