



Staff Report to the Zoning Administrator

Application Number: 111114

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

Agenda Date: December 2, 2011
Agenda Item #: 1

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

Time: After 10:00 a.m.

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

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

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

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

Technical Reviews: None

Staff Recommendation:

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

Exhibits

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

Parcel Information

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

Environmental Information

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

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

Services Information

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

History & Discussion

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

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

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

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

Commercial Agriculture (CA) which is one of the “prohibited” zone districts; and (3) the necessity of locating the proposed “Telecommunications Hub” equipment shelter on “prohibited” CA-zoned land.

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

Project Setting

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

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

Zoning & General Plan Consistency

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

Zoning Districts: All proposed microcell sites are on ROW areas that are zoned Special Use (SU), except for DAV05 which is on ROW land zoned Commercial Agricultural (CA). The

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

Consistency with Wireless Communications Facilities (WCF) Ordinance

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

Proposed Federal Telecommunications Act (TCA) Exception Regarding Design Standards

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

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

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

A Federal TCA Exception is needed in this case because if the County were to strictly adhere to the design standards for microcells in the "coastal right-of-way" in the WCF Ordinance and

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

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

Proposed TCA Exception Regarding Microcell Site Located on Property Zoned "CA"

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

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

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

Any wireless communications facility and any associated development allowed in a prohibited area: (1) shall be sited and designed so that it is not visible from public vantage points to the maximum extent feasible; or (2) where some portion or all of such a facility and/or any associated development is unavoidably sited and/or designed in a manner that

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makes it visible from public vantage points (and cannot be sited and/or designed to not be visible), that portion shall be screened and/or camouflaged so that it is inconspicuous and designed to blend seamlessly into the existing public view."

The Swanton Road site (DAV05) is necessary to close a "significant gap" in the carrier's network, and other potential alternative sites in allowed zone districts that could close that gap would be more visually obtrusive. The alternative method to closing this gap would require the construction of a new pole or tower (also not allowed by the WCF Ordinance) on Hwy. 1 near the Scott Creek Bridge in a highly scenic stretch of coast that currently does not contain utility poles.

The proposed location of this microcell on an existing utility pole along Swanton Road in the 'prohibited' CA zone district is an alternative that is environmentally superior to the alternative of placing an entirely new tower/pole along a pristine stretch of Hwy. 1, therefore the granting of a TCA Exceptions to allow placement in the "prohibited" CA-zone is warranted.

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

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

Local Coastal Program Consistency

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

Design Review

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

Environmental Review

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

Conclusion

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

Staff Recommendation

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

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

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

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

Coastal Development Permit Findings

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

This finding can be made for DAV01, 02, 03, 04, 09 and 10 in that these proposed microcell sites are on right-of-way (ROW) areas on land that is zoned Special Use (SU), and the microcell use as proposed is consistent with the allowed uses in the SU zone district, and each site's zoning district is consistent with its corresponding General Plan/LCP land use designation. Further, this finding can be made for proposed microcell site DAV05 and for the proposed Telecommunications Hub equipment shelter, which are to be located on land zoned Commercial Agricultural (CA), with approval of the proposed Federal Telecommunications Act Exception, as supported by Wireless Communications Facility Use Permit Finding number 7.

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

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements as no such easements or restrictions are known to encumber the project sites.

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

This finding can be made, in that the proposed microcells and equipment shelter are compatible with their surroundings. The microcell antennas and equipment will likely be indistinguishable to most passersby from the various other types of telecommunications and power supply equipment that are typically attached to utility poles along Hwy. 1 and Swanton Road. In terms of architectural style, the proposed Telecommunications Hub equipment shelter, to be housed in a structure similar in appearance to a tool shed, is surrounded by similar agricultural-related outbuildings on a developed CA-zoned site. The colors will be natural in appearance and complementary to the site; and the development site is not on a prominent ridge, beach, or bluff top.

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

This finding can be made, in that the project sites are located on the inland side of Hwy. 1, and thus not located between the shoreline and the first public road (which is Hwy. 1 for most of this stretch of coast). Consequently, the proposed microcells and Telecommunications Hub will not interfere with public access to the beach, ocean, or any nearby body of water. Further, none of

the project sites are identified as a priority acquisition sites in the County Local Coastal Program.

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

This finding can be made, in that the proposed microcell WCFs and Telecommunications Hub are to be sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding areas. Additionally, microcell WCFs and associated equipment are allowed uses in the respective zone districts of each site (pursuant to the granting of the 3 TCA Exceptions as discussed above), as well as the General Plan and Local Coastal Program land use designations for each site. The proposed microcells and equipment shelter are not visually inconsistent or incompatible with the existing equipment found on utility poles in this area, and the proposed equipment shelter will blend in with the existing outbuildings on its proposed site.

Wireless Communication Facility Use Permit Findings

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

This finding can be made, in that all 7 of the proposed WCFs are of the microcell type which, due to their small size and co-location onto existing utility poles, are the least visually obtrusive type of WCF. Moreover, their installation and use in highway/road rights-of-way will not impact any sensitive habitat resources or other significant County resources, including agricultural, open space, and community character resources. Finally, there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed microcell designs that have less visual and/or other resource impacts, and the design of the proposed microcells has been modified to minimize and mitigate their visual impact (i.e., by going from a design involving pole height extension to mounting of the antennas to be hanging down at the ends of crossbars (see Alternatives Analysis – Exhibit G).

As for the proposed “Telecommunications Hub” equipment shelter, this finding can be made, in that, as conditioned, the small (192 sq. ft.) tool shed-like equipment shelter will blend in with several other nearby agricultural outbuildings on the same parcel and 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.), nor significantly affect other County resources, including agricultural (i.e., will not displace any viable agricultural land), open space, or community character resources. Moreover, as shown in the applicant’s Alternatives Analysis (Exhibit G), there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed shelter (including alternative locations and/or designs) with less visual and/or other resource impacts, and the proposed facility has been modified by the attached conditions to minimize and mitigate its visual and other resource impacts.

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

This finding can be made, in that the 7 proposed microcells are to consist of antennas mounted upon existing utility poles in the rights-of-way of Hwy. 1 and Swanton Road, areas where numerous utility poles are already located, including several poles that have microcell WCFs of a different carrier (AT&T) installed upon them. Microcell WCF installations co-located on existing utility poles, such as these, are encouraged in the WCF Ordinance as the preferred WCF design, due to their relatively inconspicuous nature.

As for the proposed "Telecommunications Hub" equipment shelter, this finding can be made, in that, as conditioned, the small (192 sq. ft.) tool shed-like equipment shelter will blend in with several other nearby agricultural outbuildings on the same parcel and 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.), nor significantly affect other County resources, including agricultural (i.e., will not displace any viable agricultural land), open space, or community character resources. Moreover, as shown in the applicant's Alternatives Analysis (Exhibit G), there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed shelter (including alternative locations and/or designs) with less visual and/or other resource impacts, and the proposed facility has been modified by the attached conditions to minimize and mitigate its visual and other resource impacts.

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

This finding can be made, in that the existing infrastructure uses of the subject rights-of-way, and the existing agricultural-related uses on the proposed Telecommunications Hub site (APN 058-022-11) are in compliance with the requirements of the zone districts and General Plan designations, in which they are located, and that there are no outstanding or unpaid zoning violation abatement costs.

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

This finding can be made, in that the proposed wireless communications facilities will be located on existing utility poles, the tops of which are at heights too low to interfere with aircraft in flight.

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

This finding can be made, in that the maximum ambient RF levels at ground level due to the proposed WCF operations are calculated to be no more than 3% of the most restrictive applicable (i.e., FCC) limit.

6. The proposed wireless communication facilities as conditioned are consistent with the all applicable requirements of the Local Coastal Program.

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

7. Federal Telecommunications Act (TCA) Exception Finding: If the application of the requirements or limitations set forth in Sections 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 application. 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.

This finding can be made in that the applicant has provided sufficient evidence in their submitted Alternatives Analysis (Exhibit G) to show that Federal TCA Exceptions must be granted for 3 aspects of this project in order to avoid violations of the Federal Telecommunications Act. One Federal TCA Exception is needed because the proposed design of the 7 microcells do not precisely conform to the design standards set out in the WCF Ordinance for microcells in the Coastal Right-of-Way, as those standards are now out of date due to new statewide requirements for microcells on utility pole promulgated by the California Public Utilities Commission. A Federal TCA Exception allowing the alternative design is necessary to prevent a violation of the Federal TCA (see History and Discussion section above for details).

A second TCA Exception is required to allow the placement of one of the microcells (DAV05) in a portion of the Swanton Rd. right-of-way that is zoned Commercial Agriculture (CA). A TCA Exception is needed because the CA zone is one of the "prohibited area" zones listed in the WCF Ordinance where WCFs cannot be constructed except as per Sec. 13.10.661[b][4], which allows only co-located WCFs in prohibited areas, and only if it can be shown that there are no environmentally equivalent or superior alternatives in allowed zone districts. As with the other 6 proposed microcell sites, DAV05 is a co-location, and the attached Alternatives Analysis provides this evidence that there are no environmentally equivalent or superior alternative sites for DAV05 in any of the allowed zone districts, thus providing justification for the granting of a TCA Exception for this aspect of the project.

And a third TCA Exception is needed to allow the placement of the Telecommunication Hub equipment shelter also on land that is zoned CA (APN 058-022-11), where such equipment can be allowed, pursuant to a TCA Exception, only if it is "...camouflaged so that it is inconspicuous and designed to blend seamlessly into the existing public view." Since this is the case, and the Alternatives Analysis (Exhibit G) shows that other possible locations for this equipment shelter on non-CA zoned land are either unavailable or would stand alone and thus be more visually conspicuous than in the proposed location, the granting of a TCA Exception for this aspect of the

Application #: 111114
APN: N/A - Hwy. 1 and Swanton Road Rights-of-Way
Owner: Caltrans and County of Santa Cruz

project is warranted as well. Moreover, because the required Coastal Development Findings for the more visually conspicuous alternative locations cannot be made, use of the proposed site is the only feasible alternative for siting the equipment shelter. No feasible alternatives exist that would render the approval of a TCA Exception unnecessary, therefore the granting of this exception is warranted.

Development Permit Findings

1. That the proposed locations of the microcells and equipment shelter, and the conditions under which they 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 proposed microcell installations are to be located on utility poles in public right-of-way areas designated for telecommunications and other utility uses. The proposed poles have room for the proposed microcells and are not encumbered by physical constraints to microcell development, and the maximum ambient radio-frequency (RF) radiation at ground level in the immediate vicinity of each microcell are calculated to be no more than 3% of the most restrictive applicable (FCC) limit. The location and operation of the Telecommunications Hub in a small (192 sq. ft.) equipment structure will not result in any negative effects on public health, safety or welfare. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed microcells will not deprive adjacent properties or their neighborhood of light, air, or open space, in that the installation of the microcells will involve small additions to existing utility poles that are all located far away from other structures. Similarly the small Telecommunications Hub equipment shelter will be located on a large parcel and will comply with all site standards, including setbacks. No structures on other parcels are located in the vicinity of the equipment shelter.

2. That the proposed locations of the microcells and equipment shelter, and the conditions under which they would be operated or maintained, will be consistent with all pertinent County ordinances and the purpose of the zone districts in which the sites are located.

This finding can be made, in that the proposed locations of the microcells and equipment shelter, and the conditions under which they would be operated and maintained, will be consistent with all pertinent County ordinances (upon the granting of the 3 proposed TCA Exceptions) and the purpose of the zone districts, as the primary uses of the subject properties will meet all current site standards for the pertinent zone districts.

3. That the proposed DAS microcell and equipment shelter uses are consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed microcell DAS system is consistent with the use and density requirements specified for the General Plan/LCP land use designations of all the subject sites. The proposed project will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone districts, as specified in the General Plan/LCP, in that the project will not adversely shade adjacent properties, and will meet current setbacks for the zone districts that ensure access to light, air, and open space in the surrounding vicinity.

The proposed DAS project will be properly proportioned to the subject parcel sizes, as the proposed microcells and equipment shelter will comply with the site standards for the pertinent zone districts (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in structures consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the proposed DAS microcells and equipment shelter project is to be constructed on existing utility poles, and in the case of the equipment shelter, on an already developed agricultural parcel. There is no additional traffic expected to be generated by the proposed project.

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 DAS microcells and equipment shelter project will be compatible 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 nearby neighborhoods. The proposed equipment shelter will blend in and harmonize with the other existing structures on the proposed site.

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 DAS project will be of an appropriate scale and type of design that will not diminish the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Revised project plans for 7 utility pole-mounted microcell sites, 3 sheets per site, prepared by NextG Networks, dated 8/17/11, and project plans for Davenport Hub equipment shelter, 6 sheets, prepared by Connell Design Group, LLC, dated 6/13/11.

- I. This permit authorizes the construction of a wireless communications Distributed Antenna System (DAS), consisting of 7 microcell wireless communication facilities mounted upon existing utility poles in the rights-of-way of Hwy. 1 (6 sites) and Swanton Rd. (1 site) and a 192 square foot "Telecommunications Hub" equipment shelter on APN 058-022-11. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner 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.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all work performed in the County road right-of-way.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. 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. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. One elevation (for each site) shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in

addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.

2. Details showing compliance with fire department requirements. The proposed structure(s) are located within the State Responsibility Area (SRA) and the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
 3. Final plans must show that the "alpha power supply and battery back-up" equipment box (approx. 3' high, by 2.5' wide, by 1' deep) on each pole in a position below the other more narrow boxes, and as close to the ground as feasible, to make the "alpha power supply and battery back-up" equipment box less visually prominent.
 4. Final plans must show that all antennas and equipment boxes to be placed on utility poles be painted in colors similar to the background colors (e.g., light brown, forest green, etc.).
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Meet all requirements of and pay drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- E. Meet all requirements and pay any applicable plan check fee of the appropriate County Fire Protection District.
- F. Pay the current fees for Roadside and Transportation improvements (as applicable).
- G. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. 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 project must comply with all recommendations of the approved soils reports.
- 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.

IV. Operational Conditions

- A. 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.
- B. Post-Construction Non-Ionizing Electromagnetic Radiation (NIER) Measurement and Reporting: Post-construction monitoring of NIER/Radio-Frequency (RF) radiation to verify compliance with the FCC's NIER standards is required for all 7 new wireless communication facilities built as part of this proposal. This requirement shall be met through submission of a report documenting NIER measurements at the facility site within 90-days after the commencement of normal operations. The NIER measurements shall be made, at the applicant's expense, by a qualified third-party telecommunications or radio-frequency engineer, during typical peak-use periods, utilizing the Monitoring Protocol described in County Code Section 13.10.660(d). The report shall list and describe each transmitter/antenna present at the facility, indicating the effective radiated power of each. The report shall include field measurements of NIER emissions generated by the facility and also other emission sources, from various directions and particularly from adjacent areas with residential dwellings. The report shall compare the measured results to the FCC NIER standards for such facilities. The report documenting the measurements, and the findings with respect to compliance with the established FCC NIER exposure standards, shall be submitted to the Planning Director within 90-days of commencement of operation. Failure to comply with this requirement may result in the initiation of permit revocation proceedings by the County.
- C. The microcell facilities shall be removed and the sites restored by the applicant if informed by the owner and operator of the right-of-way that the utility poles are to

be removed because the utilities the pole supports are to be relocated underground, or if the microcell facility is rendered unnecessary due to technological advances.

- D. The sites shall be restored as nearly as possible to its natural or pre-construction state within six months of termination of use or abandonment of the sites.
- V. 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.

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 three years from the effective date listed below unless a

Application #: 111114
APN: N/A - Hwy. 1 and Swanton Road Rights-of-Way
Owner: Caltrans and County of Santa Cruz

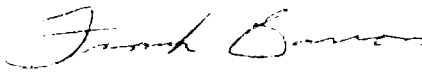
building permit (or permits) is obtained for the primary structures described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney, AICP
Deputy Zoning Administrator



Frank Barron, AICP
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.

TRANSMITTAL - LEVEL 5, 6 & 7

DATE: _____

TO: Support Staff

FROM: Frank Barron

RE: Application # 111114

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

Return all original documents to the planner, unless checked ☐ Use original documents for distribution

☐ Make _____ copies of the attached documents; distribute as follows:

☐ Mail copies to: ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ Send a copy to District Supervisor _____ (via Inter-office mail)

☐ Send copies to: ☐ DPW Surveyor (Plans & Conditions – all land divisions)
☐ Housing (Conditions – projects with affordable housing reqts.)
☐ _____

☐ Extra copy to planner

☐ Mail a copy to the California Coastal Commission: ☐ Certified Mail ☐ Send attached plans

☐ Mail copy of Coastal Exclusion to Coastal Commission with any attached documents/exhibits.

☐ Mail copy of permit conditions to: _____ (Local Fire District)

☐ Attach permit conditions to application (Hansen only)

☐ Send copy of CEQA notice to the Clerk of the Board:

☐ Notice of Exemption (include copy of application form indicating COB fee payment)

☐ Notice of Determination/Negative Declaration

☐ Certificate of Fee Exemption

☐ Special instructions:

☐ Send attached exhibit(s) to:

☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ Send attached recordable documents to:

☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ _____

☐ _____

Completed by: _____

(support staff)

(date)

Return recorded form to:

Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor

Attention: Frank Barron
Application #: 111114

Notice

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(CALIFORNIA GOVERNMENT CODE §27361.6)

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department

Attn: Frank Barron

County of Santa Cruz

701 Ocean Street

Santa Cruz, CA 95060

Conditions of Approval

Development Permit No. 111114

Property Owner: Caltrans, County of Santa Cruz and Coast Dairies and Land

Assessor's Parcel No.: 7 Microcell sites in Caltrans (Hwy. 1) and County (Swanton Rd.) Rights-of-Way. Equipment shelter on APN 058-022-11.

By signing below, the owner agrees to accept the terms and conditions of approval of Application 111114 and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. The approval of Application 111114 is null and void in the absence of the owner's signature below.

Executed on _____,
(date)

Property Owner(s) signatures:

(Signature) (Print Name)

(Signature) (Print Name)

(Signature) (Print Name)

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT
SHALL BE ATTACHED.**

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

On _____, before me, _____, Notary Public,
personally appeared _____, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and
that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____
(Signature of Notary Public)

This form must be reviewed and approved by a County Planning Department staff person after
notarization and prior to recordation.

Dated: _____

COUNTY OF SANTA CRUZ

By: _____
Planning Department Staff



County of Santa Cruz Planning Department

Steps for Completing and Recording the Conditions of Approval for this Permit

1. Review all of the information on the document to be recorded. The property owner is responsible for reviewing **all** of the entered information, including the Assessor's Parcel Number (APN), site address, owner's name(s), previous owner(s), document number(s), and recording dates. If any of this information is found to be incorrect, notify the Planning Department of the inaccuracy **prior** to recording the document. If necessary, a corrected version of the document will be prepared at the owner's request.
2. Obtain the signature(s) of **all** property owners. A notary public must verify all signatures. The Planning Department has a notary public and/or the phone book lists several other notaries public.
3. Bring the notarized form into the Planning Department for review and signature by a Planning Department staff person prior to recording. Please ask the receptionist for assistance in obtaining a signature, please do not sign on to the waiting list for this purpose.
4. In order to save the photocopy costs, you may bring along your own copy or copies (as well as the original) to the Recorder's Office, which they will stamp for you for a fee.
5. Have the form recorded in the County Recorder's Office, Room 230, and have a photocopy made with the recorder's stamp on it, or have your copy conformed. Please contact the Recorder's Office regarding their fees & hours of operation at: (831) 454-2800. **Note: Do not record this instruction form with your recordable documents.**
6. The copy may be mailed directly to the Planner or routed to the planner through the Planning reception desk as you step off the elevator on the 4th floor.
7. The original stamped declaration will be sent to the Planning Department in 3-5 weeks and placed in permanent records.

Your building application will not be approved by the planning department, and your use may not begin until steps 1-6 have been completed.

Notice of Exemption

Form D

To: ☒ Office of Planning and Research
 PO Box 3044, 1400 Tenth Street, Room 212
 Sacramento, CA 95812-3044

☐ County Clerk
 County of _____

From: (Public Agency) _____
 CA Public Utilities Commission
 505 Van Ness, SF CA. 94102
 (Address)

Project Title: NG2011-21, NextG/Verizon Davenport Distributed Antenna System (DAS) Project

Project Location - Specific:

Hwy 1, Davenport Ave; Swanton road.

Project Location - City: San Francisco

Project Location - County: San Francisco

Description of Project:

Installation of DAS antenna, fiber optic cable, new poles, other related equipment.

Name of Public Agency Approving Project: California Public Utilities Commission

Name of Person or Agency Carrying Out Project: NextG

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: 15061b3; 15301b; 15302c; 15303d; 15304f;
☐ Statutory Exemptions. State code number: 15031c.

Reasons why project is exempt:

Under D. 07-04-045 the Commission determined that the projects proposed by NextG would qualify for one or more categorical exemptions under CEQA.

Lead Agency

Contact Person: Jensen Uchida

Area Code/Telephone/Extension: 415 703 5484

If filed by applicant:

1. Attach certified document of exemption finding.
 2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature: Jensen Uchida

Date: 10/7/11

Title: Reg Analyst

☒ Signed by Lead Agency

Date received for filing at OPR: _____

☐ Signed by Applicant

January 2004

STATE OF CALIFORNIA

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94133-3798

October 7, 2011

Sharon James
NextG Networks, Inc.
2216 O'Toole Avenue
San Jose, CA 95131

Dear Ms. James:

NextG Networks of California (NextG) submitted a Notice of Proposed Construction (NG2011-21) for the installation of micro antenna, new poles, fiber optic cable and other related equipment on behalf of Verizon in Davenport, County of Santa Cruz. The NPC requests the Energy Division to act upon NextG's request for a determination that the proposed project is consistent with the activities identified as categorically exempt from the California Environmental Quality Act (CEQA) by the California Public Utilities Commission (Commission).

In January 2003, the Commission granted NextG the authority to operate as limited facilities-based (LFB) carrier in California. Aside from providing resold local and interexchange services, NextG was prohibited from engaging in the construction of telecommunications facilities, other than equipment installed in existing structures.

In May 2006, NextG submitted A.06-05-031 seeking expansion of its LFB authority to include the installation of Distributed Antenna System (DAS) micro-antennae and other related equipment in California. In the application, NextG stated that its projects may include the installation of a limited number of new poles, small scale or micro-trenching, conduit installation, and the installation of laterals. Under D. 07-04-045, the Commission determined that the projects envisioned by NextG fell within one of several categorical exemptions identified under CEQA, and that further environmental review would not be required.

The Energy Division has reviewed NextG's proposal to construct a DAS project in Davenport in the County of Santa Cruz and has determined that the proposed construction activities are consistent with the activities identified by the Commission as categorically exempt from CEQA. The Energy Division hereby grants NextG with the authority to proceed with the construction of the project as described in the NPC.

Sincerely,

A handwritten signature in black ink, appearing to read "Jensen Uchida".

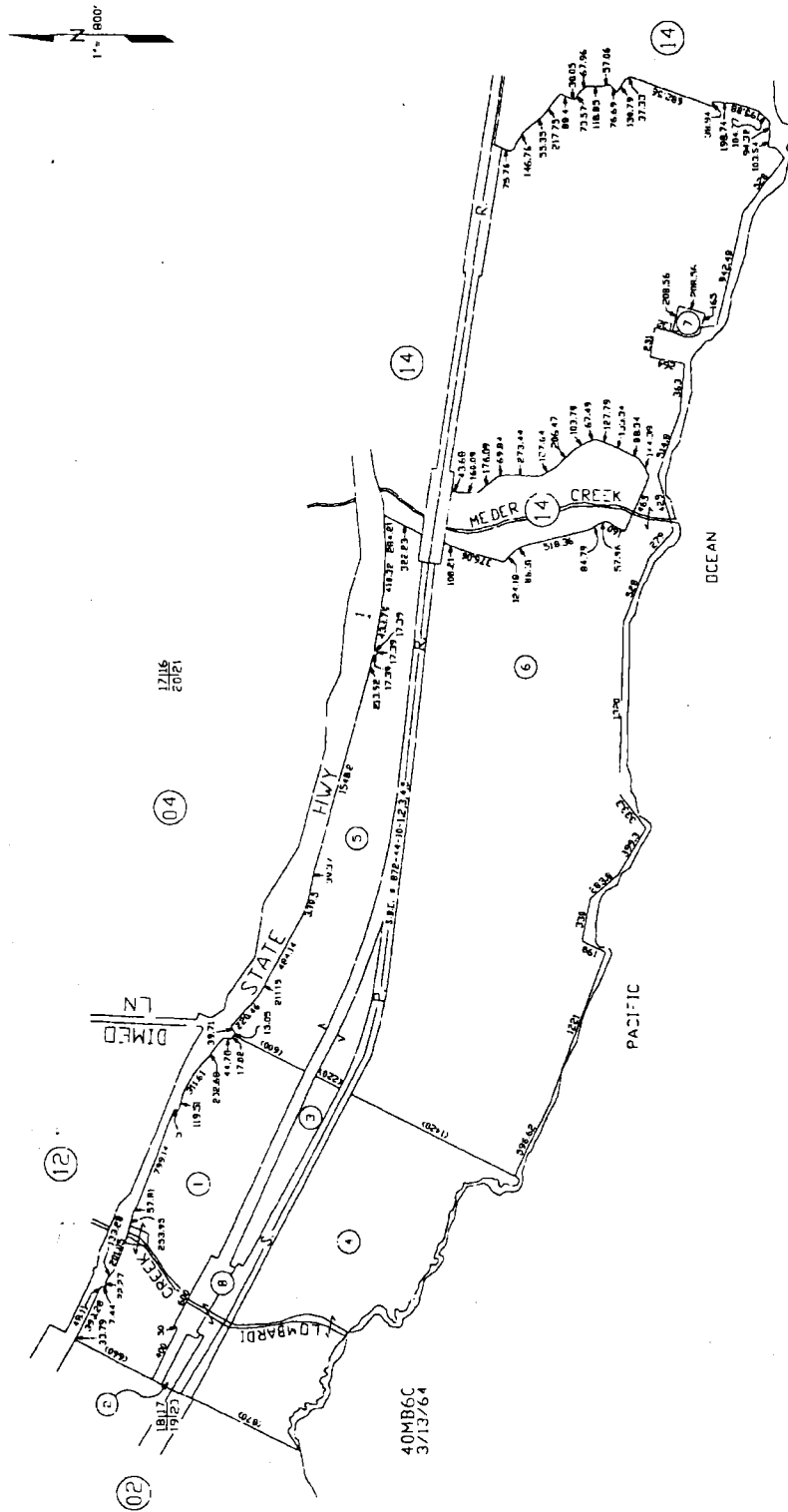
Jensen Uchida
California Public Utilities Commission
Regulatory Analyst

FOR TAX PURPOSES ONLY

REFUGIO RANCHO
POR. SECS. 17, 19, 20 & 21, T.11S., R.2W., M.D.B. & M.

Tax Area Code
92-304

59-13



Assessor's Map No. 59-13
County of Santa Cruz, Calif.
July 1995

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

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.

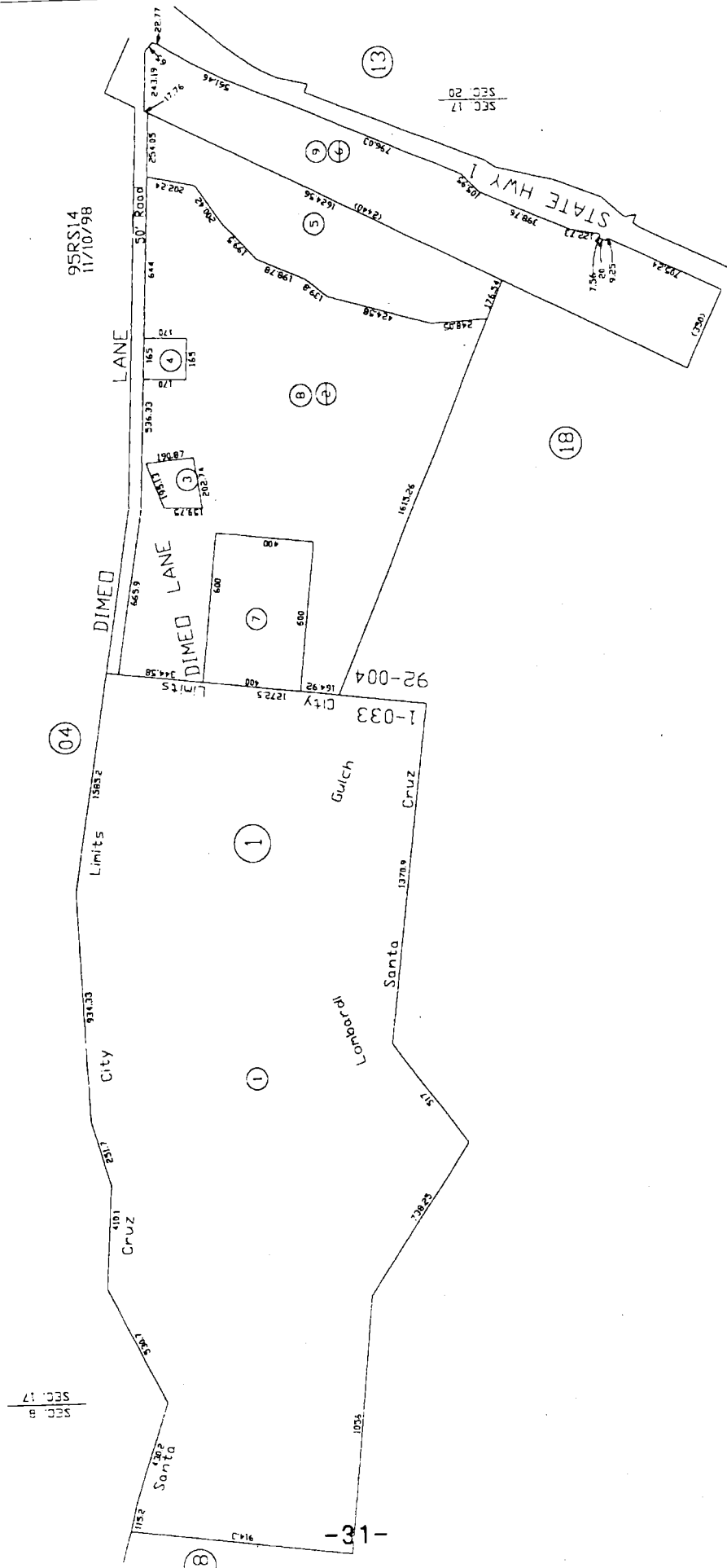
©COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

REFUGIO RANCHO
POR. SECS., 8,17 & 20
T11S., R.2W., M.D.B. & M.

Tax Area Code
1-033 92-004

1' = 400'

Z

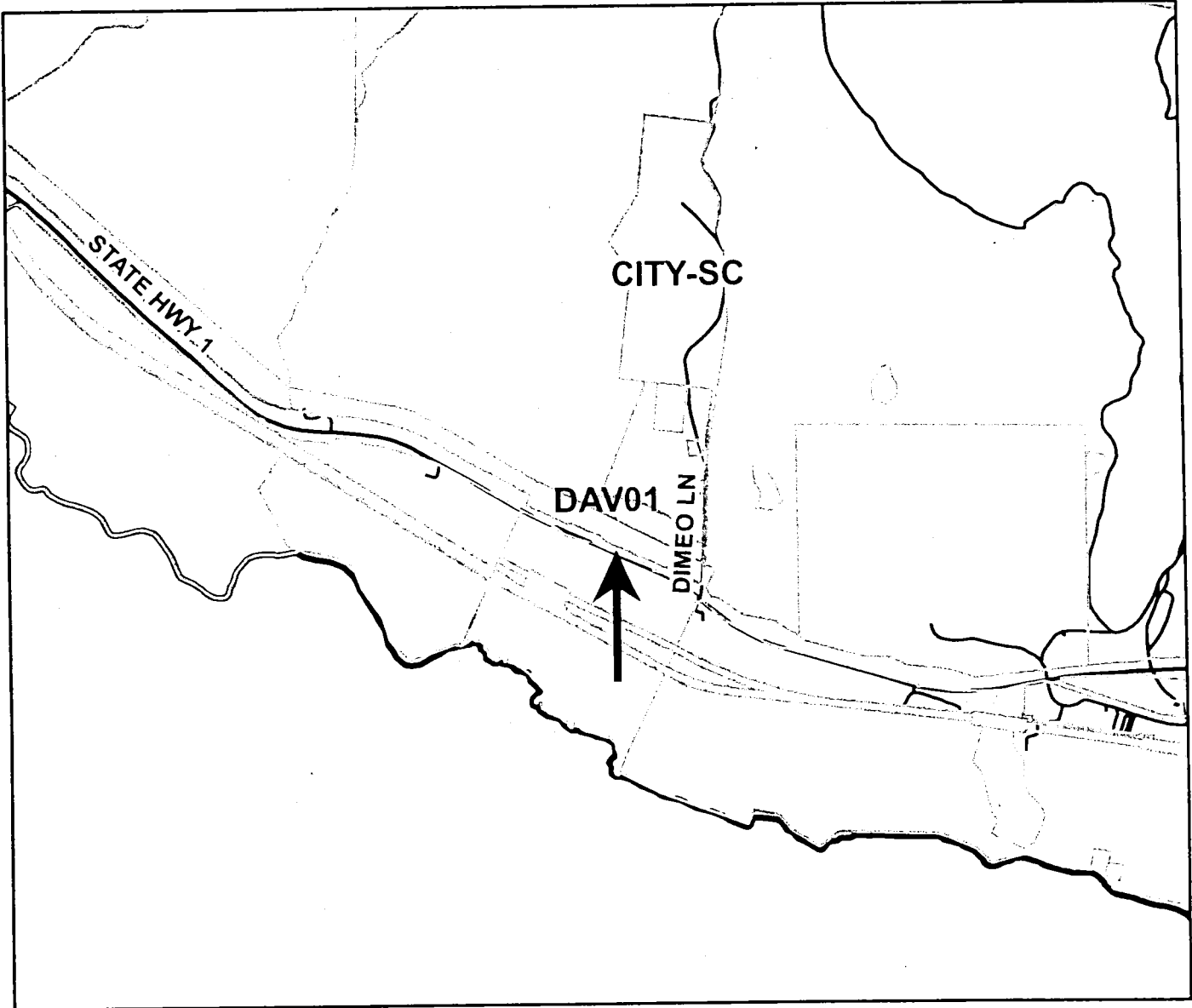


Assessor's Map No. 59-12
County of Santa Cruz, Calif.
April, 2000






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

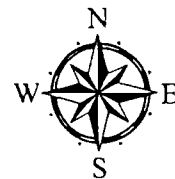


Location Map



LEGEND

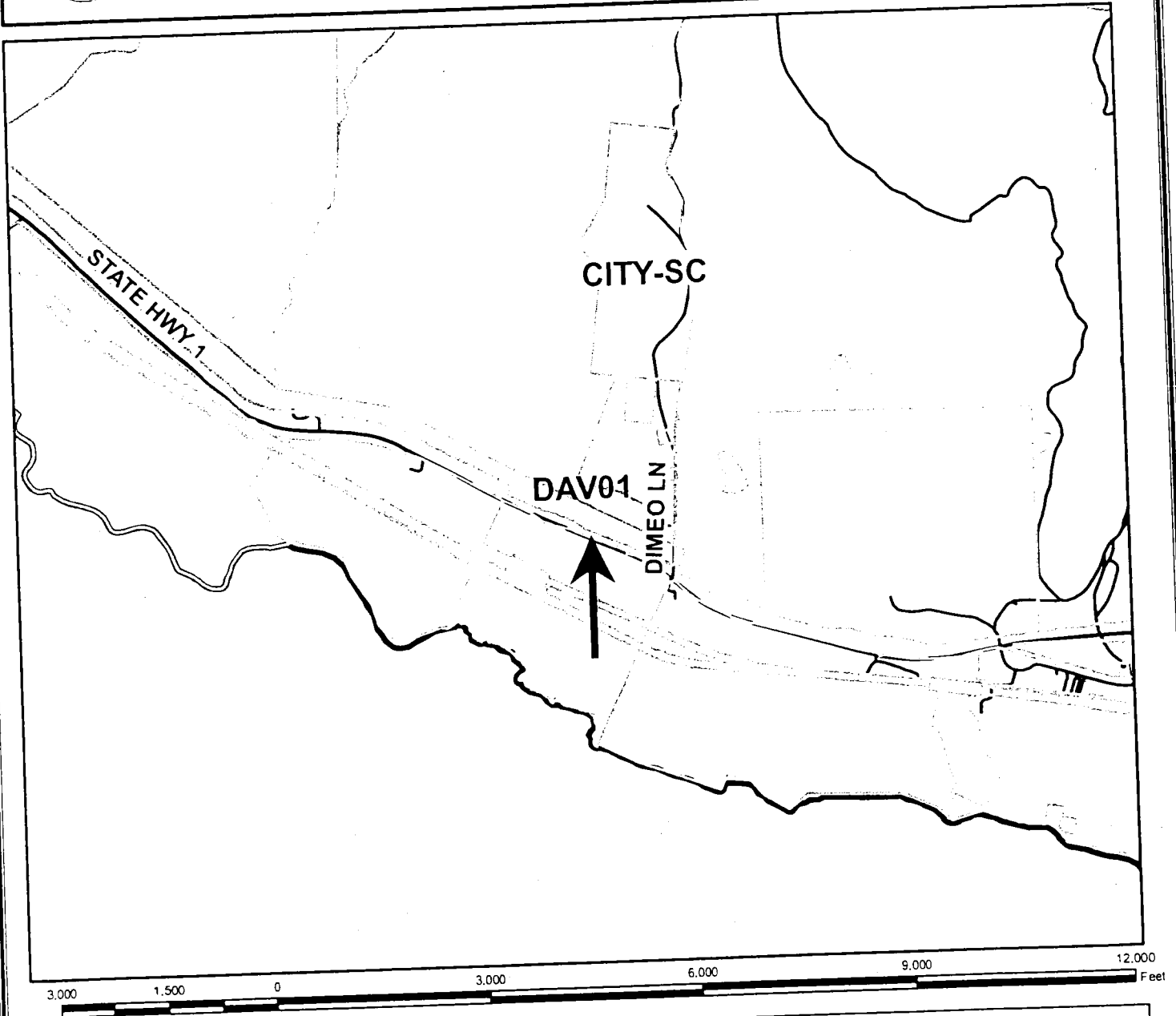
-  Assessors Parcels
-  Streets
-  State Highways
-  SANTA CRUZ
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
July 2011

