



# COUNTY OF SANTA CRUZ

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## PLANNING DEPARTMENT

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

**TOM BURNS, PLANNING DIRECTOR**

October 18, 2004

**Agenda Date: January 12, 2005**

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

**Subject: A public hearing to consider an appeal of the Zoning Administrator's decision to approve application 03-0415; a proposal to install a wireless communication facility consisting of two flat panel antennas mounted on an existing wood utility pole within the public right-of way.**

Members of the Commission:

The above listed project for a Wireless **Communication** Facility (WCF) was reviewed **at** the 8/6/04 Zoning Administrator hearing. At that hearing, the neighbors raised concerns regarding potential visual impacts. The hearing was continued to 9/17/04 allow for the neighbors and Planning Department staff to visit existing sites of similar construction.

After review of a similar WCF site by the neighbors and Planning Department ~~staff~~, the neighbors submitted a letter on 9/15/04 (Attachment 1) for review prior to the 9/17/04 Zoning Administrator hearing. Planning Department staff and the Zoning Administrator reviewed the letter and thought they had addressed all of the listed concerns at the hearing prior to granting an approval for this item on 9/17/04. It appears the appellants do not agree that each of their concerns were properly considered as an appeal of the Zoning Administrator's decision was formally made on 9/29/04 by the Moon Valley Ranch Road Association.

### **Appeal of Zoning Administrator's Action**

This letter to your Commission will respond to the appellants' 9/15/04 letter (Attachment 1) and each of the appellants' objections is addressed in the same order as they have been raised.

### **Objection A: AT&T Failed to Give Prooer Notice**

The appellants have requested that AT&T show proof of proper notice, **as** well as a request that all ten parcels accessed via Moon Valley Ranch Road be noticed for this project.

Three forms of notification to the general public are required at least 10 calendar days prior to a public hearing per County Code section 18.10.223: 1) Publication in a newspaper of general

circulation within the County, 2) Posting of a public notice on the project site, 3) Mailed notices mailed to property owners within 1000 feet of the project site (required noticing distance increased to 1000 feet per County Code section 13.10.661(h) for WCF proposals).

The noticing for the public hearing before the Zoning Administrator (Attachment 3) was performed according to the applicable County Code sections (13.10.661(h) & 18.10.223). Newspaper publication occurred on 7/23/04. The project site was posted by the applicant on 7/24/04 (although the applicant printed a photo for another WCF proposal on top of the affidavit in error, the affidavit is still considered as valid). All parcels within 1000 feet of the project site were mailed notice of the public hearing on 7/22/04. A copy of the mailing labels is included.

Obiection B: The Proposed Site Creates an Unnecessary Visual Impact

The appellants have stated that the proposed WCF will have a significant visual impact on the residents and visitors of the people who pass the project site while entering and exiting their homes on a daily basis.

The proposed WCF is a microcell installation co-located on an existing utility pole in a public right of way. This type of installation (per County Code section 13.10.661(g)) has been determined to create the least intrusive visual impact, and no analysis for alternate sites is required for co-located facilities such as the WCF proposed in this application (per County Code section 13.10.661(c)(3)). Planning Department staff and the Zoning Administrator reviewed the proposal and made findings that the proposed WCF will not create a significant visual impact. The Zoning Administrator, in response to the appellants' stated concerns at the 9/17/04 public hearing, added the requirement (in addition to the requirement of paint to match the existing utility pole) that the pole mounted equipment cabinets for this WCF be located at a height of 8 feet or less above the ground, which is below the existing vegetation, and that the equipment cabinets be located on the side of the pole opposite the Moon Valley Ranch Road right of way to further conceal them from view.

Obiection C: The Subject Proposal Does Not Qualify for a Telecommunications Act Exception

The appellants have stated that the proposed WCF is located within a prohibited zone district and that a Telecommunications Act Exception must be approved to allow this project.

The proposed project site is located within the SU (Special Use) zone district, a restricted zone district when implementing the project site's residential General Plan land use designation, and is not a prohibited zone district as the appellants have stated. Furthermore, no further alternatives analysis or Telecommunication Act Exception is required for WCF proposals that are co-located on existing utility poles within restricted zone districts (per County Code section 13.10.661(c)).

Obiection D: Use of the Present Location Would Have a Negative Affect on the Community, Including Potential Diminution of Value

The appellants have stated that the location of the proposed WCF negatively affects the entry to properties in the area and will decrease property values.

The potential visual impact of the proposed WCF will be minimized through the small size of the

proposed facility and the location of equipment on ~~an~~ existing utility pole which is already clearly visible to the general public and residents of the neighborhood. The equipment cabinet will be no larger than 2 cubic feet and will be no wider than the existing utility pole, as shown on the project plans. Any potential visual impacts of the proposed facility will be adequately mitigated through painting the proposed equipment to blend with the existing utility pole, the location of the equipment cabinets below the existing vegetation, and the rotation of the equipment cabinets to the side of the pole opposite ~~from~~ the Moon Valley Ranch Road right of way.

No information has been presented to demonstrate that the proposed WCF will reduce property values in the vicinity of the project site.

Objection E: At a Minimum, All Equipment Besides the Actual Antenna Should Be Placed Underground

The appellants have requested that the equipment cabinets be placed underground.

Planning Department staff and the Zoning Administrator have evaluated the potential of locating equipment cabinets below grade and have determined that such an installation would create additional unnecessary site disturbance and vegetation removal. A pole mounted installation will require less site disturbance and will preserve the existing vegetation adjacent to the existing utility pole.

Objection F: AT&T has not demonstrated that this site is necessary

The appellants have inquired as to whether or not three microcell sites are sufficient to serve the project area.

The proposed WCF is a microcell installation on an existing utility pole. No ~~further~~ analysis of alternative sites, or a reduction of sites, is required for WCF proposals that are co-located on existing utility poles within restricted zone districts (per County Code section 13.10.661(c)). Additionally, the applicant has indicated that all four sites are necessary to serve the project area and another site would need to be located (with its own potential visual or environmental impact) in the vicinity if this site is found to be unsuitable.

Appellants Request

The appellants have requested that ~~the~~ applicant post the project site and mail notices to all of the property owners who access their properties via Moon Valley Ranch Road, and that a visual mockup of the proposed facility be located on the existing utility pole.

As stated previously under the response to Objection A, the required noticing of the public hearing was adequately performed per the applicable County Code sections.

The request for ~~a~~ visual ~~mockup~~ was considered by Planning Department staff and the Zoning Administrator and was found to be unnecessary. The applicant provided clear and detailed project plans, as well as visual simulations of the proposed facility. No visual mockup is required for co-located or microcell installations (per County Code 13.10.661(h)).

## Summary

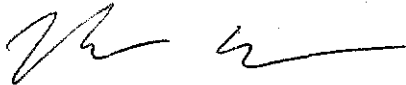
Staff believes that the issues raised in the appeal letter were reviewed and adequately addressed by the Zoning Administrator prior the decision to approve the application on 9/17/04. Noticing for the public hearing was adequate and the proposed project is in compliance with all applicable codes and policies.

The proposed WCF (as a microcell installation co-located on an existing utility pole) will be the least intrusive alternative, when compared to macrocell sites or other installations that would require additional site disturbance or create additional visual impact.

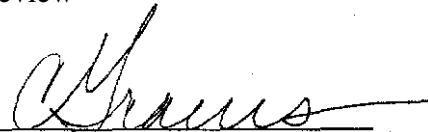
## Recommendation

Planning Department staff recommends that your Commission **UPHOLD** the Zoning Administrator's action to approve Application Number **03-0415**.

Sincerely,



Randall Adams  
Project Planner  
Development Review

Reviewed By: 

Cathy Graves  
Principal Planner  
Development Review

## Attachments:

1. Appeal letter from the Moon Valley Ranch Road Association, prepared by Robert **Jay** Katz, dated 9/29/04 with attached letter dated 9/15/04.
2. Staff report to the Zoning Administrator, originally heard on 8/6/04 and continued to 9/17/04.
3. Documentation of Public Notice for the 8/6/04 Zoning Administrator hearing.

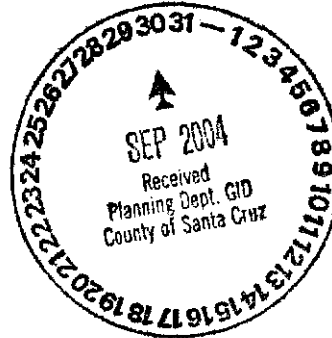


314 Capitola Avenue  
Capitola, CA 95010

A Professional Law Corporation

Telephone (831) 475-2115  
Facsimile (831) 475-2213

September 29, 2004



Don Bussey  
Randall Adams  
Santa Cruz County Zoning Department  
701 Ocean Street  
Santa Cruz, CA 95060

**RE: NOTICE OF APPEAL.**

*AT&T Proposal for Moon Valley Ranch Road  
Proposal No. 03-0415 - Second District*

Dear Mr. Bussey and Mr. Adams:

Please be advised that the Moon Ranch Road Association (consisting of neighbors Katz, Lapides, Ashton, Tomaselli, Bilyeu, Ashen, Denman and Ryan) hereby appeals the Zoning Administrator's determination in regard to Commercial Development Permit No. 03-0415. Enclosed is the filing fee in the amount of \$2,343.

The basis for the appeal, is set forth in the letter and attachments dated September 15, 2004, which were timely submitted and should be part of the file. Additional considerations that come to light may also be presented to the Planning Commission.

In general, the neighbors believe there are much better locations for the proposed commercial facility, which locations will still meet AT&T's needs. If the present location is ultimately approved, we believe there should be additional conditions imposed for the protection of the neighborhood.

ATTACHMENT 1



A Professional Law Corporation

Don Bussey  
Randall Adams  
Santa Cruz County Zoning Department  
September 29, 2004

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Please commence the appeal process and forward the file to the Planning Commission. Your consideration of this matter to date is very much appreciated.

Very truly yours,

KATZ & LAPIDÈS

A handwritten signature in cursive script, appearing to read "Robert Jay Katz".

ROBERT JAY KATZ

RJK/lmt

enclosure

cc: Moon Valley Ranch Road Association  
Santa Cruz County Planning Commission

ATTACHMENT

1

314 Capitola Avenue  
Capitola, CA 95010



Telephone (831) 475-2115  
Facsimile (831) 435-2213

September 15, 2004

Randall Adams and Don Bussey  
Santa Cruz County Zoning Department  
701 Ocean Street  
Santa Cruz, CA 95060

RE: AT&T Proposal for Moon Valley Ranch Road  
Proposal No. 03-0415

Dear Mr. Bussey and Mr. Adams:

On behalf of myself and the other members of the Moon Valley Ranch Road Association, I herewith submit the following documentation, objections and requests for your consideration.

### FACTUAL BACKGROUND

After learning of this proposal a few days prior to the last hearing on August 6, 2004, I submitted objections by email to Zoning, which were included in the file. My wife, Leola Lapidès, and I appeared at the hearing, expressed some concerns, and requested a continuance to view other representative sites, and obtain more information from Roger Haas, who is representing AT&T in this matter.

Mr. Haas provided me with directions to two locations, and I visited the one on Scotts Valley Drive at the entrance to the RMC Lone Star site. Attached as **Exhibit A** are photographs I took of this pole/antenna structure.

After I took the photographs, I asked Mr. Haas to meet with me and neighbor Mike Denham at the proposed site, which Mr. Haas promptly agreed to do. At our

Randall Adams and Don Bussey  
Santa Cruz County Zoning Department  
September 15, 2004

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meeting, we showed him the photographs and tried to make him understand the concerns of the neighbors, who use the cul de sac where the pole is located for ingress and egress everyday. We discussed the fact that the present shrubbery and overgrowth will likely be removed in the future; and that the lower part of the pole will become more visible. We then viewed, from a distance, the next westerly pole (right on the other side of the freeway), which seems like a logical alternative which would have no visual impact on anyone's home. (**Exhibit B** contains photographs of the cul de sac area where the proposed pole will be located, and where three paths of travel intersect; as well as a photograph of the proposed alternative pole.)

In regard to this alternative, Mr. Haas was unaware whether it had ever been looked at by AT&T, and was also unaware as to whether there were any legal impediments to putting the antenna on this other pole. He expressed a reluctance to start looking at a new location, given the time and money that had already been put into the proposed location. We reminded him that we have only very recently become aware of this project, and had he spoken to us much earlier, we would have had a chance to express our concerns then.

Mr. Haas agreed to discuss the matter with his principal and to try to work out a solution agreeable to all concerned parties. I advised him that we would be submitting objections prior to the hearing, but that we remained open to further discussion.

Mr. Denham and I subsequently set up a meeting with Development Review Planner Randell Adams, which meeting took place on September 15, 2004. It was discovered that only 8 of the 10 parcels on Moon Valley Ranch Road and Mockingbird Ridge Road were mailed notices. The insufficiency of the posted notice was also brought to Mr. Adams' attention. A posted notice was placed on a fencepost a distance from the proposed pole, which was not easy to see and remained for a limited period of time. No posting was every done on the proposed pole itself, and



Randall Adams and Don Bussey  
Santa Cruz County Zoning Department  
September 15, 2004

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the Affidavit of Posting that is contained in the file is for a different project (see **Exhibit C**). Attached as **Exhibit D** is the read-out provided by Mr. Adams, which shows the parcels who received notice by mail.

### **APPLICABLE LAW**

#### Chapter 13.10 Zoning Regulations

#### **13.10.660 Regulations for the siting, design, and construction of wireless communications facilities:**

(a) Purpose...It is also the purpose of Sections 13.10.660 through 13.10.668 inclusive to assure, by the regulation of siting of wireless communications facilities, that the integrity and nature of residential, rural, commercial, and industrial areas are protected from the indiscriminate proliferation of wireless communication facilities...It is also the purpose of sections 13.10.660 through 13.10.668 inclusive to locate and design wireless communication towers if facilities so as to minimize negative impacts, such as, but not limited to, visual impacts, agricultural and open space land resource impacts, impacts to the community and aesthetic character of the built and nature environment, attractive nuisance, noise and falling objects, and the general safety, welfare and quality of life of the community...

#### (d) Definitions.

"Microcell site" means a small radio transceiver facility comprised of an unmanned equipment cabinet with a total volume of one hundred (100) cubic feet or less that is either under or aboveground, and one omni-

Randall Adams and Don Bussey  
Saiita Cruz County Zoning Department  
September 15,2004

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directional whip antenna with a maximum length of five feet, or up to three small (approximtely 1'x 2' or 1'x 4') directional panel antennas, mounted on a single pole, an existing conventional utilitypole, or some other similar support structure.

**13.10.661 General requirement for wireless communications facilities:**

All wireless communications facilities...shall comply with the following requirements:

**(f) Site Selection-Visual Impacts. Wireless communication facilities shall be sited in the least visually obtrusive location that is technically feasible, unless such site selection leads to other resource impacts that male such a site the more environmentally damaging location overall. (Emphasis added.)**

(h) Public Notification. Public hearing notice shall be provided pursuant to Section 18.10.223. However, due to the potential adverse visual impacts of wireless communication facilities the neighboring parcel notification distance for wireless communication facility applications is increased from the normal three hundred (300) feet to one thousand (1,000) feet from the outer boundary of the subject parcel. To further increase public notification, onsite visual mock-ups as described below in Section 13.10.662(d) are also required for all proposed wireless communication facilities, except for co-located and microcell facilities that do not represent a major modification to visual impact as defined in Section 13.10.660(d).

Randall Adams and Don Bussey  
Santa Cruz County Zoning Department  
September 15, 2004

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**13.10.668 Telecommunication act exception procedure:**

If the application of the requirements or limitations set forth in Section 13.10.660 through 13.10.668 inclusive, including but not limited to applicable limitations on allowed land uses, would have the effect of violating the Federal Telecommunications Act as amended, the approving body shall grant a Telecommunications Act Exception to allow an exception to the offending requirement or limitation would violate the Federal Telecommunications Act, and that no alternatives exist which would render the approval of a Telecommunications Act Exception unnecessary.

