



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
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TOM BURNS, PLANNING DIRECTOR

January 15, 2008

Planning Commission
county of ~~santa~~ cruz
701 Ocean Street
Santa Cruz, CA 95060

Agenda Date: January 23, 2008

Item #: 6.1

Time: After 9 AM

Subject: Findings for Denial for Application 06-0701
Assessor's Parcel No. 026-311-65; Owner: Ledyard Properties
Applicant: Jennifer Estes for Peacock Associates

Members of the Commission:

On January 9, 2008, your Commission heard the above application, a proposal to construct a new wireless communications facility on a site with a cold storage building and an operations building, located on the west side of 17th Avenue approximately 450 feet south of the intersection with Brommer Street, at 1053 17th Avenue. Your Commission acted to deny the application without prejudice and directed staff to return with findings for denial. Those findings are included as Attachment I.

Recommendation

It is recommended that your Commission adopt the attached findings and finalize your action to deny Application 06-0701, without prejudice. The appeal period for this action will end on February 6, 2008.

Sincerely,

Cathy Graves
Project Planner
Development Review

Reviewed By:

Mark Deming
Assistant Director
Development Review

Attachments:

A. Findings for Denial of Application 06-0701

Wireless Communication Facility Use Permit Findings

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

This finding cannot be made, as the proposed location of the project is inconsistent with County Code Section 13.10.663(a)(9) which requires that; to minimize visual impacts to surrounding residential uses; the base of **any** new freestanding telecommunications tower shall be set back from any residentially zoned parcel a distance equal to five times the height of the tower, or a minimum of three hundred (300) feet, whichever is greater. This requirement may be waived by the decision making body if the applicant can prove that the tower will not be readily visible from neighboring residential structures, or if the applicant can prove that a significant area proposed to be served would otherwise not be provided personal wireless services by the subject carrier, including proving that there are no viable, technically feasible, environmentally equivalent or superior alternative sites outside the prohibited and restricted areas designated in Section 13.10.661(b) and 13.10.661(c).

The project as proposed creates a structure (the flagpole/monopole), which is located within 300-feet of the property line of residentially zoned parcels. A portion of that flagpole/monopole would be visible from the neighboring residential structure on one of those residentially zoned parcels. Additionally, the applicant has provided information that, although the coverage is not optimal, personal wireless services are available in the surrounding area. As such, the proposal does not meet the requirements for a waiver and is inconsistent with County Code Section 13.10.663(a)(9).

The applicant has not established that there are no other locations on the subject parcel where the proposed project could be located that would be consistent with the 300-foot setback requirement of County Code.

Development Permit Findings

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 cannot be made, as the proposed location of the project is inconsistent with County Code Section 13.10.663(a)(9) which requires that; to minimize visual impacts to surrounding residential uses; the base of any new freestanding telecommunications tower shall be set back from any residentially zoned parcel a distance equal to five times the height of the tower, or a minimum of three hundred (300) feet, whichever is greater. This requirement may be waived by the decision making body if the applicant can prove that the tower will not be readily visible from neighboring residential structures, or if the applicant can prove that a significant area proposed to be served would otherwise not be provided personal wireless services by the subject carrier, including proving that there are no viable, technically feasible, environmentally equivalent or superior alternative sites outside the prohibited and restricted areas designated in Section 13.10.661(b) and 13.10.661(c).

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The applicant has not established that there are no other locations on the subject parcel where the proposed project could be located that would be consistent with the 300-foot setback requirement of County Code.