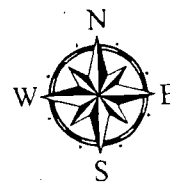


Location Map



LEGEND

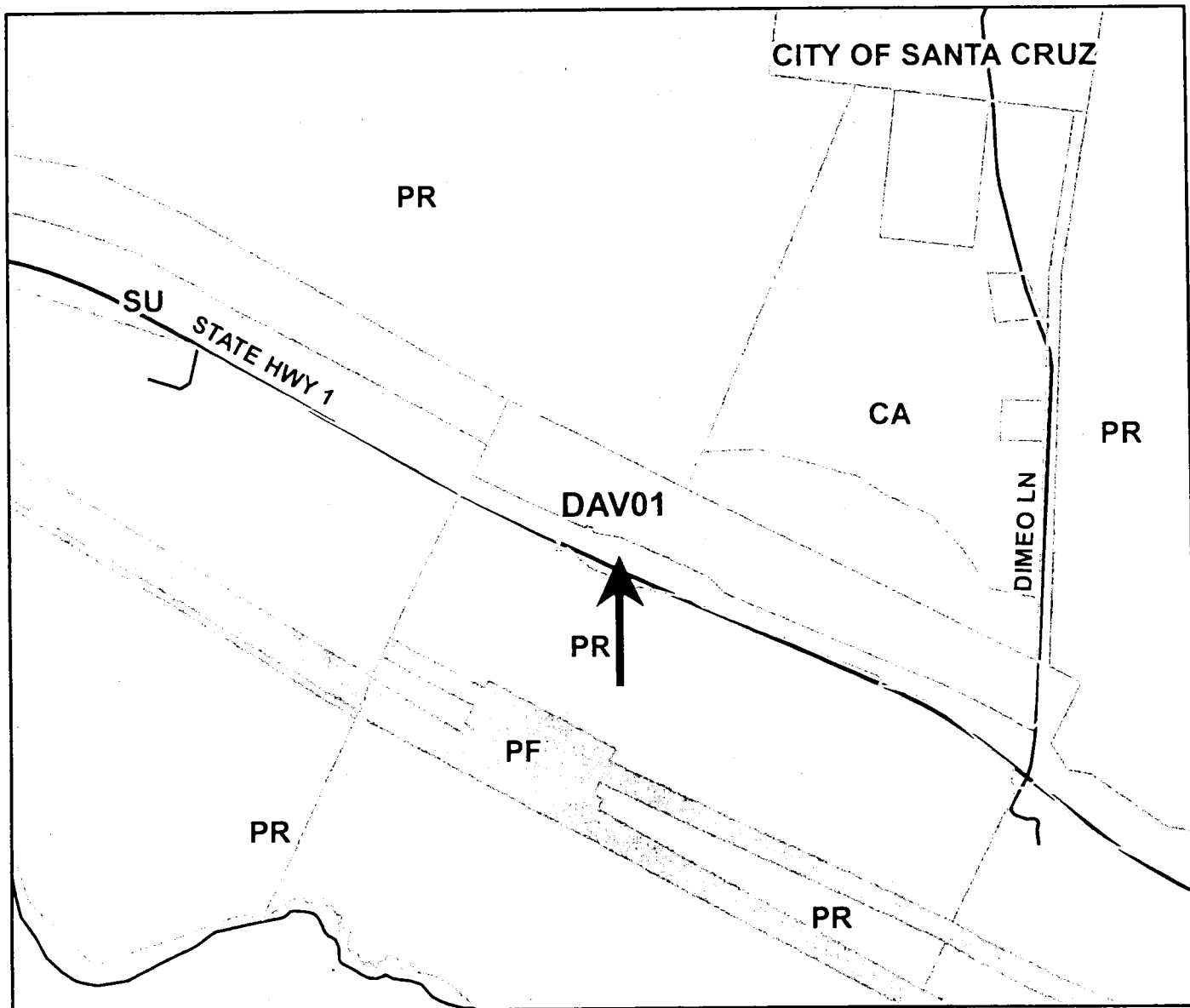
- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- County Boundary



Map Created by
County of Santa Cruz
Planning Department
July 2011

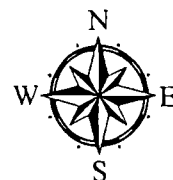


Zoning Map



LEGEND

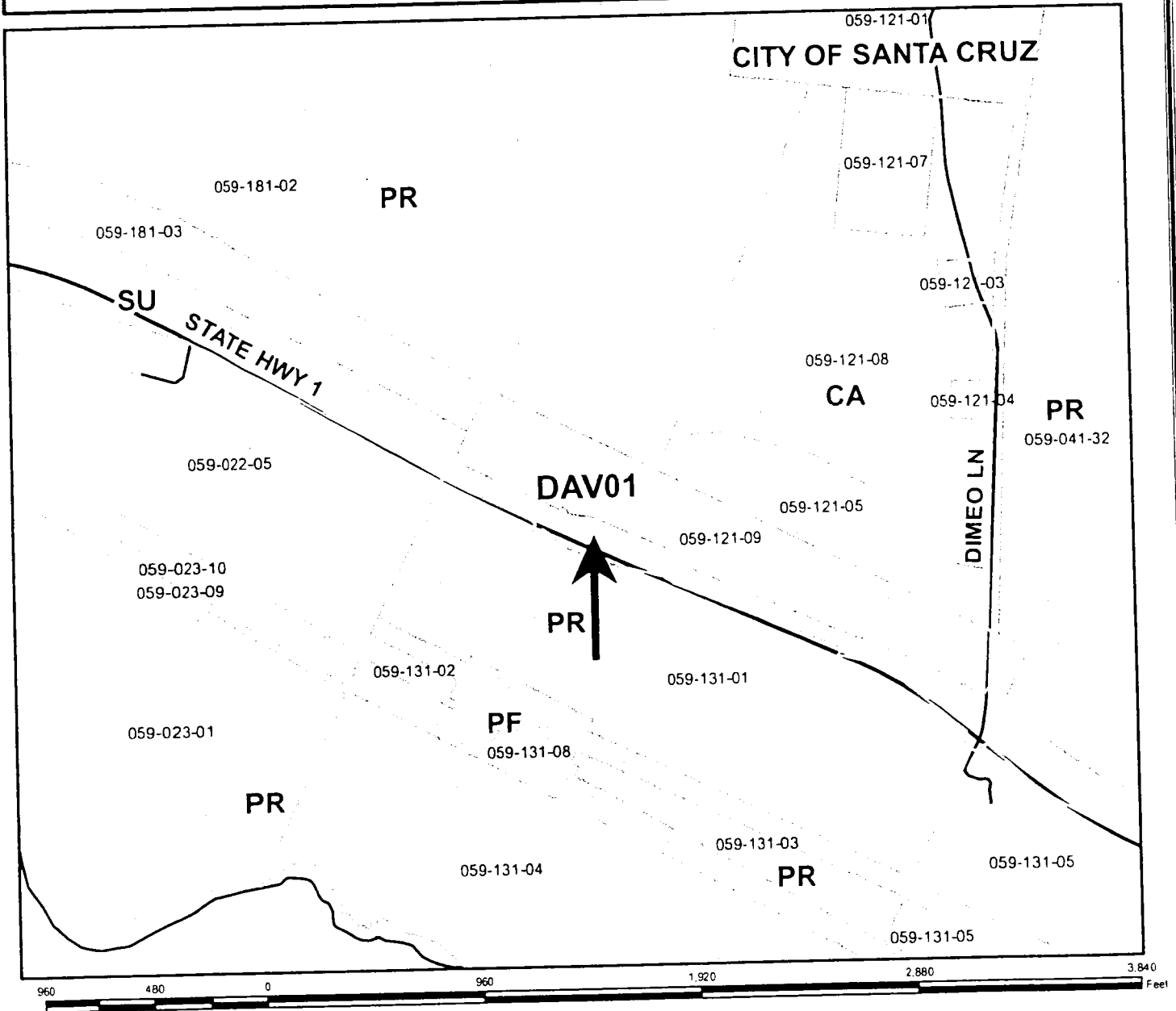
- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- County Boundary
- SPECIAL USE
- AGRICULTURE COMMERCIAL
- PARK
- PUBLIC FACILITY



Map Created by
County of Santa Cruz
Planning Department
July 2011

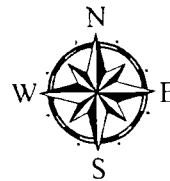


Zoning Map



LEGEND

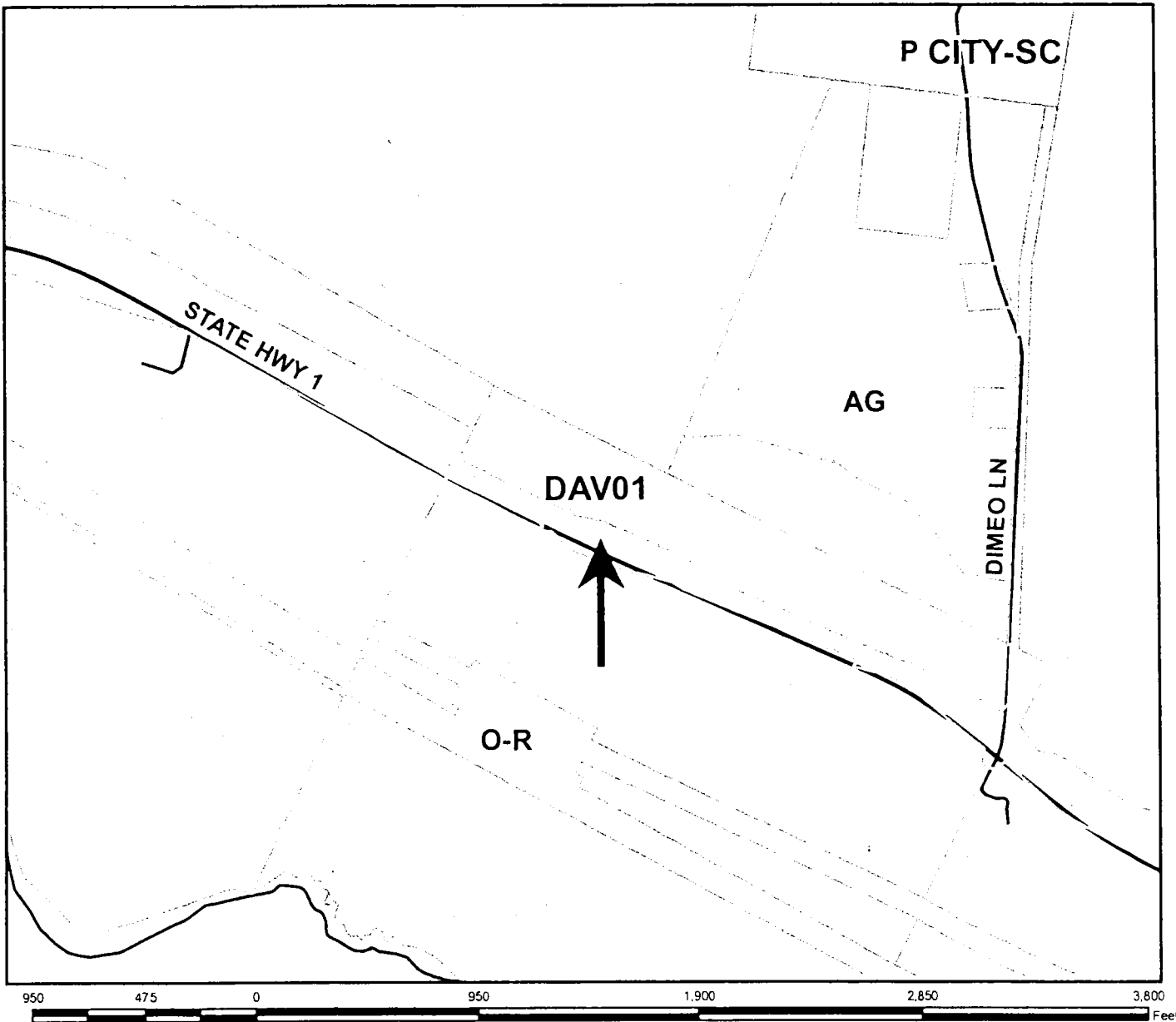
- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- County Boundary
- SPECIAL USE
- AGRICULTURE COMMERCIAL
- PARK
- PUBLIC FACILITY



Map Created by
County of Santa Cruz
Planning Department
July 2011

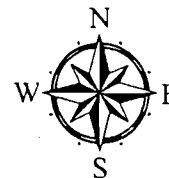


General Plan Designation Map



LEGEND

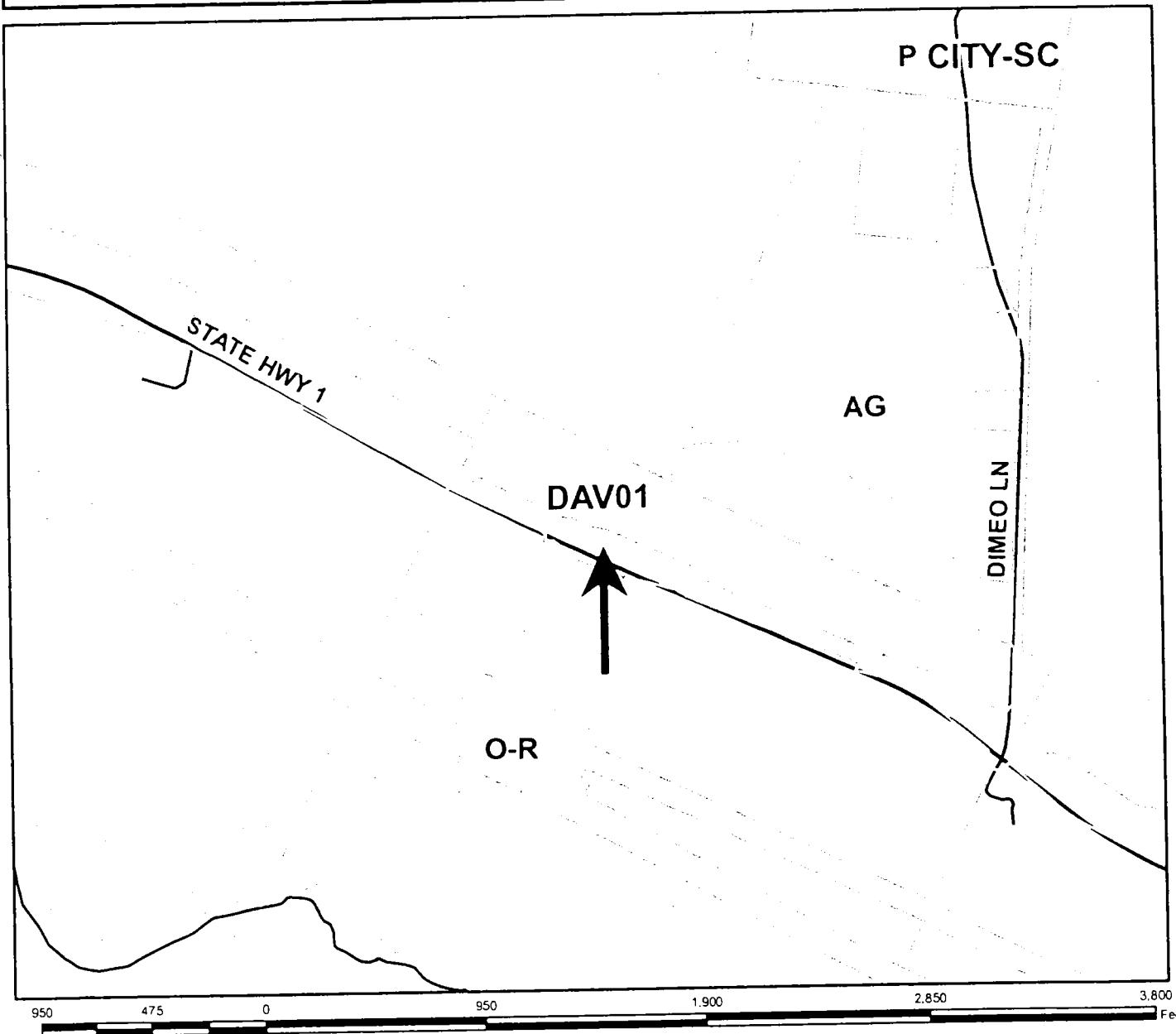
- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- County Boundary
- Parks and Recreation
- Agriculture
- Public Facilities



Map Created by
County of Santa Cruz
Planning Department
July 2011

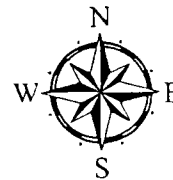


General Plan Designation Map



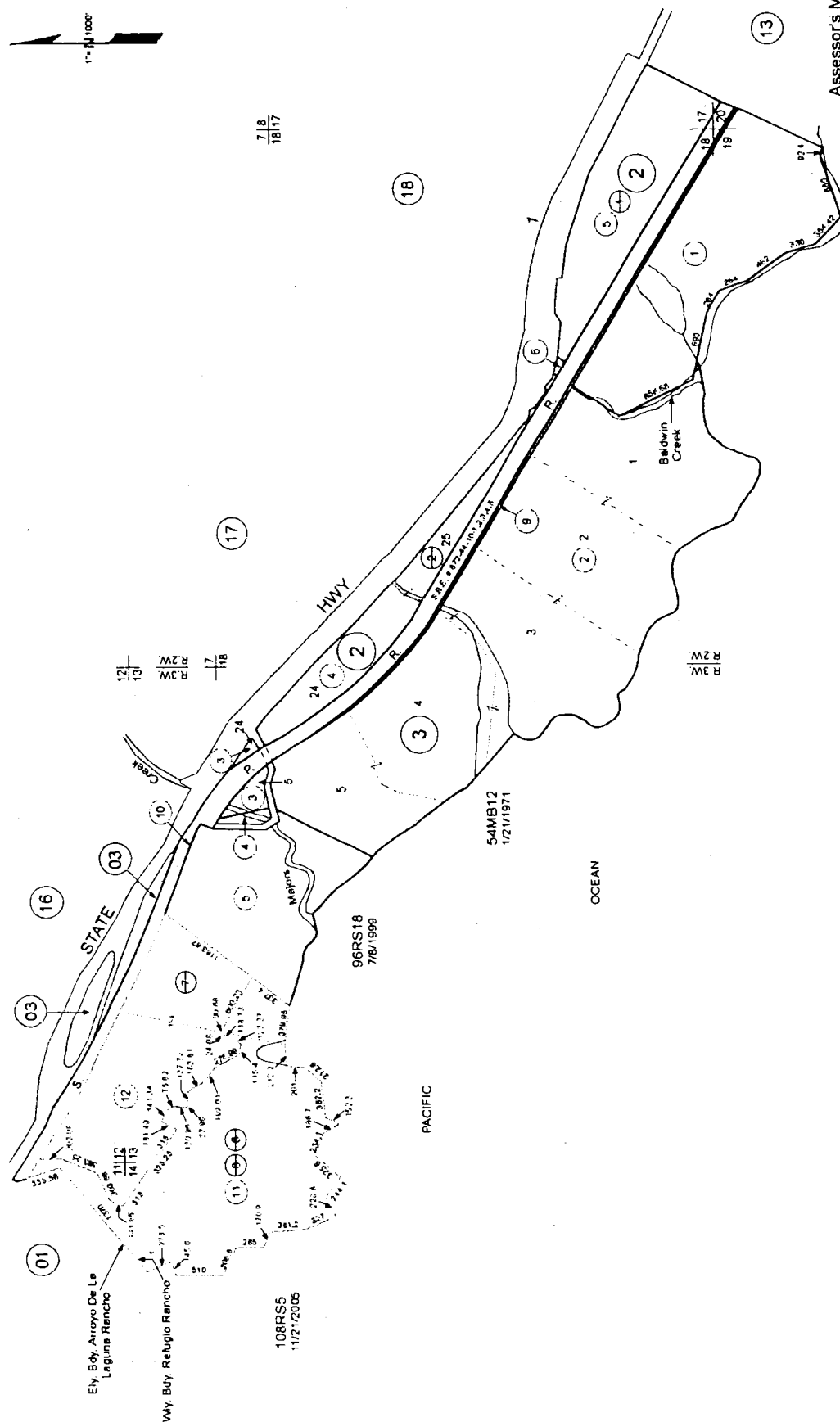
LEGEND

- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- County Boundary
- Parks and Recreation
- Agriculture
- Public Facilities



Map Created by
County of Santa Cruz
Planning Department
July 2011

59-02



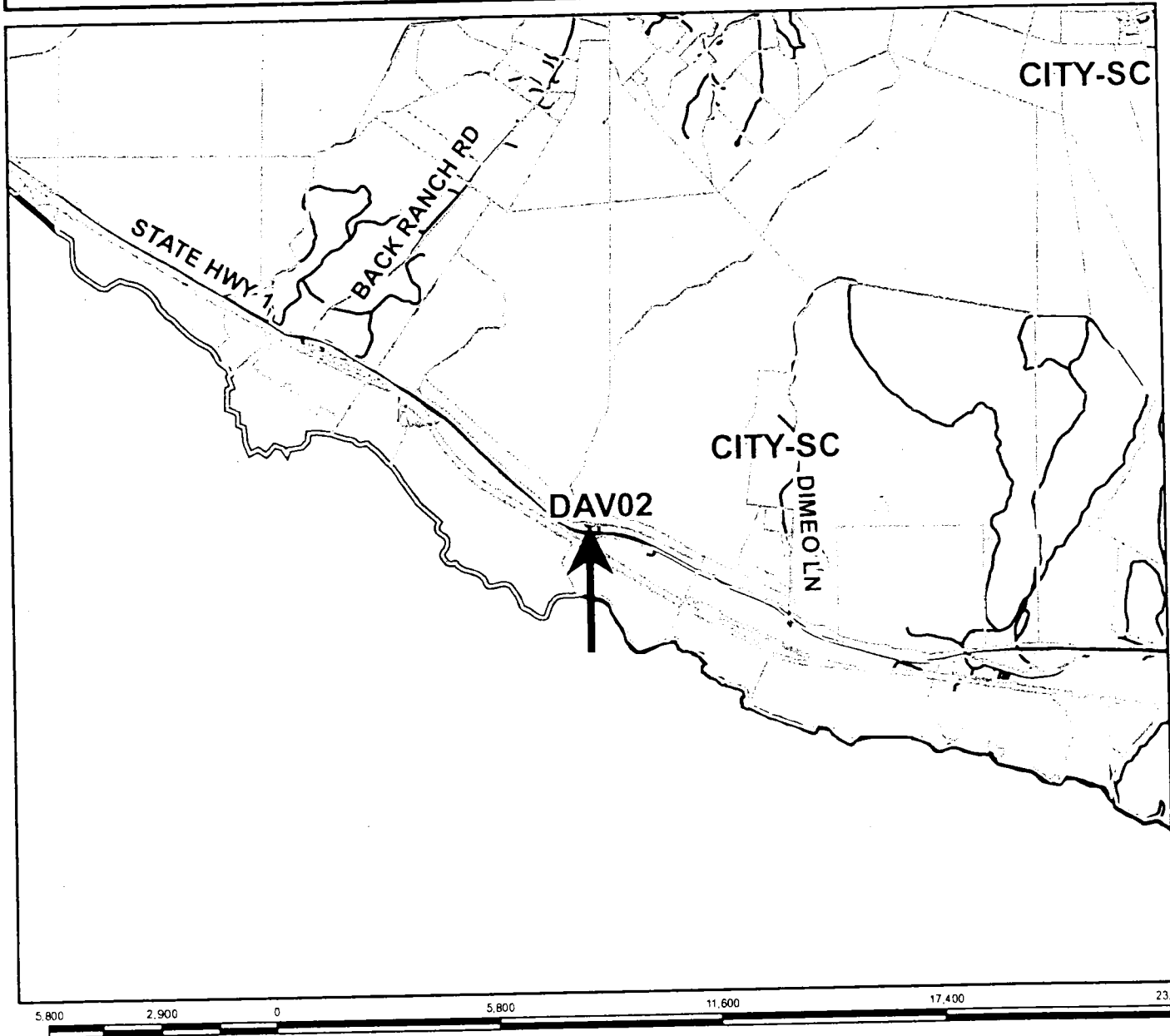
Assessor's Map No. 59-02
County of Santa Cruz, Calif.
July 1999

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

Electrically read on 7/1/99 K5A
Rev. 7/1/99 K5A (Pwr. to Pgs. 10, 17 & 18)
Rev. 8/5/99 C8 (969318)
Rev. 10/21/05 mm (5-0026013 & 10, LBA 3-11 & 12)
Rev. 7/11/07 1d (108955)

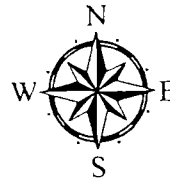


Location Map



LEGEND

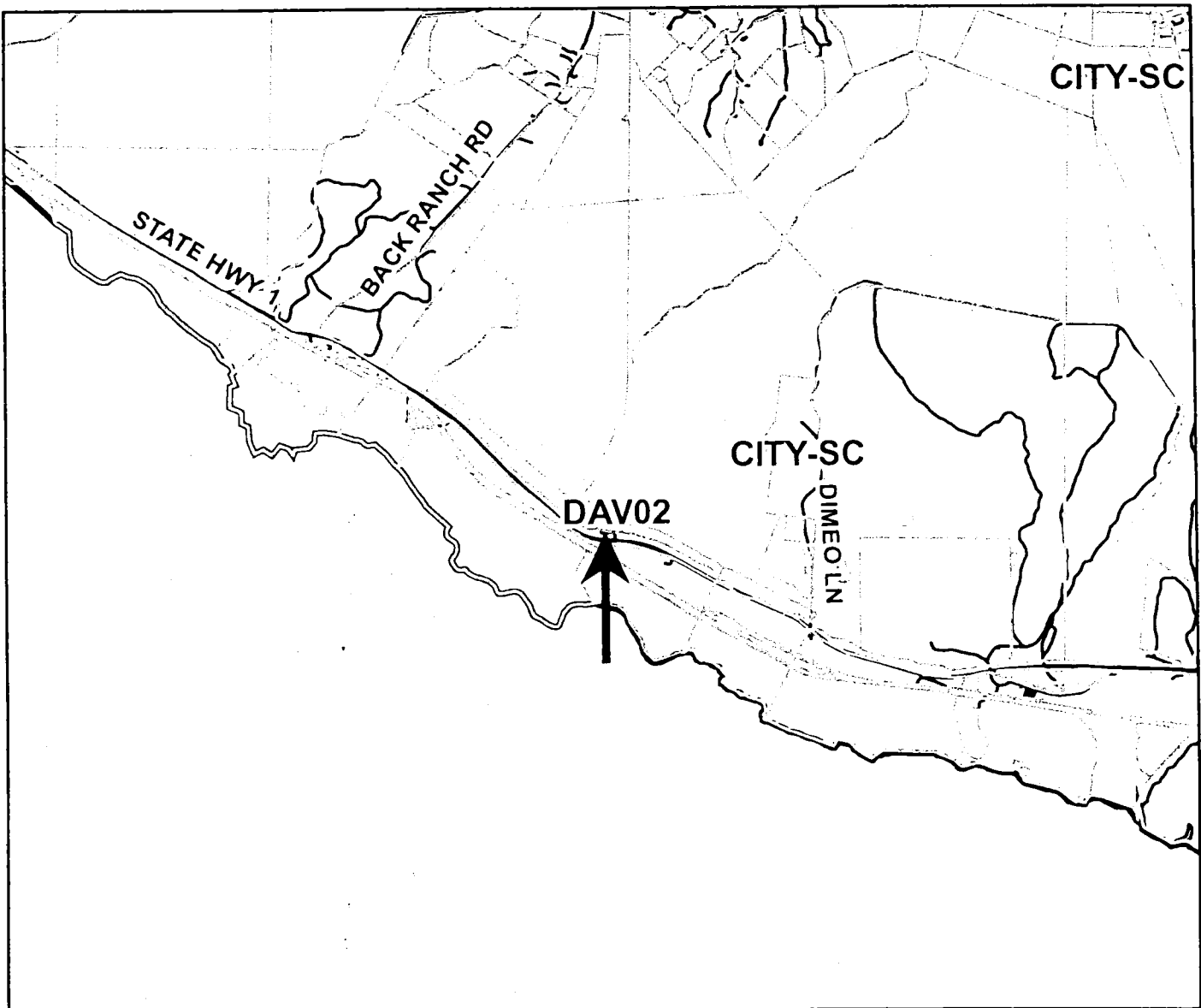
- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- County Boundary








Map Created by
County of Santa Cruz
Planning Department
July 2011

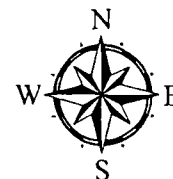


Location Map



LEGEND

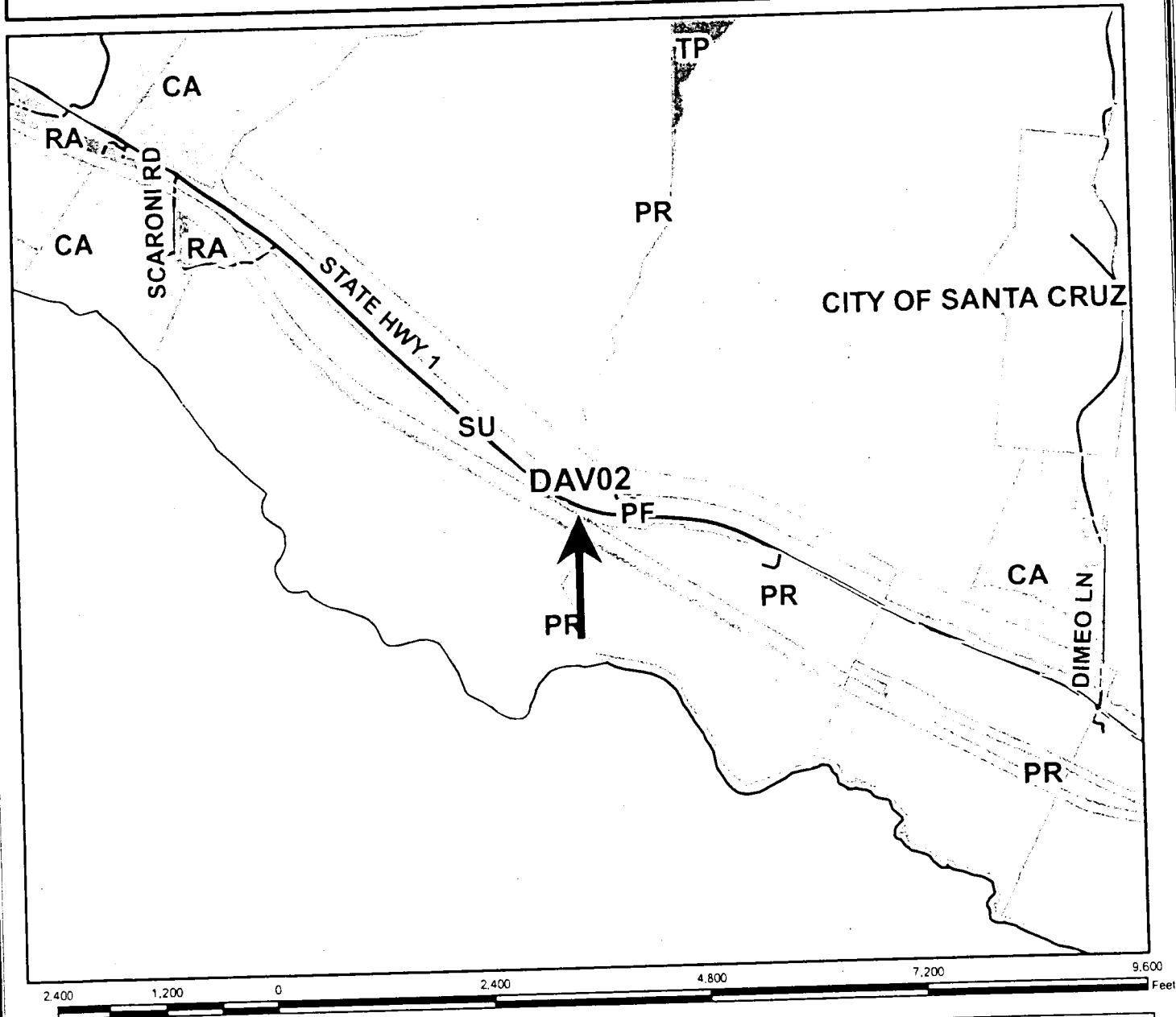
-  Assessors Parcels
-  Streets
-  State Highways
-  SANTA CRUZ
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
July 2011



Zoning Map



LEGEND

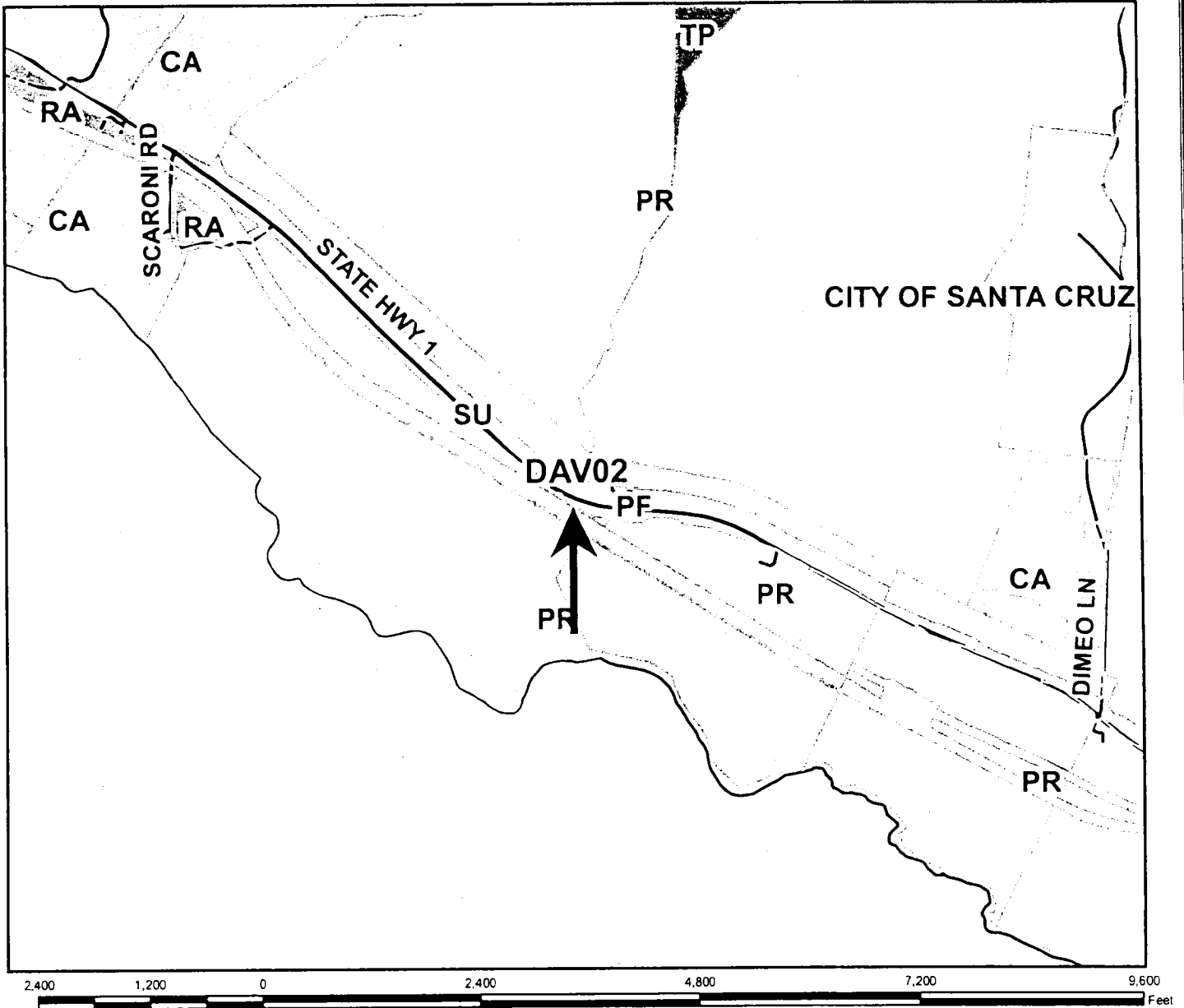
- Assessor's Parcels
- Streets
- State Highways
- SANTA CRUZ
- County Boundary
- SPECIAL USE
- PUBLIC FACILITY
- PARK
- AGRICULTURE COMMERCIAL
- AGRICULTURE RESIDENTIAL
- TIMBER PRODUCTION