**OBJECTIONS AND DISCUSSION**

A. AT&T failed to give proper notice.

It is requested that AT&T show proof of giving proper notice of hearing on this matter. It is also requested that notice to all ten parcels on Moon Valley Ranch Road and Mockingbird Ridge Road be required , as they are the most affected parcels.

B. The proposed site creates an unnecessary visual impact.

As stated in Regulation 13.10.660(f), **"Wireless communication facilities shall be sited in the least visually obtrusive location that is technically feasible..."** There is no doubt that the addition of an antenna and associated equipment for a "base station" will have a significant visual impact on the residents and visitors to the ten homes which use this cul de sac for ingress and egress everyday. The pole directly west of the subject pole, as well as the existing cell tower location at the end of Moon

Randall Adams and Don Bussey  
Santa Cruz County Zoning Department  
September 15, 2004

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Valley Ranch Road, are clearly less obtrusive locations which are technically feasible. Unless AT&T can demonstrate that these alternative locations are not technically feasible, the purpose of the Regulations can only be fulfilled by requiring AT&T to explore these other locations.

C. The subject proposal does not qualify for a Telecommunications Act Exception.

Zoning Regulation 13.10.661(b) specifies that the proposed pole is in a "Prohibited Zoning District." It is therefore required that a Telecommunications Act Exception must be approved pursuant to Section 13.10.668 which states that:

The 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 Telecommunications Act Exception unnecessary. (Emphasis added.)

There are clearly alternatives to the subject location that could potentially fulfil all parties needs, and should be evaluated before any final approval of the subject proposal is given.

D. Use of the present location would have a negative affect on the community, including potential diminution of the value.

The residents on Mockingbird Ridge Road already have a gate and entry structure at the cul de sac where the antenna is proposed. The residents of Moon Valley Ranch Road are working with an architect to also have a gate at the entry right near the proposed pole. Therefore, not only do residents and guests drive by the proposed structure, they actually have to stop right near it while the gate opens. This

Randall Adams and Don Bussey  
Santa Cruz County Zoning Department  
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proposal negatively affects the entry to the communities, and the negative visual impact is increased due to the existing and proposed gate locations. Additionally, commercial wireless communication facilities at the entrance to two roads of housing can only negatively affect the homes' values. Moving the proposed location to another pole could avoid these negative impacts.

- E. At a minimum, all equipment besides the actual antenna should be required to be placed underground.

As referenced in the definition of "Microcell site" (see above), the possibility of underground cabinets is contemplated. Just because this might be more expensive is not a reason to not require it, if requiring it would fulfill the purpose of the Regulations.

- F. AT&T has not demonstrated that this site is necessary.

I am informed that AT&T has four microcell site proposals within a short distance, the subject proposal being one of them. Wouldn't three sites be sufficient? Is the subject site really necessary?

### SUMMARY AND REQUEST

In summary, AT&T should be required to explore other alternatives to minimize the visual impact. The pole directly to the west; the existing cell tower site; and the possibility of putting the equipment underground, should all be evaluated in order to minimize the visual impact to the community. Further, approval at this hearing would be improper due to lack of proper notice. All residents of Moon

Randall Adams and Don Bussey  
Santa Cruz County Zoning Department  
September 15, 2004

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Valley Ranch Road and Moclatingbird Ridge Road deserve notice and the opportunity to express their concerns. AT&T should give proper notice by posting (on the pole) and by mail, as well as placing a "visual mockup" as referenced in Section 13.10.661(h).

Additionally, AT&T should be required to demonstrate that the subject site is "necessary" to adequately provide coverage, and that a Telecommunications Act Exception should be granted.

Respectfully submitted,

KATZ & LAPIDES



ROBERT JAY KATZ

RJK/lmt

enclosures

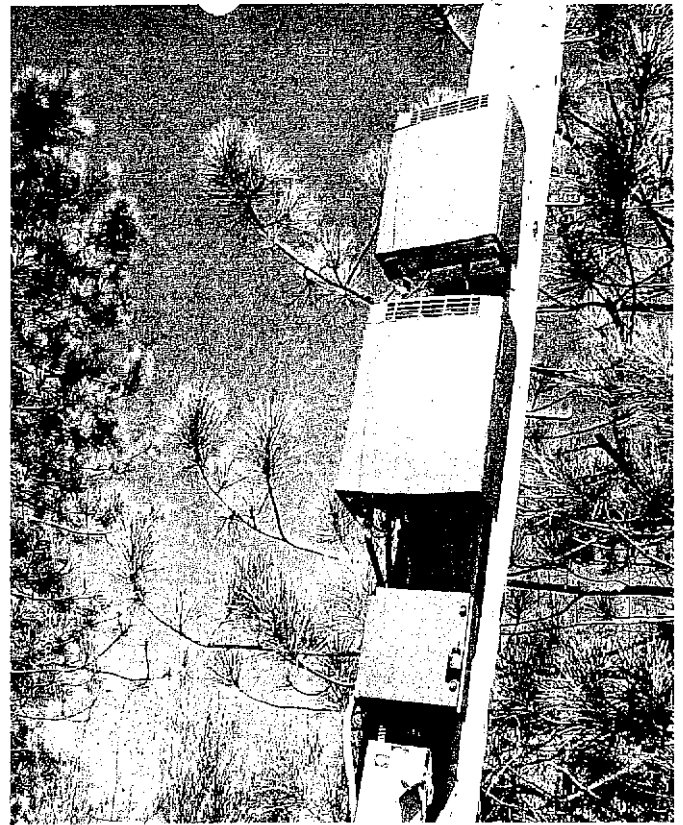
cc: Moon Valley Ranch Road Association

EXHIBIT A

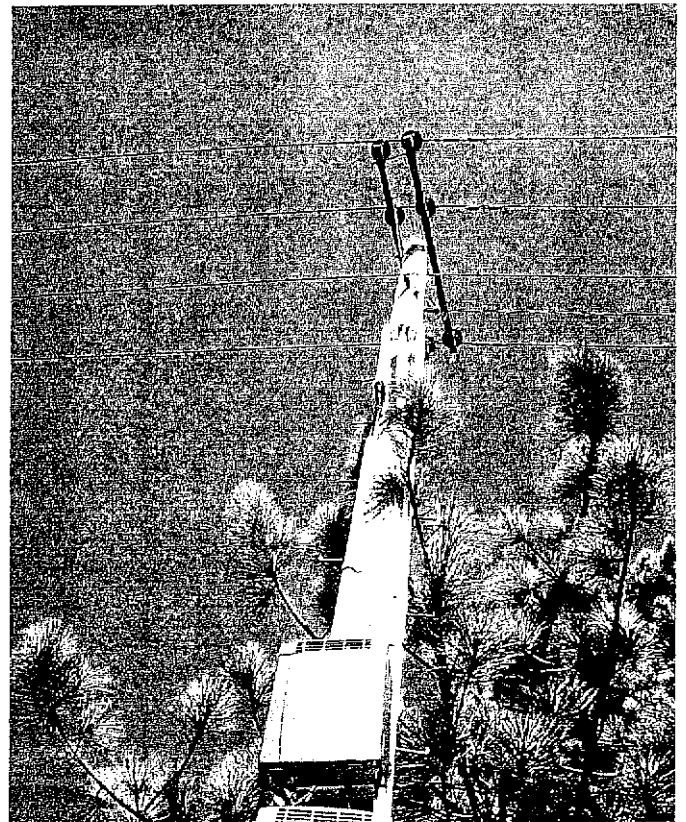
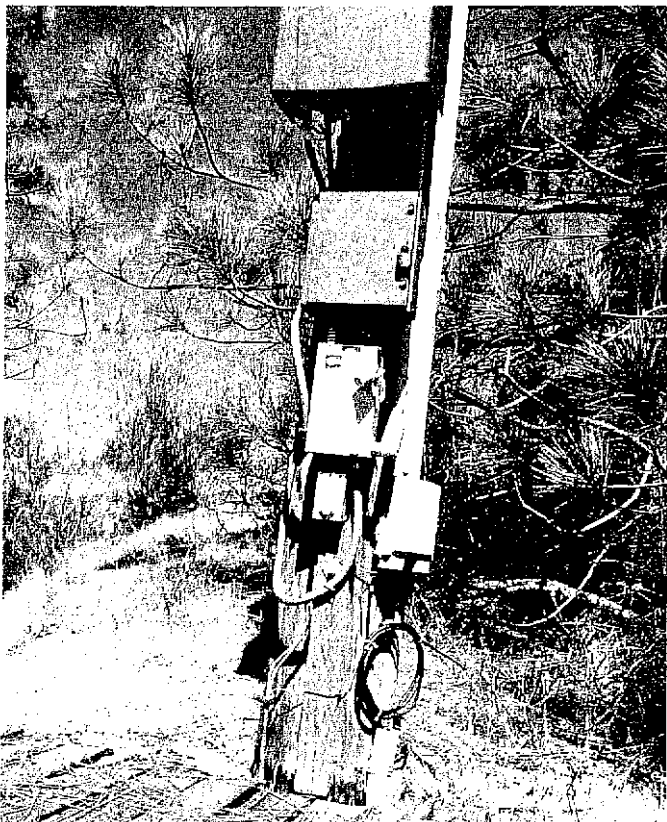
ATTACHMENT 1  
- 15 -



**9-10-04**

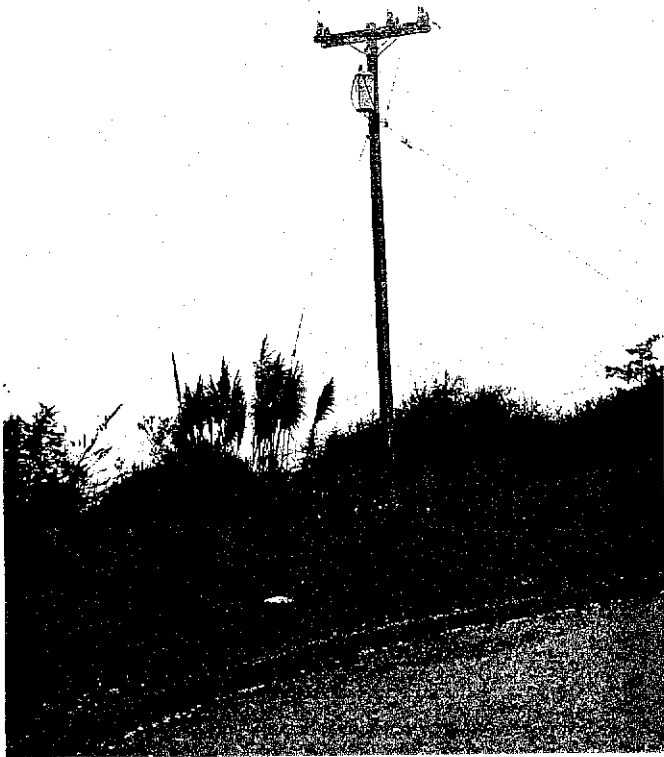


**Scotts Valley**









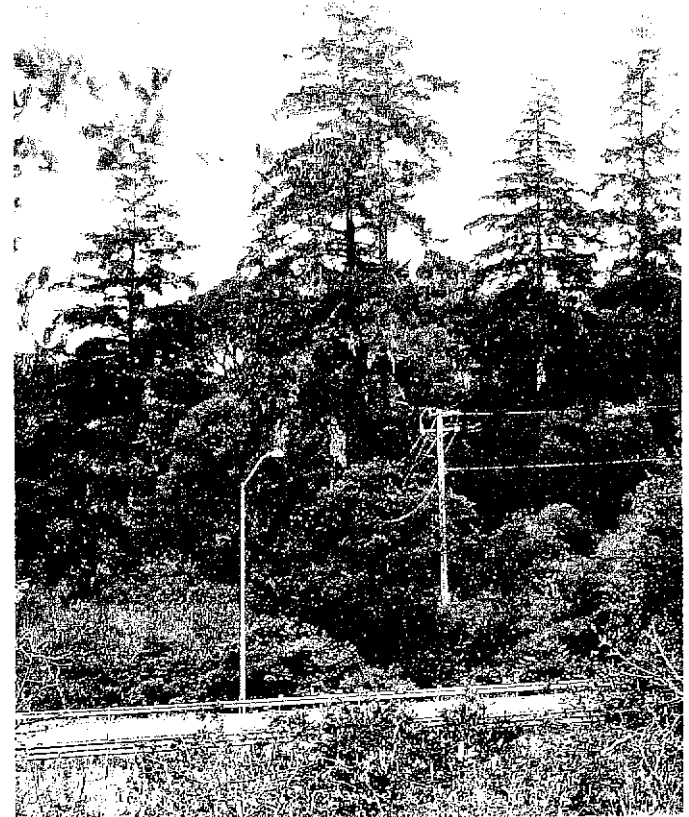
August 2004



Moon Vly RR @ Mockingbird R



View from MVRR



Pole across Hwy 1

10/6/2019 10:00 AM

EXHIBIT C

ATTACHMENT 1

p19



# AFFIDAVIT OF POSTING

## County of Santa Cruz

Please print name of Applicant: Almond

Applicant: Poste Haas

Application: 03-045

APN(s): 001-010-001

Site Address: 001-010-001

Hearing Date: Friday, August

AG: BL PC: PC

Please note that it is highly recommended that a notice be posted in a conspicuous place on the Project Site.

APPLICANT

PLEASE COMPLETE THE FOLLOWING INFORMATION TO:

County of Santa Cruz Planning Department  
Attn: Randall Adams  
701 Ocean Street, Fourth Floor  
Santa Cruz, CA 95060

Posting Location (please be specific):

Poste Haas

When posted, write date

Posted

Posted By:

Date Posted:

I declare under penalty of perjury that I posted the notice(s) at the location and on the date listed above.