Map Created by
County of Santa Cruz
Planning Department
July 2011

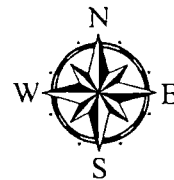


Zoning Map



LEGEND

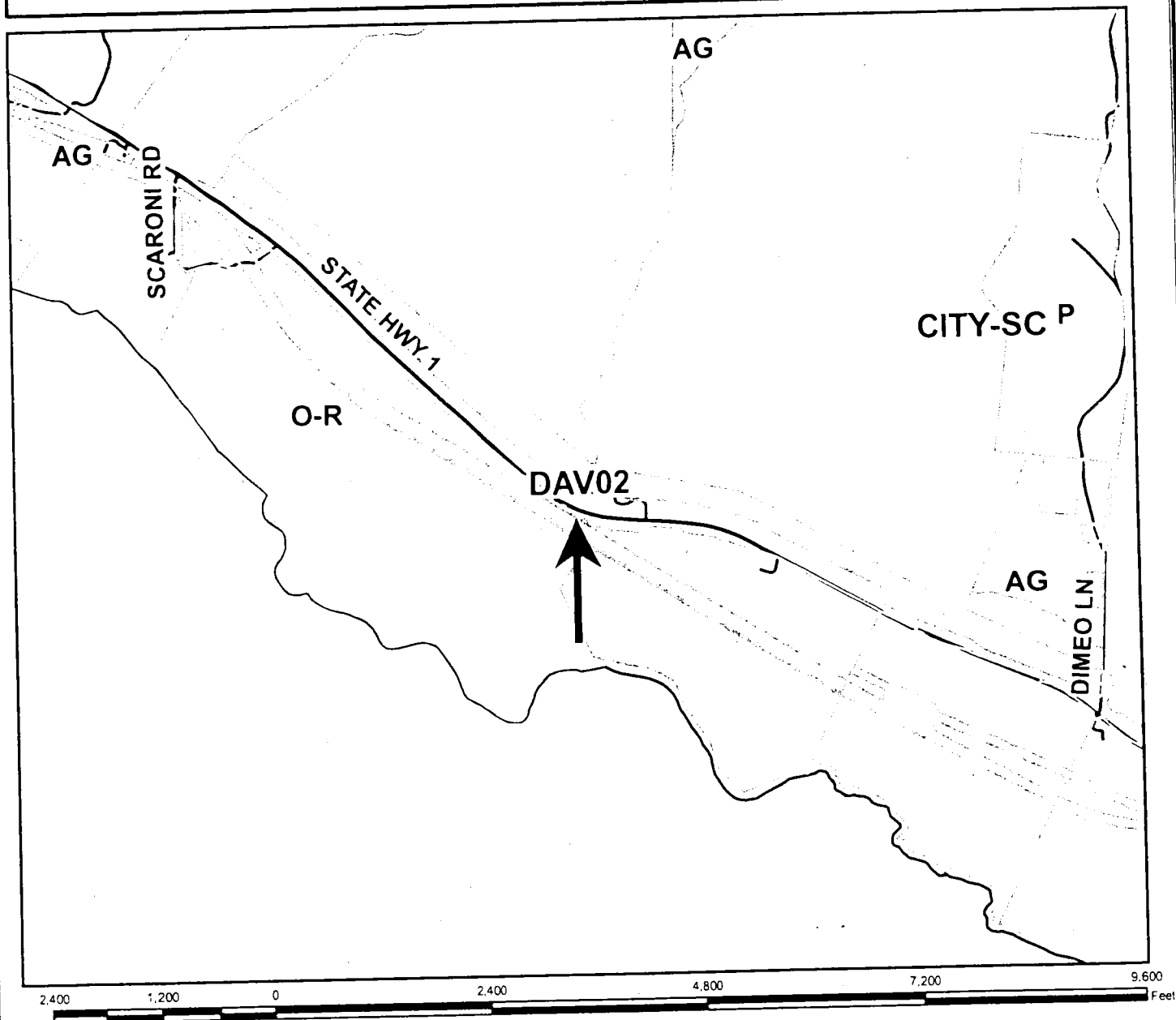
- Assessors' Parcels
- Streets
- State Highways
- SANTA CRUZ
- County Boundary
- SPECIAL USE
- PUBLIC FACILITY
- PARK
- AGRICULTURE COMMERCIAL
- AGRICULTURE RESIDENTIAL
- TIMBER PRODUCTION






Map Created by
County of Santa Cruz
Planning Department
July 2011

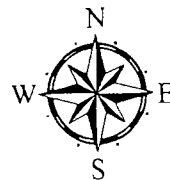


General Plan Designation Map



LEGEND

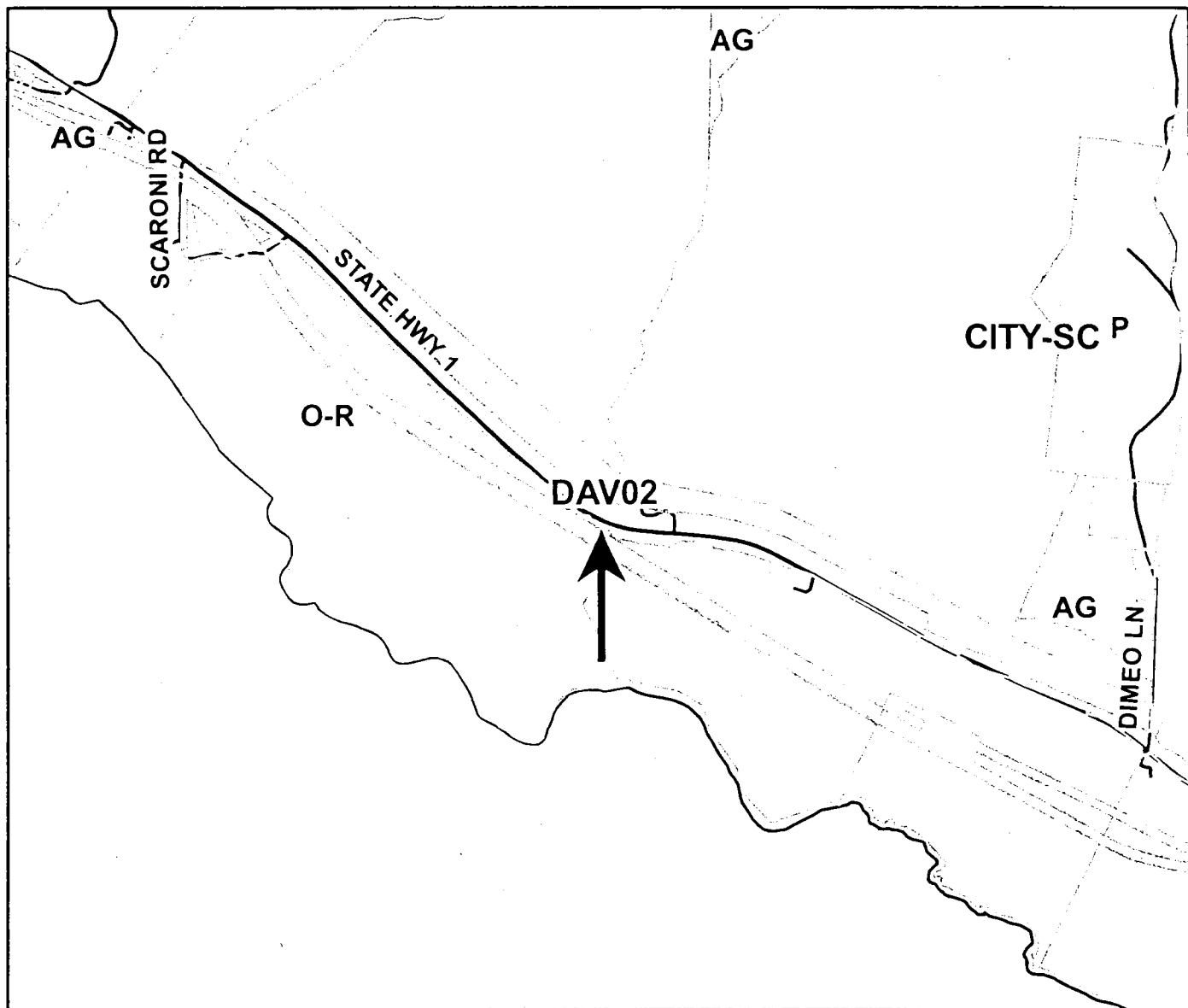
-  Assessors Parcels
-  Streets
-  State Highways
- SANTA CRUZ
- Parks and Recreation
- Agriculture
- Public Facilities



Map Created by
County of Santa Cruz
Planning Department
July 2011

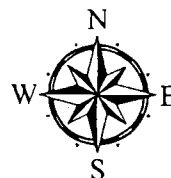


General Plan Designation Map



LEGEND

- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- Parks and Recreation
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- Public Facilities



Map Created by
County of Santa Cruz
Planning Department
July 2011

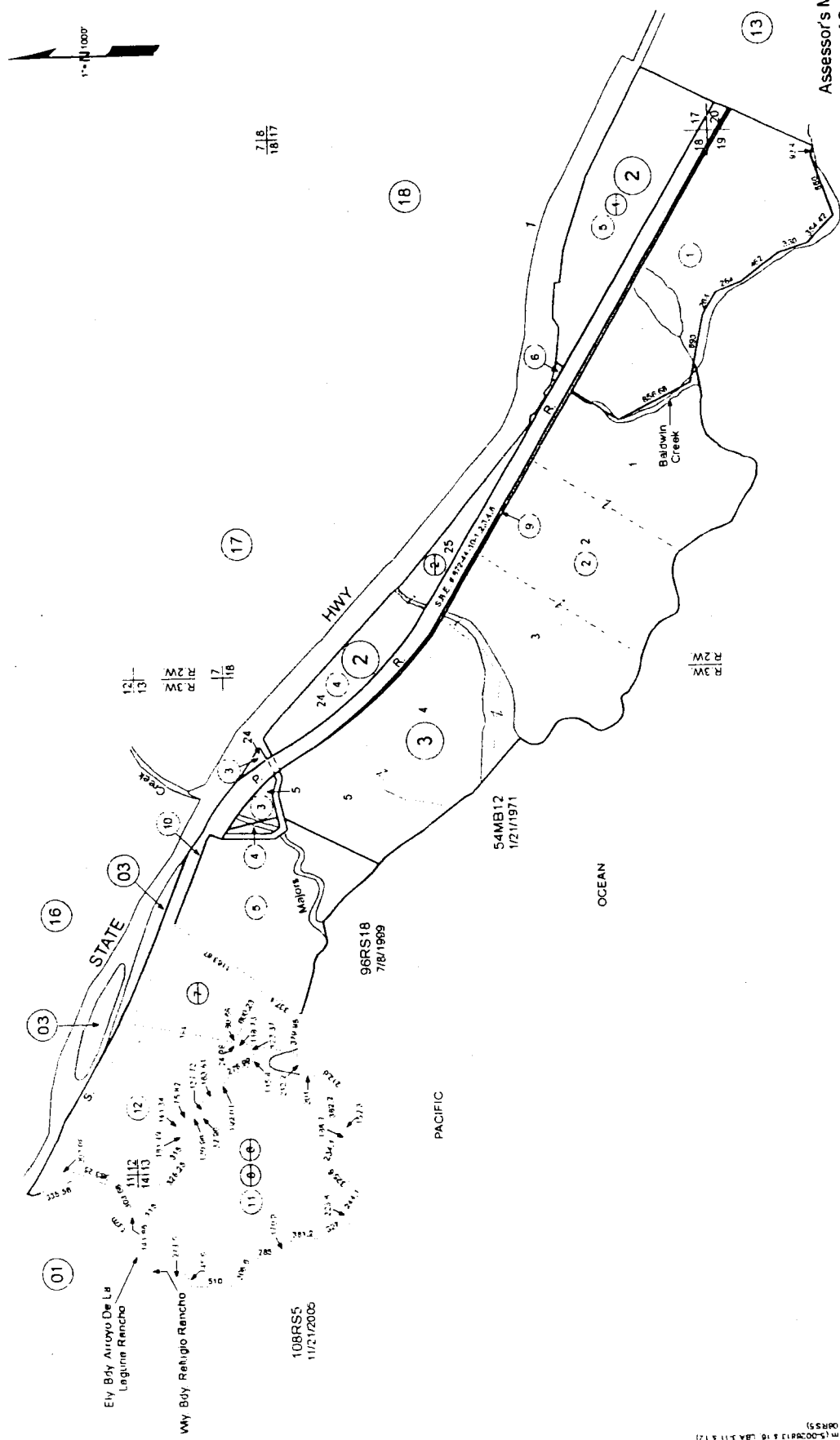
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REFUGIO RANCHO
POR. SECS. 17, 18, 19, & 20, T.11S., R.2W., &
POR. SECS. 11, 12, 13, & 14, R.3W., M.D.B. & M.

Tax Area Code
92-007

59-02



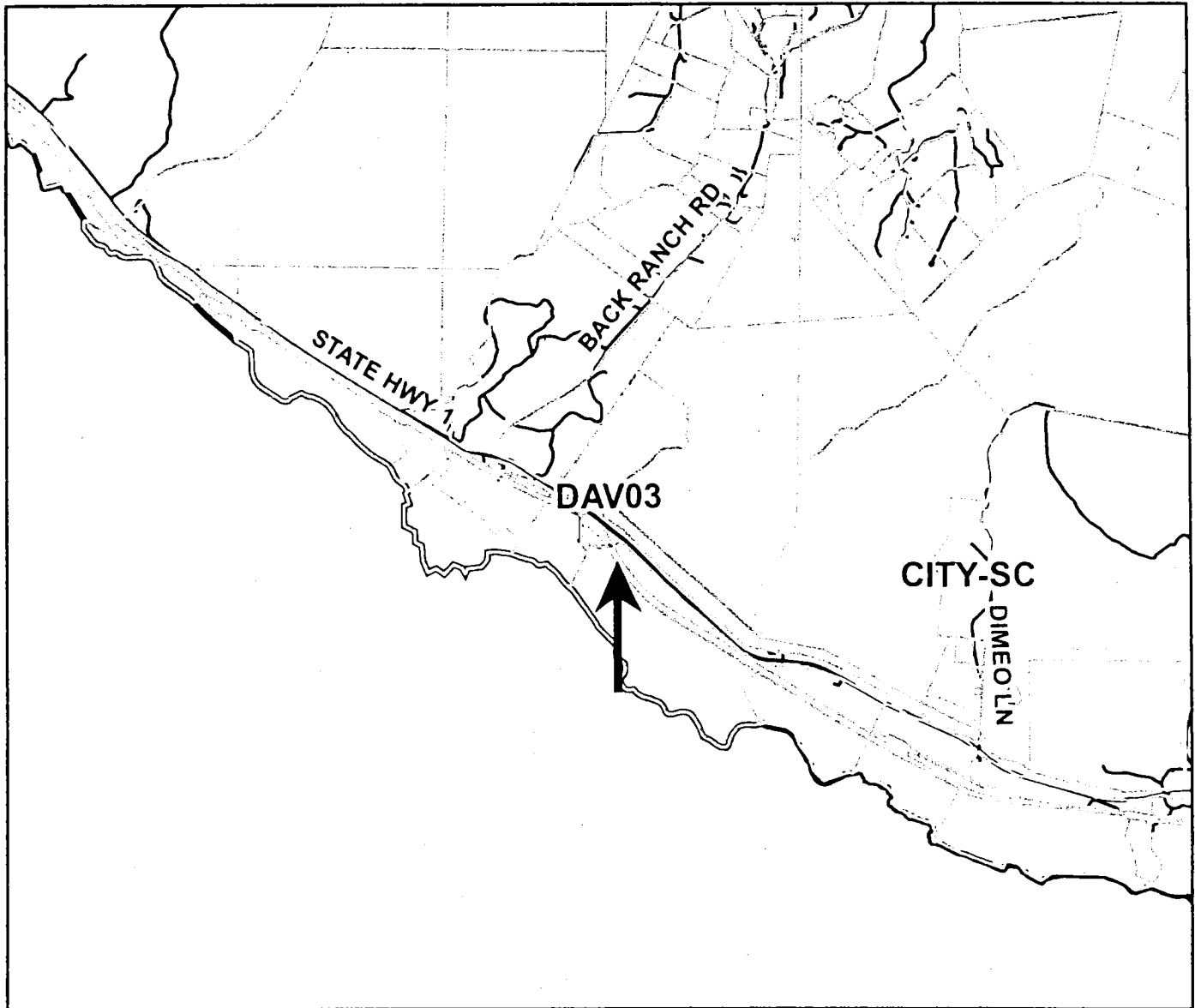
Note - Assessor's Parcel & Block
Numbers Shown in Circles

Assessor's Map No. 59-02
County of Santa Cruz, Calif.
July 1999

5/20/2006 10:00 AM 7/1/00 KSA
REV 7/1/00 KSA (P) 10/17/00 KSA
REV 6/5/00 C.B. (10/17/00 KSA)
REV 10/21/05 M.M. (5/20/06) 10/17/00 KSA
REV 7/1/07 (10/17/00 KSA)



Location Map



LEGEND

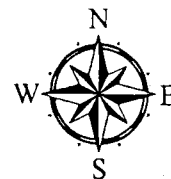
Assessors Parcels

Streets

State Highways

SANTA CRUZ

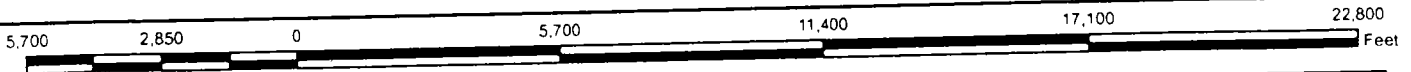
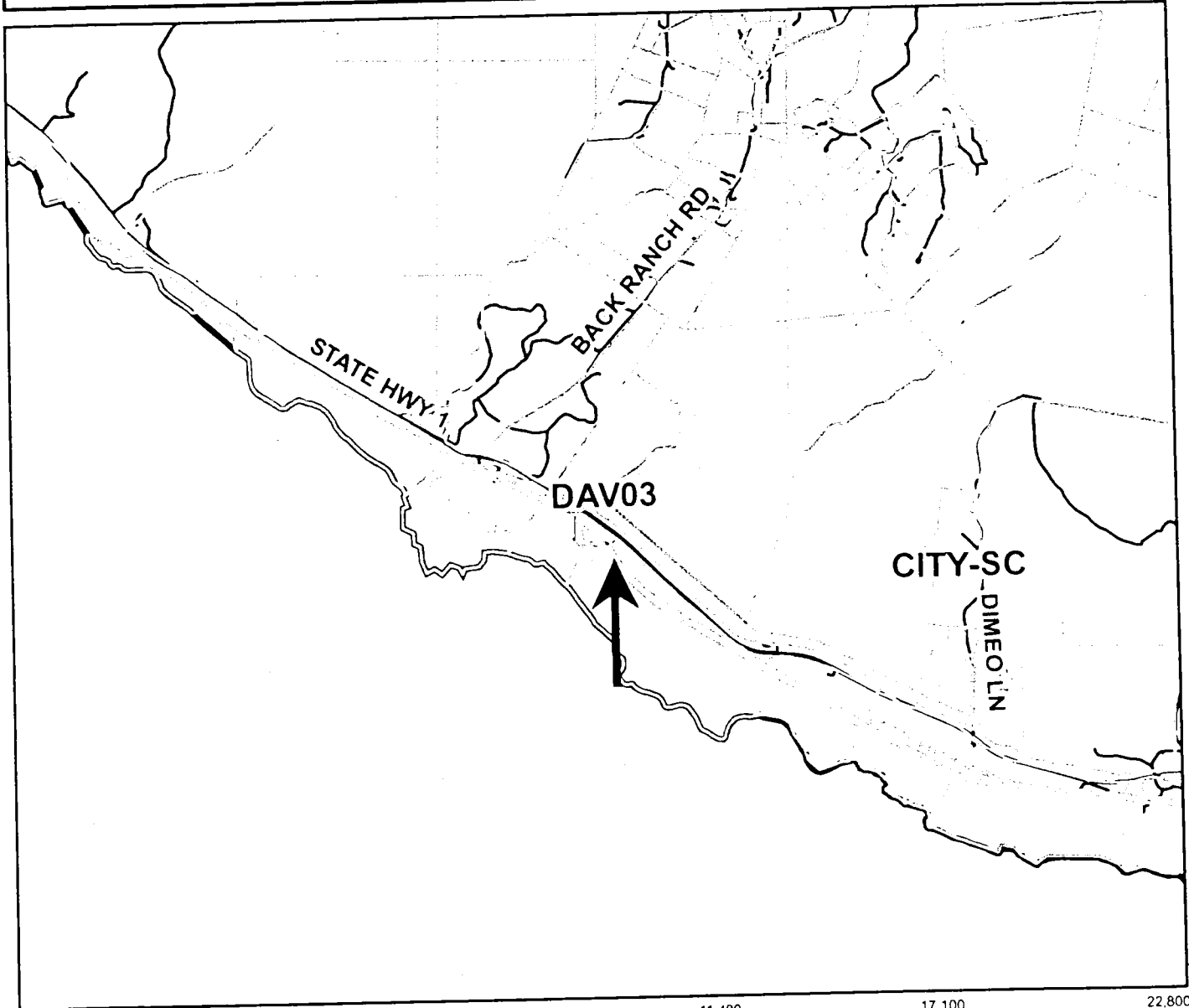
County Boundary



Map Created by
County of Santa Cruz
Planning Department
July 2011



Location Map



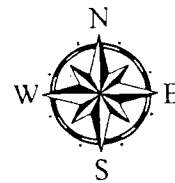
LEGEND
Assessors Parcels

— Streets

— State Highways

SANTA CRUZ

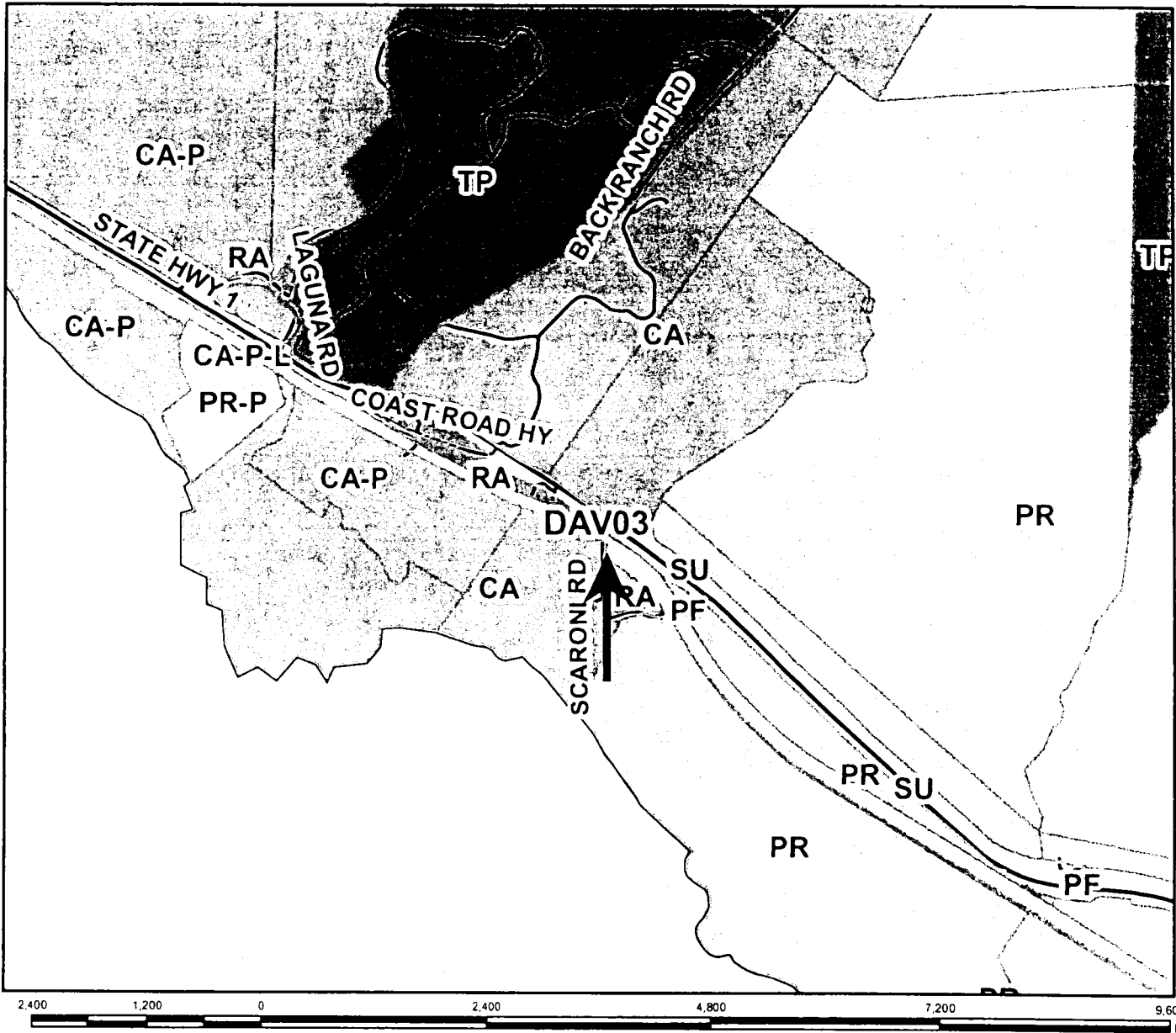
County Boundary



Map Created by
County of Santa Cruz
Planning Department
July 2011

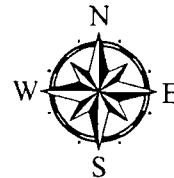


Zoning Map



LEGEND

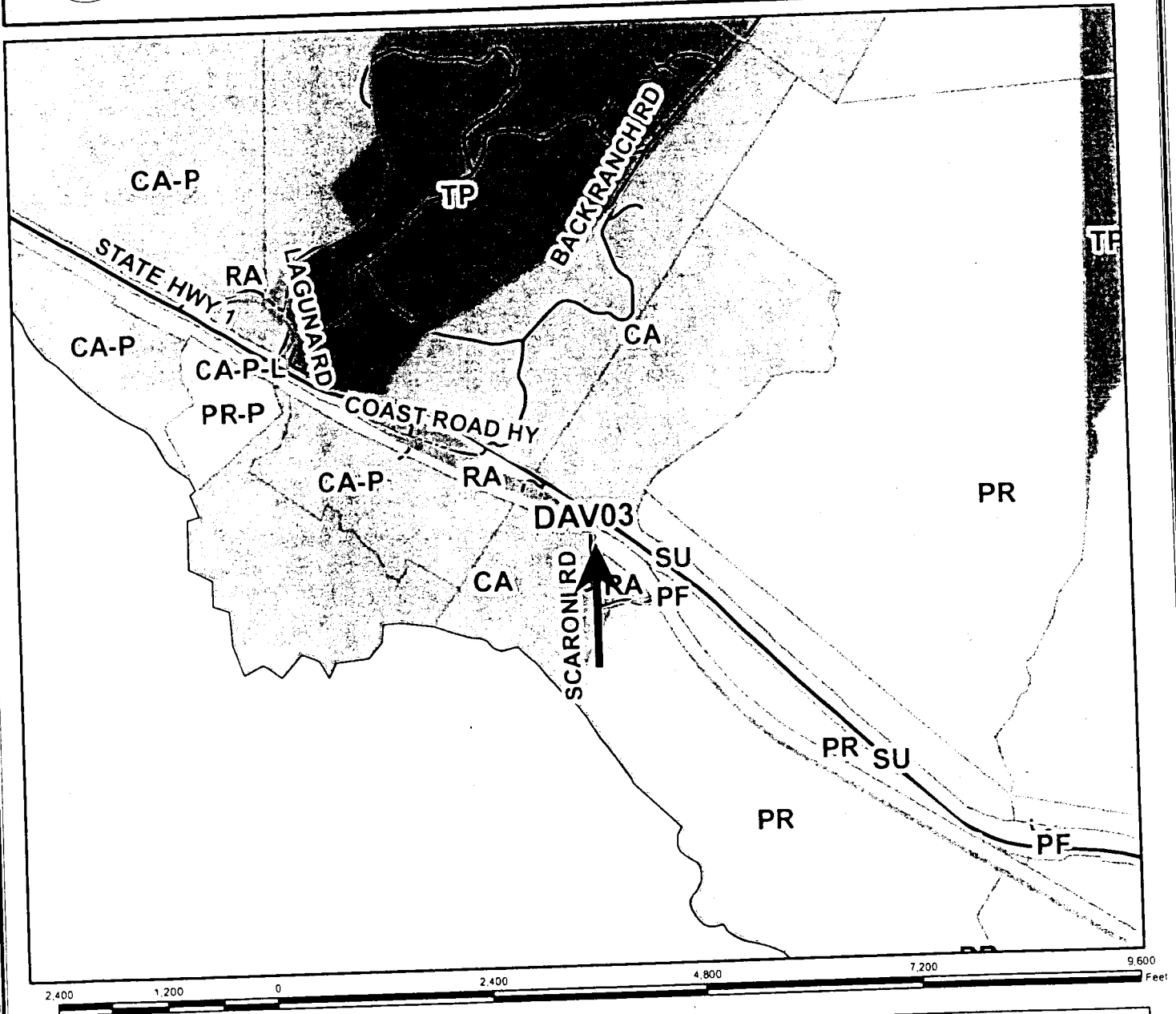
- Assessors Parcels
- Streets
- State Highways
- County Boundary
- SPECIAL USE
- PUBLIC FACILITY
- PARK
- AGRICULTURE COMMERCIAL
- AGRICULTURE RESIDENTIAL
- TIMBER PRODUCTION



Map Created by
County of Santa Cruz
Planning Department
July 2011

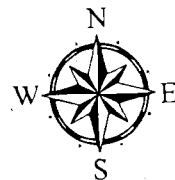


Zoning Map



LEGEND

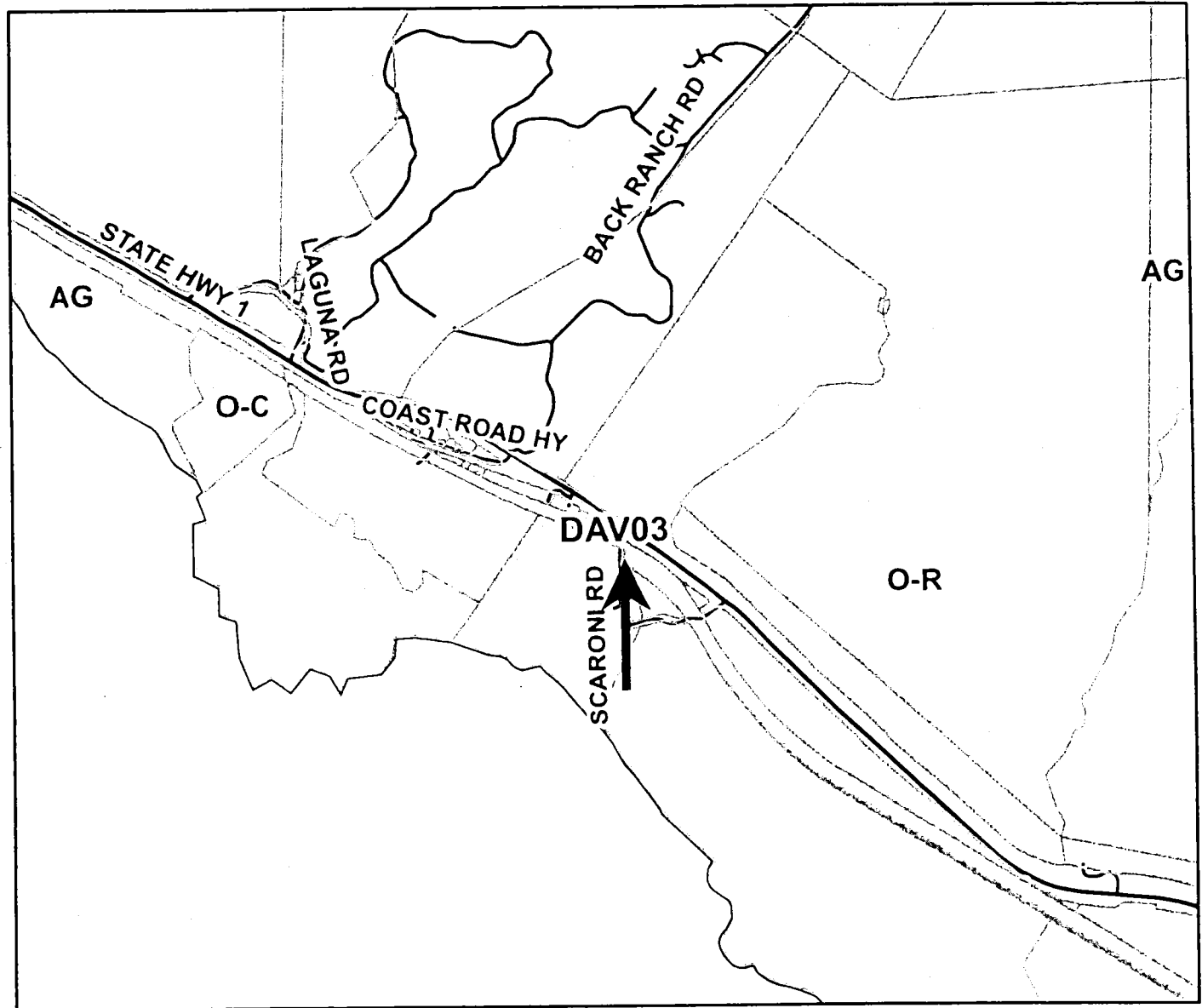
- Assessors Parcels
- Streets
- State Highways
- County Boundary
- SPECIAL USE
- PUBLIC FACILITY
- PARK
- AGRICULTURE COMMERCIAL
- AGRICULTURE RESIDENTIAL
- TIMBER PRODUCTION



Map Created by
County of Santa Cruz
Planning Department
July 2011

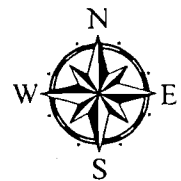


General Plan Designation Map



LEGEND

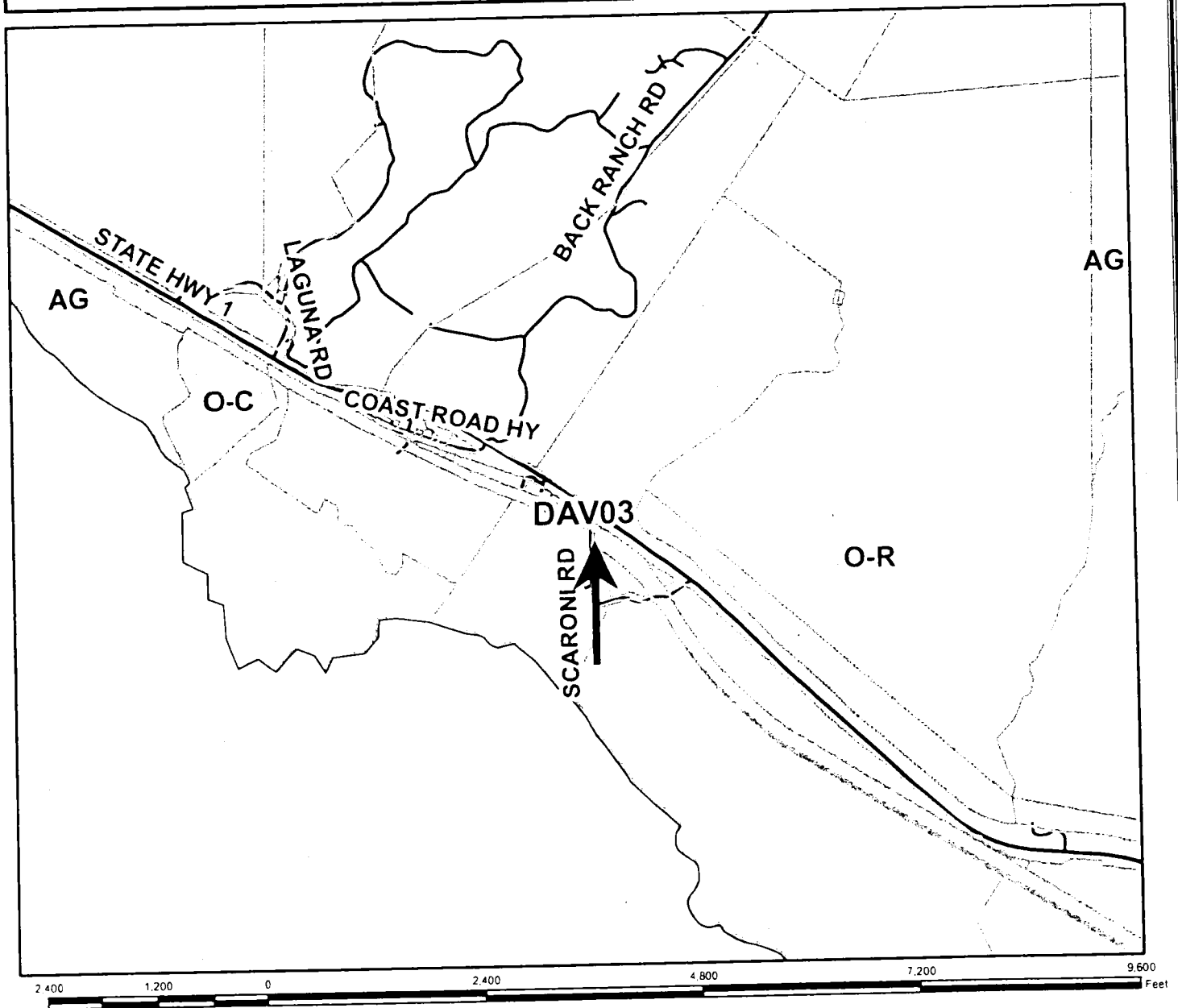
- Assessors Parcels
- Streets
- State Highways
- County Boundary
- Parks and Recreation
- Agriculture
- Resource Conservation



Map Created by
County of Santa Cruz
Planning Department
July 2011

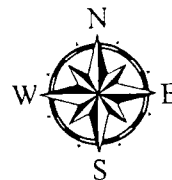


General Plan Designation Map



LEGEND

- Assessors Parcels
- Streets
- State Highways
- County Boundary
- Parks and Recreation
- Agriculture
- Resource Conservation



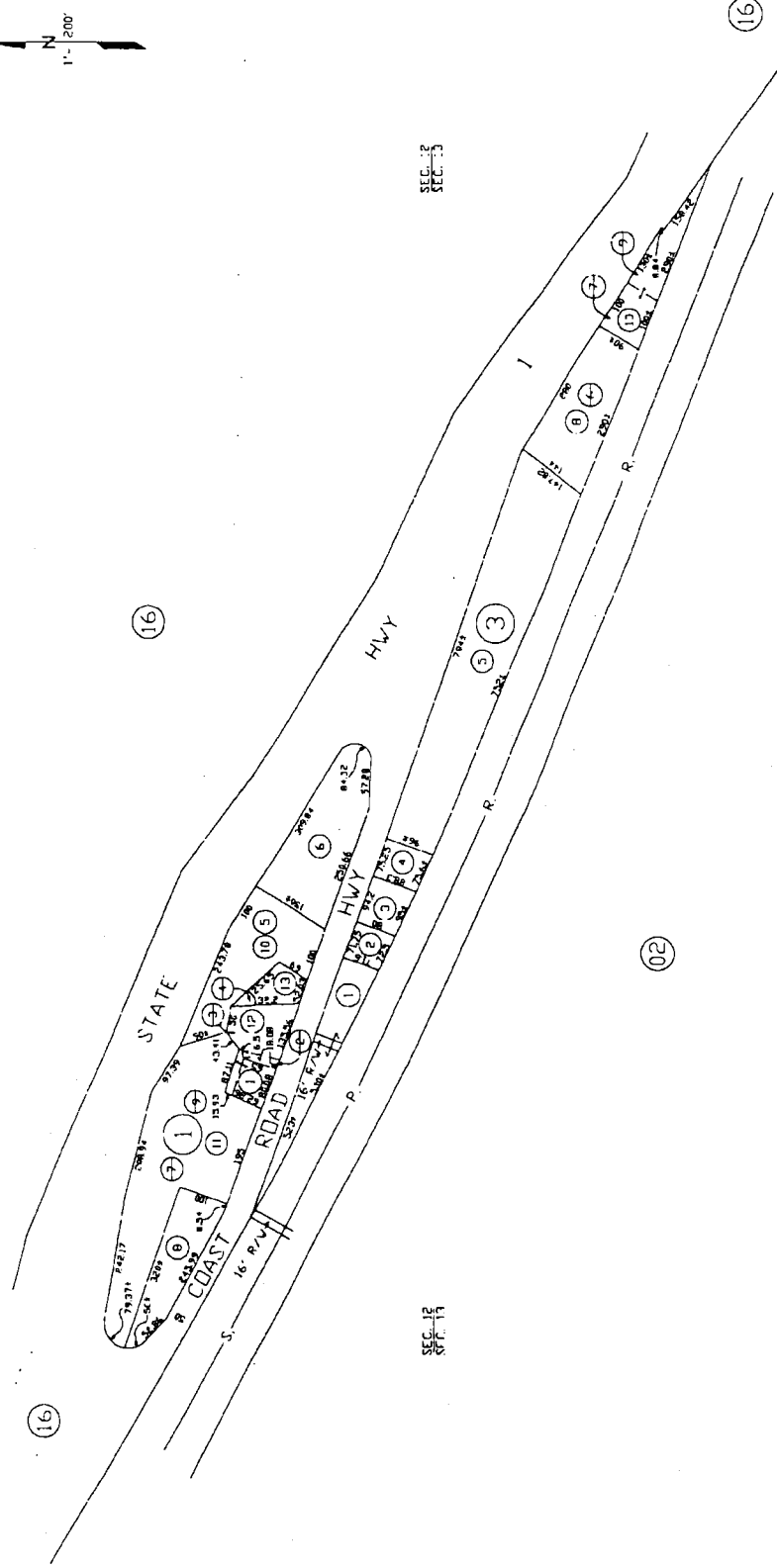
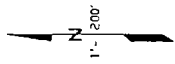
Map Created by
County of Santa Cruz
Planning Department
July 2011

59-03

Tax Area Code
92-007

REFUGIO RANCHO
POR. SECS. 12 & 13, T.11S., R.3W., M.D.B. & M.

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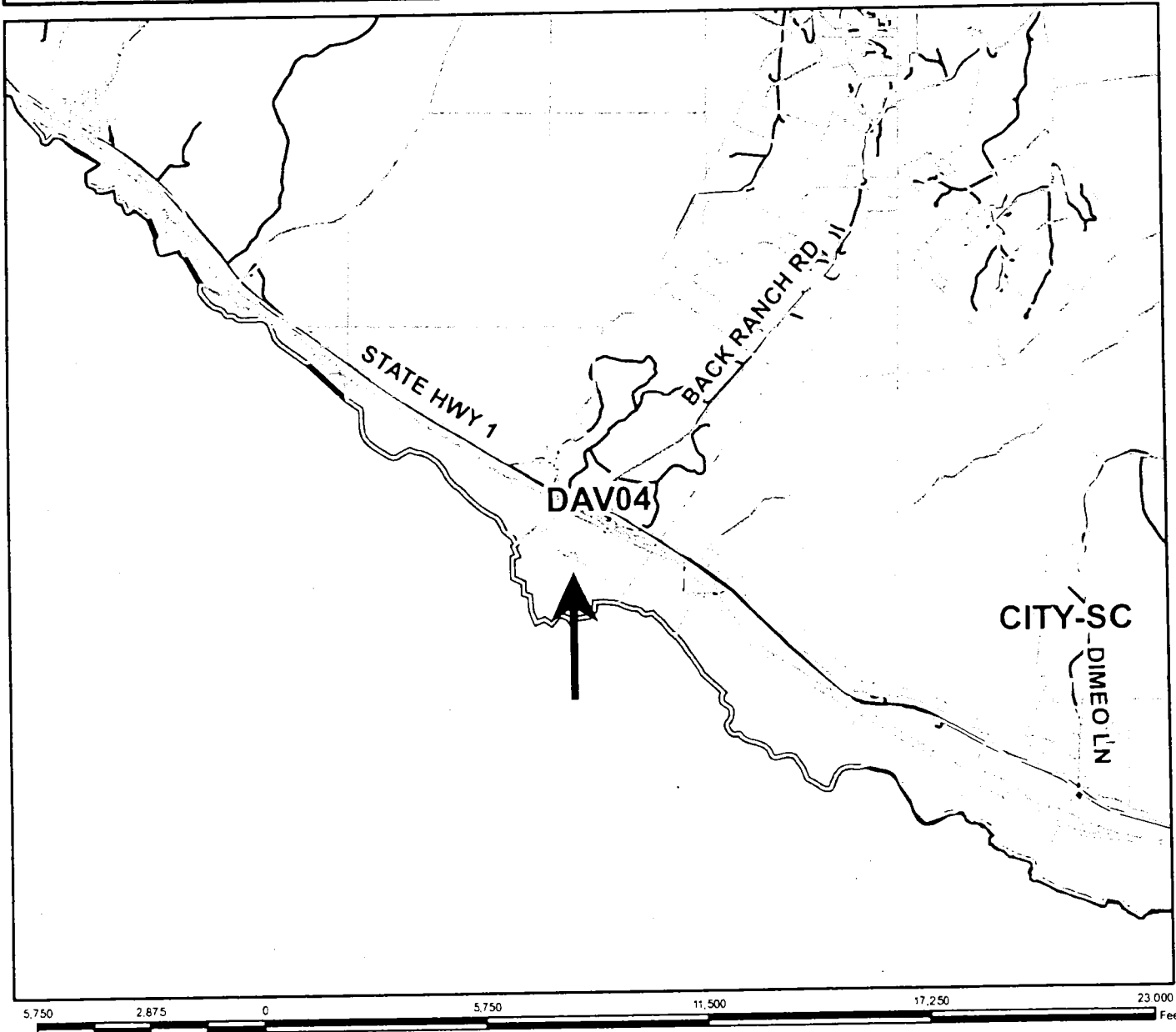


Assessor's Map No. 59-03
County of Santa Cruz, Calif.
July 1995

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

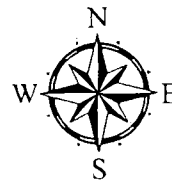


Location Map



LEGEND

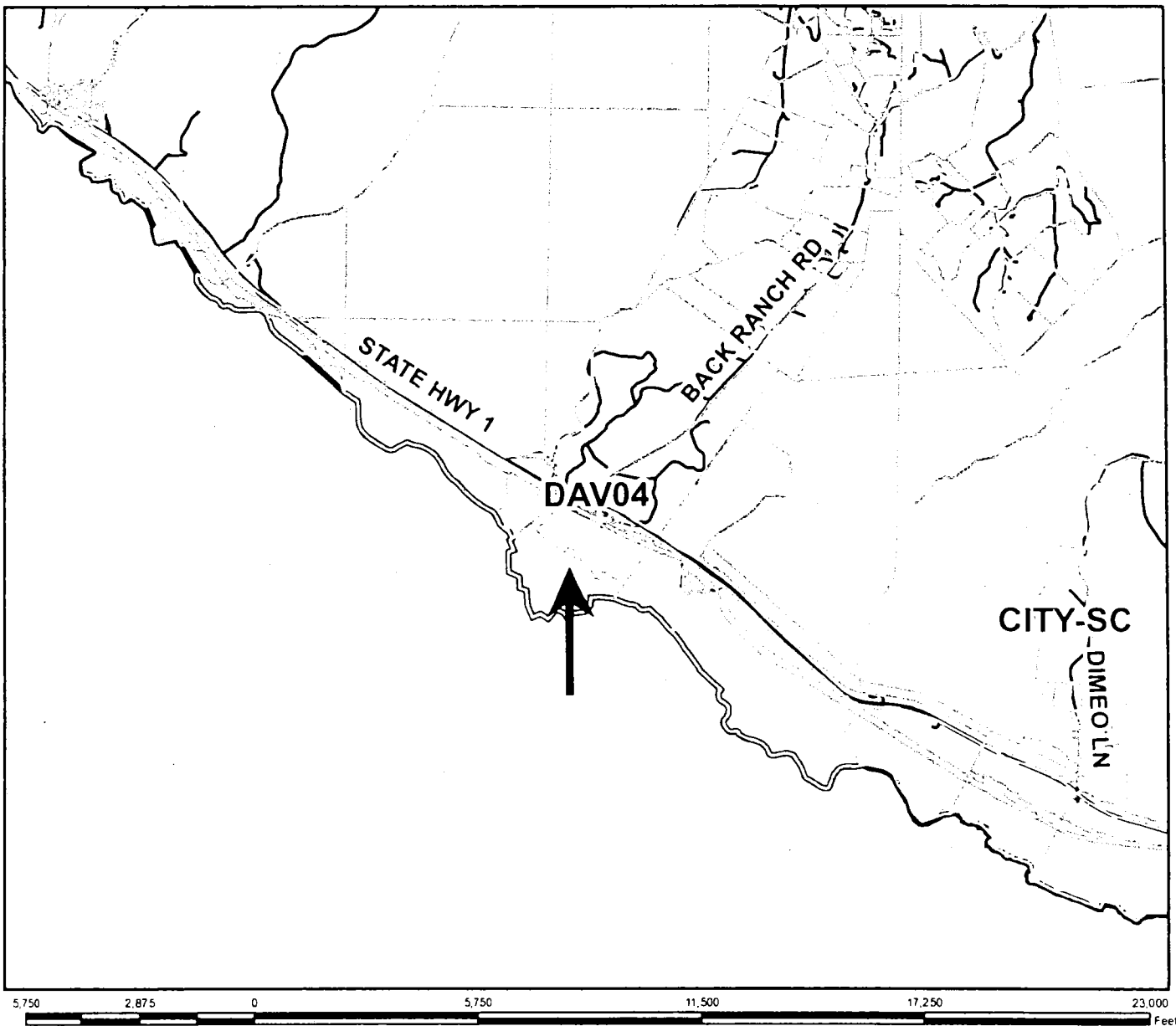
- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- County Boundary








Map Created by
County of Santa Cruz
Planning Department
July 2011

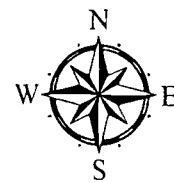


Location Map



LEGEND

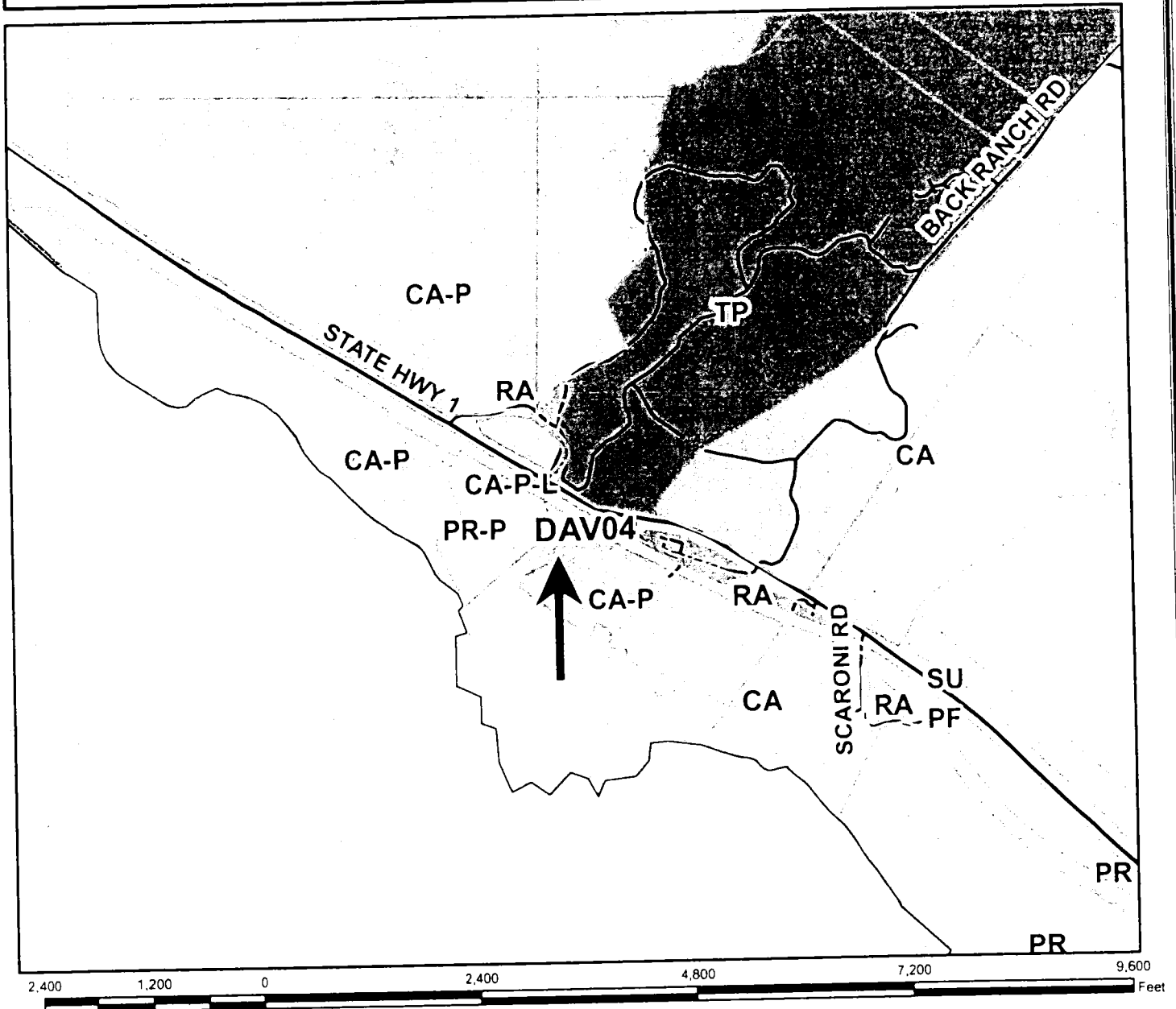
-  Assessors Parcels
-  Streets
-  State Highways
-  SANTA CRUZ
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
July 2011

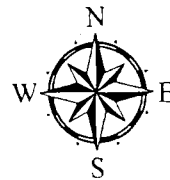


Zoning Map



LEGEND

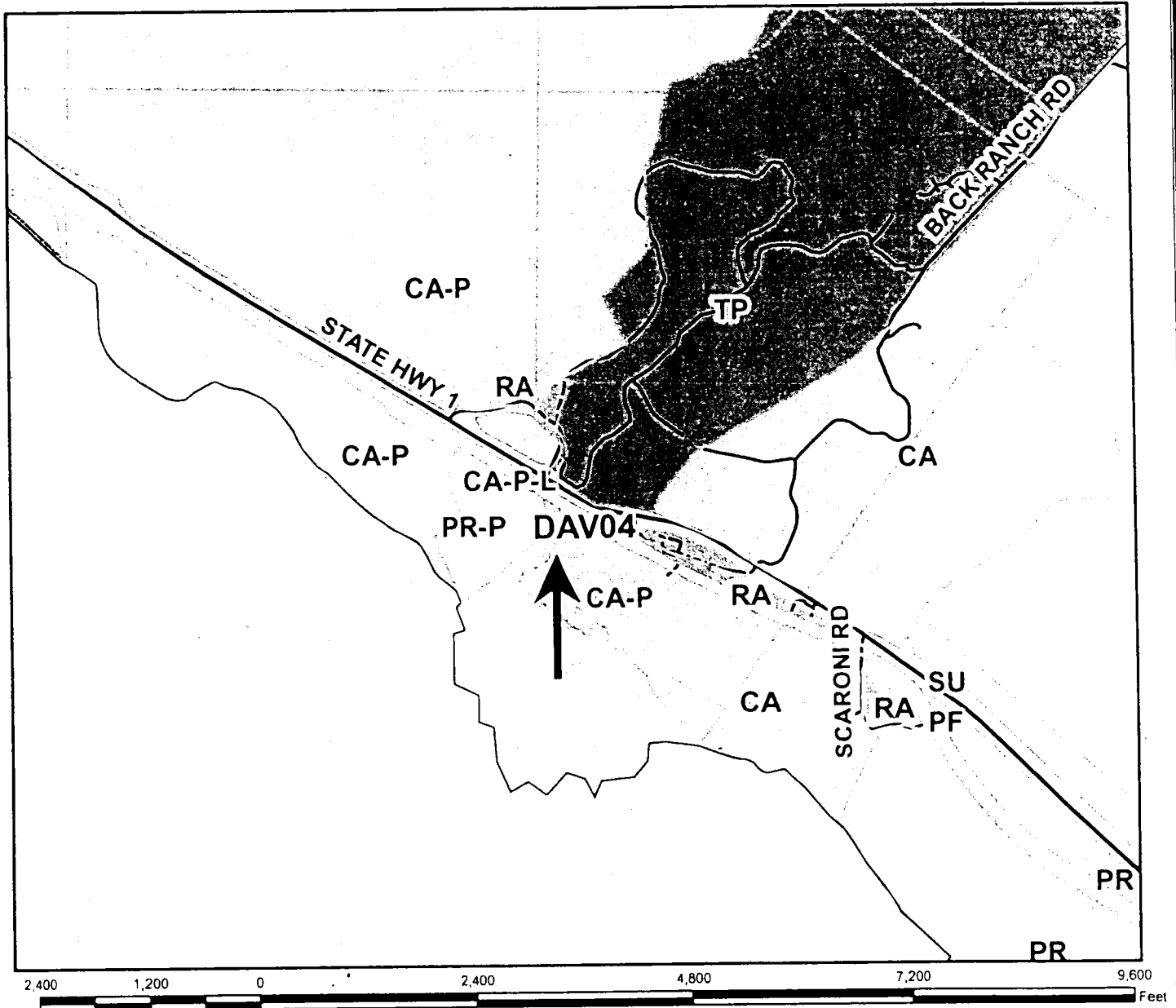
- Assessors Parcels
- Streets
- State Highways
- County Boundary
- SPECIAL USE
- PUBLIC FACILITY
- AGRICULTURE COMMERCIAL
- AGRICULTURE RESIDENTIAL
- PARK
- TIMBER PRODUCTION



Map Created by
County of Santa Cruz
Planning Department
July 2011

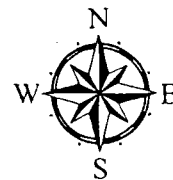


Zoning Map



LEGEND

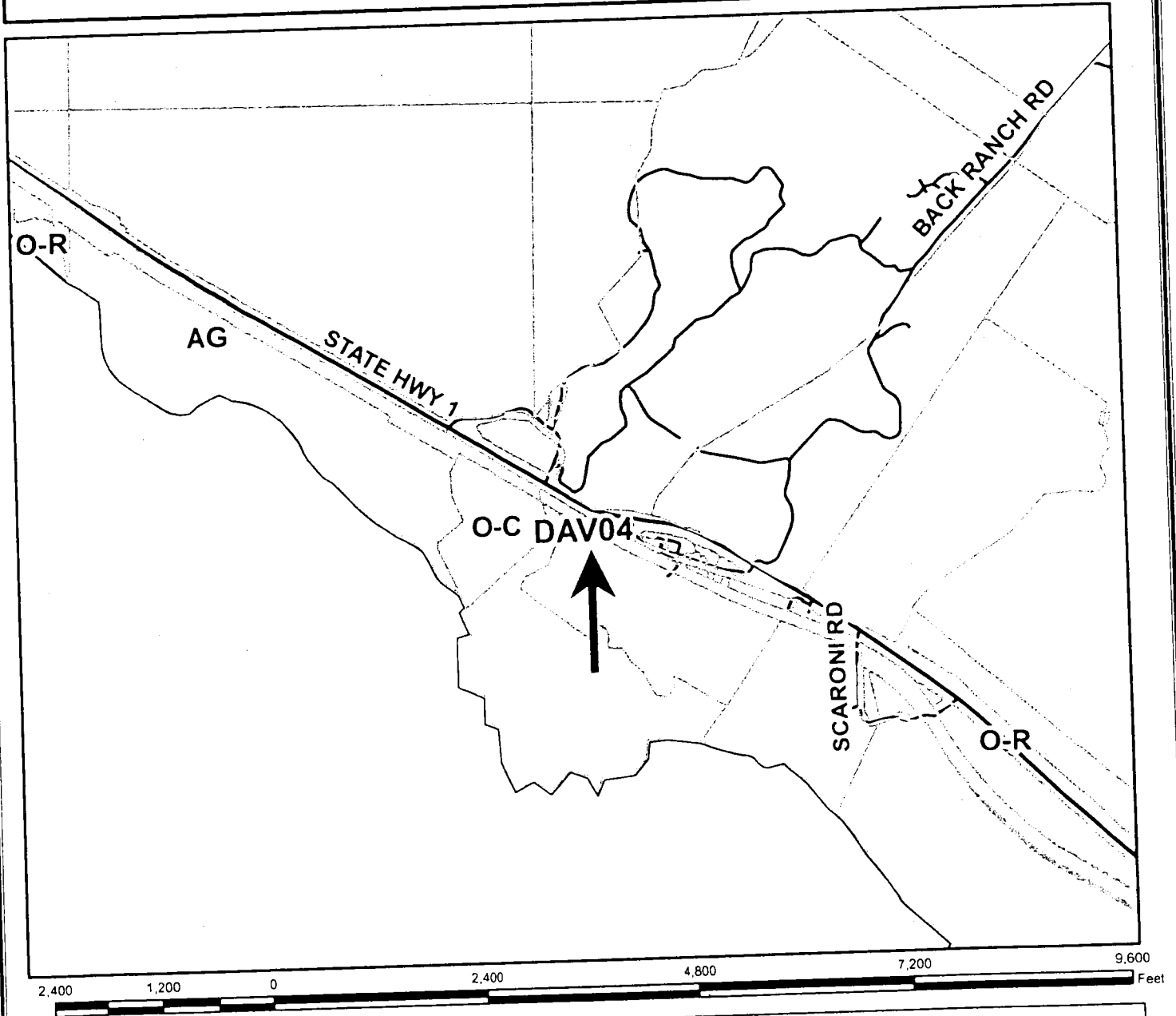
- Assessors Parcels
- Streets
- State Highways
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- PUBLIC FACILITY
- AGRICULTURE COMMERCIAL
- AGRICULTURE RESIDENTIAL
- PARK
- TIMBER PRODUCTION










Map Created by
County of Santa Cruz
Planning Department
July 2011

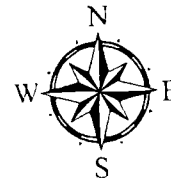


General Plan Designation Map



LEGEND

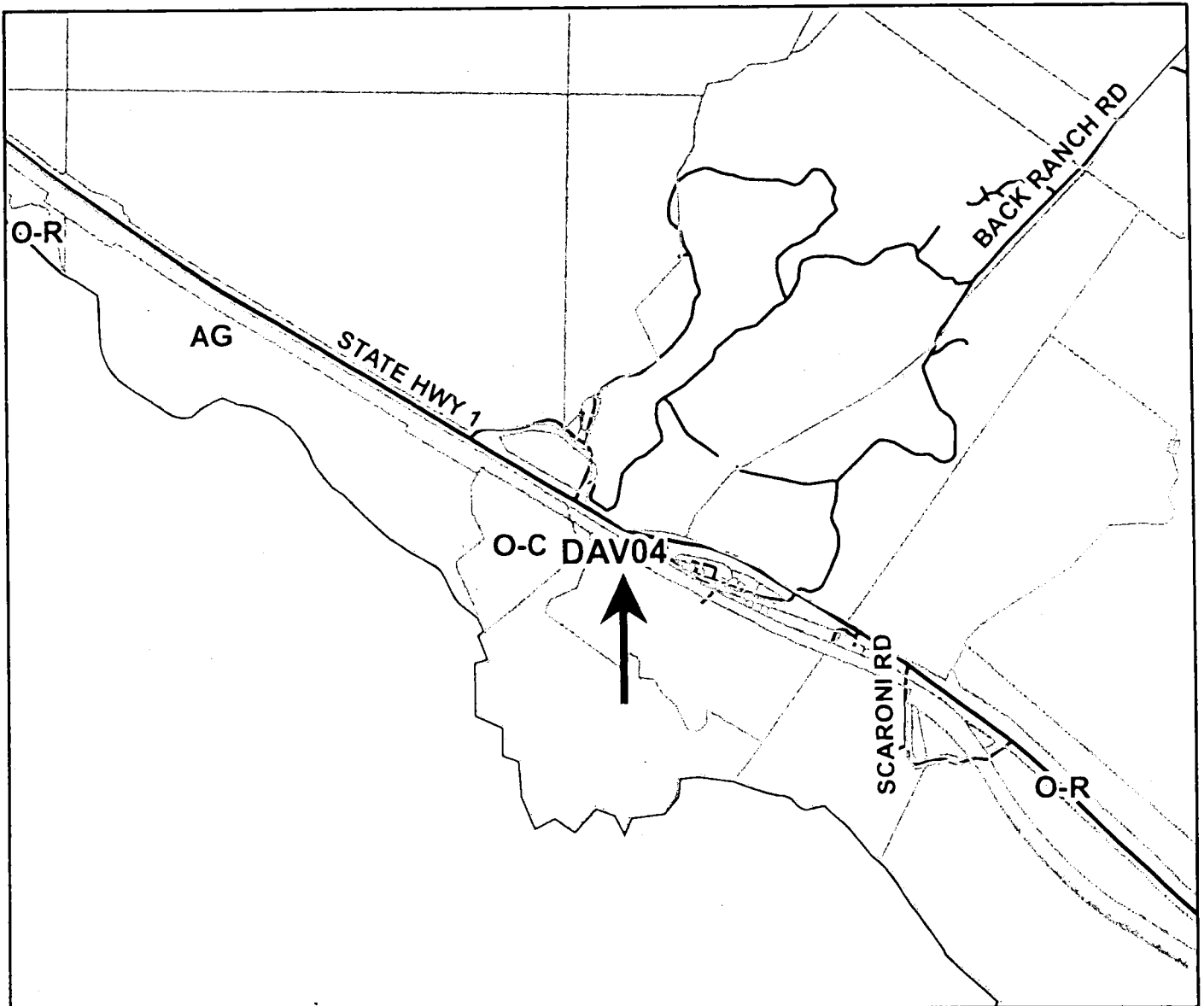
-  Assessors Parcels
-  Streets
-  State Highways
-  County Boundary
-  Parks and Recreation
-  Agriculture
-  Resource Conservation



Map Created by
County of Santa Cruz
Planning Department
July 2011



General Plan Designation Map



2,400 1,200 0 2,400 4,800 7,200 9,600 Feet

LEGEND

Assessors Parcels

Streets

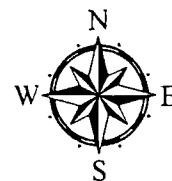
State Highways

County Boundary

Parks and Recreation

Agriculture

Resource Conservation



Map Created by
County of Santa Cruz
Planning Department
July 2011

FOR TAX PURPOSES ONLY

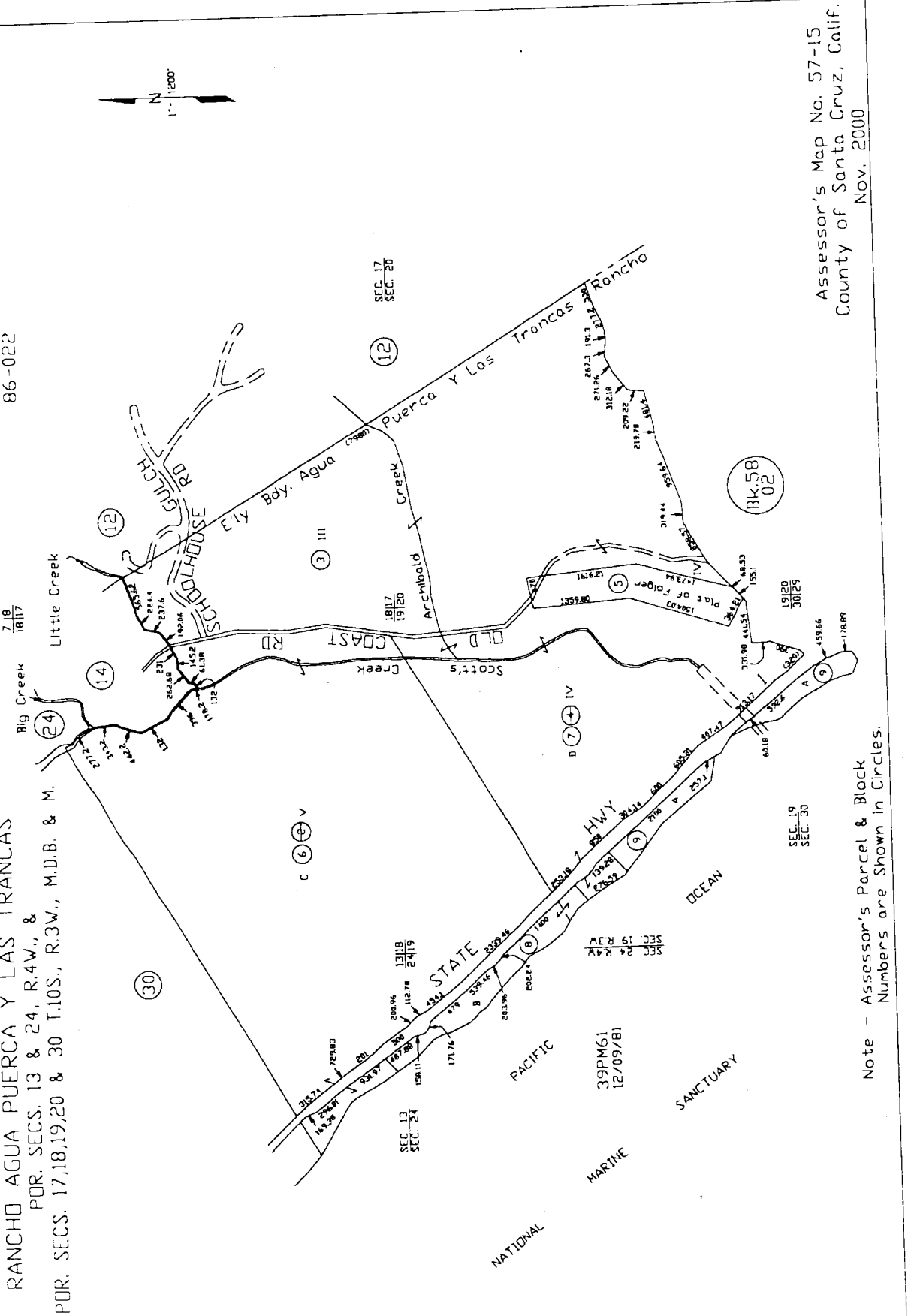
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RANCHO AGUA PUERCA Y LAS TRANCAS
 POR. SECS. 13 & 24, R.4W., &
 POR. SECS. 17,18,19,20 & 30 T.10S., R.3W., M.D.B. & M.

Tax Area Code
 86-022

57-15



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

Assessor's Map No. 57-15
 County of Santa Cruz, Calif.
 Nov. 2000

Electronically prepared 11/14/00 KSA
 Rev. 11/14/00 KSA (Rev. 10/10/00)
 Rev. 11/14/00 KSA (Rev. 10/10/00)
 Rev. 11/14/00 KSA (Rev. 10/10/00)

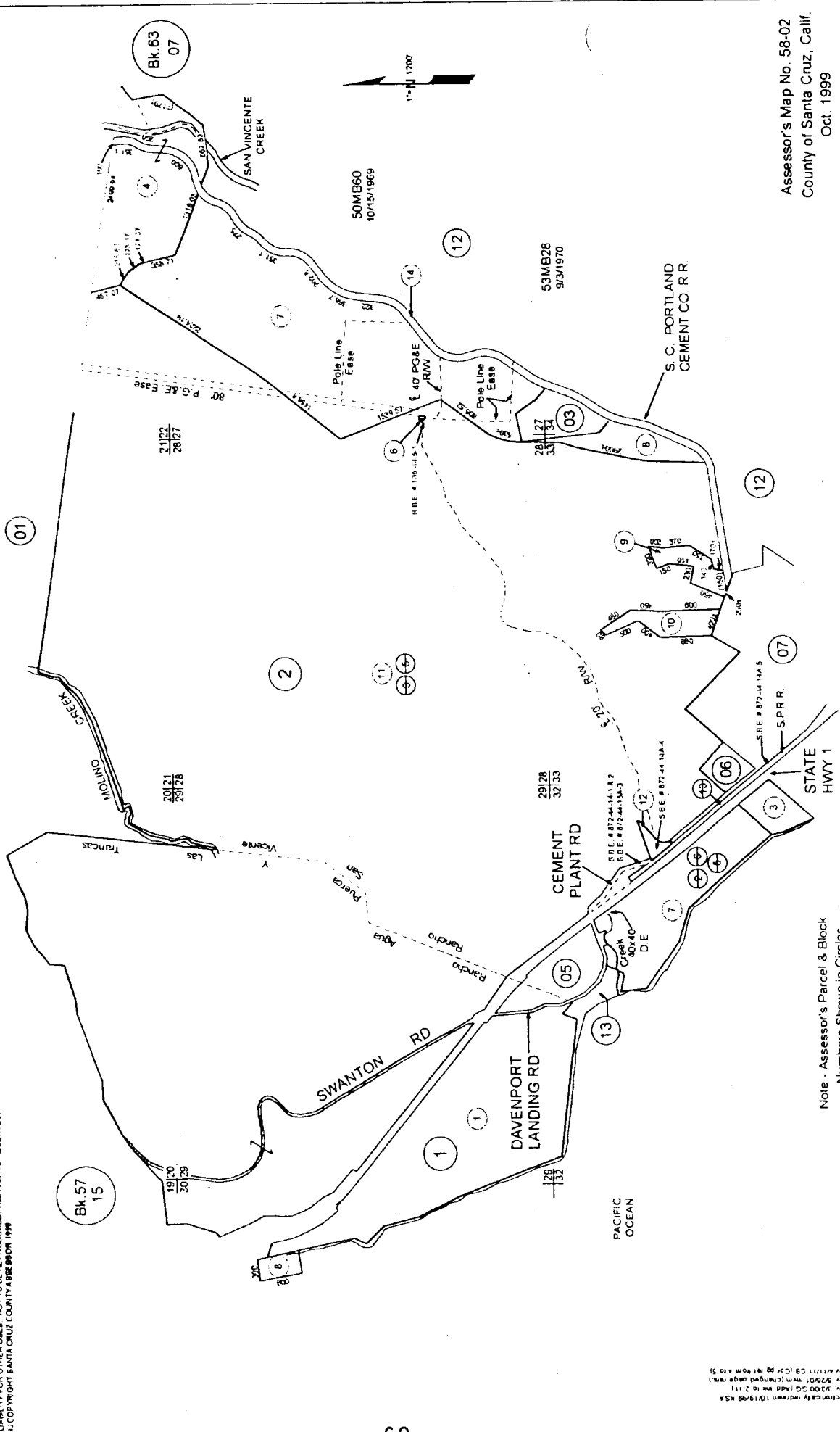
FOR TAX PURPOSES ONLY

POR. RANCHO PUERCA Y LAS TRANCAS & RANCHO SAN VICENTE
 POR. SEC. 19,20,21,22,27,28,29,30,32 & 33 T.10S., R.3W., M.D.B. & M.