[Signature]  
(Signature)

7/24/04  
(Date)

ATTACHMENT

EXHIBIT D

ATTACHMENT 1  
p21

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53-0415

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\*        SUBJECT PARCEL ≈ 04130126        \*  
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04130139

LARKIN RIDGE ESTATES HOMEOWNERS A  
273 LARKIN RIDGE DR  
WATSONVILLE CA 95076

04130108

CALIFORNIA STATE OF  
650 HOWE AVE  
SACRAMENTO CA 95825

04130113

CALIFORNIA STATE OF  
P O BOX 7791 RINCON ANNEX  
SAN FRANCISCO CA 94119

04130123

ANAYA ARNULFO & EVANGELINA H/W JT  
2003 LARKIN VALLEY RD

WATSONVILLE CA 95076

04130124

OCCUPANT  
2001 LARKIN VALLEY RD  
WATSONVILLE CA 95076

04130124

04501124

RAVAGO FRANK L JR & CHERYL A TRUS  
120 VISTA GRANDE DR  
APTOS CA 95303

04501129

KURK RICHARD D & ELISSA M H/W JT  
1801 BONITA DR

APTOS CA 95003

04501114

OCCUPANT  
1940 BCNITA DR  
APTOS CA 95003

04501114

SCHOLASTIC LEGACY INC  
1940 BONITA  
APTOS CA 95003

04501128

CALDNELL JOHN N & LYNNE M H/W JT  
106 VISTA GRANDE DR  
APTOS CA 95003

04501125

SCHIAVON LOUIS & OLLIE FAMILY LTD  
114 VISTA GRANDE DR  
APTOS CA 95003

04501126

EVANS STEVEN & BONNIE H/WJT  
112 VISTA GRANDE DR  
APTOS CA 95003

04501127

MARQUEZ LARRY R & BETTY J CO-TRUS  
110 VISTA GRANDE DR  
APTOS CA 95003

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NOTTOLI BARRY J M/M S/S  
1360 N ACADEMY  
SANGER CA 93612

04130126

TOSELLO GEORGE R  
188 LAS COLINAS DR  
WATSONVILLE CA 95076

04130131

OCCUPANT  
1401 LARKIN VALLEY RD  
WATSONVILLE CA 95076

04130131

XANTHUS CHRISTINA TRUSTEE ETAL  
240 VIA PONTOS WAY  
WATSONVILLE CA 95076

04130154

COOPER DEBORAH A TRUSTEE ETAL  
345 RACE HORSE LN  
WATSONVILLE CA 95076

04130146

OCCUPANT  
1025 MOON VALLEY RANCH RD  
WATSONVILLE CA 95076

04130146

ASHTON JASON A U/M  
903 WHISPERING PINES DR  
SCOTTS VALLEY CA 95066

04130150

OWNERS OF C A 54PM21  
P O BOX 25670  
FRESNO CA 93729

04130152

OCCUPANT  
195 RACE HORSE LN



WATSONVILLE CA 95076

04130152

MC NULTY JOHN W & MONICA M H/W CP  
P O BOX 1002  
SOQUEL CA 95073

04130151

ROMERO FAUSTO JR & NOREEN H/W CP  
185 RACE HORSE LN  
WATSONVILLE CA 95076

04130134

JOHNSON MICHAEL B U/M  
185 LARKIN RIDGE DR  
WATSONVILLE CA 95076

04501123

WHITE LOUISE TRUSTEE ETAL  
122 VISTA GRANDE DR  
APTOS CA 95003

04501116

COPE O JAMES & AVE MARIE HELENE B  
107 VISTA GRANDE DR  
APTOS CA 95003

04501120

GLASS TIMOTHY J S/M  
115 VISTA GRANDE DR  
APTOS CA 95003

04501119

COSTANZO **JOHN** R & LAURIE A TRUSTE  
109 VISTA GRANDE DR  
APTOS CA 95003

04501130

SAN ANDREAS HEIGHTS HOMEOWNERS AS  
8070 SOQUEL DR #230  
APTOS CA 95003

25

ATTACHMENT 1



# COUNTY OF SANTA CRUZ

## Planning Department

### COMMERCIAL DEVELOPMENT PERMIT

Owner Department of Public Works  
Address No Situs

Permit Number 03-0415  
Parcel Number(s) No-APN-Spec.

#### PROJECT DESCRIPTION AND LOCATION

Permit to install a wireless communication facility consisting of two flat panel antennas mounted on an existing wood utility pole within the public right-of-way. Requires a Commercial Development Permit, Property located on the south side of Moon Valley Ranch Road at about 500 feet west of the intersection with Larkin Valley Road.

#### SUBJECT TO ATTACHED CONDITIONS.

Approval Date: 9/17/04  
Exp. Date (if not exercised): 1011106  
Denied by: \_\_\_\_\_

Effective Date: 10/1/04  
Coastal Appeal Exp. Date: N/A  
Denial Date: \_\_\_\_\_

- \_\_\_\_\_ This project requires a Coastal Zone Permit which is not appealable to the California Coastal Commission. It may be appealed to the Planning Commission. The appeal must be filed within 14 calendar days of action by the decision body.
- \_\_\_\_\_ This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.1 10.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 14 calendar days of action by the decision body.

This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. It is to contact Coastal staff at the end of the above appeal period prior to commencing any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.

Signature of Owner/Agent

Date

Staff Planner

Date

Distribution: Applicant, File, Clerical



## Staff Report to the Zoning Administrator

Application Number: **03-0415**

**Applicant:** AT&T Wireless - Roger Haas

**Date:** 9/17/04

**Owner:** Department of Public Works

**Agenda Item:** 1

**APN:** NO-APN-SPEC

**Time:** 8:30 a.m.

**Project Description:** Proposal to install a wireless communication facility consisting of two flat panel antennas mounted on an existing wood utility pole within the public Right-of Way.

**Location:** Property located on the South side of Moon Valley Ranch Road at about 500 feet West of the intersection with Larkin Valley Road.

**Permits Required** Commercial Development Permit

### Staff Recommendation:

- Approval of Application 03-0415, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

### Exhibits

- |    |  |    |  |
|----|--|----|--|
| A. | Project plans                              | F. | Zoning & General Plan maps                                 |
| B. | Findings                                   | G. | Visual Simulations   |
| C. | Conditions                                 | H. | Supplemental Application information (Including RF report) |
| D. | Categorical Exemption (CEQA determination) | I. | Comments & Correspondence                                  |
| E. | Assessor's parcel map                      |    |  |

### Parcel Information

Parcel Size:	N/A
Existing Land Use - Parcel:	Public right-of-way
Existing Land Use - Surrounding:	Highway One right-of-way, Rural residential
Project Access:	Moon Valley Ranch Road
Planning Area:	Aptos Hills
Land Use Designation:	R-R (Rural Residential)
Zone District:	SU (Special Use)
Supervisory District:	2 (District Supervisor: Ellen Pirie)

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Within Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: N/A  
Soils: N/A  
Fire Hazard: N/A  
Slopes: N/A  
Env. Sen. Habitat: N/A  
Grading: **No** grading proposed  
Tree Removal: **No** trees proposed to be removed  
Scenic: Highway One Scenic Corridor - micro cellular installation on existing utility pole, no visual impact anticipated to scenic resources.  
Drainage: N/A  
Archeology: N/A

### Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No  
Water Supply: **N/A**  
Sewage Disposal: **N/A**  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: None

### Project Setting

The proposed wireless communications facility will be located on an existing utility pole within the right-of-way of Moon Valley Ranch Road above the north side of Highway One.

### Zoning & General Plan Consistency

The project site is located ~~within~~ the public right-of-way of Moon Valley Ranch Road within the SU (Special Use) zone district and ~~within~~ the (R-R) Rural Residential General Plan designation.. Wireless communications facilities are a restricted category of use within the SU zone district (for parcels with a residential General Plan designation), but the installation of micro cellular wireless communications facilities on existing utilitypoles are allowed as an exception to the restricted areas prohibition.

### Design Review & Scenic Resources

The proposed wireless communications facility complies with the requirements of the County Design Review Ordinance, and will not impact scenic resources such as the Highway One Scenic Comdor, in that the proposed project will be located on an existing utility pole and will blend with existing utilities infrastructure to adequately mitigate any visual impact of the proposed development on surroundingland uses and the natural landscape.

## Conclusion

As proposed 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 **03-0415**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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](http://www.co.santa-cruz.ca.us)

Report Prepared By: Randall Adams  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3218  
E-mail: [randall.adams@co.santa-cruz.ca.us](mailto:randall.adams@co.santa-cruz.ca.us)

## Wireless Communication Facility Use Permit Findings

1. The development of the proposed wireless communications facility will not significantly affect any designated visual resources, or otherwise environmentally sensitive areas or resources, as defined in the Santa Cruz County General Plan/LCP (sections 5.1, 5.10, and 8.6.6), or there is no other environmentally superior and technically feasible alternative to the proposed location with less visual impacts and the proposed facility has been modified to minimize its visual and environmental impacts.

This finding can be made, in that the proposed micro cellular wireless communication facility will be co-located on an existing utility pole. Micro cellular wireless communication facility installations that are co-located on existing utility poles, such as this proposal, are an environmentally superior alternative to larger wireless communication facility installations and their associated visual and environmental impacts. The use of such co-located micro cellular wireless communication facilities in place of larger wireless communication facility installations, when technically feasible, minimizes the visual and environmental impacts associated with the construction of wireless communication facilities due to the smaller size of the proposed facilities and the presence of an existing pole and utilities infrastructure.

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

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

3. The subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of this title (County Code 13.10.659) and that all zoning violation abatement costs, if any, have been paid.

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

No zoning violation abatement fees are applicable to the subject property.

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

This finding can be made, in that the proposed wireless communications facility will be located on an existing utility pole, which is approximately 41 feet in height, and this elevation is too low to interfere with an aircraft in flight.

5. The proposed wireless communication facility is in compliance with all FCC (federal communications commission) and California PUC (public utilities commission) standards and requirements.

This finding can be made, in that the maximum ambient RF levels at ground level due to the existing wireless communications facilities and the proposed operation are calculated to be .098 percent of the most restrictive applicable limit.

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

This finding can be made, in that the proposed project site is not located within the coastal zone.

## Development Permit Findings

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

This finding can be made, in that the maximum ambient RF levels at ground level due to the existing wireless communications facilities and the proposed operation are calculated to be .098 percent of the most restrictive applicable limit.

The proposed project will not result in inefficient or wasteful use of energy, in that the most recent and efficient technology available to provide wireless communication services will be required as a condition of this permit. Upgrades to more efficient and effective technologies will be required to occur as new technologies are developed.

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

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

This finding can be made, in that the installation of micro cellular wireless communications facilities co-located on existing utility poles are allowed as an exception to the restricted areas prohibition without the requirement of further alternatives analysis, per County Code section 13.10.661(c)(3). The project site is located within the SU (Special Use) zone district with a residential General Plan land use designation.

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

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

The subject property for the proposed project is located within the Highway One scenic corridor. The proposed project complies with General Plan Policy 5.10.3 (Protection of Public Vistas), in that the use of such co-located micro cellular wireless communication facilities minimizes the visual and environmental impacts associated with the construction of wireless communication facilities due to the small size of the proposed facilities and the presence of an existing pole and utilities infrastructure. The existing public views from the scenic highway will remain relatively unchanged as a result of this project.



The property is located in the Rural Residential (R-R) land use designation, which is implemented by and consistent with the site's SU (Special Use) zone district.

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

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

The project will not require the use of public services such as water or sewer, but will require electric power and telephone connections. The facility will require inspection by maintenance personnel at least once per month and this will not result in increasing traffic to unacceptable levels in the vicinity.

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

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

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

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

## Conditions of Approval

Exhibit A: Project Plans, entitled, "Moon Valley Road", 8 sheets, prepared by AT&T Wireless Services. dated 7/1/03, with revisions through 1/7/04.

- I. This permit **authorizes** the construction of a wireless communications facility on an existing utility pole as indicated on the approved Exhibit "A" for this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all work performed in the County road right-of-way.
- II. The applicant shall obtain all required approvals from the California Public Utilities Commission (CPUC) and the Federal Communications Commission (FCC) for this wireless communication facility.
- III. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
    1. **An** indication of the proposed colors and materials of the proposed wireless communication facility. All colors and materials must be non-reflective and blend with the existing utilities infrastructure. All color boards must be no larger than 8.5" w x 11" h x 1/16" t.
    2. Details showing compliance with fire department requirements.
  - B. To ensure that the storage of hazardous materials on the site does not result in adverse environmental impacts, the applicant shall submit a Hazardous Materials Management Plan for review and approval by the County Department of Environmental Health Services, if required.
  - C. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
  - D. *The equipment box/cabinet must be located at a height of 8 feet above the ground, or lower. Equipment boxes located on the utility pole must be located on the*

*Highway One side of the pole. (Added at ZA 9/17/04)*

- E.** Only hand crews, **with** no vegetation removal, may be used to install **the** wireless communication facility. (Added at ZA 9/17/04)

IV. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A.** All site improvements shown on the final approved Building Permit plans shall be installed.
- B.** All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C.** The Hazardous Materials Management Plan, if required, shall be approved by the County Department of Environmental Health Services.
- D.** Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

V. Operational Conditions

- A.** The exterior finish and materials of the wireless communication facility must be maintained on an annual basis to continue to blend with the existing utilities infrastructure. Additional paint and/or replacement materials shall be installed as necessary to blend the wireless communication facility with the existing utilities infrastructure.
- B.** The operator of the wireless communication facility must submit within 90 days of commencement of normal operations (or within 90 days of any major modification of power output of the facility) a written report to the Santa Cruz County Planning Department documenting the measurements and findings with respect to compliance with the established Federal Communications Commission (FCC) Non-Ionizing Electromagnetic Radiation (NEIR) exposure standard. The wireless communication facility must remain in continued compliance with the NEIR standard established by the FCC at all times. Failure to submit required reports or to remain in continued compliance with the NEIR standard established by the FCC will be a violation of the terms of this permit.

- C. The use of temporary generators to power the wireless communication facility are not allowed.
- D. If, in the future, the pole based utilities *are* relocated underground at this location, the operator of the wireless communication facility must abandon the facility and be responsible for the removal of all permanent structures and the restoration of the site as needed to re-establish the area consistent with the character of the surrounding natural landscape.

If, as a result of future scientific studies and alterations of industry-wide standards resulting from those studies, substantial evidence is presented to Santa Cruz County that radio frequency transmissions may pose a hazard to human health and/or safety, the Santa Cruz County Planning Department shall set a public hearing and in its sole discretion, may revoke or modify the conditions of this permit.

- F. If future technological advances would allow for reduced visual impacts resulting from the proposed telecommunication facility, the operator of the wireless communication facility must make those modifications which would allow for reduced visual impact of the proposed facility as part of the normal replacement schedule. If, in the future, the facility is no longer needed, the operator of the wireless communication facility must abandon the facility and be responsible for the removal of all permanent structures and the restoration of the site as needed to re-establish the area consistent with the character of the surrounding natural landscape.
- G. Any modification in the type of equipment shall be reviewed and acted on by the Planning Department staff. The County may deny or modify the conditions at this time, or the Planning Director may refer it for public hearing before the Zoning Administrator.
- H. A Planning Department review that includes a public hearing shall be required for any future co-location at this wireless communications facility.
- I. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- J. *Any future co-location on this utility pole shall require a public hearing. (Added at ZA 9/17/04)*

- 7I. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including

attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY **seeks** to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

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

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

Approval Date: 9/17/04

Effective Date: 10/1/04

Expiration Date: 10/1/06

  
Don Bussey  
Deputy Zoning Administrator

  
Randall Adams  
Project Planner

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

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 03-0415

Assessor Parcel Number: NO-APN-SPEC

Project Location: No situs (Moon Valley Ranch Road Right-of-way)

Project Description: Proposal to construct a wireless communications facility.

Person or Agency Proposing Project: AT&T Wireless - Roger Haas

Contact Phone Number: (408) 672-5610

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. ☐ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.  
D. ☐ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

- E. ☒ Categorical Exemption

Specify type: New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Construction of a utility pole mounted micro-cellular facility that is not anticipated to generate any environmental impacts.

In addition, none of the conditions described in Section 15300.2 apply to this project.