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58-02

Tax Area Code
 86-022



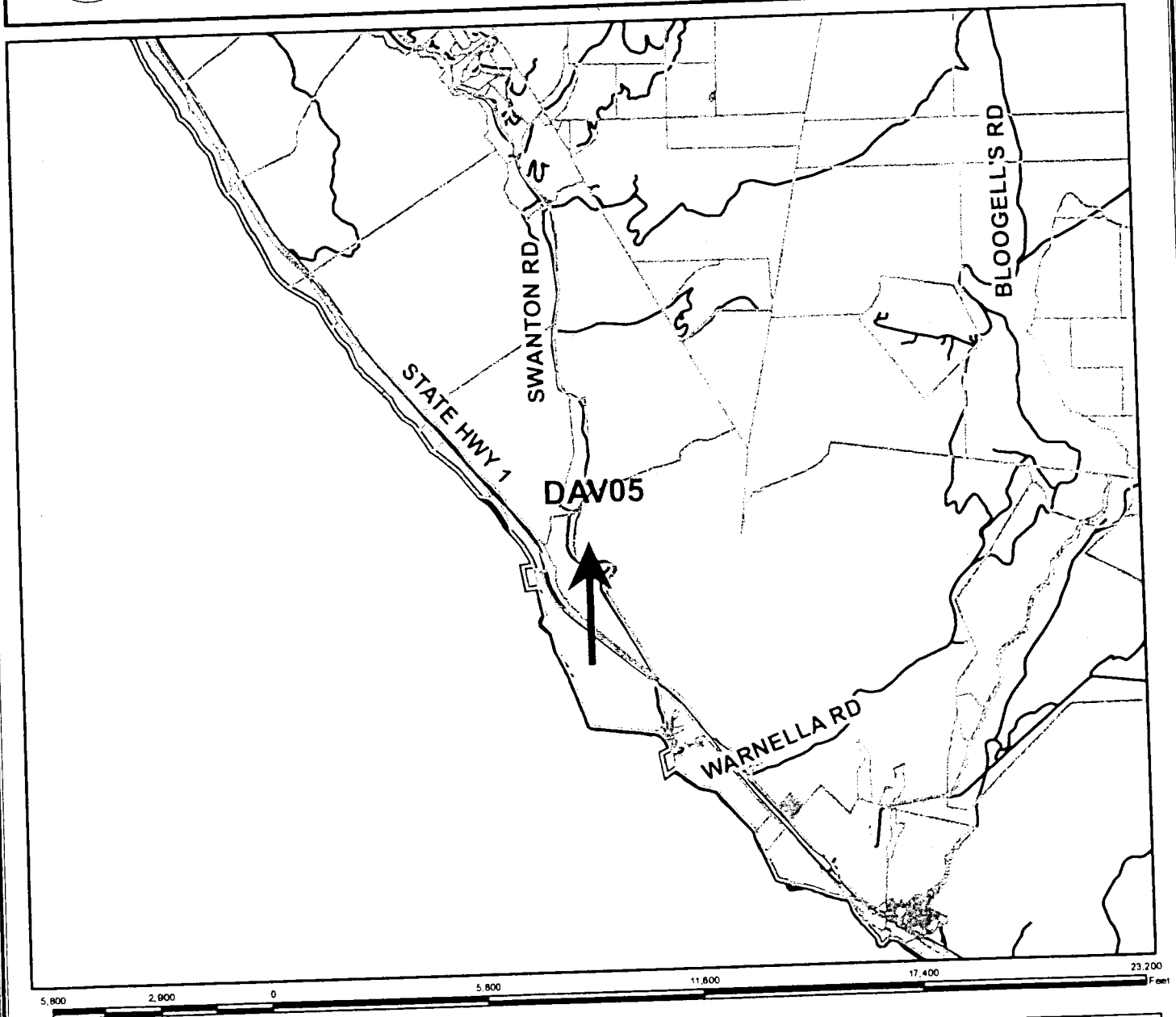
Assessor's Map No. 58-02
 County of Santa Cruz, Calif.
 Oct. 1999

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





Electronically redrawn 10/19/99 KSA
 Rev. 3/2000 GGL added line to 2111
 Rev. 9/2001 MWM (changed map to 2111)
 Rev. 4/17/11 CB (changed map to 2111)

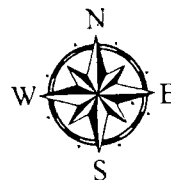


Location Map



LEGEND

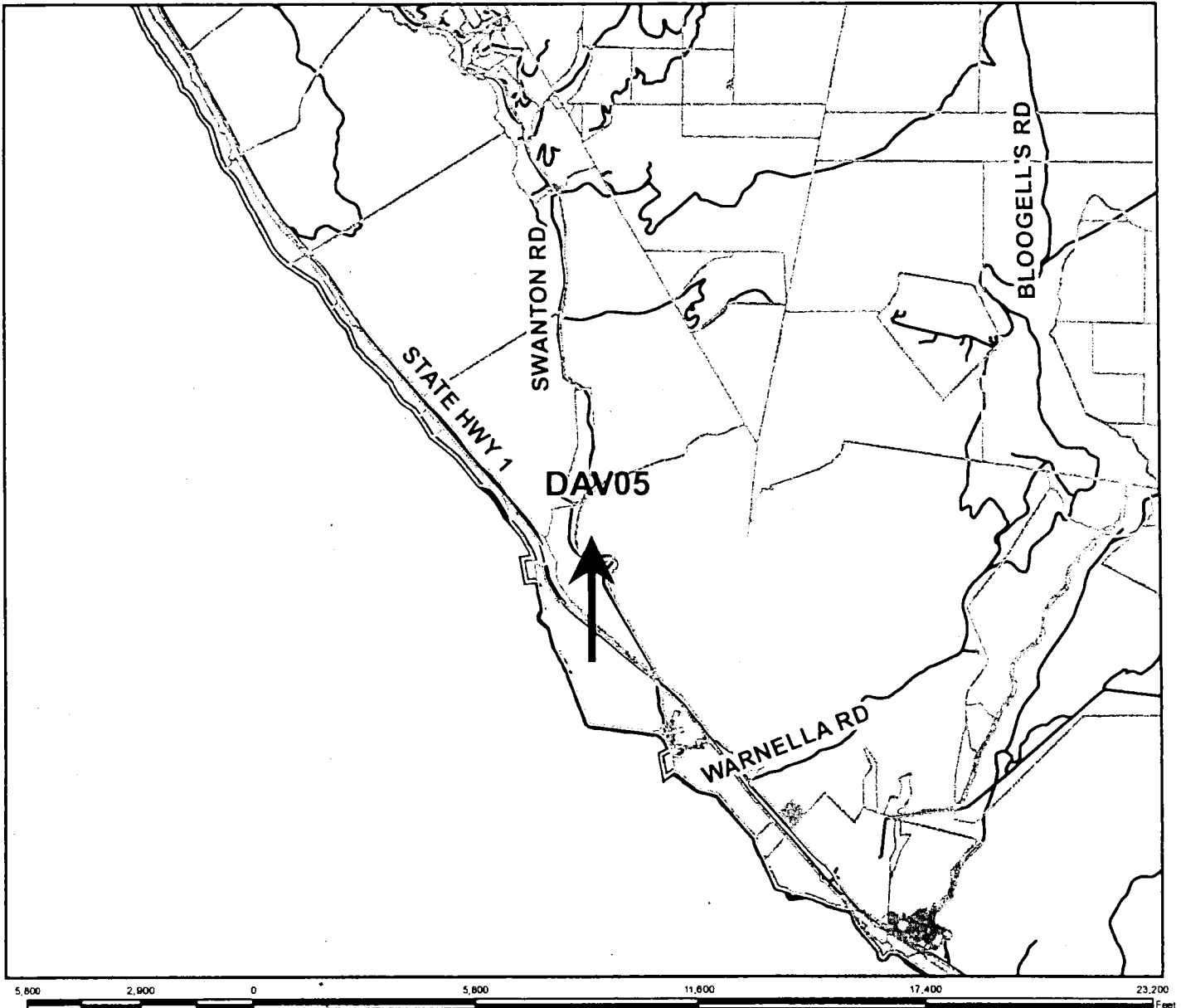
-  Assessors Parcels
-  Streets
-  State Highways
-  County Boundary







Map Created by
County of Santa Cruz
Planning Department
July 2011

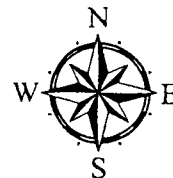


Location Map



LEGEND

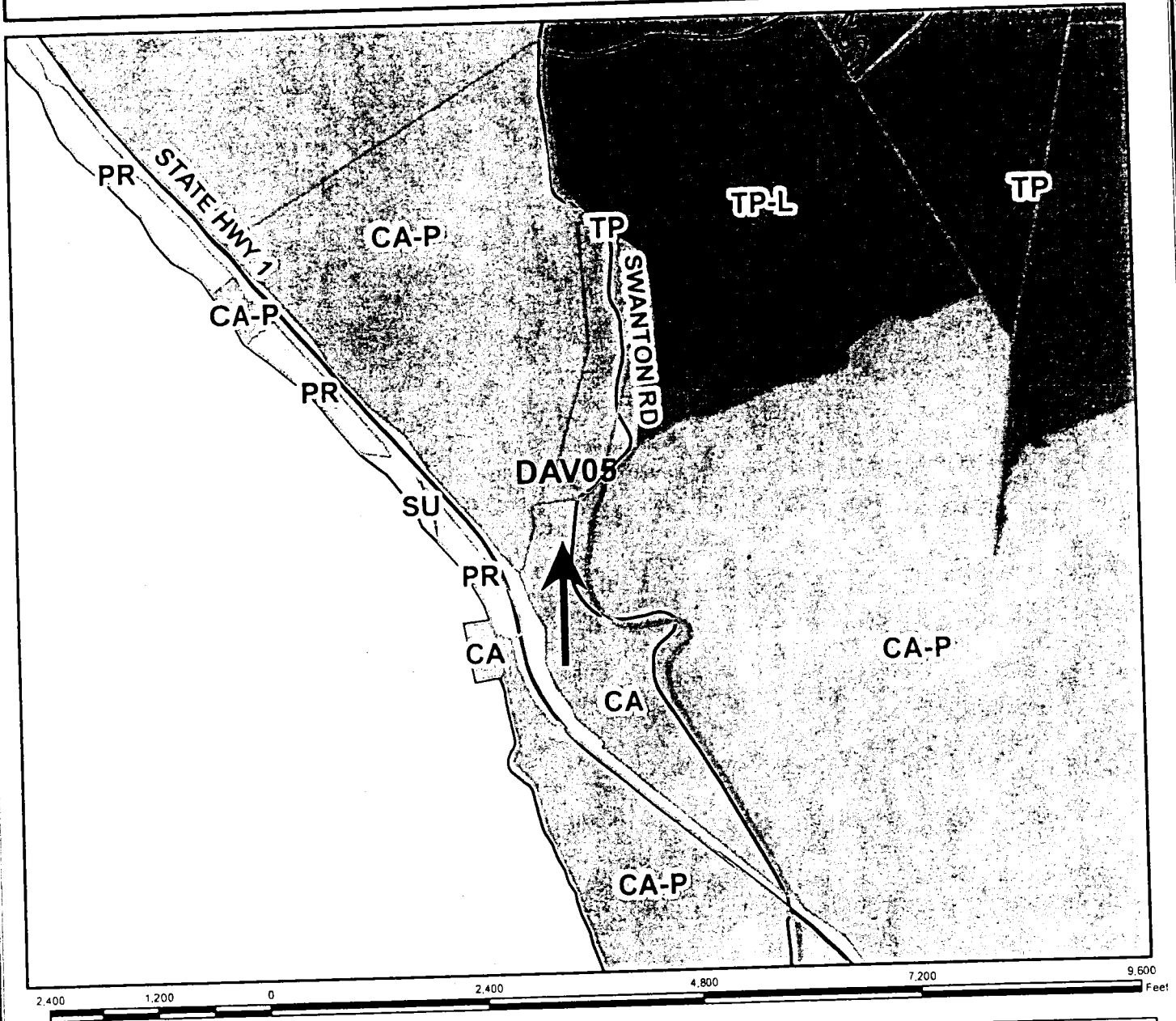
-  Assessors Parcels
-  Streets
-  State Highways
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
July 2011

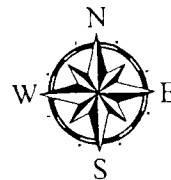


Zoning Map



LEGEND

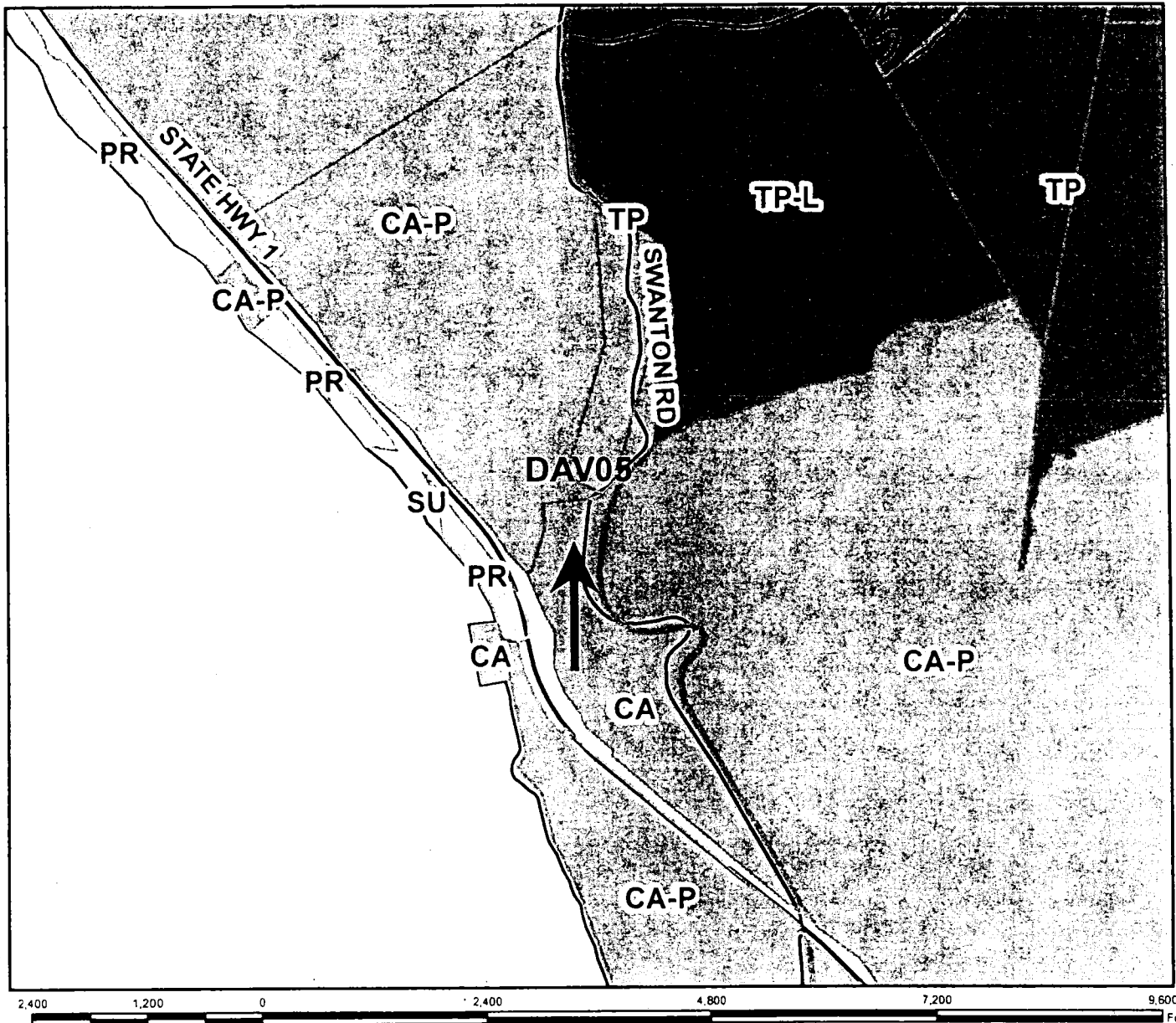
- Assessors Parcels
- Streets
- State Highways
- County Boundary
- SPECIAL USE
- PARK
- AGRICULTURE COMMERCIAL
- TIMBER PRODUCTION



Map Created by
County of Santa Cruz
Planning Department
July 2011

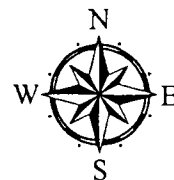


Zoning Map



LEGEND

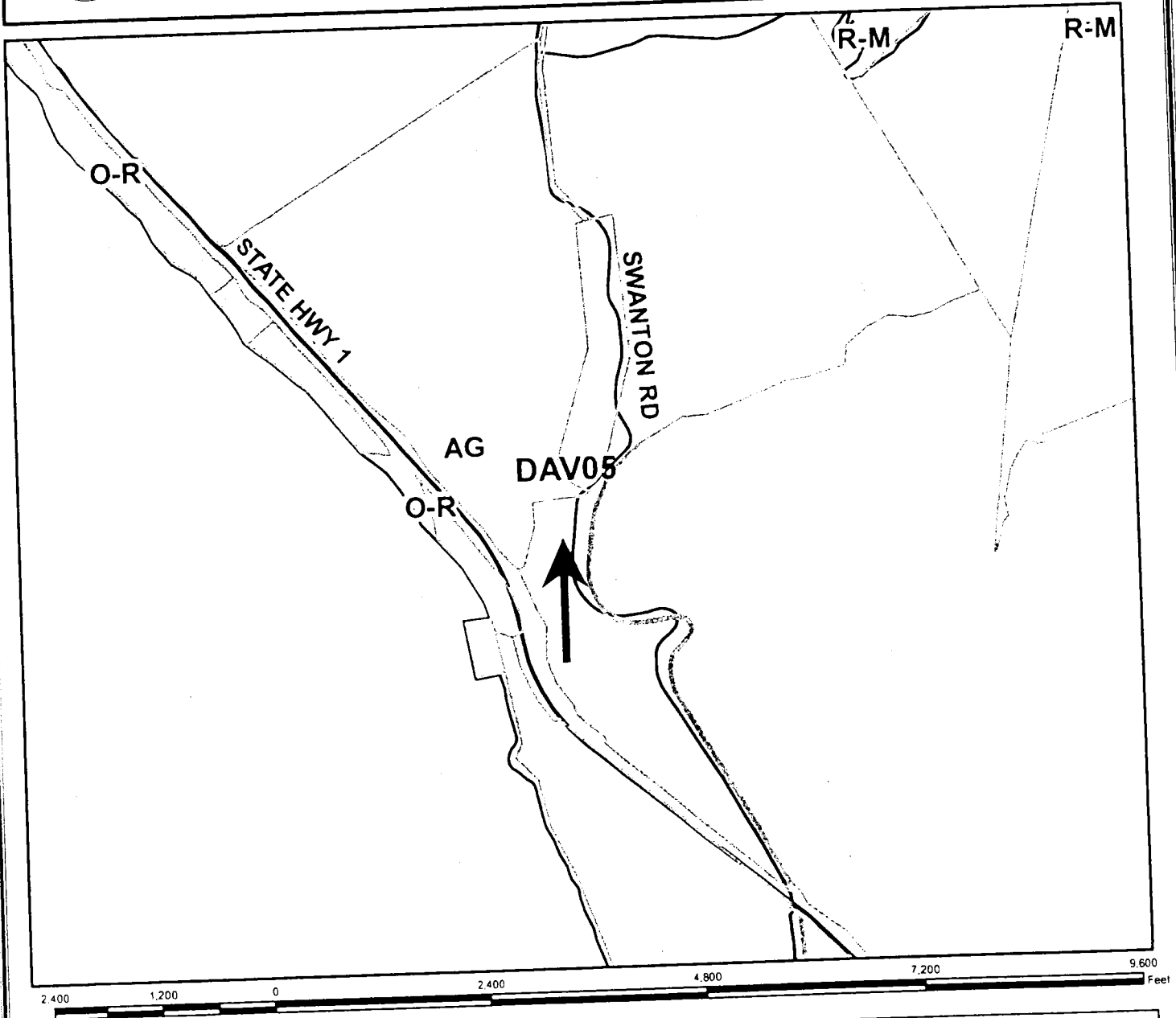
- Assessors Parcels
- Streets
- State Highways
- County Boundary
- SPECIAL USE
- PARK
- AGRICULTURE COMMERCIAL
- TIMBER PRODUCTION







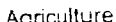
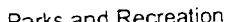

Map Created by
County of Santa Cruz
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July 2011

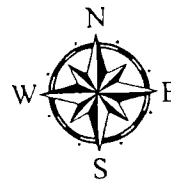


General Plan Designation Map



LEGEND

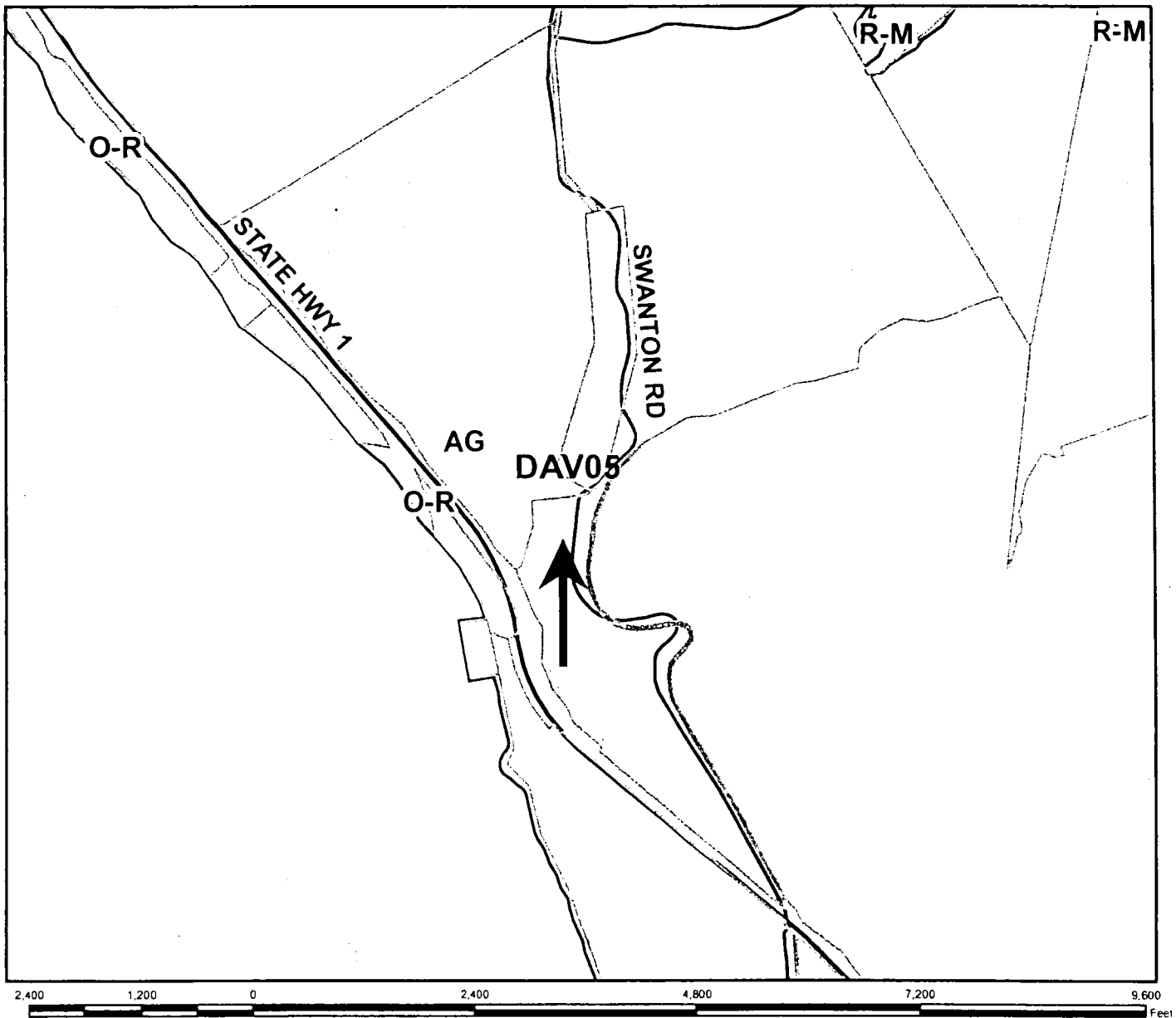
-  Assessors Parcels
-  Streets
-  State Highways
-  County Boundary
-  Agriculture
-  Parks and Recreation
-  Residential-Mountain



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General Plan Designation Map



LEGEND

Assessors Parcels

Streets

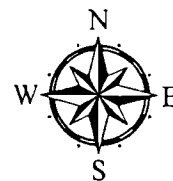
State Highways

County Boundary

Agriculture

Parks and Recreation

Residential-Mountain



Map Created by
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Planning Department
July 2011

57-13

Tax Area Code
86-022

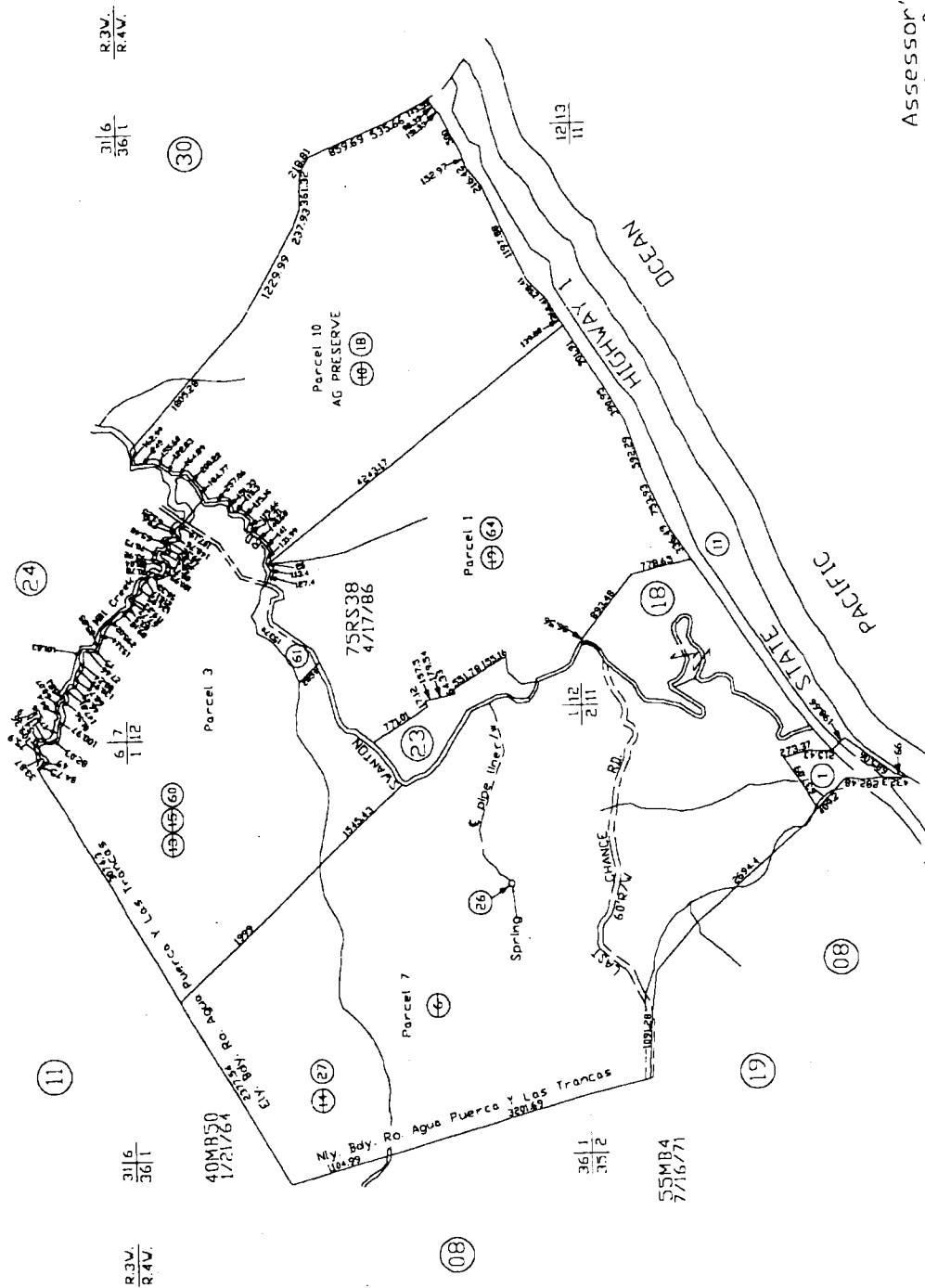
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PQR. SECS. 6, 7 & 18, T.10S., R.3W., &
1, 2, 11, 12 & 13, T.10S., R.4W., M.D.B. & M.

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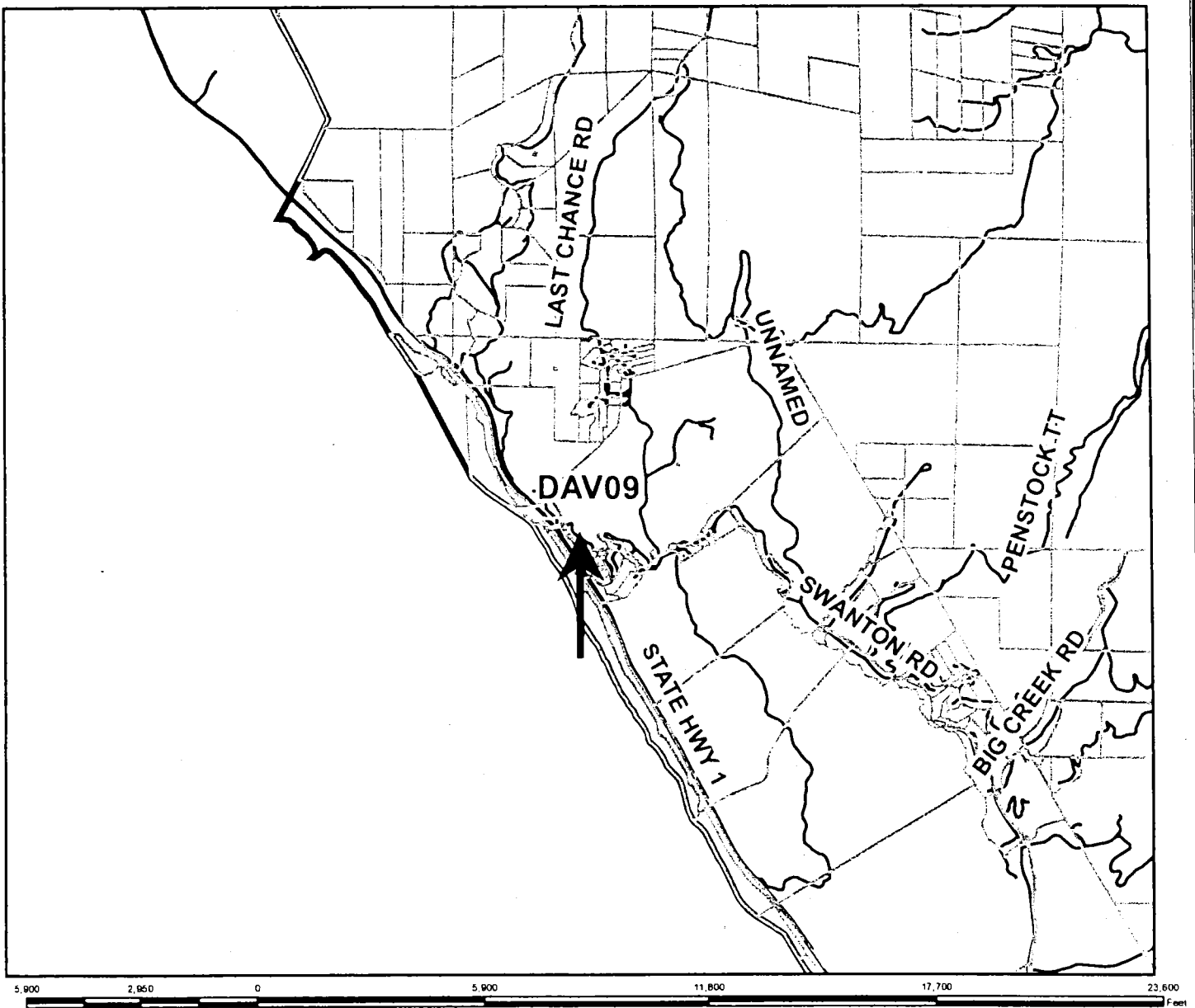


Assessor's Map No. 57-13
County of Santa Cruz, Calif.
March, 1997





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

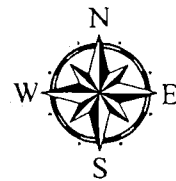


Location Map



LEGEND

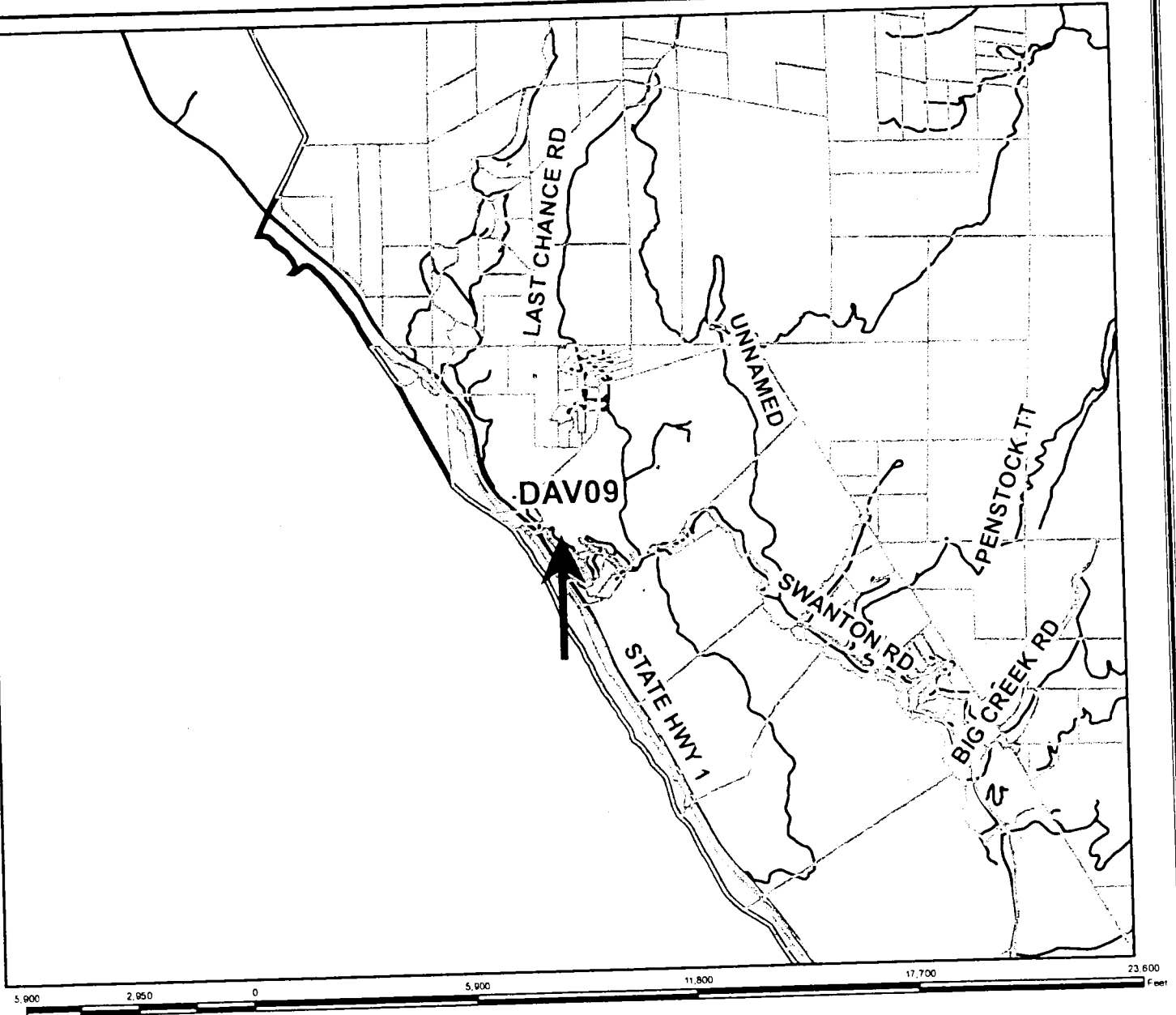
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-  State Highways
-  County Boundary







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July 2011

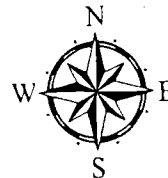


Location Map



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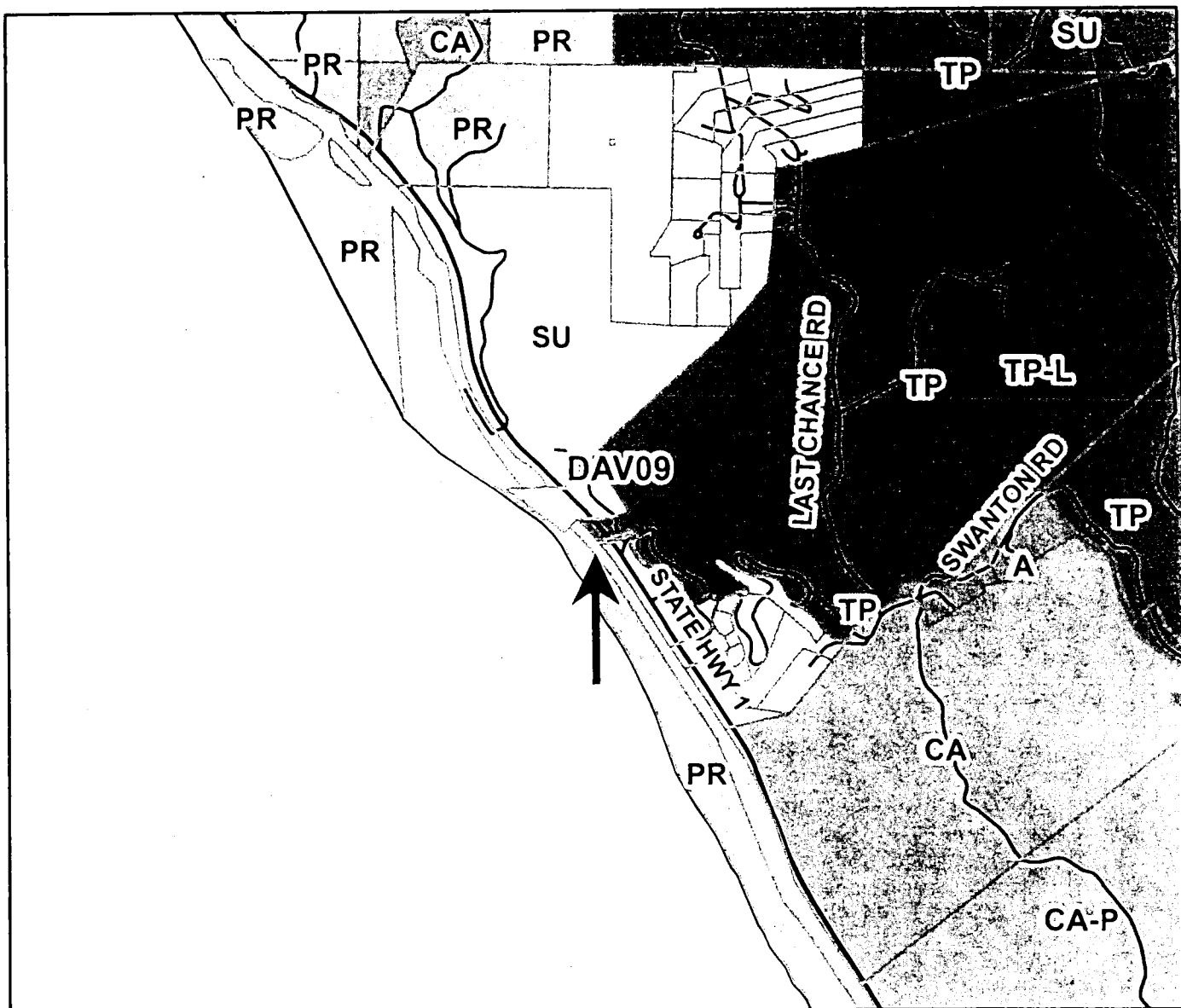
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-  County Boundary