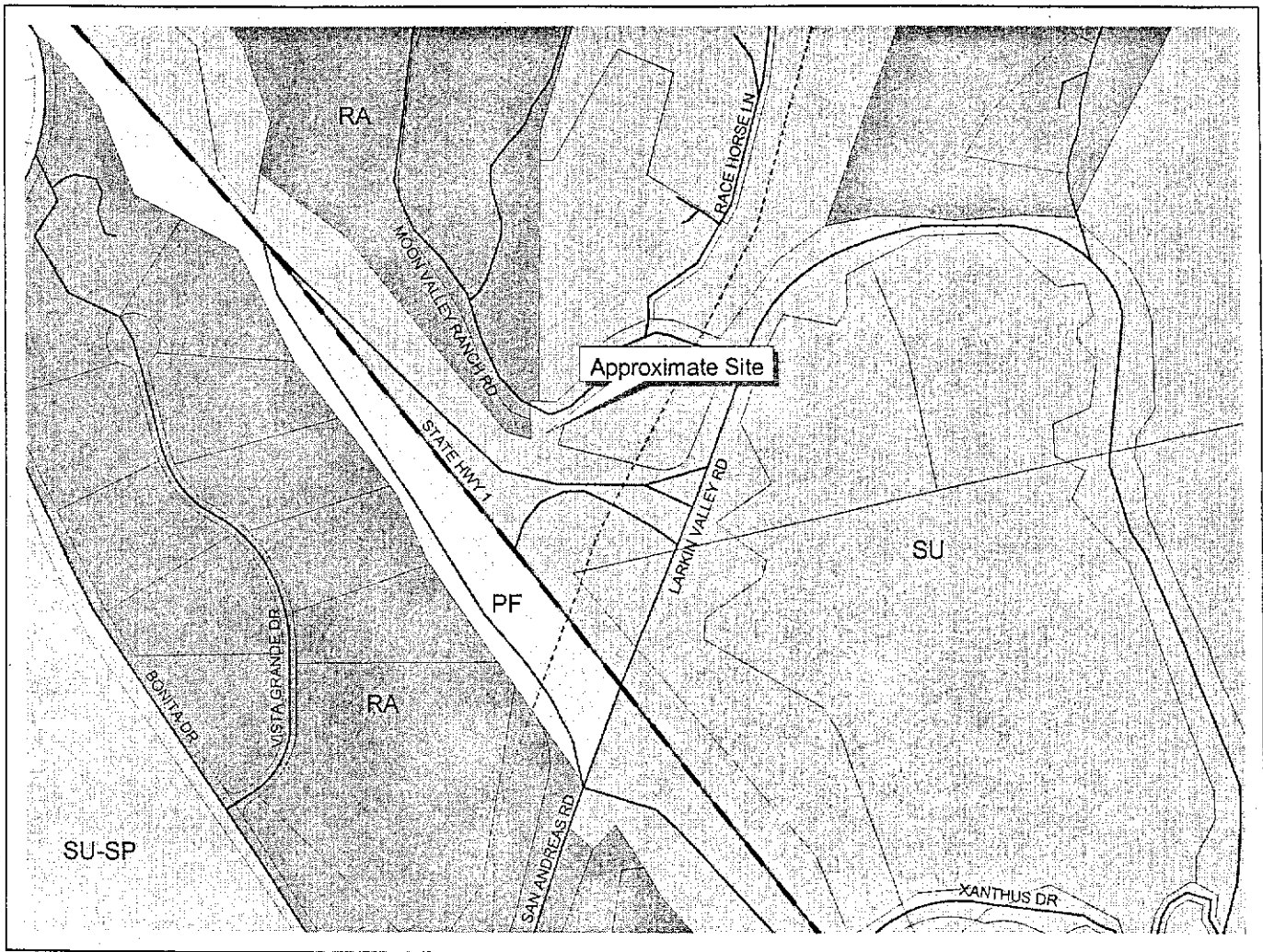
  
\_\_\_\_\_  
Randall Adams, Project Planner

Date: 9/17/04





# Zoning Map



1000 0 1000 2000 Feet

## Legend

	Parcel bou
	State high
	Streets
	Intermittent
	RA
	SU
	PF

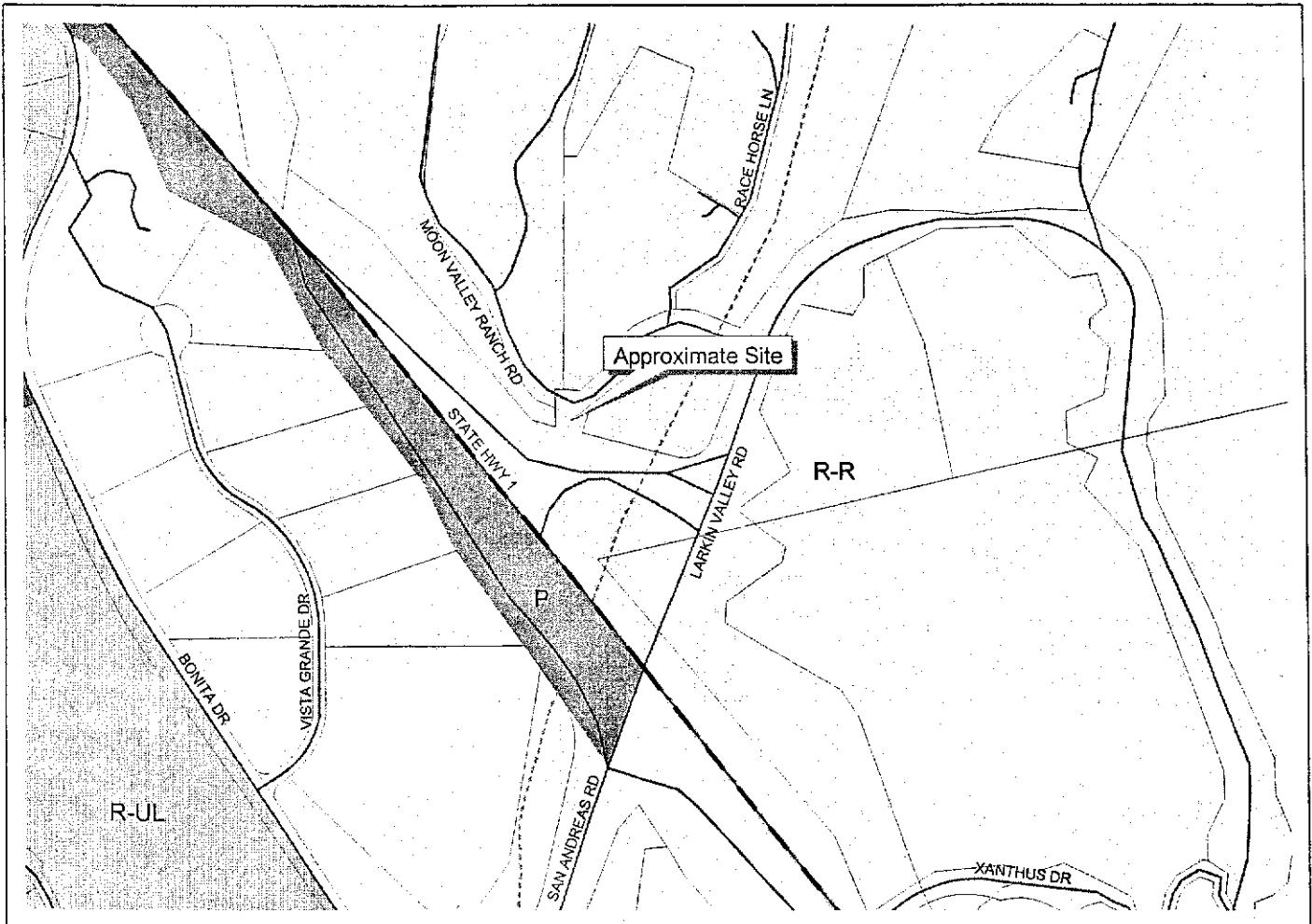


Map created by Santa Cruz County  
Planning Department:  
September 2003

**EXHIBIT F**

**ATTACHMENT**

# General Plan Map



1000 0 1000 2000 Feet

## Legend

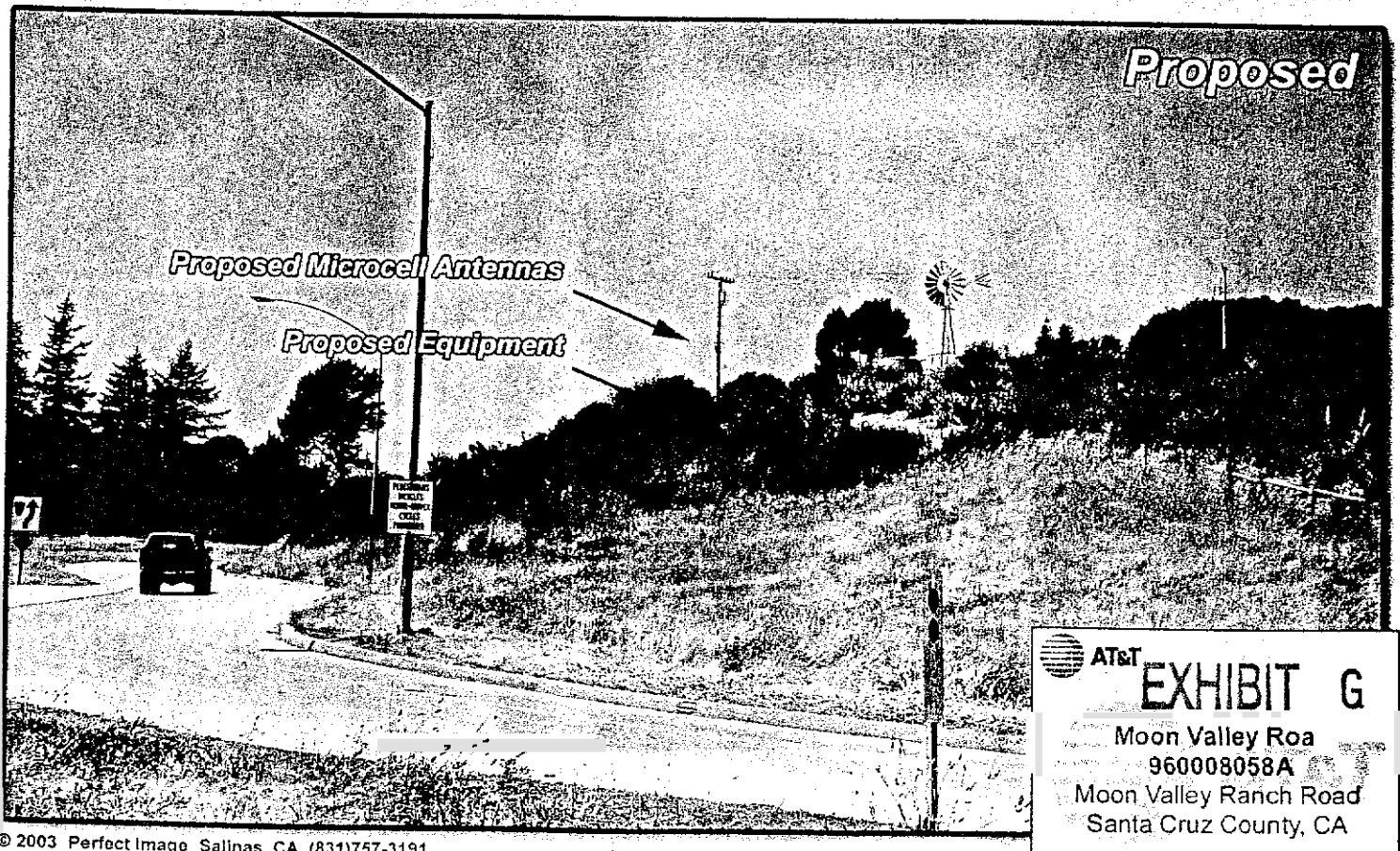
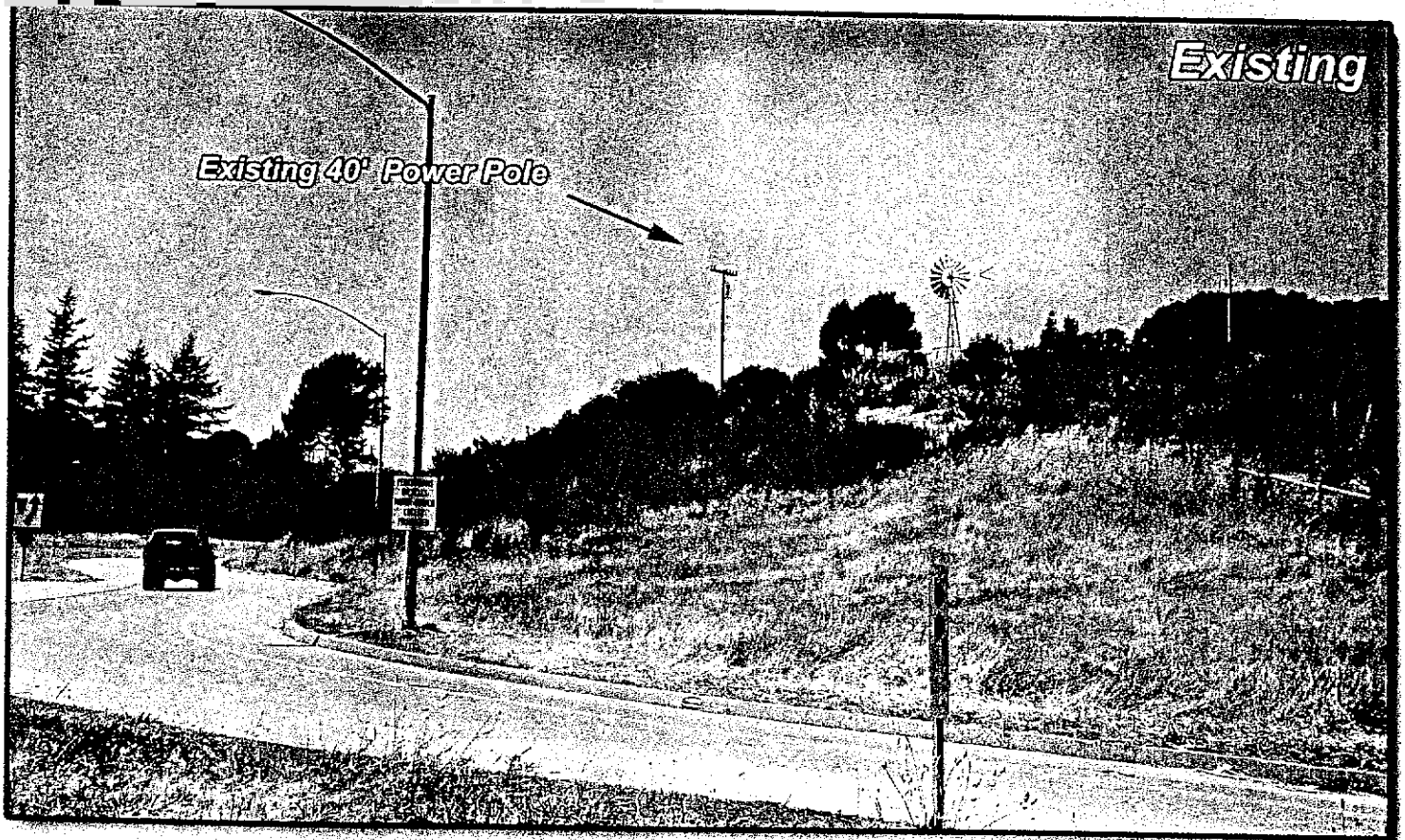
	Parcel boundaries
	State highways
	Streets
	Intermittent Stream
	Public Facilities
	Residential - Urban Low Density
	Rural Residential