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July 2011



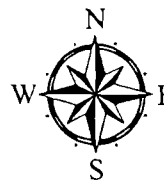
Zoning Map



2,400 1,200 0 2,400 4,800 7,200 9,600 Feet

LEGEND

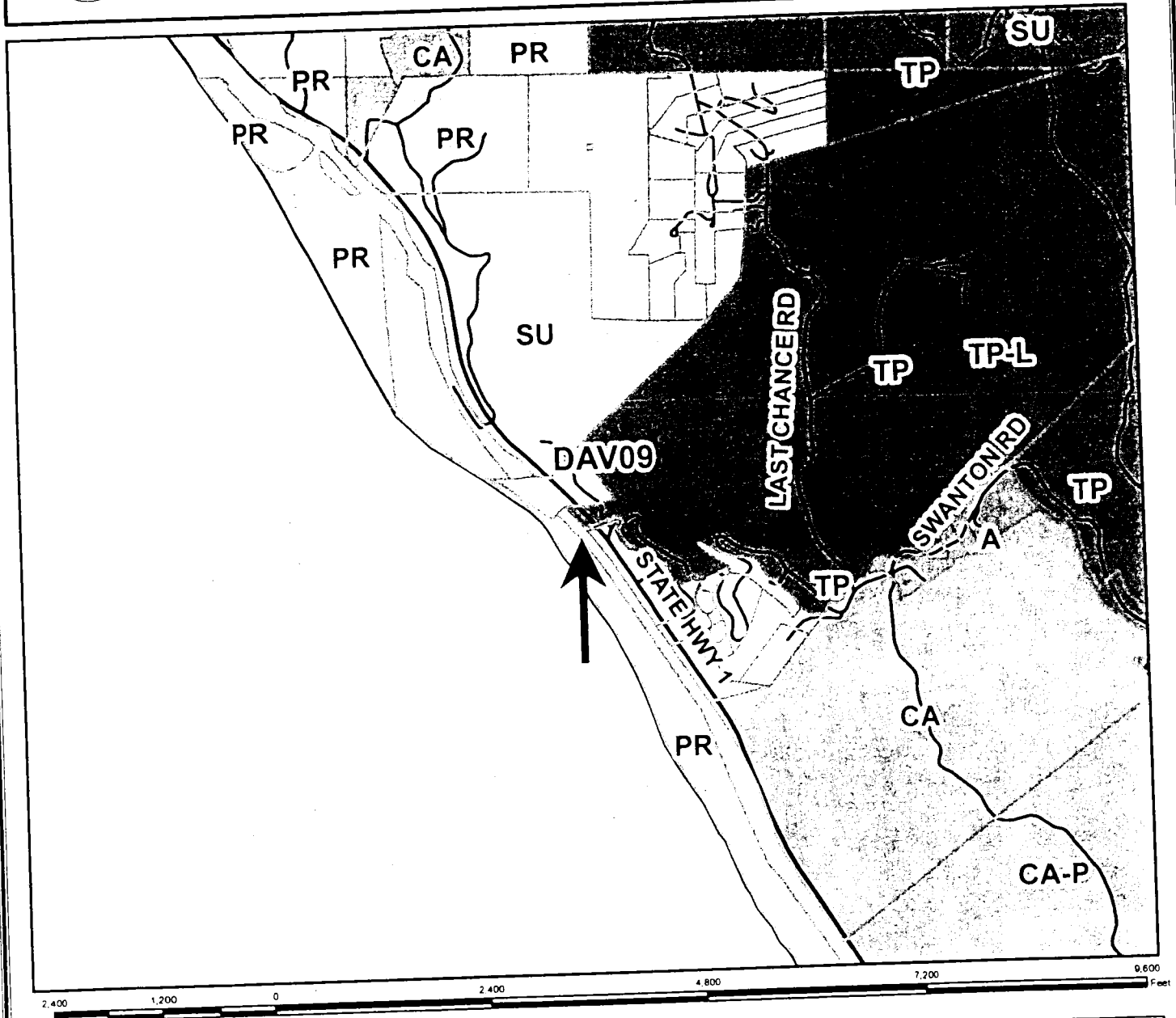
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- PARK
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- AGRICULTURE
- TIMBER PRODUCTION



Map Created by
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Planning Department
July 2011

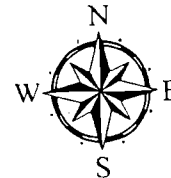


Zoning Map



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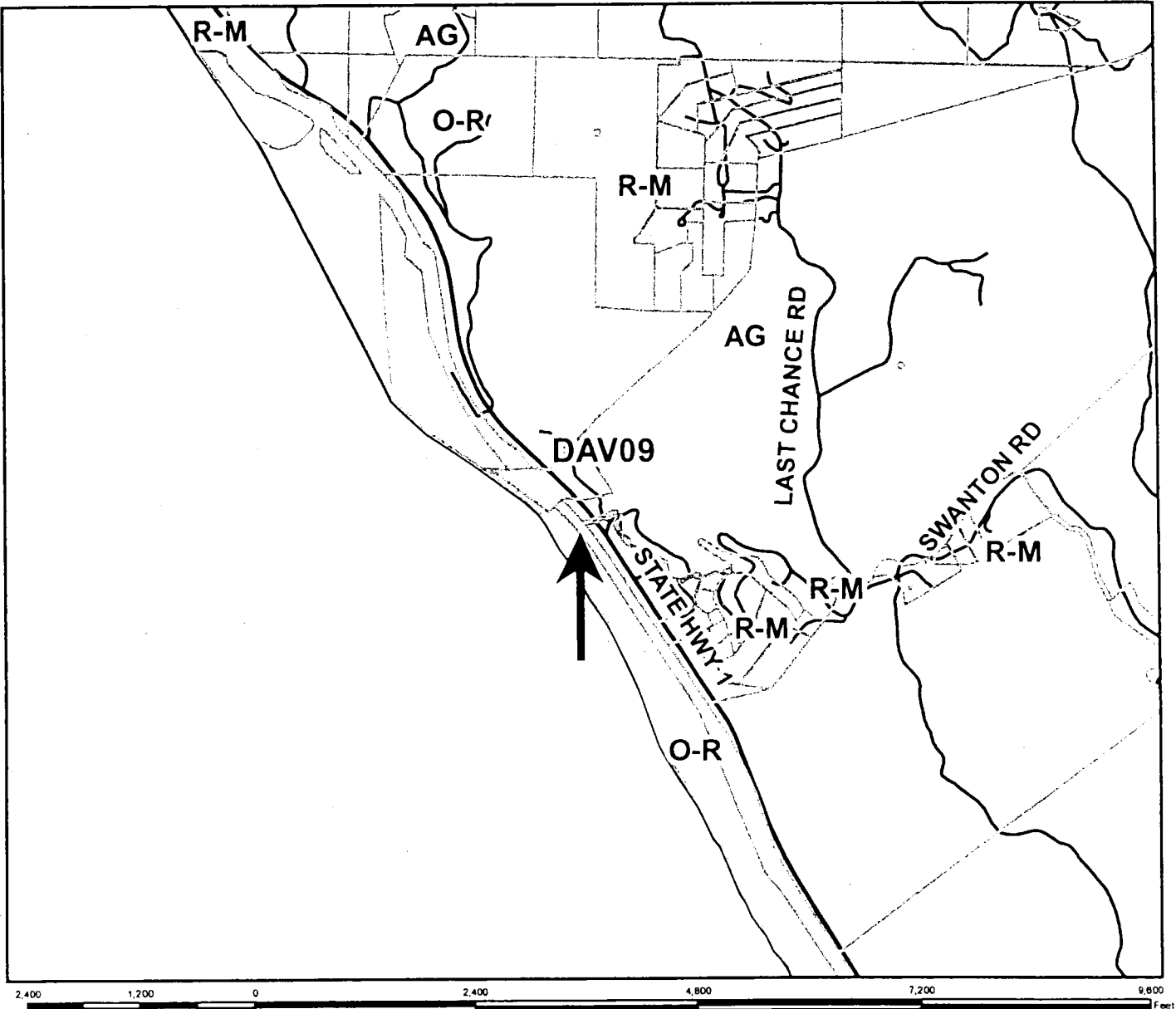
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- AGRICULTURE COMMERCIAL
- AGRICULTURE
- TIMBER PRODUCTION



Map Created by
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Planning Department
July 2011

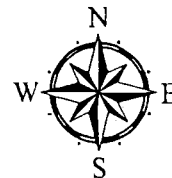


General Plan Designation Map



LEGEND

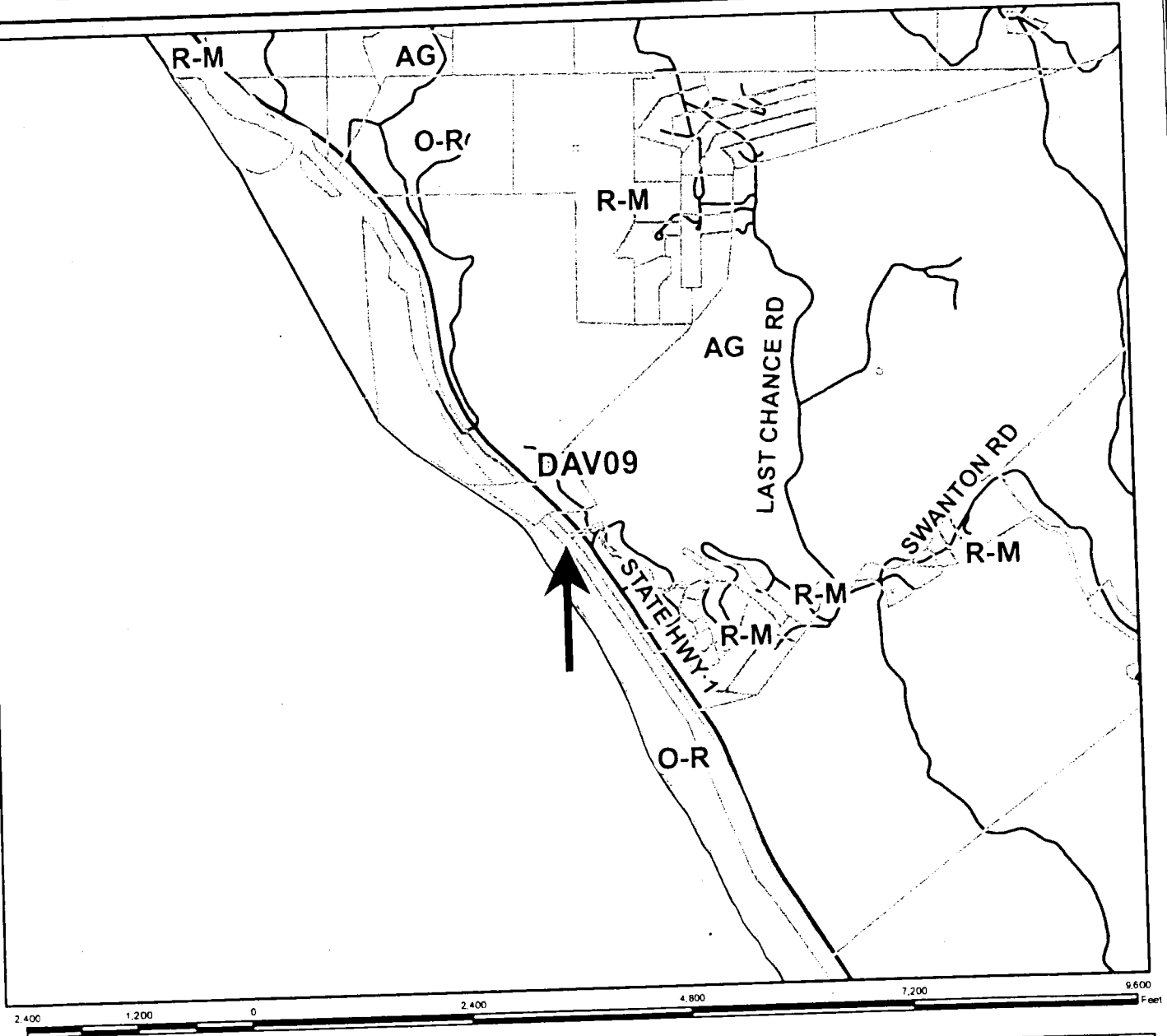
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- County Boundary
- Parks and Recreation
- Agriculture
- Residential-Mountain



Map Created by
County of Santa Cruz
Planning Department
July 2011

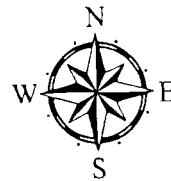


General Plan Designation Map



LEGEND

- Assessors Parcels
- Streets
- State Highways
- County Boundary
- Parks and Recreation
- Agriculture
- Residential-Mountain

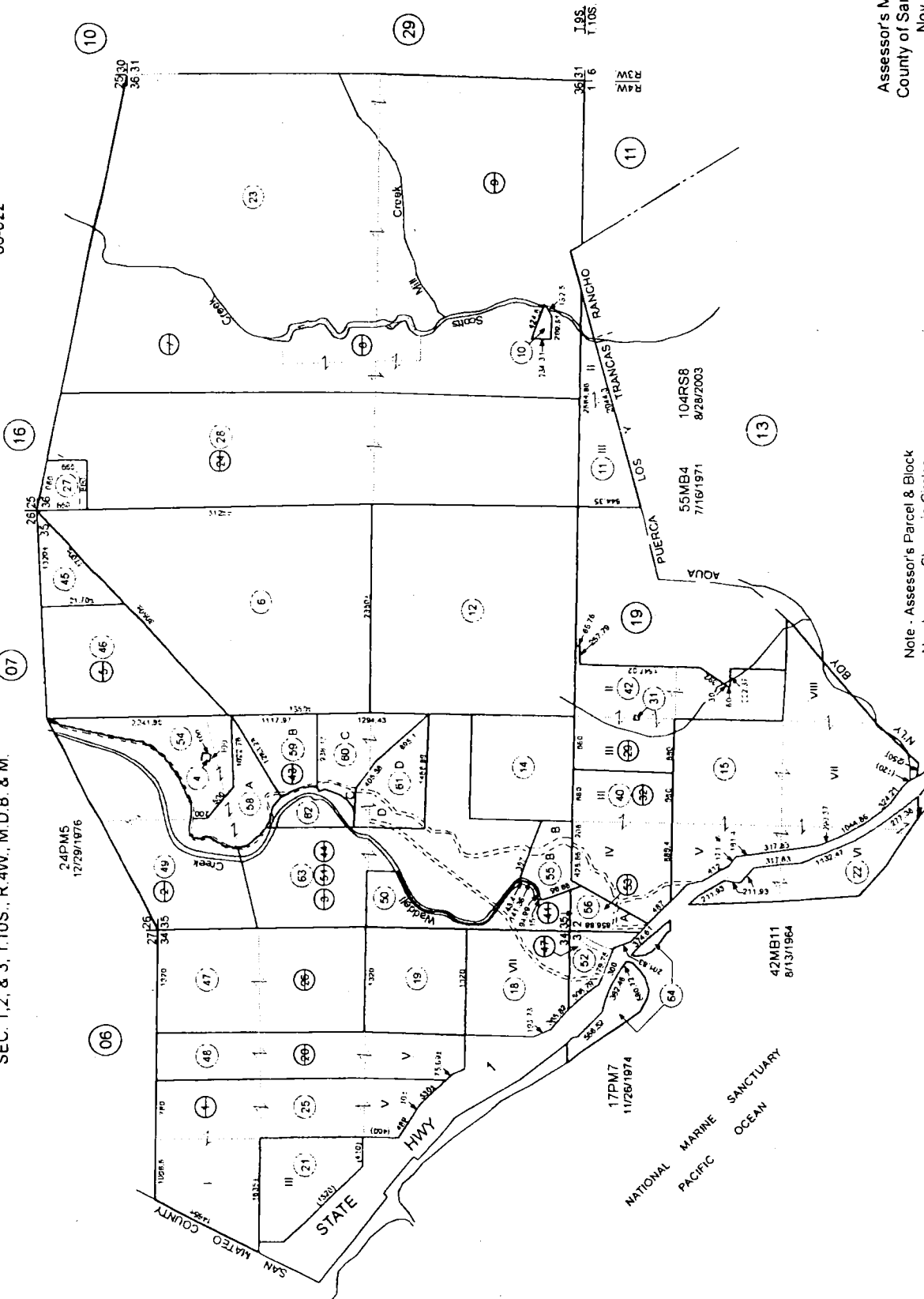
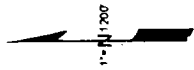


Map Created by
County of Santa Cruz
Planning Department
July 2011

Tax Area Code
86-022

POR. SEC. 34, ALL SECS. 35 & 36, T.9S.,
SEC. 1, 2, & 3, T.10S., R.4W., M.D.B. & M.

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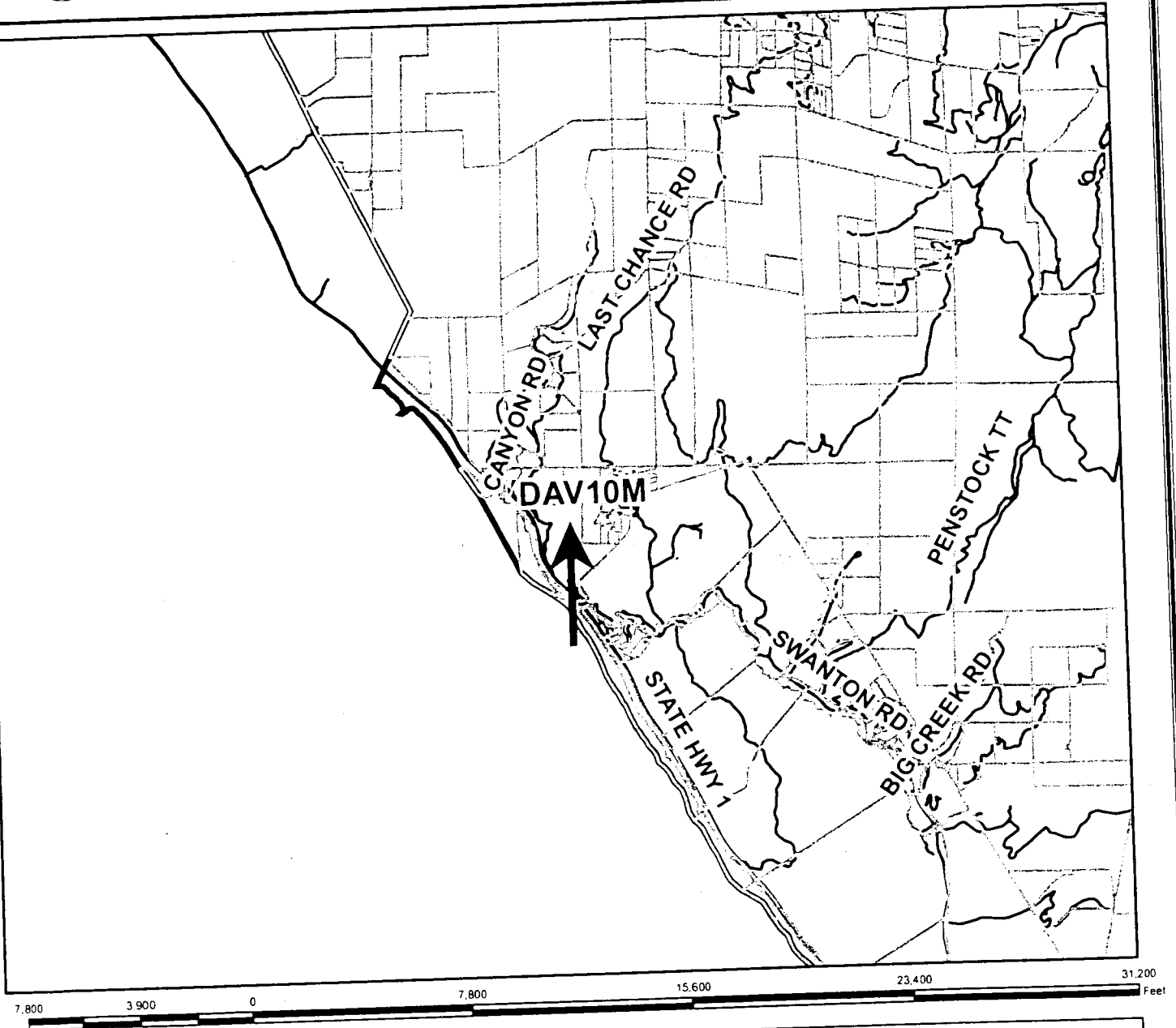


Assessor's Map No. 57-08
County of Santa Cruz, Calif.
Nov. 2000





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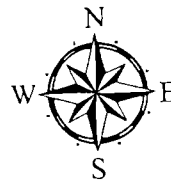


Location Map



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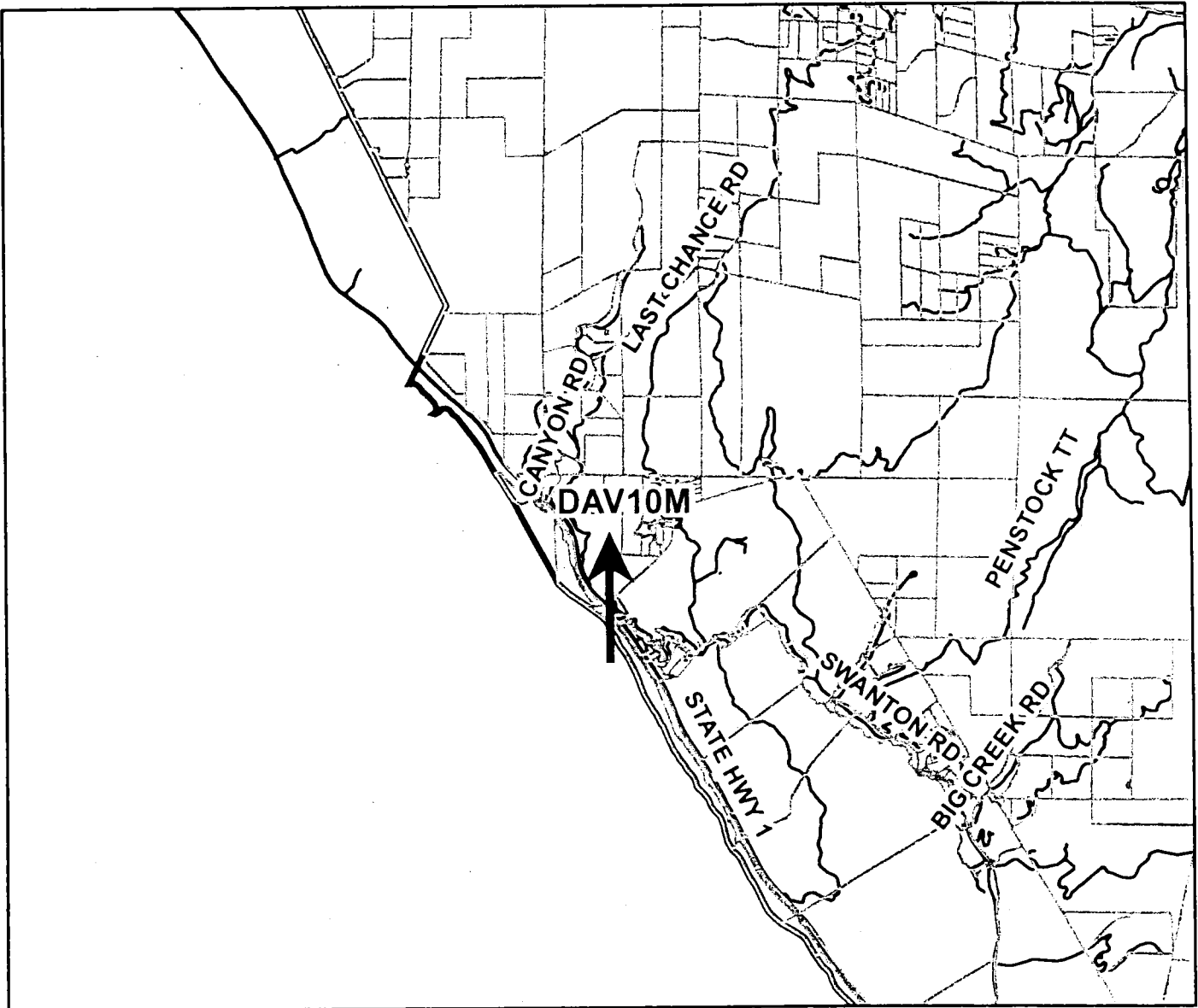
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-  State Highways
-  County Boundary







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July 2011

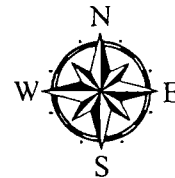


Location Map



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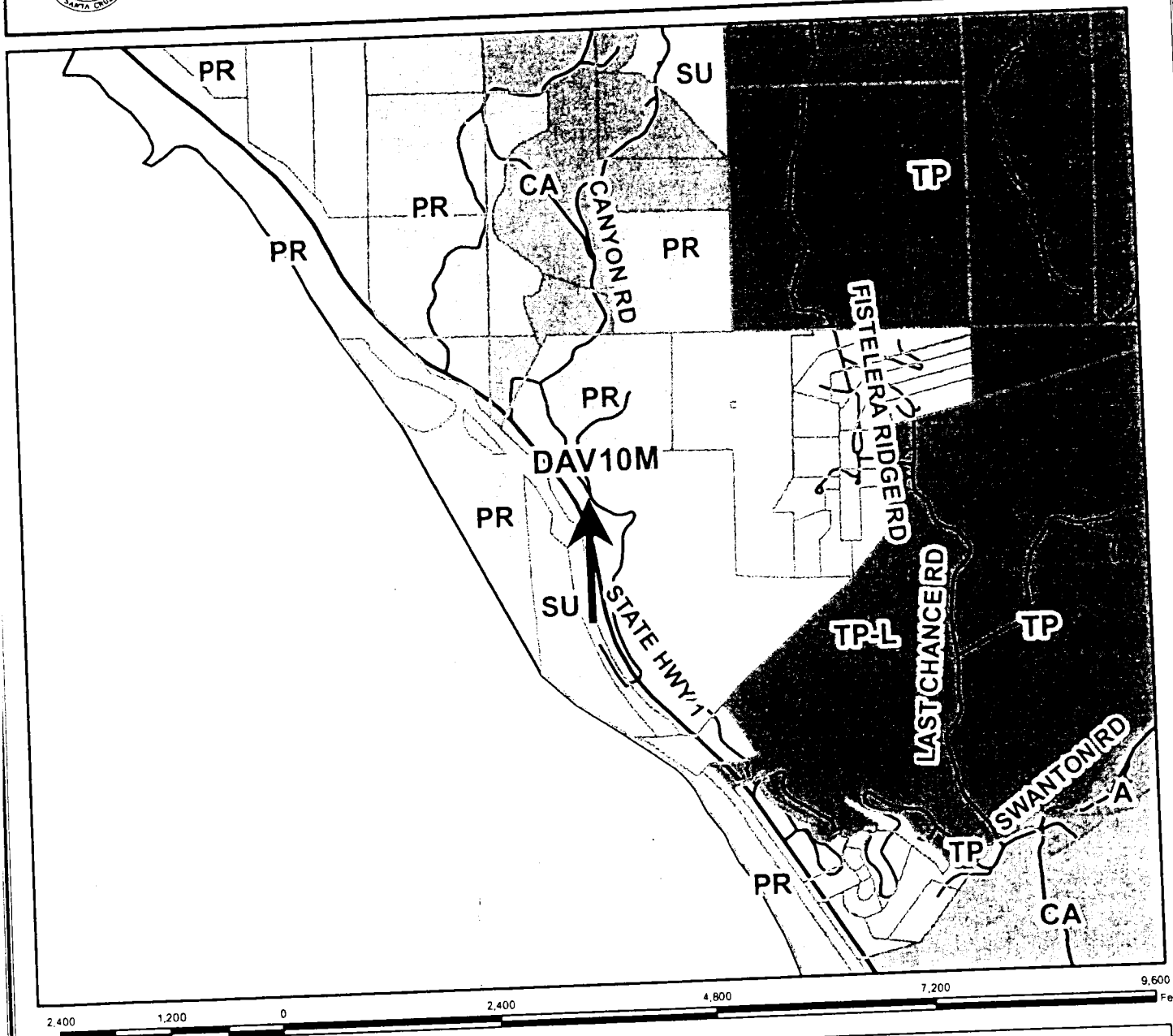
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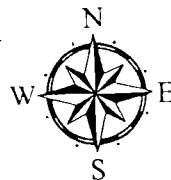


Zoning Map



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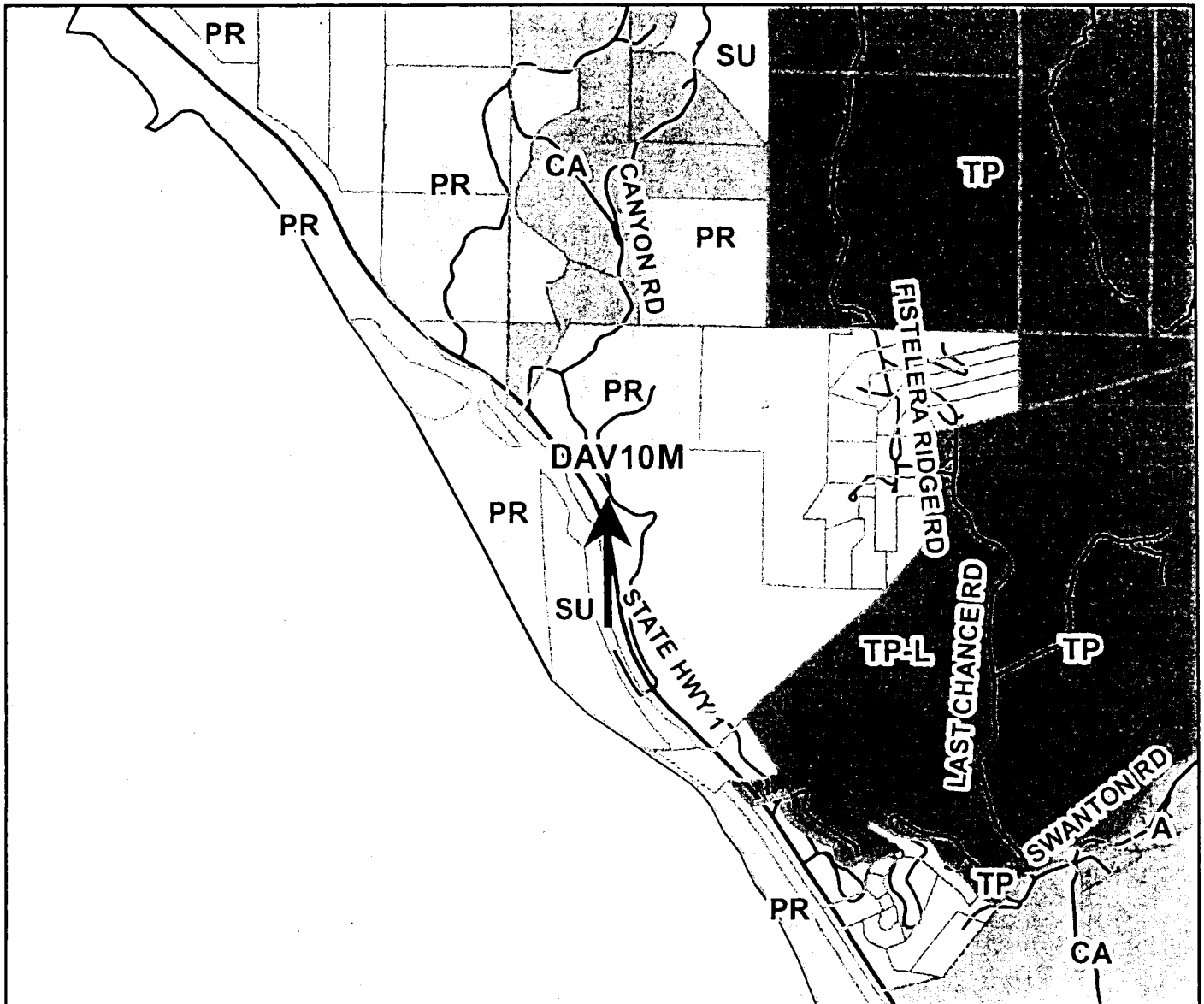
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- Streets
- State Highways
- County Boundary
- SPECIAL USE
- PARK
- AGRICULTURE COMMERCIAL
- AGRICULTURE
- TIMBER PRODUCTION



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July 2011

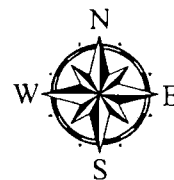


Zoning Map



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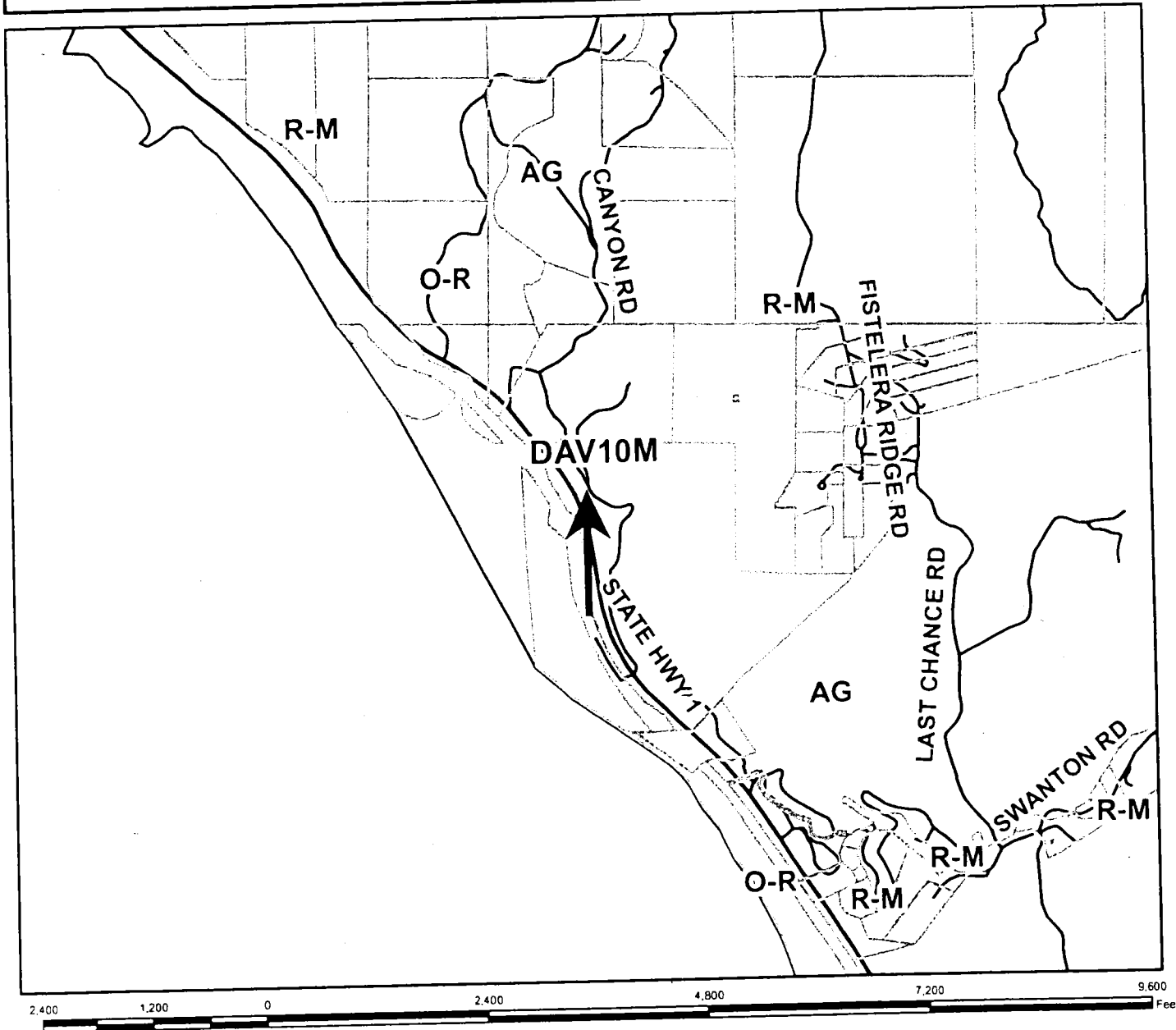
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- TIMBER PRODUCTION