Map created by Santa Cruz County  
Planning Department  
September 2003

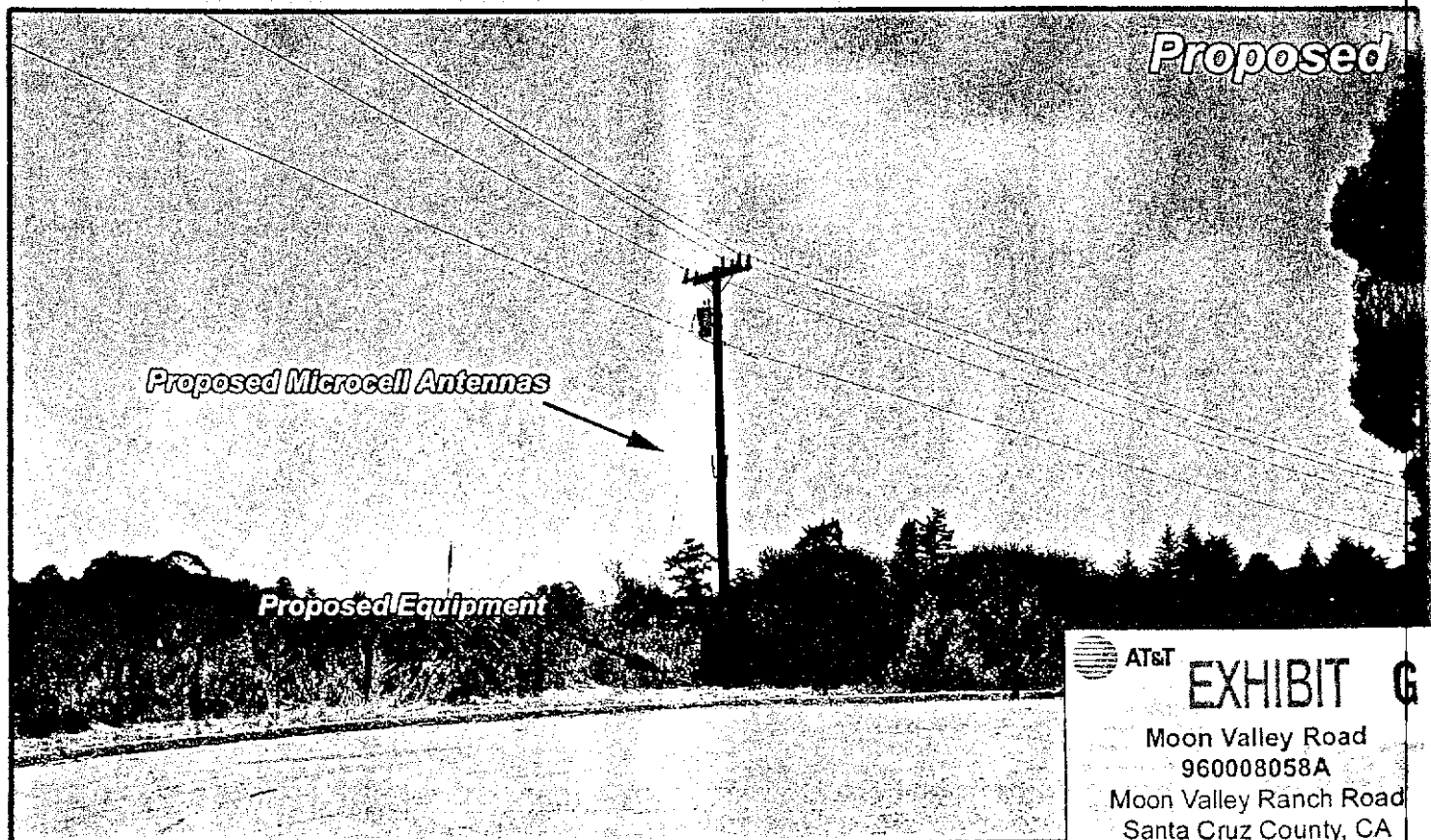
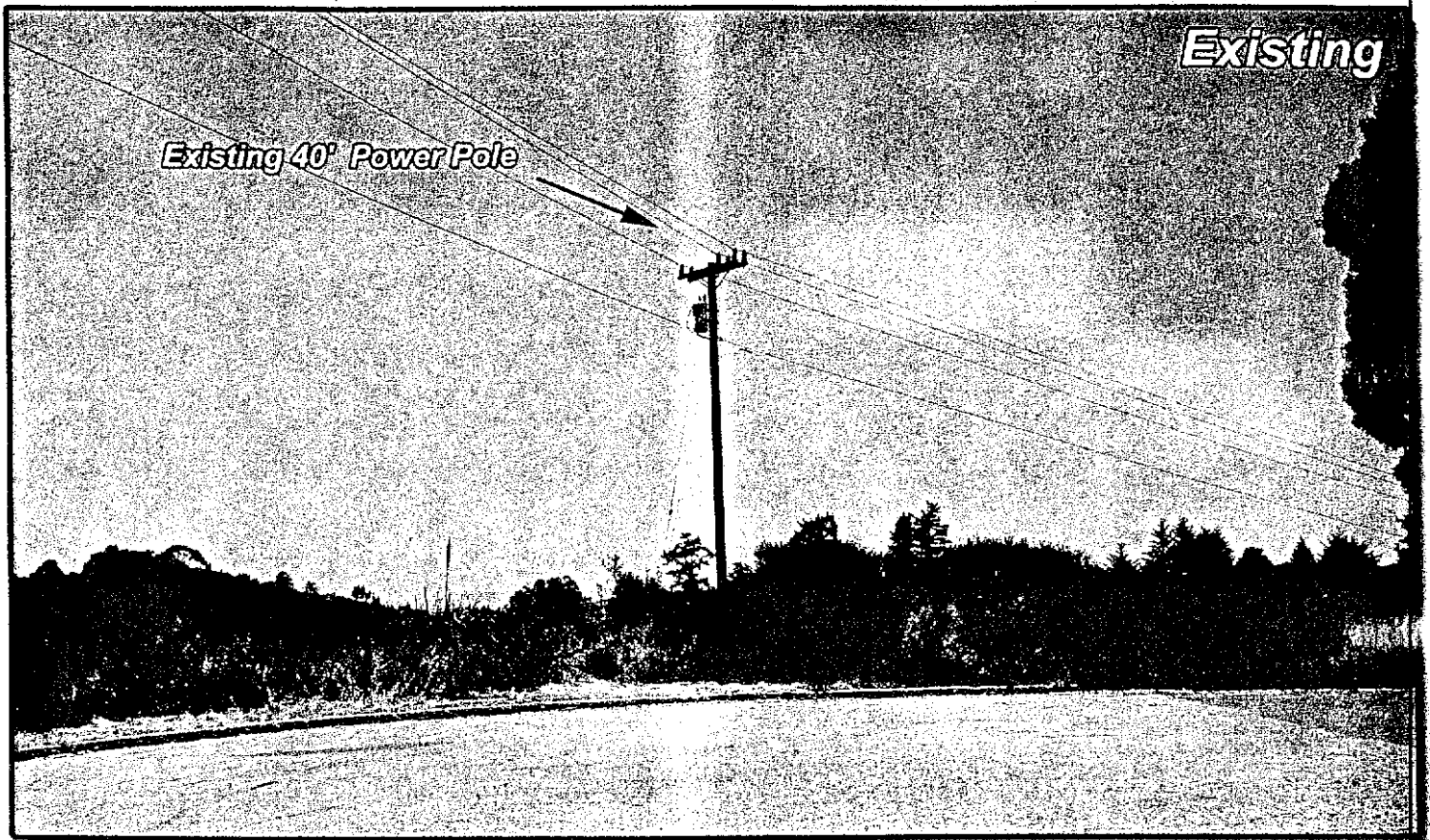
ATTACHMENT 2 EXHIBIT F

Existing View as seen from  
 Larkin Valley Rd & Highway 1 through the On-Ramp



AT&T  
**EXHIBIT G**  
 Moon Valley Road  
 960008058A  
 Moon Valley Ranch Road  
 Santa Cruz County, CA

# Existing / Proposed View as seen from Moon Valley Ranch Road





**AT&T****WIRELESS SERVICES**

### Project Description

#### Nature of Request

AT&T Wireless Services (AWS) seeks approval of a Conditional Use Permit, and related permits to allow the construction of a communication facility within a Caltrans ROW, located on an (e) wood utility pole. Our proposal is designed to blend in with the (e) utility pole, see photosimulations, which blends in with the surroundings. This site is being proposed in accordance with AWS' FCC license requirements.

#### Property Description

The subject property is located approximately at <sup>Moon</sup> Valley <sup>Ranch Rd.</sup> of the ~~Moon~~ cul-de-sac on the north side of Highway 1, 1/10th of a mile west of the intersection of Larkin Valley Road and Highway 1 within the Jurisdiction of Santa Cruz County. We have been asked to reflect the APN#: no APN spec, as requested by Santa Cruz Planning Staff. Santa Cruz County has given us authority to act on their behalf in regards of this proposal.

The property is located within an existing Santa Cruz County Right-of-way, which falls under County control but is not defined by a specific zoning designation. We have been informed during our pre-application meeting; the County does allow installation of wireless telecommunications facilities as a conditional use pursuant to Section 13.10.659.21.8F.2 of the Planning Code. The proposed use matches the present use, as the project does not deviate nor substantially increase the visual blight of the present use/site.

#### Project Description

AT&T proposes to install a communication facility that will consist of Two (2) flat panel antennas mounted on the existing wood utility pole, at a Centerline elevation of 25'0". Our equipment will be mounted at approximately 7'0", above grade. Both the antennas and equipment will be painted brown (or like) to mitigate potential visual impacts. All associated conduits, will also be painted brown (or like) to match the (e) wood pole.

The antennas will be flush mounted to the (e) pole, with a maximum distance from the pole at approximately 7". which would be difficult to capture at 55 MPH from a motorists perspective. The antenna dimensions are the following; 7.5" wide, 24.5" in length, and 1.8" thick. The proposed dimensions for the equipment, which will be mounted to the same pole (at 7'), are 16" wide, 21" in length, and 8" thick.

Access to the project site will be via Valley of the Moon Road, a cul-de-sac with no through traffic and no safety risk to personnel.

**EXHIBIT H**

The Lyle Company  
Representing AT&T Wireless

**ATTACHMENT****2**

### Statement of Operations

The proposed AT&T communication facility only requires electrical and telephone services, which are readily available to the building/site. No nuisances will be generated by the proposed facility, nor will the facility injure the public health, safety, morals or general welfare of the community. AT&T technology does not interfere with any other forms of communication devices whether public or private. Construction of this facility will actually enhance wireless communications for residents or motorists traveling along Rural Santa Cruz County by providing seamless service to numerous customers.

As mentioned before, upon completion of construction, fine-tuning of the AT&T facility may be necessary, meaning the site will be adjusted once or twice a month by a service technician for routine maintenance. No additional parking spaces are needed at the project site for maintenance activities. The site is entirely self-monitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction or breach of security.

Because AT&T's facility will be un-staffed, there will be no regular hours of operation and no impact to existing traffic patterns. An existing dirt road will provide ingress and egress allowing access to the technician who arrives infrequently to service the site. No on-site water or sanitation services will be required as a part of this proposal.

### Zoning Analysis

AT&T's proposed facility will be located within an (e) Santa Cruz County ROW, therefore according to the County we fall outside any applicable Zoning Districts. Pursuant to the County of Santa Cruz Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposed use is allowed subject to approval of a Level 5 Conditional Use Permit. The proposal is consistent with the County design, siting and review guidelines for commercial antenna installation. *It* is also important to mention we are open to collocation however, the RF criteria would be determined by another carrier. Both the Joint Pole Authority and Bechtel Construction would have to examine placement of another carrier, where they look at the remaining space on the (e) wood pole, including a structural analysis.

Additionally, as mentioned above, the proposal includes the placement of electronic equipment which AT&T wireless has designed the base facility in the "least visual obtrusive manner". Please see the "Supplemental Information", Exhibit D, section for more in-depth analysis of Zoning as it follows your Interim Wireless Ordinance.

EXHIBIT H

The Lyle Company  
Representing AT&T Wireless

ATTACHMENT

### **Compliance with Federal Regulations**

AT&T will comply with all FCC **rules** governing construction requirements, technical standards, interference protection, power and height limitations, and radio frequency standards. In addition, the company will comply with all FAA rules on site location and operation.



## AT&T WIRELESS SERVICES

### Supplemental Application Information

#### (1) Pre-Application Meeting

The Lyle Company has met with both Frank Baron and Randall Adams on **August 11<sup>th</sup>** 2003. Both planners responded well to the proposal, and no issues were raised wherein we would need to modify the proposal.

#### (2) Submittal Information

• *Corresponding letters reference Santa Cruz County Ordinance for WTS Information shall include, but not limited to, the following:*

##### (i) Identity & Legal Status of the Applicant

AT&T Wireless PCS, LLC,  
a Delaware Limited Liability Company,  
d/b/a AT&T Wireless

##### (ii) Name, Address, Telephone Number

AT&T Wireless, Inc.  
651 Gateway Blvd.  
So. San Francisco, Ca 94060  
916-730-4420

##### (iii) Name, Address, Telephone Number of Owner & Agent representing the Owner

Buzz Lynn  
The Lyle Company  
2443 Fair Oaks, # 71  
Sacramento, Ca 95825  
916-730-4420

##### (iv) Address, Parcel Map Description, Lats/Longs

Valley of the Moon Ranch  
county ROW

36° 57' 46.15N  
121° 51' 48.52 W NAD83

AT&T Wireless  
September 21<sup>st</sup> 2003

48

EXHIBIT 1

8058

ATTACHMENT

2



(v) Narrative & Map of future Sites (5 Year Plan)

The build-out plan of AT&T is determined by RF engineers who design the system to allow for the maximum blanketing coverage, while using the least amount of sites in the area. This limits the number of visual impacts in the area, and can potentially save AT&T money, thus keeping the prices of wireless services to a minimum, while still offering the same great service. AT&T has designed this current, 3G (3<sup>rd</sup> Generation), system to facilitate between thirty-three (33) to thirty-five (35) sites throughout Santa Cruz County. Preliminary research of sites have determined that approximately seventeen (17) of these sites fall within the Counties Jurisdictional control, while the remaining are spread through the City of Santa Cruz, Watsonville, and Capitola.

I have submitted, on 3.5" floppy disk, a detailed list and map location of AT&T sites spread throughout the County to Frank Baron.

(vi) Wireless Services to be provided

Benefits to the Community

Wireless technology can provide many benefits to the County of Santa Cruz residents. businesses and motorists that travel or live near the proposed project site. These benefits include:

- Quick access to 911 emergency allowing motorists to summon emergency aid and report dangerous situations.
- Support for emergency services by providing wireless communications access to paramedics, firefighters, and law enforcement agencies that use this technology.
- The ability to transmit data over the airwaves allowing for immediate access to vital information to emergency services.
- Communication capabilities in remote areas, enhancing the safety of travelers by allowing immediate access to emergency assistance.
- Provide quality wireless communications including voice; paging, digital data
- Enhance the communication services of those residents who conduct business and professional services for Santa Cruz County.

(vii) California Public Utilities Commission

AT&T Wireless is registered with the CPUC under General Order 159A.

- 1) AT&T Wireless Services of California, LLC (U-3010-C)
- 2) AT&T Wireless PCS, LLC (U-3074-C)

(viii) Federal Communications Commission

AT&T Wireless is registered with the Telecommunications Bureau **as:**

*Market Number:* BTA404

*Call Sign:* KNLG542

File Number: 0000030525

(ix) FCC Compliance with **NIER** Standards

I have included an EMF study, which describes NIER/EMF compliance issues regarding the proposal. This report is submitted respectively by Hammett & Edison, **an** outside consultant that examines the safety of Cellular installations.

**(x)** Security Considerations

The area surrounding our proposal is accessible to the general public, as it is located on near Soquel/Jaunell Avenues. Normally our sites have a locked gate for access issues however: in this case we can only state our equipment will be out of reach from the Public. We are also forbidden from including a gate to protect the site, as Public Utilities, (PG&E and PacBell), Caltrans, and Santa Cruz County need 100% access to the public ROW (Right-of-way). We feel that the site is hidden, which not only benefits the aesthetic value, hut also keeps any potential visitors from actually seeing the equipmenb'antennas. The equipment/antennas will be painted brown (or like) to match the color of the (e) pole in an effort to mitigate potential security issues.

Federal Law also mandates that all areas, in compliance with FCC guidelines, shall include a ANSI compliant RF sign in a visible place for workers approaching the site, an once construction of *the* site is scheduled AT&T will provide this sign.

(xi) Facility **Design** Alternatives

This project includes the installation of two antennas, and ancillary equipment, which will be mounted to an (e) wood utility pole. In regards to design alternatives, our only option was to utilize a "MacroCell" site, as previously proposed over a year ago by a number of different carriers (Sprint, AT&T, and Verizon). The idea behind a 'MicroCell', is to minimize all visual impact from motorists. Due to the sensitive nature of this area, we feel this is the only design that eliminates visual impact.

Therefore, the only feasible design was to use (e) wood poles located in the ROW, and mount all ancillary equipment and antennas to the pole, while painting it brown to match.

(xii) Other Information Required

We will submit all other information as the Planning Director or governing body may require, per the requirement stipulated in the Interim Ordinance (soon to be finalized).

(xiii) Visual Simulation Study

I have included a Photosimulation; Exhibit F, for your review, the picture is taken from the 'best' vantage point, to depict the 'true' impact of the site. They are taken a 1/8-mile due west and east. This location is not visually obtrusive to traffic, as the site blends in with the surroundings, per the intention of its design.

(xiv) Alternative Site Analysis

AT&T evaluated a number of 'MacroCell' sites in the area, which ultimately lead us to a site located @ Moon Valley Ranch road. The location in itself was a great location, but we ran into a few problems with not only landlord discussions but construction costs, and could not reach a deal to solidify the location. Our first choice was to choose another "MacroCell" site, but felt the impact would be too great. Therefore, we felt the County could offer a potential solution. Our RF engineers decided we could use (e) utility poles, without adding blight to the area. The problem is we have to use four (4) locations to substitute for our one (1) location. In evaluating the business terms of each deal, we determined at this time we could "launch" our system with the lower visually impacting sites (located in the approximate area - within 2.0 miles).

**Summary of Alternative Sites Analysis**

Our goal in determining the site location was based on minimizing the cumulative impact of Cellular sites in the area. Our proposal is located on the inland side of the Highway, which was recommended by Santa Cruz County staff during our pre-application meetings for sites in this area. The MicroCell sites emulate (e) utilities on (e) wood poles, which are innocuous as the utility installations we see throughout the County.

**Amendment**

The applicant agrees to notify within 30-days of any change of information required and submitted as part of this ordinance.

**Technical Review**

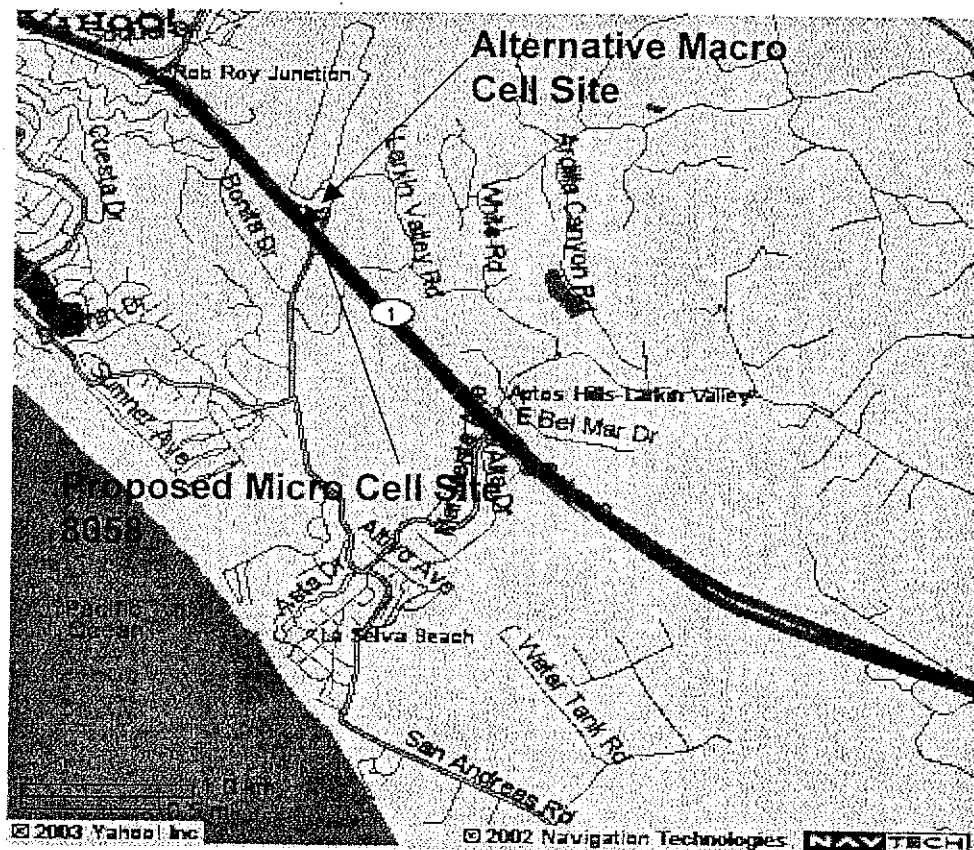
An independent technical expert, at the direction of the County of Santa Cruz and notification by, may review any technical materials submitted for review.

## Fees

A check in the amount of **\$5000.00**, check **#10638**, is attached for **an** initial payment of processing the application submitted on behalf of AT&T wireless.

### *Alternative Site Analysis*

Alternative for our MicroCell sites was located at 1025 Moon Valley Ranch Road, which is approximately 2.0 - 2.5 miles from four (4) different MicroCell locations. I am only reflecting only one (1) project proposal at a time.



MacroCell sites include 3 equipment cabinets located near the site, while our current proposal is a MicroCell, which has "pole" mounted Equipment.

EXHIBIT H

**AT&T Wireless • Proposed Base Station (Site No. 960008058A)  
Moon Valley Ranch Road • Aptos, California**

**Statement of Hammett & Edison, Inc., Consulting Engineers**

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by AT&T Wireless, a telecommunications carrier, to evaluate a proposed new base station (Site No. 960008058A) to be located near Moon Valley Ranch Road in Aptos, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

**Prevailing Exposure Standards**

The U.S. Congress requires that the Federal Communications Commission ("FCC") evaluate its actions for possible significant impact on the environment. In Docket 93-62, effective October 15, 1997, the FCC adopted the human exposure limits for field strength and power density recommended in Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent Institute of Electrical and Electronics Engineers ("IEEE") Standard C95.1-1999, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes nearly identical exposure limits. A summary of the FCC's exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

The most restrictive thresholds for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

<u>Personal Wireless Service</u>	<u>Approx. Frequency</u>	<u>Occupational Limit</u>	<u>Public Limit</u>
Personal Communication ("PCS")	1,950 MHz	5.00mW/cm <sup>2</sup>	1.00mW/cm <sup>2</sup>
Cellular Telephone	870	2.90	0.58
Specialized Mobile Radio	855	2.85	0.57
[most restrictive frequency range]	30-300	1.00	0.20

**General Facility Requirements**

Base stations typically consist of two distinct parts: the electronic transceivers (also called "radios" or "cabinets") that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables about 1 inch thick. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the



HAMMETT & EDISON, INC.  
CONSULTING ENGINEERS  
SAN FRANCISCO

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**EXHIBIT H**

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**ATTACHMENT**

**2**

**AT&T Wireless • Proposed Base Station (Site No. 960008058A)  
Moon Valley Ranch Road • Aptos, California**

horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

**Computer Modeling Method**

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

**Site and Facility Description**

Based upon information provided by AT&T, including zoning drawings by CH2M Hill, dated July 1, 2003, it is proposed to mount two Arc Wireless Model PCS-DS-14-06514-OD directional panel antennas on an existing 41-foot utility pole located near Moon Valley Ranch Road in Aptos. The antennas would be mounted at an effective height of about 25 feet above ground and would be oriented toward 160°T and 300°T, to provide service to surrounding areas. The effective radiated power in any direction would be 40 watts, representing four PCS channels operating simultaneously at 10 watts each. There are reported no other wireless telecommunications base stations installed nearby.

**Study Results**

The maximum ambient RF level at any ground level location within 1,000 feet due to the proposed AT&T operation is calculated to be 0.00098 mW/cm<sup>2</sup>, which is 0.098% of the applicable public limit. The maximum calculated level at the second floor elevation of any of the nearby homes' is 0.0027% of the public limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels. Figure 3 attached provides the specific data required under Santa Cruz County Code Section 13.10.659(g)(2)(ix), for reporting the analysis of RF exposure conditions.

**Recommended Mitigation Measures**

Since they are to be mounted on a tall pole, the AT&T antennas are not accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines.

---

\* Based on Mapquest aerial photographs and as shown in Figure 3A



**AT&T Wireless • Proposed Base Station (Site No. 960008058A)  
Moon Valley Ranch Road • Aptos, California**

To prevent occupational exposures in excess of the FCC guidelines, no access within 1 foot directly in front of the antennas themselves, such as might occur during maintenance work on the pole, should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Posting explanatory warning signs<sup>†</sup> at the antennas and/or on the pole below the antennas, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines.

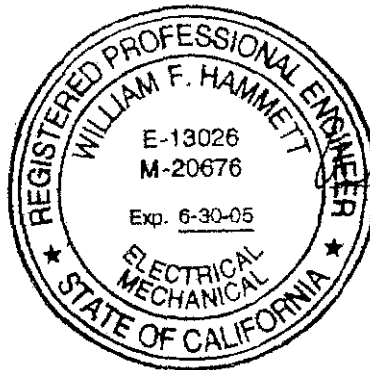
**Conclusion**

Based on the information and analysis above, it is the undersigned's professional opinion that the AT&T Wireless base station proposed near Moon Valley Ranch Road in Aptos, California, can comply with the prevailing standards for limiting human exposure to radio frequency energy and, therefore, need not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

**Authorship**

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2005. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

August 19, 2003



*William F. Hammett*  
William F. Hammett, P.E.

<sup>†</sup> Warning signs should comply with ANSI C95.2 color, symbol, and content conventions. In addition, contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required.



**HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO

**EXHIBIT**

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**ATTACHMENT 2**

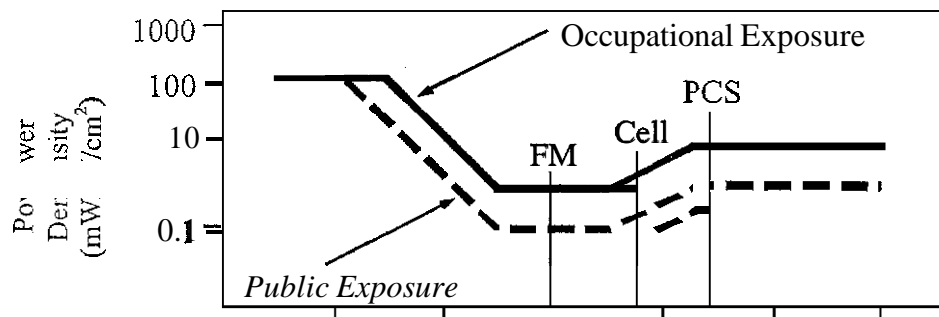


## FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements, which are nearly identical to the more recent Institute of Electrical and Electronics Engineers Standard C95.1-1999, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz." These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm <sup>2</sup> )	
0.3– 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34– 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f<sup>2</sup></i>
3.0– 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f <sup>2</sup>	<i>180/f<sup>2</sup></i>
30– 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300– 1,500	3.54√f	<i>1.59√f</i>	√f/106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500– 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



# RFR.CALC™ Calculation Methodology Assessment by Calculation of Compliance with Human Exposure Limitations

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements, which are nearly identical to the more recent Institute of Electrical and Electronics Engineers Standard C95.1-1999, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz." These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

**Near Field.** Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications cell sites. The near field zone is the distance from an antenna before which the manufacturer's published; far field antenna patterns have formed; the near field is assumed to be in effect for increasing D until three conditions have been met:

$$1) D > \frac{2h^2}{\lambda} \qquad 2) D > 5h \qquad 3) D > 1.6\lambda$$

where h = aperture height of the antenna, in meters, and  
 $\lambda$  = wavelength of the transmitted signal, in meters

The FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives this formula for calculating power density in the near field zone about an individual RF source:

$$\text{power density } S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}, \text{ in mW/cm}^2,$$

where  $\theta_{BW}$  = half-power beamwidth of antenna, in degrees, and  
 $P_{net}$  = net power input to the antenna, in watts.

The factor of 0.1 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates the distances to the FCC public and occupational limits.

**Far Field.** OET-65 gives this formula for calculating power density in the far field of an individual RF source:

$$\text{power density } S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}, \text{ in mW/cm}^2,$$

where ERP = total ERP (all polarizations), in kilowatts,  
RFF = relative field factor at the direction to the actual point of calculation, and  
D = distance from the center of radiation to the point of calculation, in meters

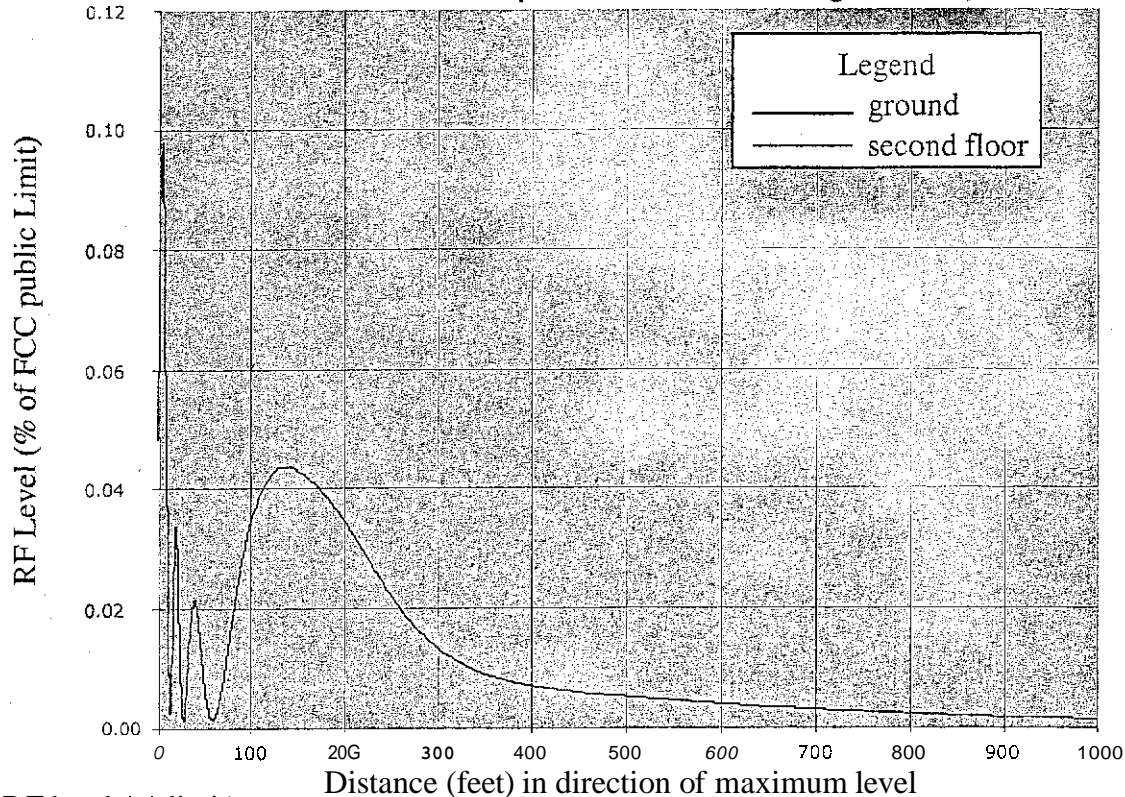
The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain at the site, to obtain more accurate projections.

**AT&T Wireless • Proposed Base Station (Site No. 960008058A)  
Moon Valley Ranch Road • Aptos, California**

**Compliance with Santa Cruz County Code §13.10.659(g)(2)(ix)**

"Compliance with the FCC's non-ionizing electromagnetic radiation (NIE) standards or other applicable standards shall be demonstrated for any new wireless communication facility through submission. At the time of application for the necessary permit or entitlement, of NIE calculations specifying NIE levels in the area surrounding the proposed facility. Calculations shall be made of expected NIE exposure levels during peak operation periods at a range of distances from fifty (50) to one thousand (1,000) feet, taking into account cumulative NIE exposure levels from the proposed source in combination with all other existing NIE transmission sources within a one-mile radius. This should also include a plan to ensure that the public would be kept at a safe distance from any NIE transmission source associated with the proposed wireless communication facility, consistent with the NIE standards of the FCC, or any potential future superceding standards."