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July 2011

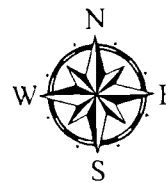


General Plan Designation Map



LEGEND

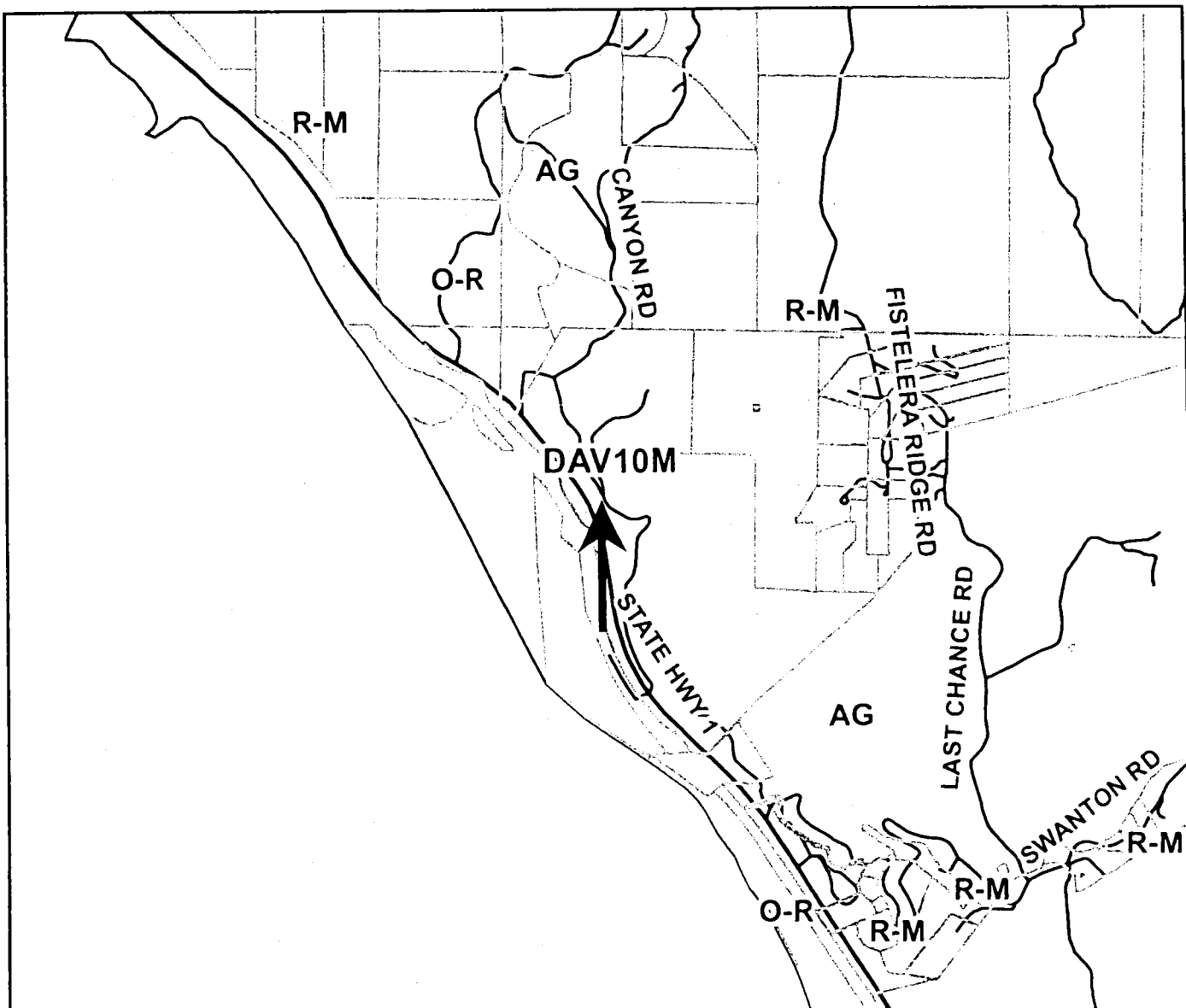
- Assessors Parcels
- Streets
- State Highways
- County Boundary
- Parks and Recreation
- Agriculture
- Residential-Mountain



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Planning Department
July 2011

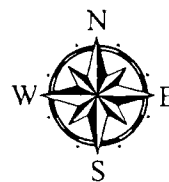


General Plan Designation Map



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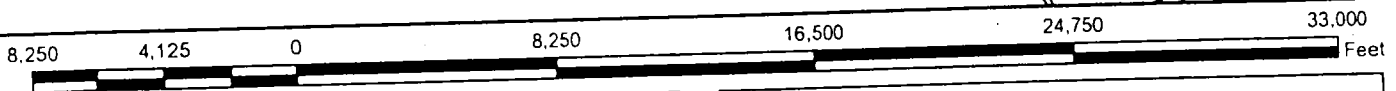
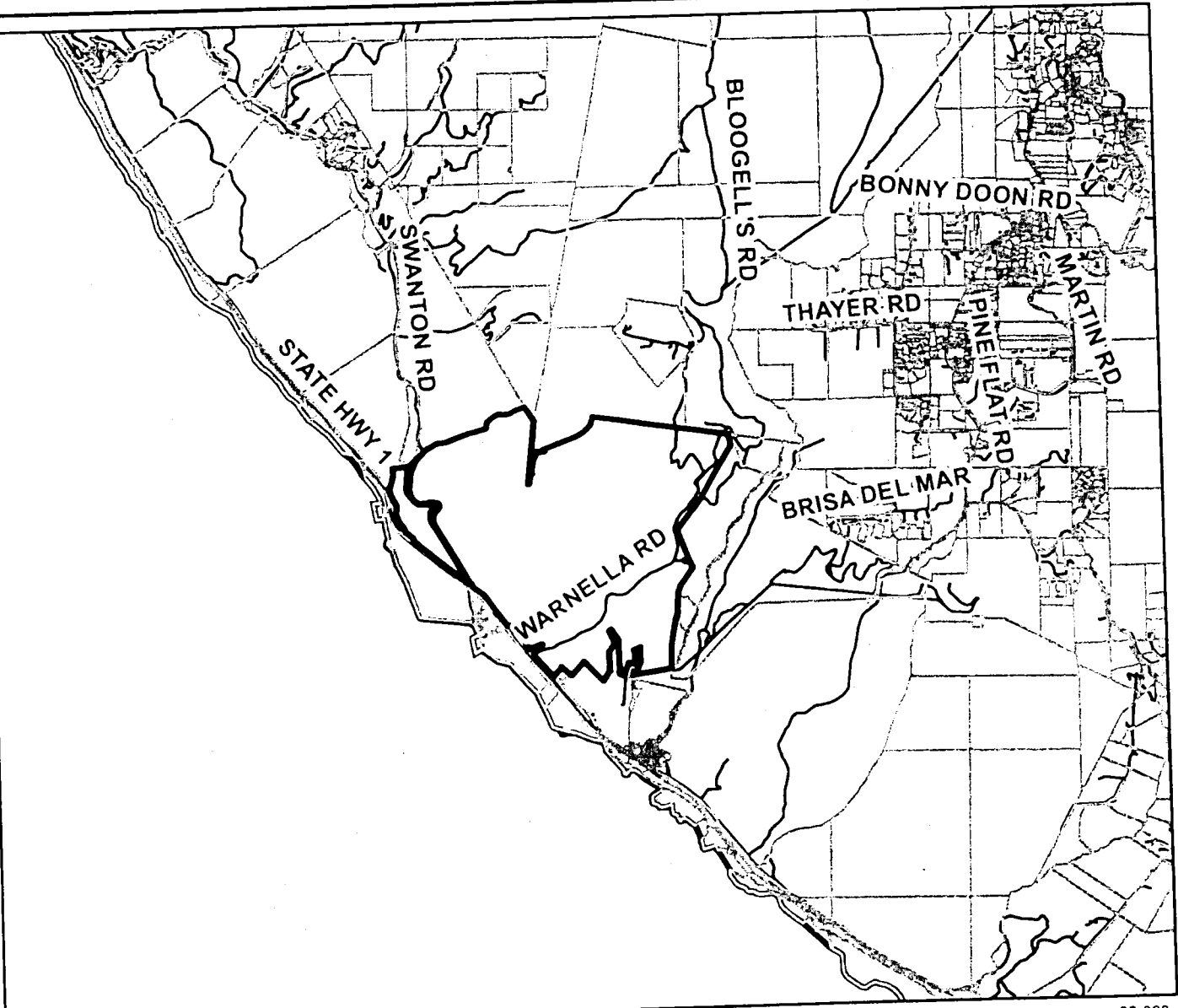
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- Streets
- State Highways
- County Boundary
- Parks and Recreation
- Agriculture
- Residential-Mountain








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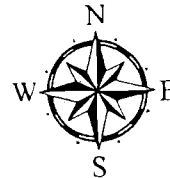


Location Map



LEGEND

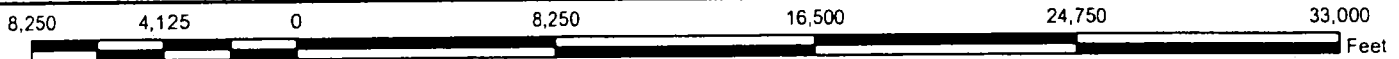
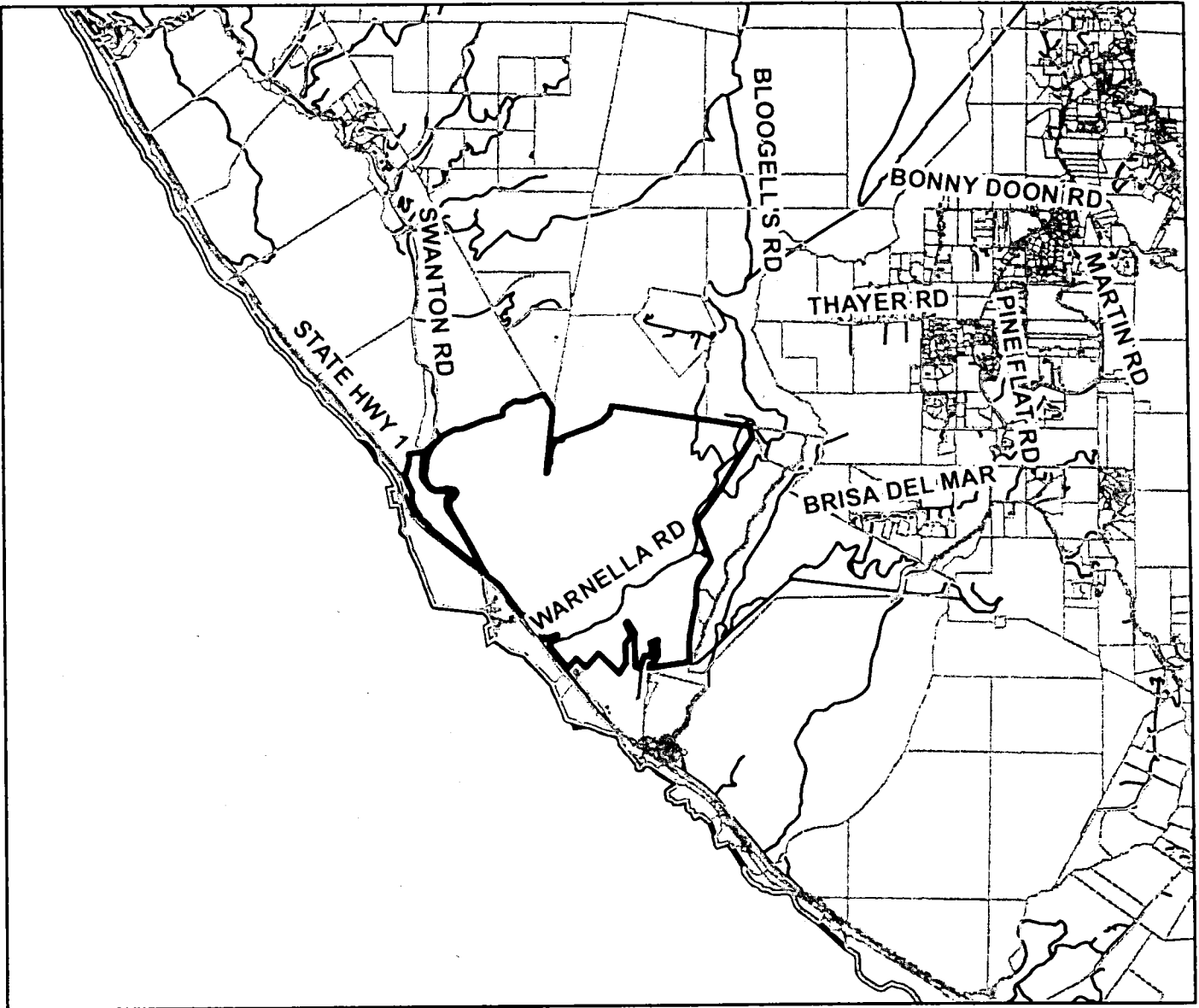
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-  Assessors Parcels
-  Streets
-  State Highways
-  County Boundary








Map Created by
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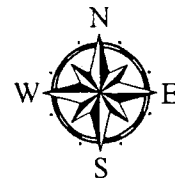


Location Map



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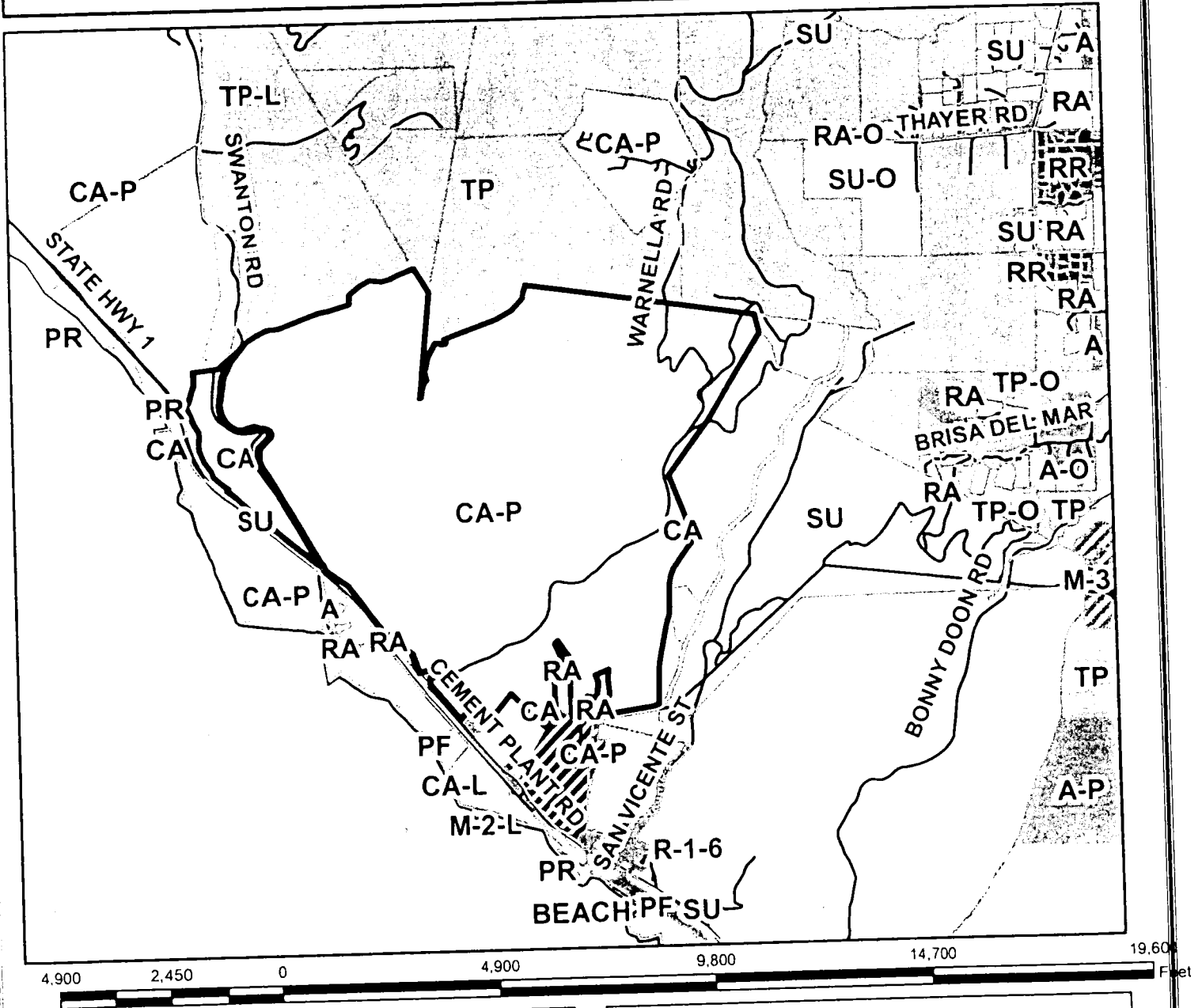
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-  County Boundary



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October 2011

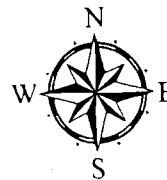


Zoning Map



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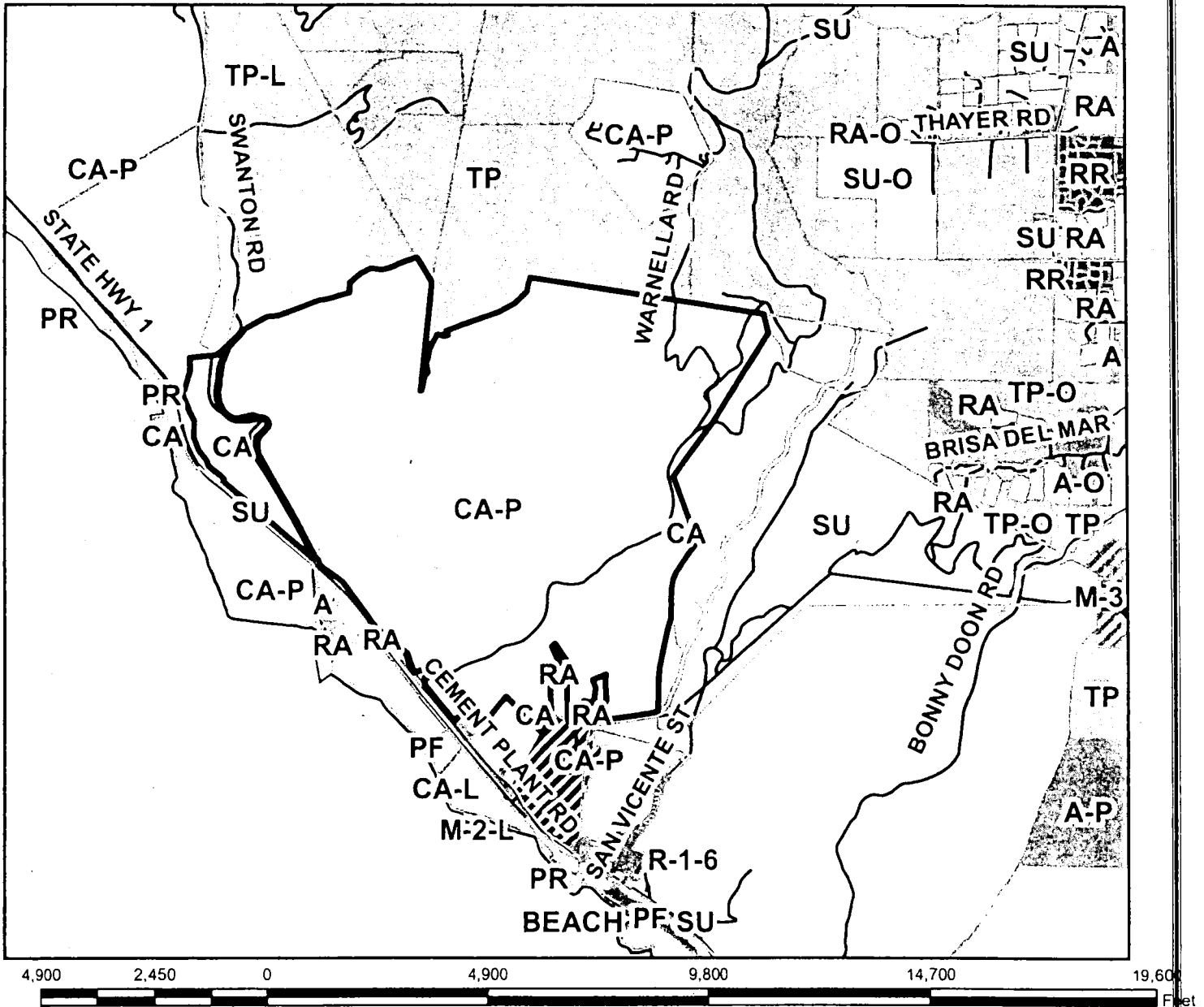
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- Streets
- State Highways
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- SPECIAL USE
- TIMBER PRODUCTION
- AGRICULTURE
- PUBLIC FACILITY
- HEAVY INDUSTRIAL
- MINERAL EXTRACTION
- PARK
- RESIDENTIAL-RURAL
- BEACH



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October 2011

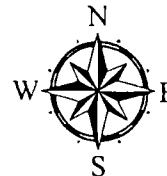


Zoning Map



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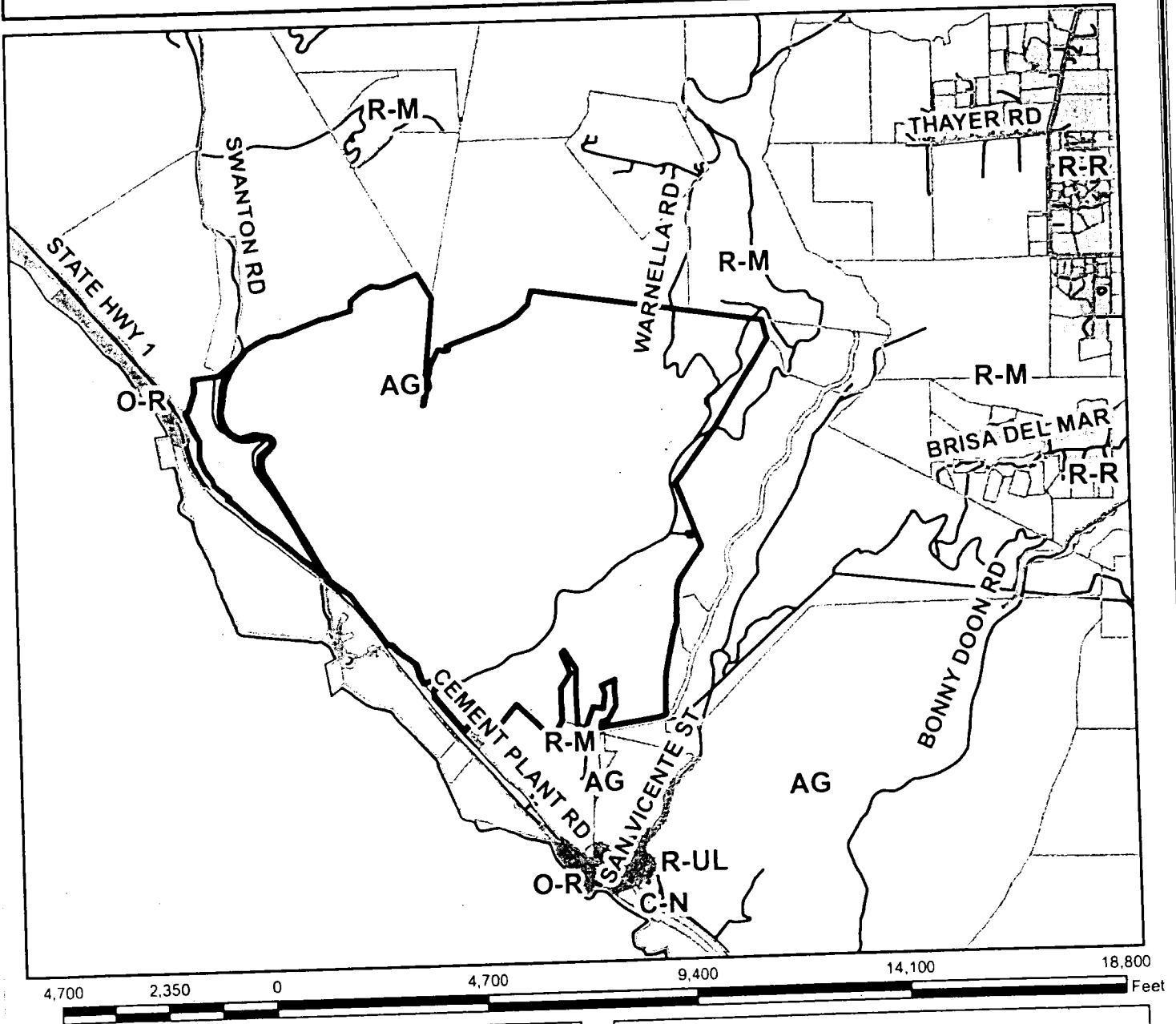
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- SPECIAL USE
- TIMBER PRODUCTION
- AGRICULTURE
- PUBLIC FACILITY
- HEAVY INDUSTRIAL
- MINERAL EXTRACTION
- PARK
- RESIDENTIAL-RURAL
- BEACH



Map Created by
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Planning Department
October 2011

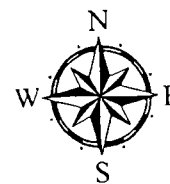


General Plan Designation Map



LEGEND

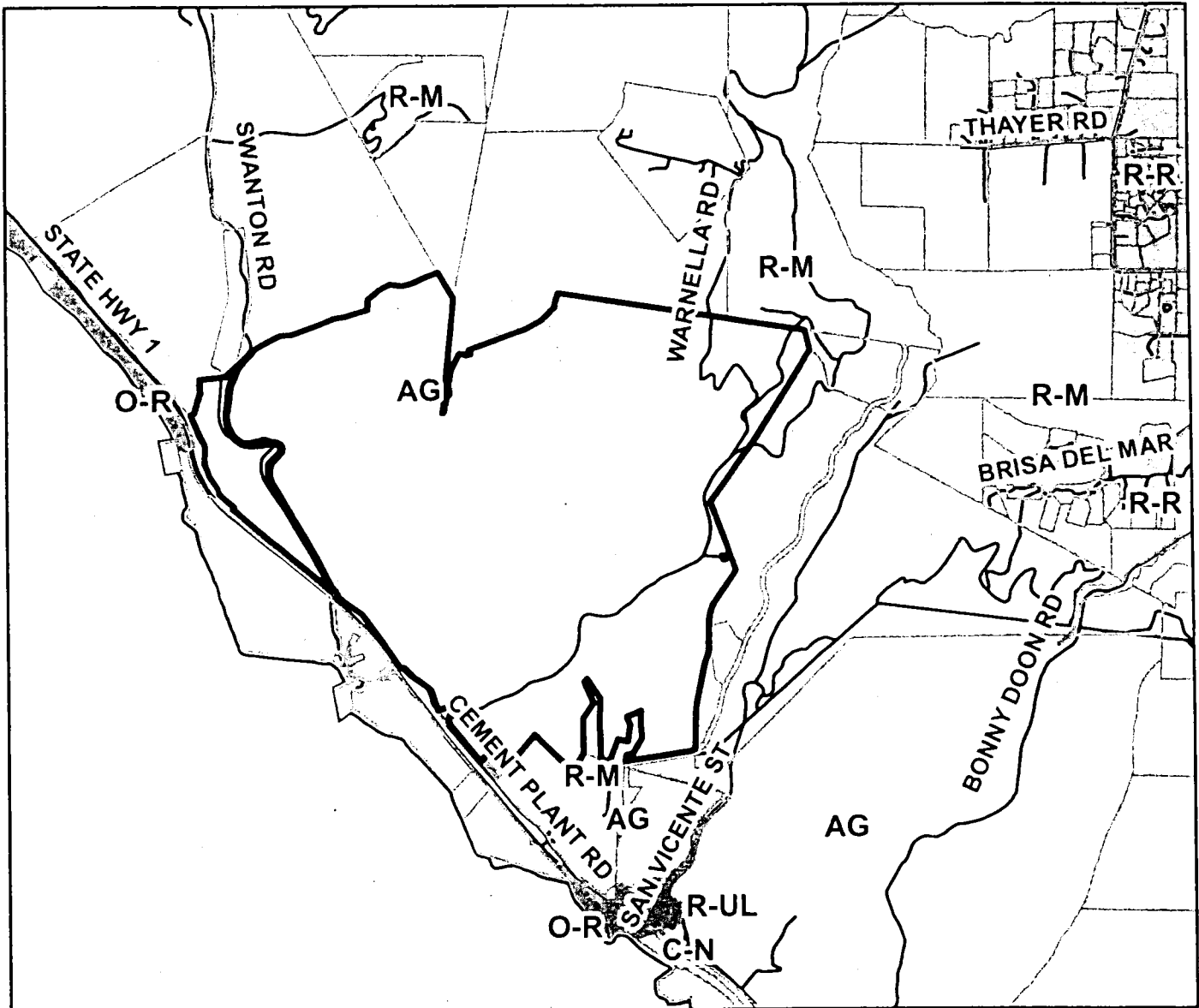
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- Streets
- State Highways
- County Boundary
- Agriculture
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- Residential - Urban Low Density
- Parks and Recreation
- Commercial-Neighborhood



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Planning Department
October 2011

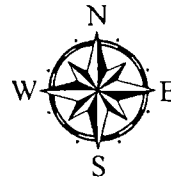


General Plan Designation Map



LEGEND

- APN: 059-022-11
- Assessors Parcels
- Streets
- State Highways
- County Boundary
- Agriculture
- Residential-Mountain
- Residential-Rural
- Residential - Urban Low Density
- Parks and Recreation
- Commercial-Neighborhood



Map Created by
County of Santa Cruz
Planning Department
October 2011

EXHIBIT 1

Frank Barron

From: DIANE REES [dianerees@wildblue.net]
Sent: Monday, November 21, 2011 6:36 AM
To: Frank Barron
Subject: Public Hearing Notice

I received the notice of hearing for permit to construct 7 wireless facilities along Hwy 1.

I live on Dimeo Lane and have no receptions whatsoever (345 Dimeo Lane). Would this construction mean that I'd finally have reception inside my home?

Thank you.

Diane Rees

EXHIBIT 1

Frank Barron

From: Frank Barron
Sent: Monday, November 21, 2011 10:11 AM
To: 'DIANE REES'
Subject: RE: Public Hearing Notice

Hi Diane,

This system will be used by Verizon, so if your carrier is Verizon it MIGHT help, but you should contact them to be sure. The closest cell site to you will be on an existing utility pole at the 3-mile beach turnout.

Frank Barron
Santa Cruz Co. Planning Dept.

From: DIANE REES [mailto:dianerees@wildblue.net]
Sent: Monday, November 21, 2011 6:36 AM
To: Frank Barron
Subject: Public Hearing Notice

I received the notice of hearing for permit to construct 7 wireless facilities along Hwy 1.

I live on Dimeo Lane and have no receptions whatsoever (345 Dimeo Lane). Would this construction mean that I'd finally have reception inside my home?

Thank you.

Diane Rees



NextG Networks

EXHIBIT C

NextG Networks of California, Inc. 890 Tasman Drive, Milpitas, California 95035
Telephone 408.468.5400 – Fax 408.434.6285

VIA EMAIL

October 24, 2011

County of Santa Cruz
Planning Department
Attn: Frank Barron
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

RE: Additional Telecommunications Act Exception & Alternative Analysis
Application #: 111114 Assessor's Parcel #: N/A (Public Right of Way) & 058-022-11
Owners: Caltrans, County of Santa Cruz, Coast Dairies & Land Company

Dear Frank:

NextG Networks of California, Inc ("NextG") investigated several alternatives to the current proposed design for the application referenced above. The following is a summary analysis of the Telecommunications Act Exception and Alternatives Analysis under the Santa Cruz County Code 13.10.659 et seq. ("SCCC") for the project.

1. Telecommunications Act Exception (SCCC 13.10.668)

According to the Telecommunications Act, section 47 U.S.C. § 253(a), a jurisdiction's management of the public rights-of-way may not "prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." To the extent NextG's telecommunications infrastructure serves wireless communications, the County also must comply with section 332(c)(7)(B)(i)(II), which states that jurisdictions "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

NextG does not currently have any facilities in this area. In order to provide its customer(s) with telecommunications services, it requires access to the public rights of way for its equipment boxes. In order to support its network, it also requires construction of a small telecommunications hub (12 feet by 16 feet) on a private property parcel zoned commercial agriculture ("CA").

Under SCCC 13.10.661(c)(1)(D), wireless communications facilities are prohibited in the CA zone.¹ That prohibition violates the Telecommunications Act sections 253 and 332 if it results in a prohibition of telecommunications, including wireless, services. Denial of access to the public right of way for the wireless equipment of DAV05 and denial of the telecommunications hub at 25 Swanton Road would result in an absolute prohibition of NextG's services because, as discussed further below, it does not have any alternatives to being in the public right of way.

NextG's other wireless equipment is attached to existing utility poles located on the inland side of Cabrillo Highway in the coastal zone. As a telephone corporation, this equipment is a small part of NextG's fiber optic cable network, which will facilitate telecommunications and broadband services to this underserved area of rural Santa Cruz County. Denial of access to this portion of the public right of way would also result in a violation of section 253 and 332 because NextG would be prohibited from providing its services.

Additionally, section 253(c) of the Telecommunications Act requires that jurisdictions manage "use of public rights-of-way on a nondiscriminatory basis." If a jurisdiction has allowed the traditional telephone company ("ILEC") to operate in the public right-of-way, then it must allow competitive local exchange companies ("CLEC"), like NextG, to access utility poles for their equipment as well. *See TCG New York, Inc. v. City of White Plains*, 305 F.3d 67, 79–80 (2nd Cir. 2002) (the City of White Plains, New York ran afoul of the law when it treated the ILEC differently than a CLEC).²

The County has allowed different types of entities to access the public right of way along Cabrillo Highway and Swanton road in order to provide a variety of utility services. NextG has no facilities in this area, and these wireless facilities are necessary elements of its overall wired network to provide telecommunications services to its customers. Denial of these necessary elements of its network would violate the Telecommunications Act sections 253 and 332.

2. Alternatives Analysis (SCCC 13.10.662(c))

As mentioned above, NextG is a telephone corporation with the right to operate in the public rights-of-way under state and federal law in order to provide its telecommunications services. NextG's networks are essentially wired, fiber optic cable networks with the wire placed on existing utility poles in the public right away, similar to the traditional telephone company, power, and cable companies. It is not a wireless carrier, nor can it construct traditional wireless sites, such as towers and monopoles. It provides radio frequency signal transport over a wired network with small wireless elements, which must be directly attached to the wired network. Prohibiting NextG from attaching to existing utility poles would be like telling the power company it was not allowed to attach its transformers to the utility pole—it doesn't make sense.

13.10.662(c)(1): NextG networks require seven locations with wireless and non-wireless equipment attached to existing utility poles. NextG designed the network so that its six locations

¹ This section of the code is inconsistent with SCCC 13.10.312(b) (Agricultural Uses Chart), which allows wireless communication facilities in the CA zone with a Level V application

² *See also*, Public Utilities Code section 7901.1(b) (stating that the control exercised by municipalities over access to the public rights-of-way "be reasonable" and "at a minimum, be applied to all entities in an equivalent manner.")

(DAV01-04, 09, 10) along Cabrillo Highway are on the landward side of the road, rather than the seaward side. NextG presented the country with two different design alternatives—communications space antennas or pole top antennas. Both of these designs are limited to what is allowed under General Order ("GO") 95 Rule 94.4.

The seventh location (DAV05) is on Swanton Road on the landward side of Cabrillo Highway, and NextG presented two antenna heights for this location since it is on a different type of utility pole. Photos of each of these designs are attached for comparison Exhibit A. At this time, the Planning Department has expressed a preference for the communication space antenna configurations and the lower height for DAV05. There are no poles along Cabrillo Highway in this area, which is why DAV05 is on Swanton Road. NextG would need the County to allow NextG to place a new utility pole along Cabrillo Highway, and at this point, the County has not been receptive to NextG placing any new poles.

NextG requires a telecommunications hub to support its fiber optic cable network. There is no wireless equipment at the hub location, but the hub was combined with the project in the same application for streamlining purposes. The hub requires a coastal development permit, and NextG provided an alternatives analysis at the request of the Planning Department. NextG considered three locations. A list of the alternatives is attached as Exhibit B. The feasibility of a telecommunications hub is dependent on having a willing landowner. NextG contacted all three property owners and received firm rejections from the fire department and lumber mill candidates. The land owner of the Swanton Berry Farm was receptive.

NextG met with the land owner regarding a location. The land owner instructed NextG to place its 16' x 12' telecommunications hub in a triangular portion of the parcel between existing outbuildings, which is not capable of supporting agricultural production. The location of the hub along with photo simulations is attached as Exhibit C. The photos simulations show the design of the hub to blend with the existing outbuildings.

13.10.662(c)(2): There is potential for NextG's facilities to provide services to multiple customers, but traditional "co-location" may not be possible due to constructability issues on the utility pole.

13.10.662(c)(3): As mentioned in 13.10.662(c)(1), the NextG may construct its DAV01-04, 09, 10 in two configurations—pole top or communications space antennas. DAV05 is on Swanton Road because the County will not support NextG placing a new pole in the right of way of Cabrillo Highway. The County has expressed an interest in the communications space design on the utility pole. NextG looked at other hub locations, but only one landlord was receptive to the hub.

13.10.662(c)(4): Photo simulations of the two different designs are attached below.