**Calculated Cumulative NIE Exposure Levels during Peak Operation Periods**



RF level (% limit)	Distance (feet)						
	50	100	200	300	500	750	1,000
ground	0.0084%	0.034%	0.035%	0.013%	0.0052%	0.0025%	0.0013%
second floor	(no houses within 700 feet of site)					0.0024%	0.0012%

Calculated using formulas in FCC Office of Engineering Technology Bulletin No. 65 (1997), considering terrain variations within 1,000 feet of site.

Maximum effective radiated power (peak operation) - 40 watts

Effective AT&T antenna height above ground - 25 feet

Other sources nearby - None

Other sources within one mile - No AM, FM, or TV broadcast stations

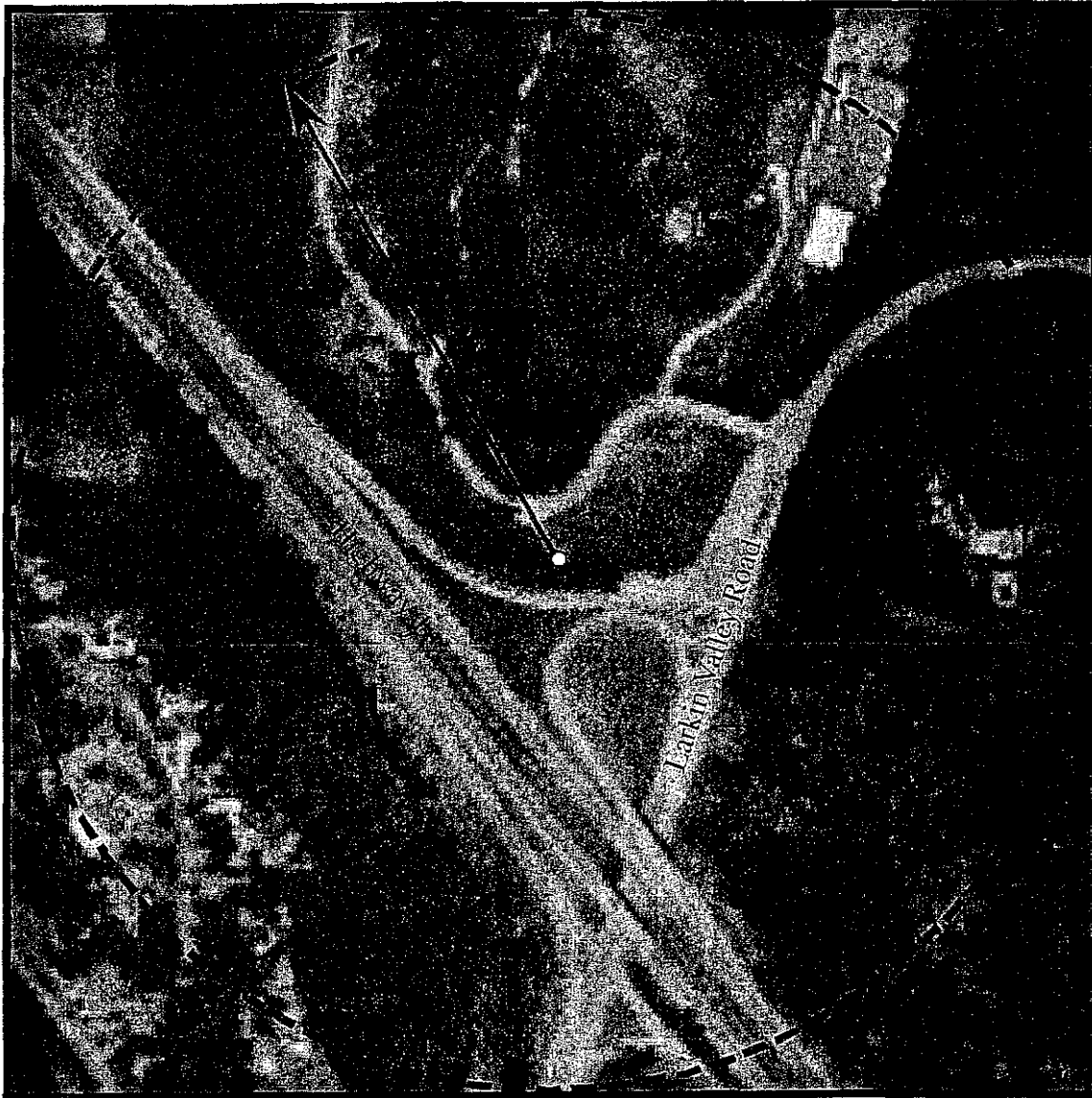
No two-way stations close enough to affect compliance

Plan for restricting public access - Antennas are mounted on a tall utility pole

**EXHIBIT H**

AT&T Wireless • Proposed Base Station (Site # 960008058A)  
Moon Valley Ranch Road • Aptos, California

Calculated NIER Exposure Levels  
Within 1,000 Feet of Proposed Site



Aerial photo from Mapquest

Note: Maximum level at ground or on the second floor of any of the nearby homes is less than 1% of the FCC public limit, *i.e.*, more than 1,000 times below.

Calculated using formulas in FCC Office of Engineering Technology Bulletin No. 65 (1997), considering terrain variations within 1,000 feet of site. See text for further information.



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CONSULTING ENGINEERS  
SAN FRANCISCO

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EXHIBIT  
AT8058595  
Figure 3B  
ATTACHMENT

2

C O U N T Y O F S A N T A C R U Z  
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Randall Adams  
Application No. : 03-0415  
APN: NO-APN-SPEC

Date: July 1, 2004  
Time: 11:15:55  
Page: 1

Aptos-La Selva Beach Fire Prot Dist Completeness C

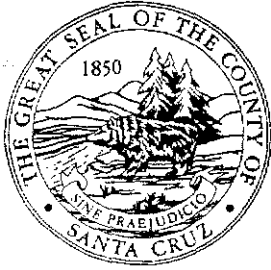
LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 30, 2003 BY ERIN K STOW =====  
DEPARTMENT NAME:Aptos/La Selva Fire Oept. APPROVED

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

----- REVIEW ON OCTOBER 30, 2003 BY ERIN K STOW =====  
NO COMMENT



# County of Santa Cruz

## DEPARTMENT OF PUBLIC WORKS

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 950604070  
(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

THOMAS L. BOLICH  
DIRECTOR OF PUBLIC WORKS

August 20, 2003

AT&T WIRELESS  
C/O BUZZ LYNN  
Lyle Company  
2443 Fair Oaks Blvd., No. 71  
Sacramento, CA 95825

SUBJECT: MICRO-CELL INSTALLATION - MOON VALLEY ROAD SITE NO, 8058

Dear Mr. Lynn:

This is in response to your letter requesting an encroachment permit for a micro-cell installation on an existing Pacific Gas and Electric pole located at Moon Valley Road.

The Public Works Department will not require you to obtain a permit from our encroachment section for this installation.

If you have any questions regarding this letter, please contact the undersigned at (831) 454-2802.

Yours truly,

THOMAS L. BOLICH  
Director of Public Works

By:

John Swenson  
Senior Civil Engineer

JES:mh

copy to: Ruth Zadesky, Encroachment

MOONMH.wpd

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**Gary Cantara**

---

**From:** PLN AgendaMail  
**Sent:** Sunday, August 01, 2004 11:20 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

---

**Meeting Type :** Zoning

**Meeting Date :** 8/6/2004

**Item Number :** 4.00

**Name :** Bob **Katz**

**Email :** bobkatz@katzandlapides.com

**Address :** 1000 Moon Valley  
Ranch Rd.  
Aptos Hills, Ca 95076

**Phone :** 831-419-6981

**Comments :**

Re: Project #s 03-0415

As an affected neighbor to the proposed project, and as the attorney representing the Moon Valley Ranch Road Association, I want to convey a strong objection to the proposed project at the entrance to our private road. It is a terrible location for the proposed project and will impact the enjoyment of our properties. I will be calling to set up a meeting to review the file and ask questions, so I can report back to the other homeowners. For instance, what exactly will the finished product look like? Why is the project not combined with other already existing locations? **THANK YOU** for your consideration of the neighbors concerns. Further comments will be submitted once we better understand the precise proposal. We request that no approvals be granted until the neighbors have had a chance for input.

#52

SPACE FOR COUNTY CLERKS FILING STAMP

# Proof of Publication

(2015.5 C.C.P.)

STATE OF CALIFORNIA]

SS

COUNTY OF SANTA CRUZ]

## Public Notice

**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that the ZONING ADMINISTRATOR OF THE COUNTY OF SANTA CRUZ will hold a public hearing to consider the items listed below on Friday, August 6, 2004 the morning agenda beginning at 11:00 AM in the BOARD OF SUPERVISORS CHAMBERS, COUNTY GOVERNMENT CENTER, 701 OCEAN STREET, ROOM 525, SANTA CRUZ, CA. Please contact the listed project planner for information on specific items.

1. 04-0140 300 MCENERY ROAD, FELTON  
APN(S): 071-241-17

Proposal to demolish four small sheds and to construct a one-story, 1,575.5 square foot detached barn/shop with an attached one-story, 801 square foot garage. Requires a Residential Development Permit for a Non-habitable Accessory Structure over 1,000 square feet in size. Property located on the north side of McEnery Road (300 McEnery Road), approximately 0.5 miles from the intersection with West Zayante Road, Felton.

OWNER: KLAUS-PETER & PATRICIA DEYRING  
APPLICANT: KLAUS-PETER & PATRICIA DEYRING  
SUPERVISORIAL DIST: 5

PROJECT PLANNER: CATHLEEN CARR, 454-3225

2. 03-0414 (\*\*) NO SITUS APN(S): NO-APN-SPEC

Proposal to install a wireless communication facility consisting of two flat panel antennas mounted on an existing wood utility pole within the public right-of-way. Requires a Commercial Development Permit and a Coastal Development Permit. Property located on the southwest side of La Selva Drive at the intersection with Dan's Drive.

OWNER: DEPT. OF PUBLIC WORKS  
APPLICANT: AT&T WIRELESS - ROGER HASS  
SUPERVISORIAL DIST: 2

PROJECT PLANNER: RANDALL ADAMS, 454-3218

3. 03-0405 NO SITUS APN(S): NO-APN-SPEC

Proposal to install a wireless communication facility by mounting two flat panel antennas onto an existing wood utility pole in the public right-of-way. Requires a Commercial Development Permit. Property located within the right-of-way for Sequel Drive, 1/4 mile southeast from Freedom Boulevard.

OWNER: DEPT. OF PUBLIC WORKS  
APPLICANT: AT&T WIRELESS - ROGER HASS  
SUPERVISORIAL DIST: 2

PROJECT PLANNER: RANDALL ADAMS, 454-3218

4. 03-0415 NO SITUS APN(S): NO-APN-SPEC

Proposal to install a wireless communication facility consisting of two flat panel antennas mounted on an existing wood utility pole within the public right-of-way. Requires a Commercial Development Permit. Property located on the south side of Moon Valley Ranch Road at about 500 feet west of the intersection with Larkin Valley Road.

OWNER: DEPT. OF PUBLIC WORKS  
APPLICANT: AT&T WIRELESS - ROGER HASS  
SUPERVISORIAL DIST: 2

PROJECT PLANNER: RANDALL ADAMS, 454-3218

5. 02-0311 (\*\*) 120 ALTIVO AVENUE, LA SELVA BEACH  
APN(S): 045-151-48

Proposal to construct a one-story addition to an existing one-story single family dwelling. Requires a Coastal Development Permit and a time extension to an Agricultural Buffer Determination to reduce the required 200 foot buffer from Commercial Agricultural land to about 18 feet. Property located on the east side of Altivo Avenue (120 Altivo Avenue) at approximately 100 yards north-east from San Andreas Road, La Selva Beach.

OWNER: JOHN GATES  
APPLICANT: MARK MCKINNEY  
SUPERVISORIAL DIST: 2

PROJECT PLANNER: JOAN VAN DER HOEVEN, 454-574

6. 03-0258 (\*\*) NO SITUS APN(S): 063-081-18

Proposal to construct a two-story single family dwelling with attached garage, decks, and spa, of approximate-

## I, THE UNDERSIGNED, DECLARE

That I am over the age of eighteen and not interested in the herein-referenced matter; that I am now, and at all times embraced in the publication herein mentioned was, a principal employee of the printer of the Santa Cruz Sentinel, a daily newspaper printed, published and circulated in the said county and adjudged a newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 25794; that the advertisement (of which the annexed is a true printed copy) was published in the above-named newspaper on the following dates, to wit:

**JULY 23, 2004.**

I DECLARE under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This 23<sup>rd</sup> day of JULY 2004, at Santa Cruz,  
California.

  
LINDA M. TORTICE

G. Cantara  
7-29-  
ATTACHMENT

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3





# AFFIDAVIT OF POSTING

## County of Santa Cruz

Please return Affidavit by: Monday, 7/24/04

Applicant: Roger Haas, AT&T  
Application: 03-0415  
APN(S): N/A  
Site Address: No Site  
Hearing Date: Friday, August 6, 2004

AG ☐ BD ☒ PC ☐ ENV ☐

Please note that it is legally required that the notice be posted in a conspicuous place on the Project Site

APPLICANT:

PLEASE COMPLETE THE FOLLOWING AND RETURN TO:

County of Santa Cruz, Planning Department  
Attn: Randall Adams  
701 Ocean Street, Fourth Floor  
Santa Cruz, CA 95060

Posting Location (please be specific):

Posted on  
Tehu Arroyo will be  
placed

Posted By: *R. Haas*

Date Posted: 7/24/04

I declare under penalty of perjury that I posted the notice(s) at the location and on the date listed above.

(Signature)

(Date)

# Hearing Checklist''

2A

Hearing Date: 8/6/2004

Task	Date Due	Date Done
Reservations Rec'd <u>7-20-04</u>		
Agenda		
<input checked="" type="checkbox"/> Make Agenda	7/19/04	<u>7-20-04</u>
<input checked="" type="checkbox"/> Get Approval of Agenda from Don Bussey & Planners	7/20/04	<u>7-21-04</u>
<input checked="" type="checkbox"/> Email Agenda to Appropriate Newspapers <u>7/23 publish</u>	7/21/04	<u>7-21-04</u>
<input checked="" type="checkbox"/> Take Early Agenda to BOS	7/21/04	<u>7-23-04</u>
<input checked="" type="checkbox"/> Post Agenda on Website (Govstream)	7/26/04	<u>7/26</u>
<input checked="" type="checkbox"/> Send Agendas to Regular List <u>✓ email</u>	7/30/04	<u>7/27</u>
<input checked="" type="checkbox"/> Post Agenda on Bulletin Board on 4 <sup>th</sup> Floor, on Bulletin Board on 1 <sup>st</sup> Floor, and on Bulletin Board in front of Building	7/30/04	<u>7/28</u>
Notices		
<input checked="" type="checkbox"/> Make Notice	7/22/04	<u>7-22-04</u>
<input checked="" type="checkbox"/> Create Cover Letter, Affidavit, and Large Placard	7/22/04	
<input checked="" type="checkbox"/> Mail Large Placard, Affidavit, and Cover Letter to Applicant	7/22/04	
<input checked="" type="checkbox"/> Mail Notices to Neighbors	7/23/04	
Permits		
<input checked="" type="checkbox"/> Make Permit (new and continued items)	7/30/04	<u>7/28</u>
<input checked="" type="checkbox"/> Deliver Permit to Planner with one-sided copy of Staff Report	7/30/04	
Staff Reports		
<input checked="" type="checkbox"/> Copy Reports	7/28/04	<u>7/27</u>
<input checked="" type="checkbox"/> 3 for Binders	7/28/04	
<input checked="" type="checkbox"/> 3 for Metal Rack	7/28/04	
<input checked="" type="checkbox"/> 2 for Owner and Applicant	7/28/04	
<input checked="" type="checkbox"/> Additional from Back Of Yellow Scheduling Sheet	7/28/04	
<input checked="" type="checkbox"/> Mail and Scan Staff Reports	7/29/04	
<input checked="" type="checkbox"/> Assemble Binders and Rack with Staff Reports and Agendas	7/29/04	
<input checked="" type="checkbox"/> Deliver Binders to Tom, Don, and Zoning Counter	7/29/04	
Hearing Day <u>held</u>		
<input checked="" type="checkbox"/> Remove email icon from Govstream and distribute final emails	8/6/04	<u>8/6</u>
<input checked="" type="checkbox"/> Place 20 Copies of Agenda on Table	8/6/04	
<input checked="" type="checkbox"/> Setup (Sound System, Chairs, and Microphones)	8/6/04	
<input checked="" type="checkbox"/> Clean Up After Hearing	8/6/04	
Action Agenda - Create, Send, & Post on 4 <sup>th</sup> Floor & Govstream	8/9/04	<u>8/9</u>
Create Action File Log Sheet, Add to Database, and Log Continued Items	8/9/04	<u>8/10</u>
Reformat Audio and Post on Govstream	8/9/04	

K. P. M.

Clerical Signature

Date Filed

66

ATTACHMENT

8

**1000 Foot Radius - Application 03-0415**

**Legend**

- Parcel (Assessor)
- State Highways
- County Streets
- Major Streets
- Streams
- Intermittent
- Perennial
- Lakes
- Santa Cruz County Boundary

Map labels include: BOWHERE WAY, JACKINGBIRD RD, RACE HORSE LN, LARSEN RIDGE DR, LARSEN VALLEY RD, CLOVE RIDGE, ARDILLA CANYON RD, LARSEN VALLEY RD, AVERS LN, VENTANA VALLEY, and others. A north arrow is in the bottom left. A scale bar at the bottom indicates 0 to 2249 feet.

1000' RADIUS  
FROM PROJECT SITE

POR. APTOS RANCHO  
SEC. 16 & 21, T.11S., R.1E., M.D.B. & M.  
LARKIN RIDGE TR. 1048  
75MB53 7/2/86  
62MB62  
8/12/76

41-30

Tax Area Code  
69-141 69-278

Bk.108  
32

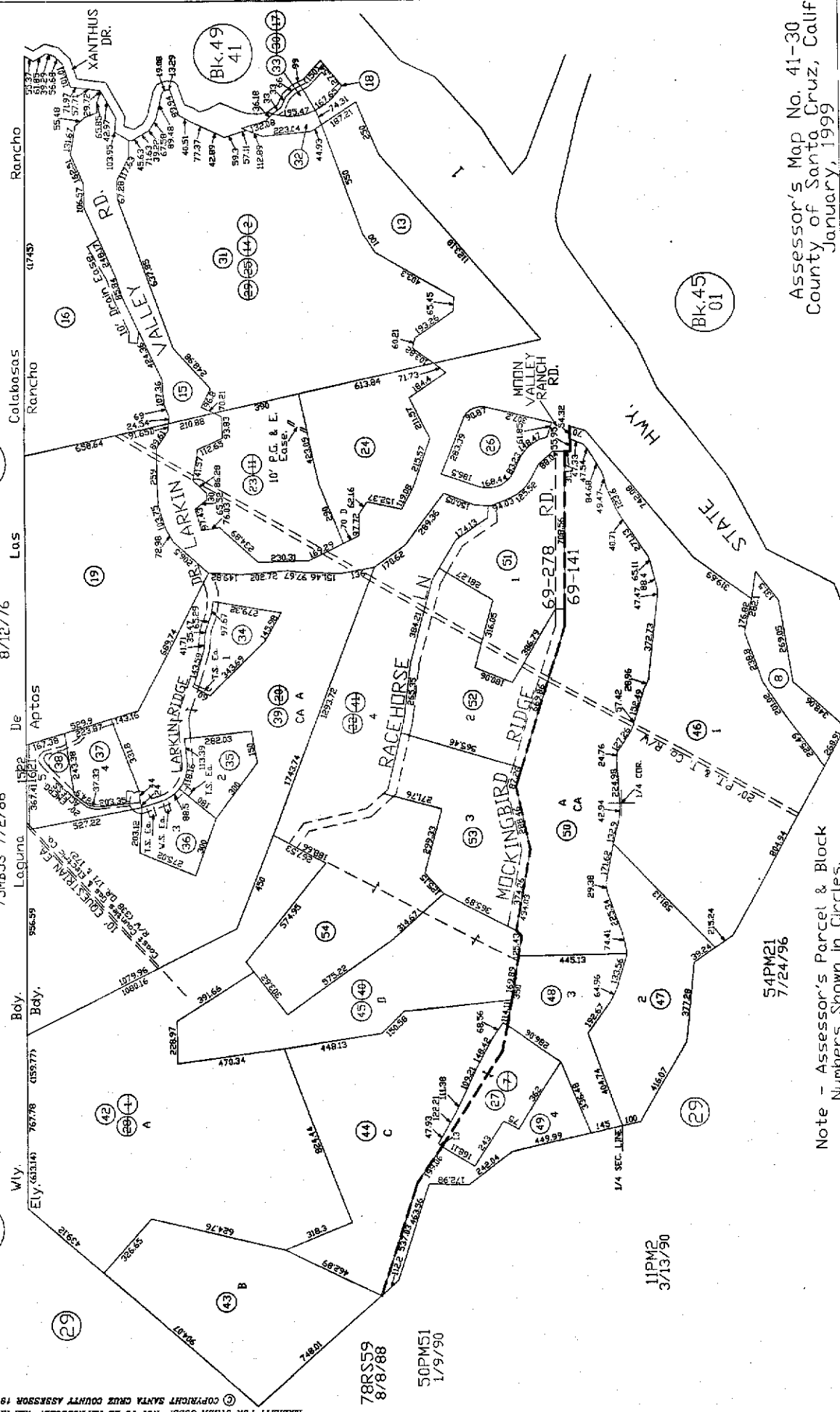
Bk.108  
09

Bk.108  
10

62MB62  
8/12/76

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Assessor's Map No. 41-30  
County of Santa Cruz, Calif.  
January, 1999

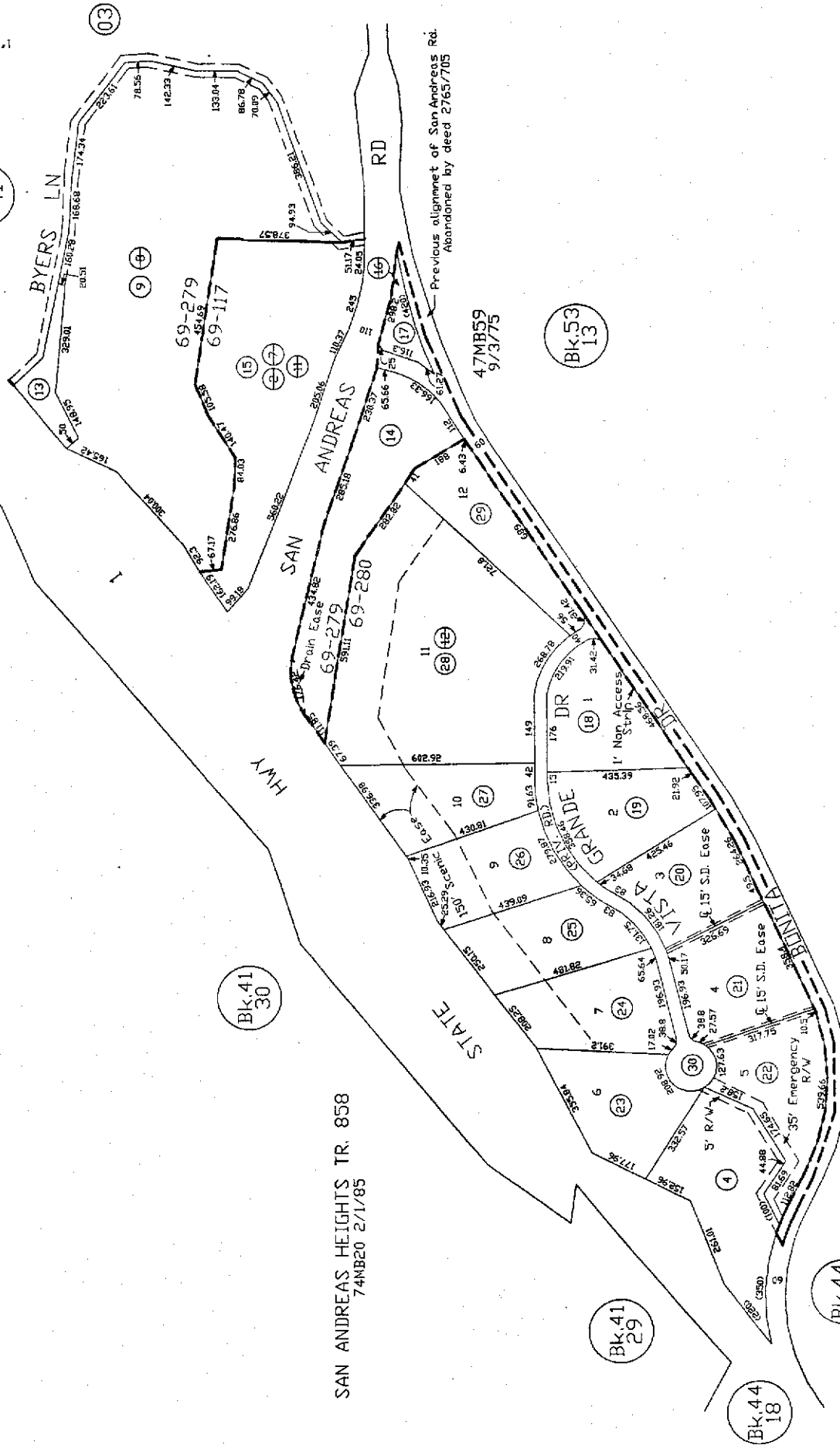
Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

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POR. APTOS RANCHO  
 SEC. 21, T.11S., R.1E., M.D.B. & M.

Tax Area Code  
 69-117 69-279  
 69-280

45-01



Assessor's Map No. 45-01  
 County of Santa Cruz, Calif.  
 Dec. 1999

Note - Assessor's Parcel & Block  
 Numbers Shown in Circles.

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63-0415

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\*  
\* SUBJECT PARCEL = 04130126 \*  
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04130139

LARKIN RIDGE ESTATES HOMEOWNERS A  
273 LARKIN RIDGE DR  
WATSONVILLE CA 95076

04130108

CALIFORNIA STATE OF  
650 HOWE AVE  
SACRAMENTO CA 95825

04130113

CALIFORNIA STATE OF  
P O BOX 7791 RINCON ANNEX  
SAN FRANCISCO CA 94119

04130123

ANAYA ARNULFO & EVANGELINA H/W JT  
2003 LARKIN VALLEY RD

WATSONVILLE CA 95076

04130124

OCCUPANT  
2001 LARKIN VALLEY RD  
WATSONVILLE CA 95076

04130124

ATTACHMENT 2

MOTTOLI BARRY J M/M S/S  
1360 N ACADEMY  
SANGER CA 93612

04130126

TCSELLO GEORGE R  
188 LAS COLINAS DR  
WATSONVILLE CA 95076

04130131

OCCUPANT  
1401 LARKIN VALLEY RD  
WATSONVILLE CA 95076

04130131

XANTHUS CHRISTINA TRUSTEE ETAL  
240 VIA PONTOS WAY  
WATSONVILLE CA 95076

04130154

COOPER DEBORAH A TRUSTEE ETAL  
345 RACE HORSE LN  
WATSONVILLE CA 95076

04130146

OCCUPANT  
1025 MOON VALLEY RANCH RD  
WATSONVILLE CA 95076

04130146

ASHTON JASON A U/M  
903 WHISPERING PINES DR  
SCOTTS VALLEY CA 95066

04130150

OWNERS OF C A 54PM21  
P O BOX 25670  
FRESNO CA 93729

04130152

OCCUPANT  
195 RACE HORSE LN

WATSONVILLE CA 95076

04130152

MC NULTY JOHN W & MONICA M H/W CP  
P O BOX 1002  
SOQUEL CA 95073

04130151

ROMERO FAUSTO JR & NOREEN H/W CP  
185 RACE HORSE LN  
WATSONVILLE CA 95076

04130134

JOHNSON MICHAEL B U/M  
185 LARKIN RIDGE DR  
WATSONVILLE CA 95076

04501123

WHITE LOUISE TRUSTEE ETAL  
122 VISTA GRANDE DR  
APTOS CA 95003

04501118

COPE O JAMES & AVE MARIE HELENE B  
107 VISTA GRANDE DR  
APTOS CA 95003

04501120

GLASS TIMOTHY J S/M  
115 VISTA GRANDE DR  
APTOS CA 95003

04501119

COSTANZO JOHN R & LAURIE A TRUSTE  
109 VISTA GRANDE DR  
APTOS CA 95003

04501130

SAN ANDREAS HEIGHTS HOMEOWNERS AS  
8070 SOQUEL DR #230  
APTOS CA 95003



04501124

RAVAGO FRANK L JR & CHERYL A TRUS  
120 VISTA GRANDE DR  
APTOS CA 95003

04501129

KURK RICHARD D & ELISSA M H/W JT  
1801 BONITA DR

APTOS CA 95003

04501114

OCCUPANT  
1940 BONITA DR  
APTOS CA 95003

04501114

SCHOLASTIC LEGACY INC  
1940 BONITA  
APTCS CA 95003

04501128

CALDWELL JOHN N & LYNNE M HW JT  
105 VISTA GRANDE DR  
APTOS CA 95003

04501125

SCHIAVON LOUIS & OLLIE FAMILY LTD  
114 VISTA GRANDE DR  
APTOS CA 95003

04501126

EVANS STEVEN & BONNIE H/WJT  
112 VISTA GRANDE DR  
APTOS CA 95003

04501127

MARQUEZ LARRY R & BETTY J CO-TRUS  
110 VISTA GRANDE DR  
APTOS CA 95003

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COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT

**Date:** 1/12/05  
Agenda Item #: 10  
Time: After 9:00 a.m.

**APPLICATION # 03-0415**  
**CORRESPONDENCE**



A Professional Law Corporation

314 Capitola Avenue  
Capitola, CA 95010

Telephone (831) 475-2115  
Facsimile (831) 475-2213

December 21, 2004

**HAND DELIVERED**

Don Bussey, Zoning Administrator  
Randall Adams, Project Planner  
Santa Cruz County Zoning Department  
701 Ocean Street  
Santa Cruz, CA 95060

RE: AT&T Proposal for Moon Valley Ranch Road  
Proposal No. 03-0415

Dear Mr. Bussey and Mr. Adams:

For your information, please be advised that I am writing a letter to AT&T, in regard to Proposal #03-0415, suggesting that we resolve the present Appeal by AT&T moving their proposed co-location (at the entry to our road) to an alternative site (either another pole or the Ashton property). This would further the policy of clustering antenna sites.

Very truly yours,

KATZ & LAPIDÈS

A handwritten signature in black ink, appearing to read "Robert Jay Katz".

ROBERT JAY KATZ

RJK/lmt

cc: Jason Ashton  
Brooke Bilyeu and Michelle Ashen  
Michael and Megan Ryan  
Mike and Linda Denman  
Tom and Christina Tomaselli