13.10.662(c)(5): NextG's rights to operate in the public right of way is equivalent on all utility poles. NextG may locate on a different utility pole according to the safety rules in GO 95, but the design would be equivalent to that being proposed. There are no superior poles from a

design or compliance perspective. Many utility poles are located on the seaward side of Cabrillo Highway, and all of those were avoided in order to comply with SCCC 13.10.659 et seq.

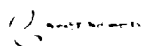
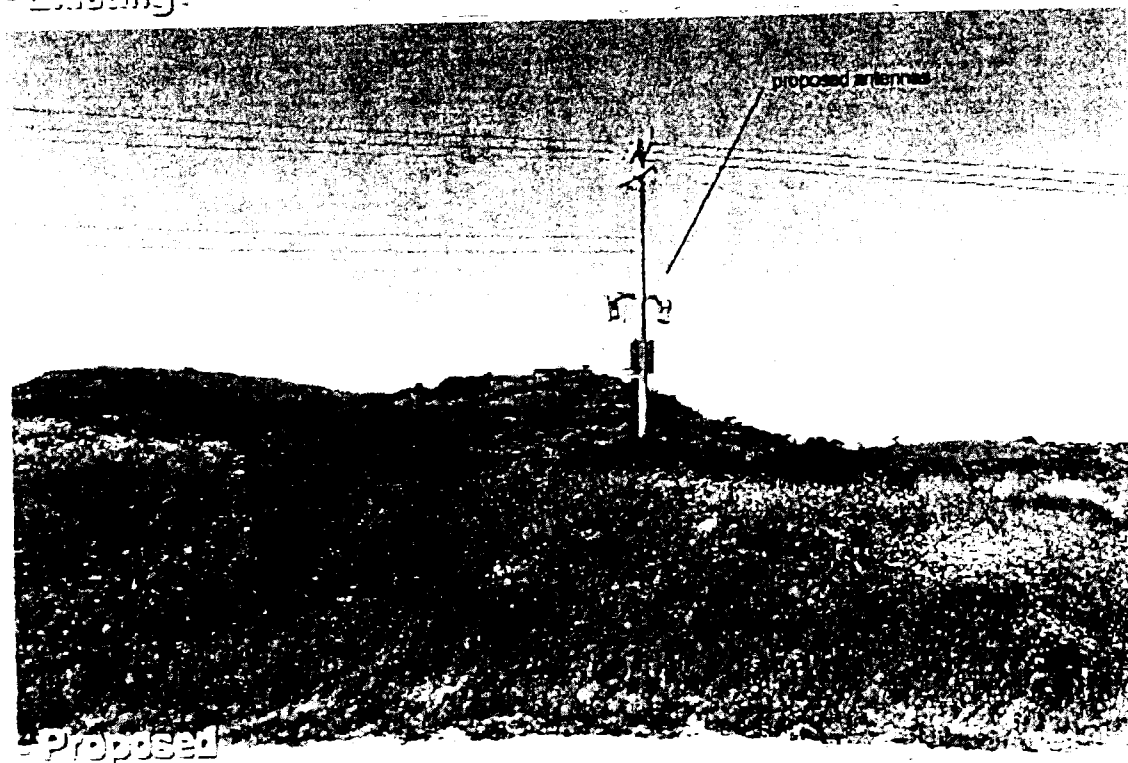
Please feel free to contact me via email or phone if you require any additional information or clarification. I can be reached at 408-409-6606 or by email at nernst@nextgnetworks.net.

Best regards,

A handwritten signature in cursive script, appearing to read "Natasha Ernst".

Natasha Ernst
Director of Government Relations

EXHIBIT A: NODE EQUIPMENT CONFIGURATION ALTERNATIVES

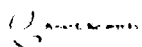
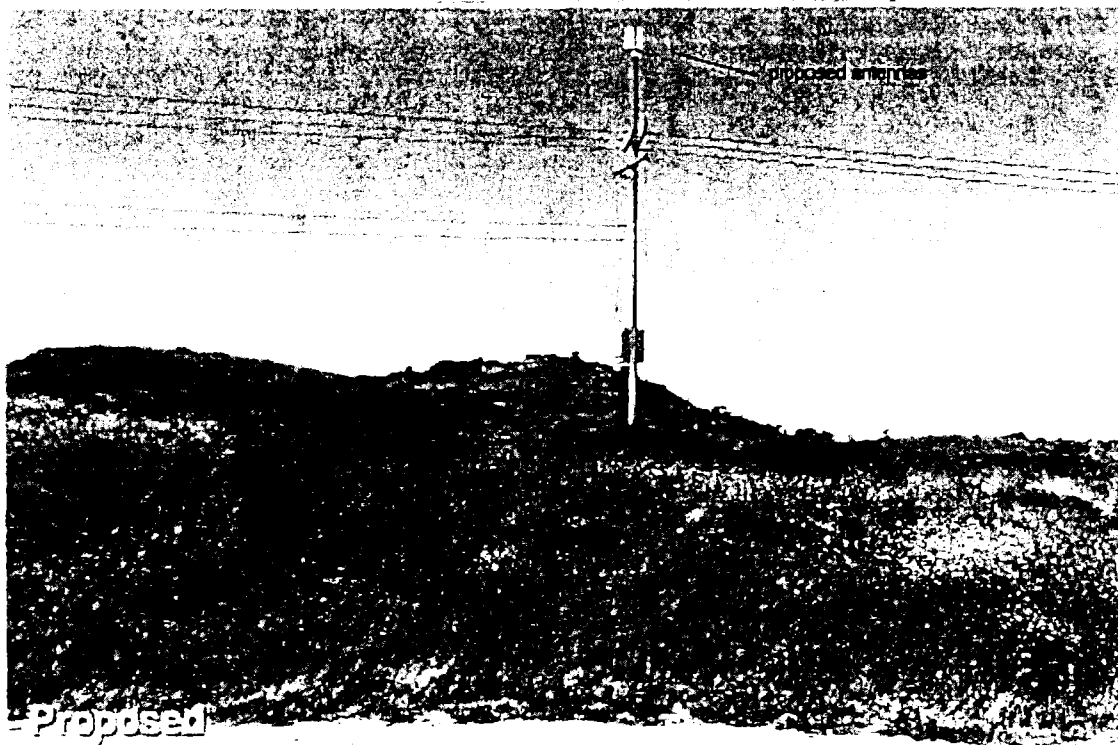
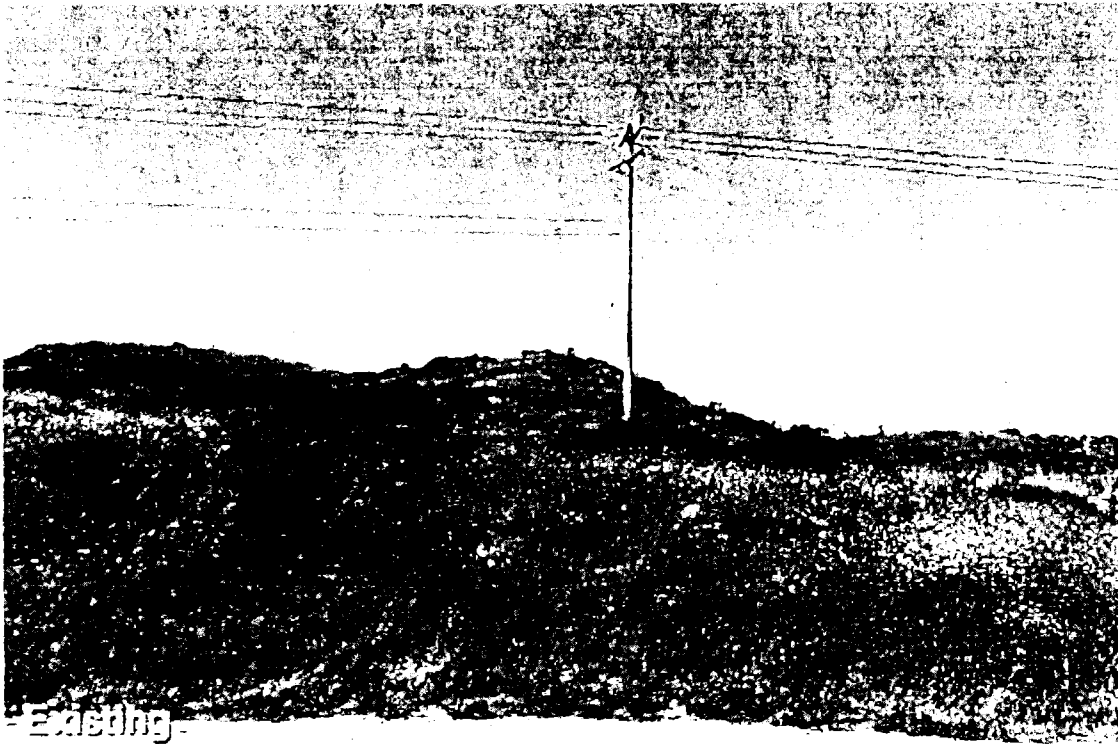


Davenport

Site # DAVG1

Contract # H9557-01-0001
 Series # 0001-0001

View #1



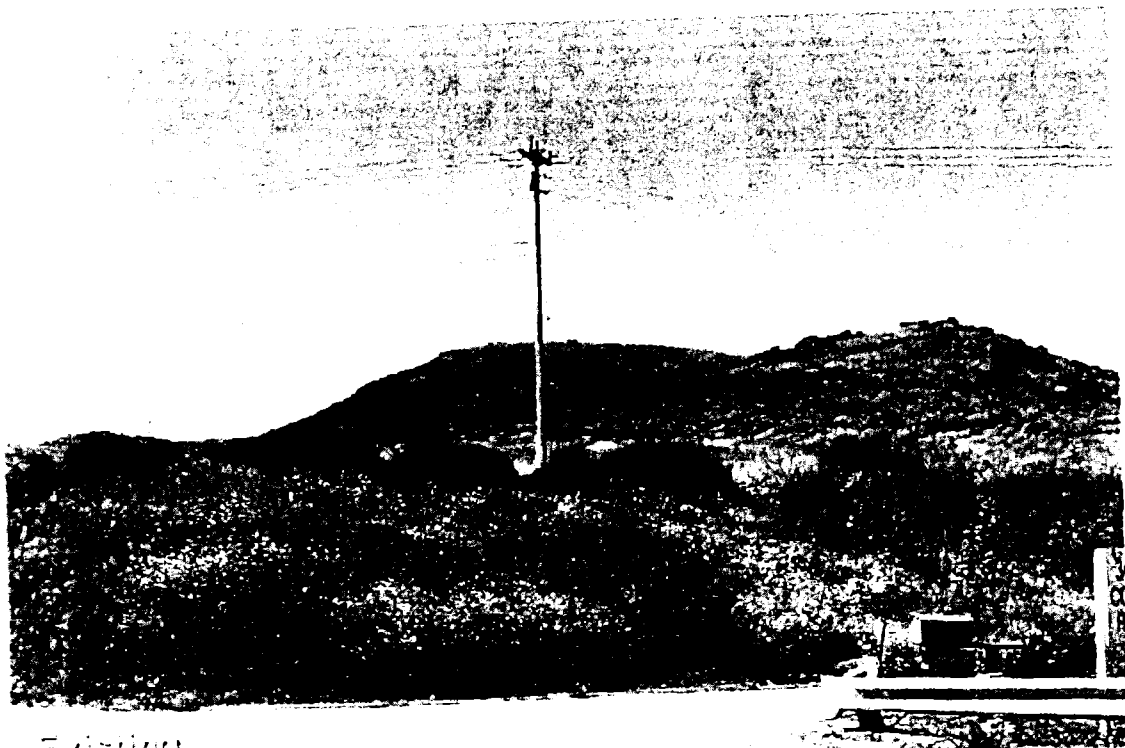
Davenport

Site # DAV01

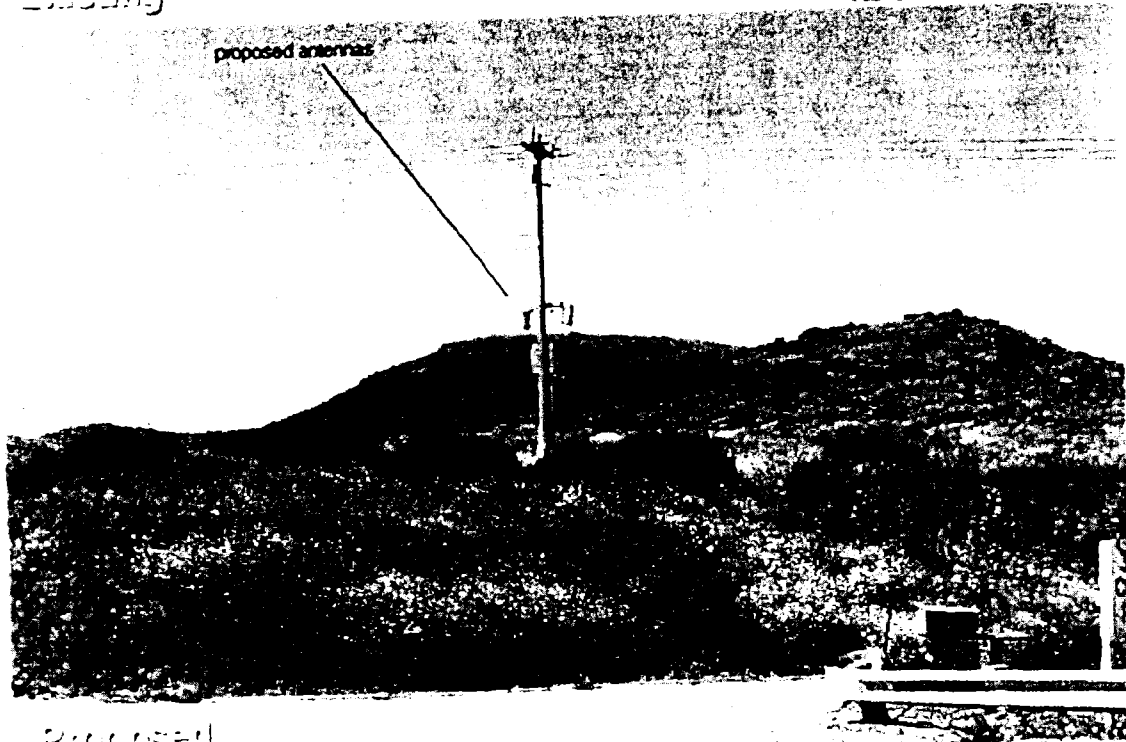
Central Electric Hwy.
Santa Cruz, CA 95060

View #1

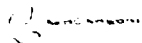
Antenna location (to ground)



Existing



Proposed

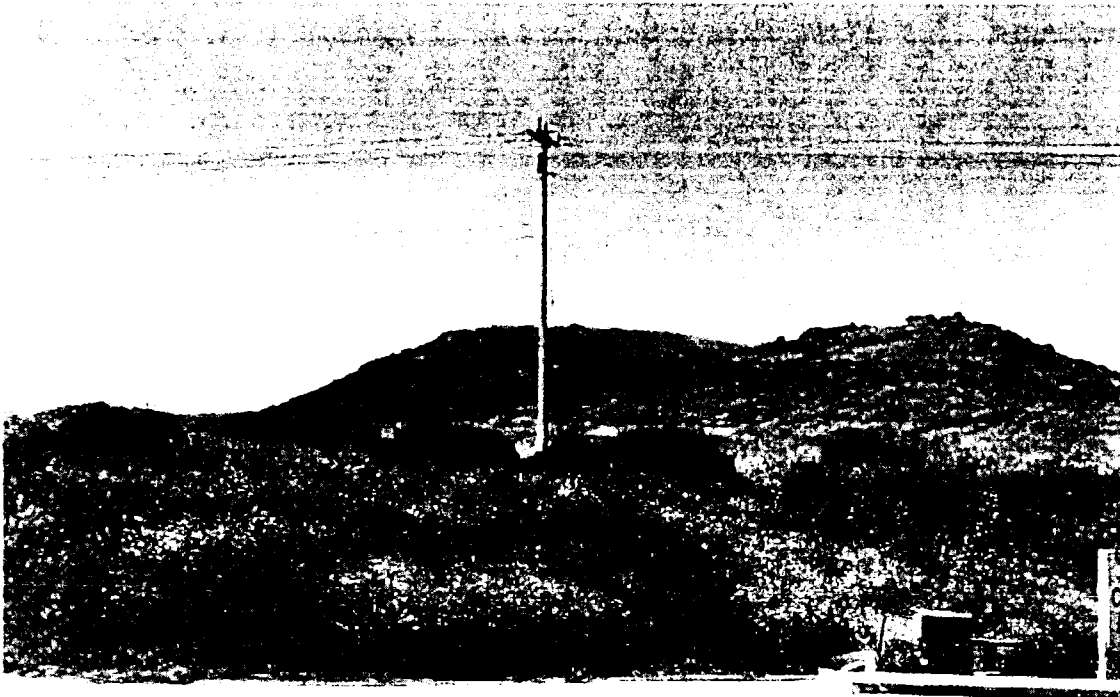


Davenport

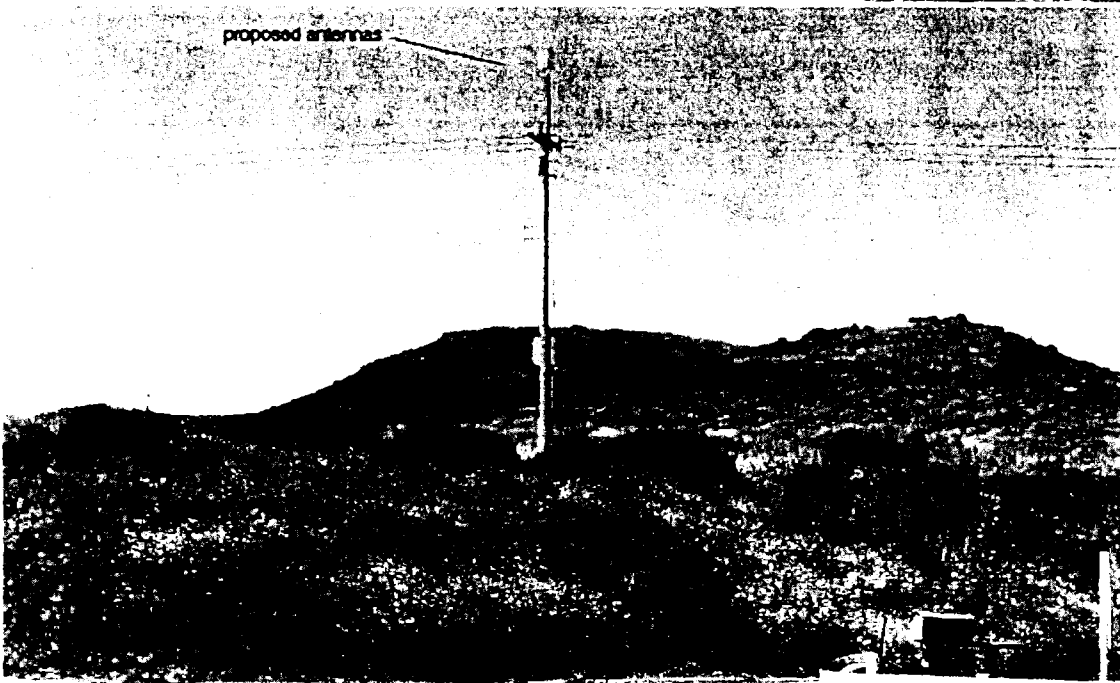
Site # DAV01

View #2

City of Davenport
 1000 1st Street
 Davenport, IA 52801



Existing



Proposed

Q. 1000000

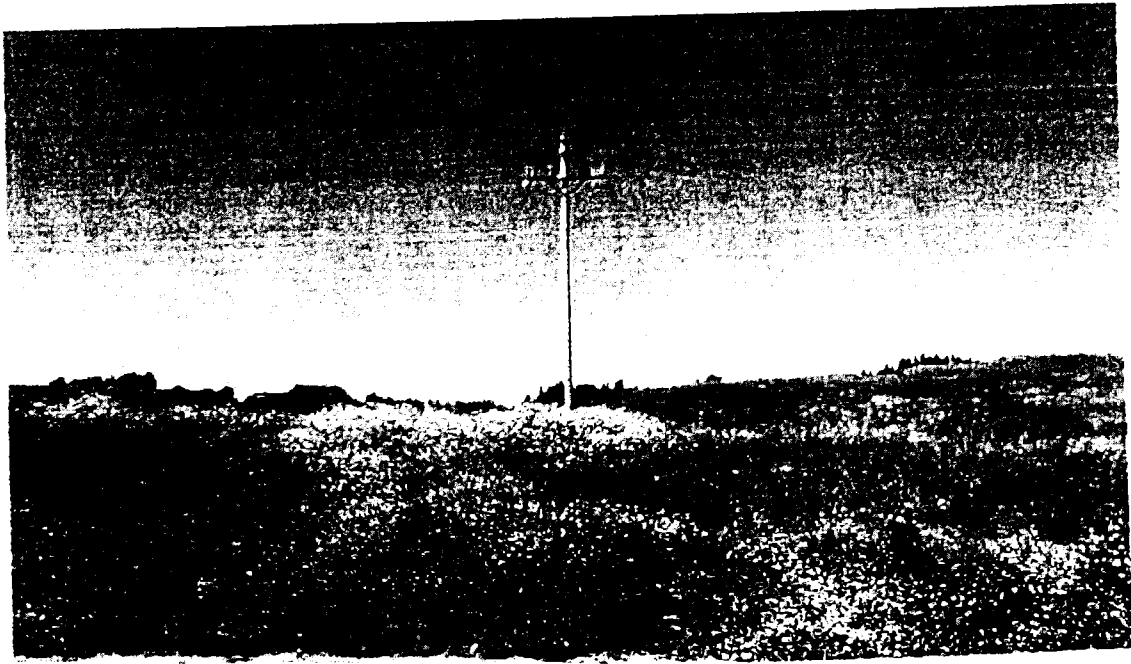
Davenport

Site # DAV01

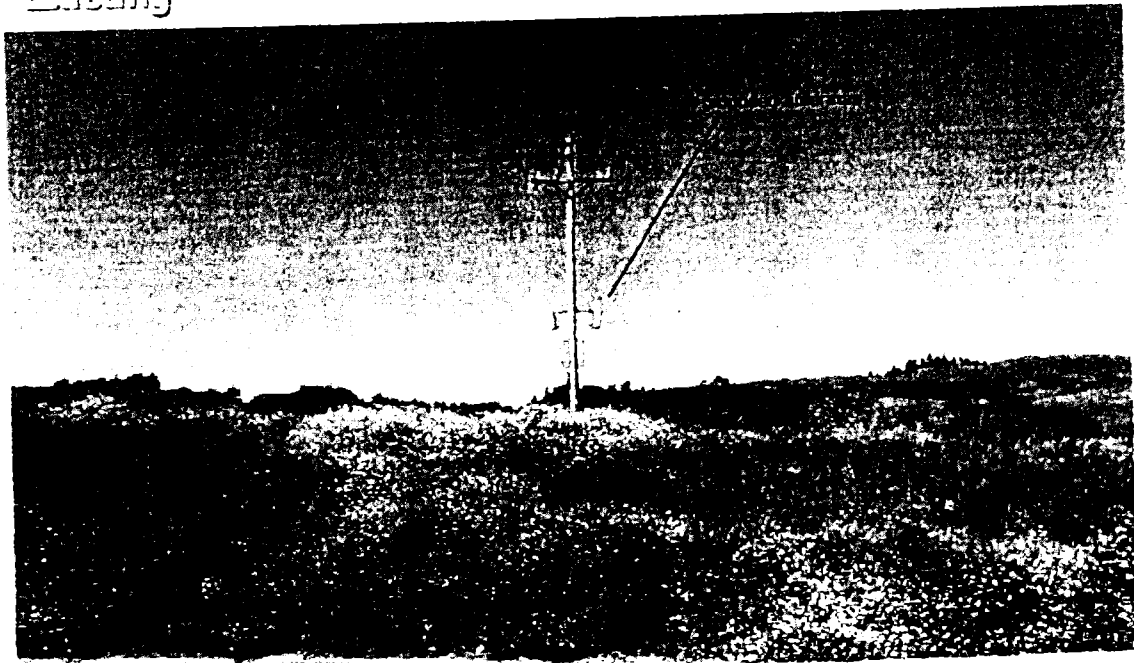
Capitol Hill Hwy
Santa Cruz, CA 95060

View #2

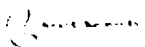
Antenna height: 1000000



Existing



Proposed



Davenport

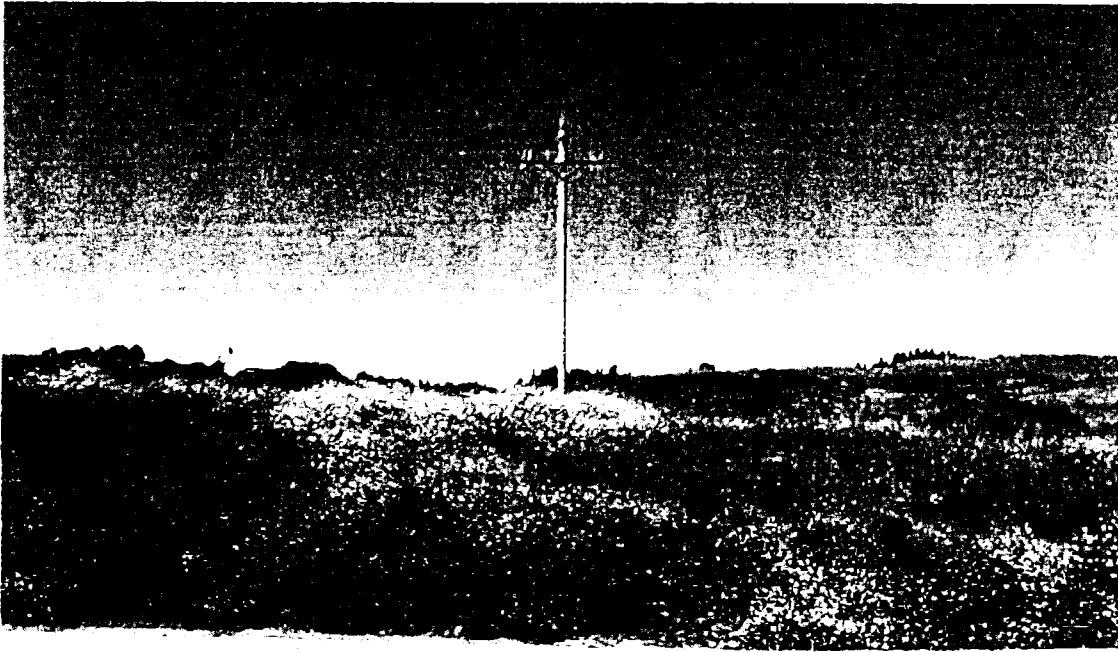
Site # DAY02

View #1

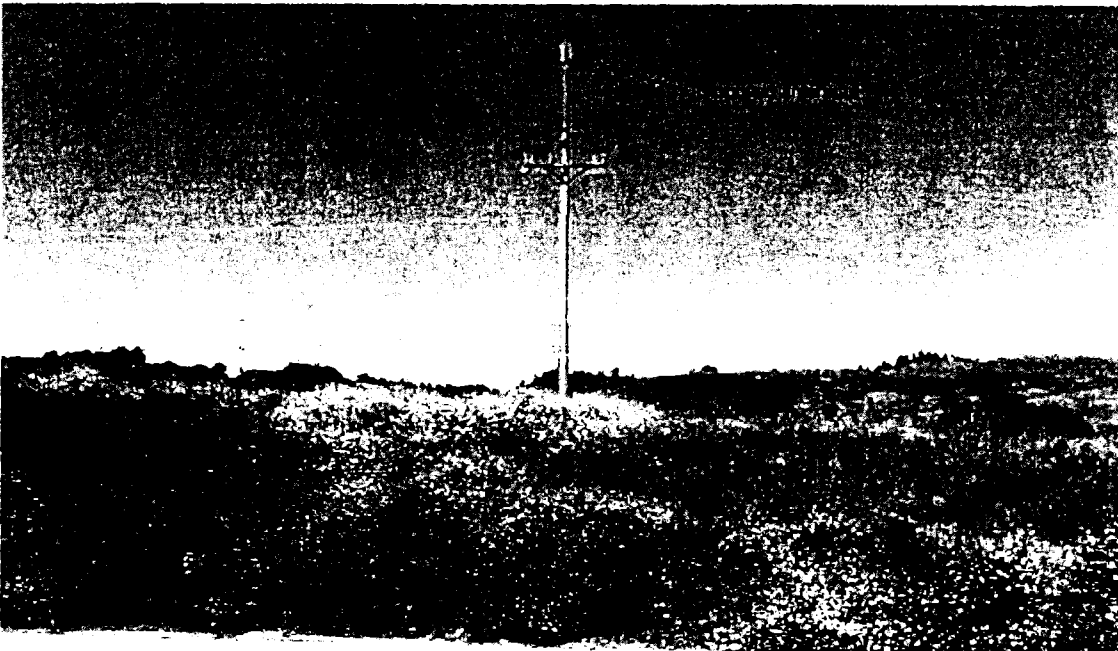
8-10-11

Carroll Park, Hwy 1
Santa Cruz, CA 95060

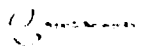
Project: Highway 1



Existing



Proposed



Davenport

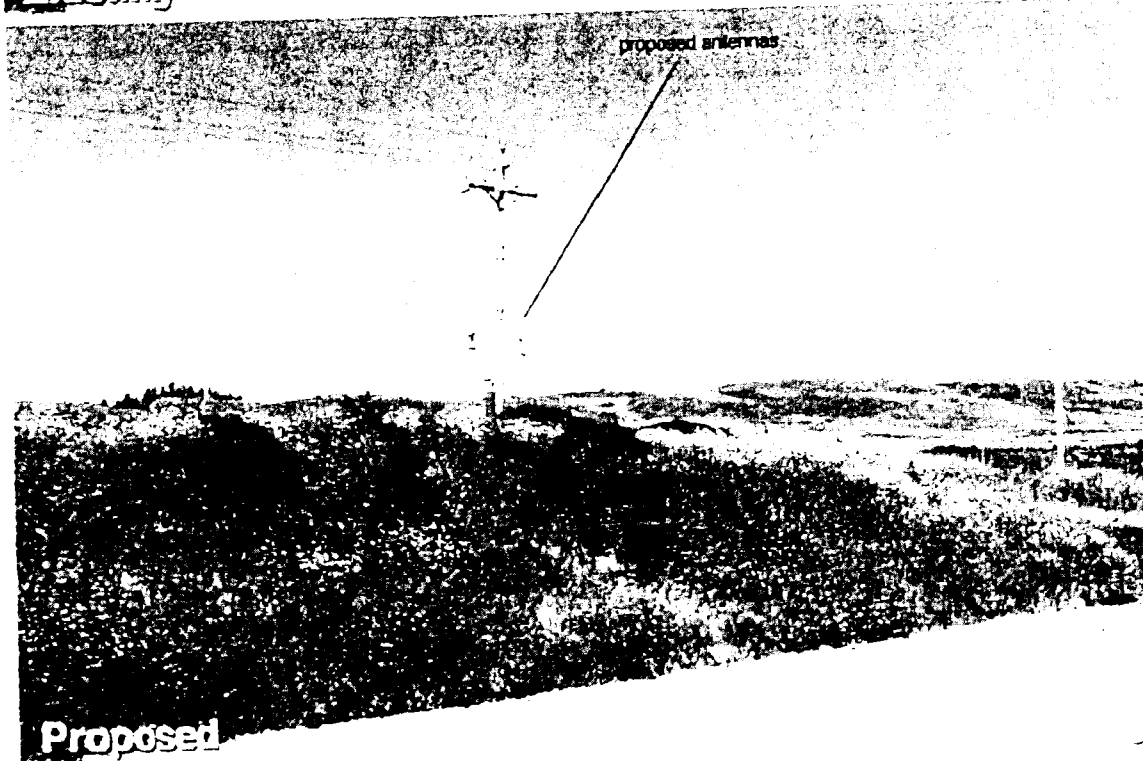
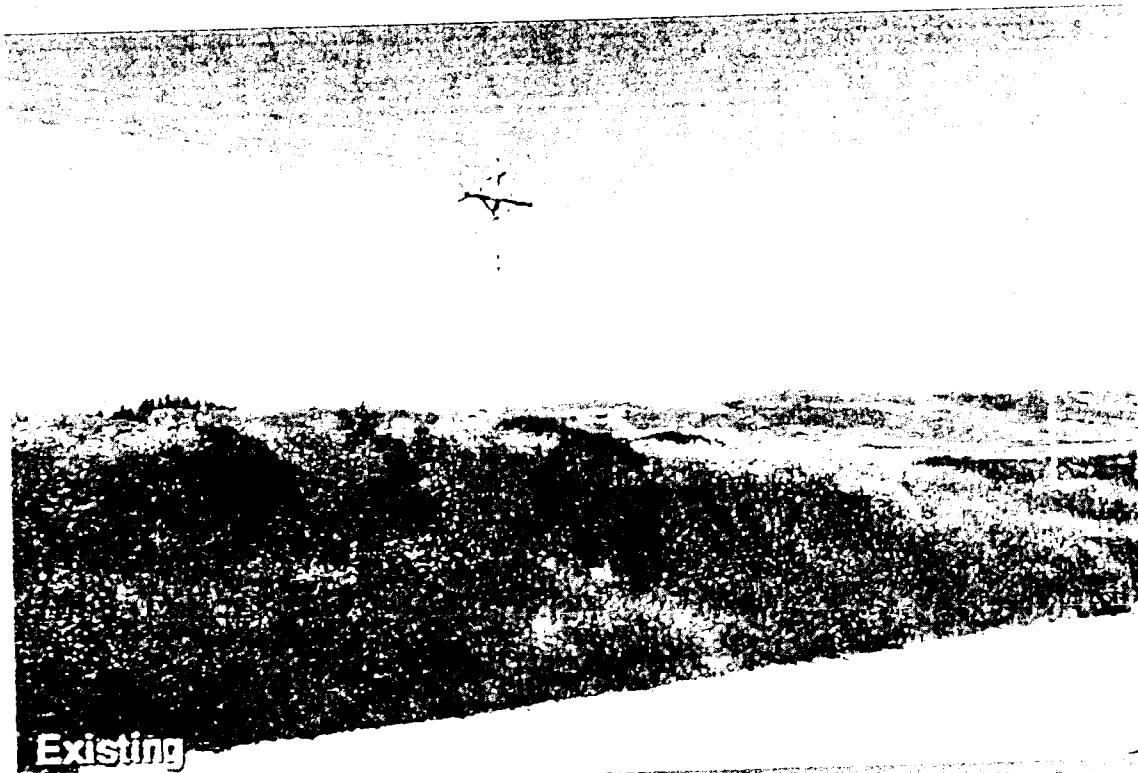
Site # DAV02

Carr's Hill, Hwy 1
Santa Clara, CA 95050

8/10/11

View #1

Copyright 2011 Santa Clara Valley Water District



DAVENPORT

Davenport

Site # DAV02

View #2

7/27/71

Case # F-100-1
Serial # 100-10000

Approved by: [Signature]



Q

Davenport

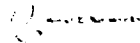
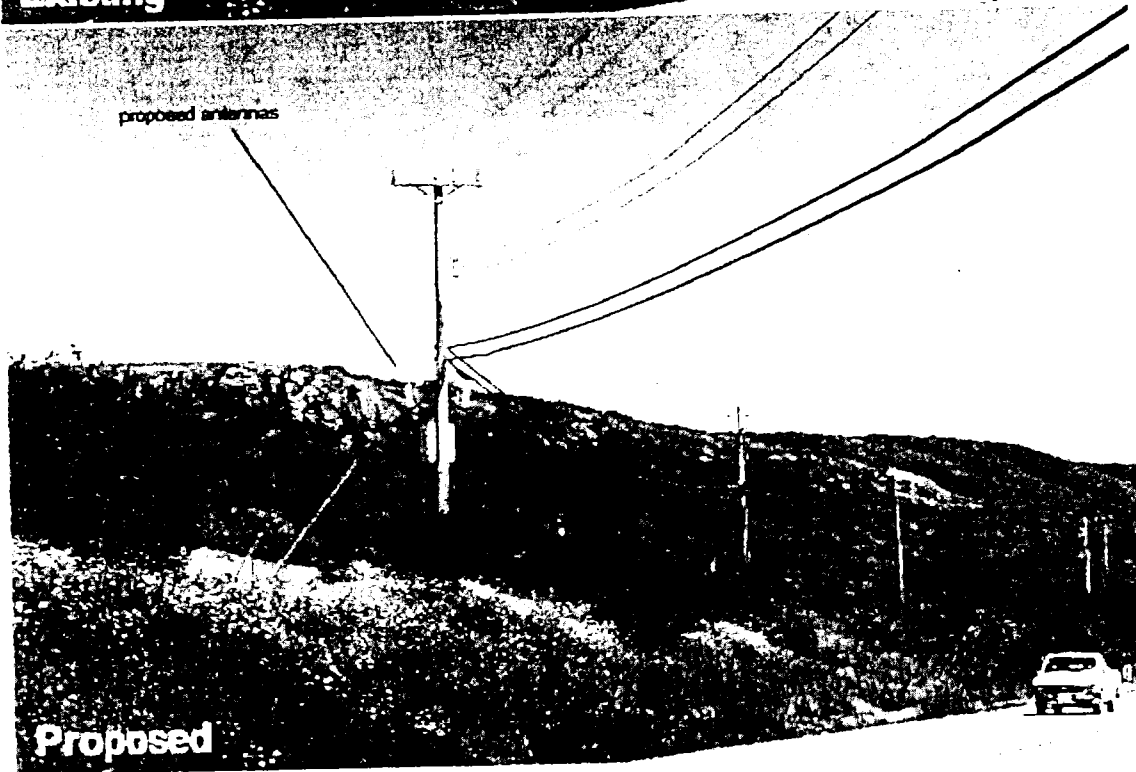
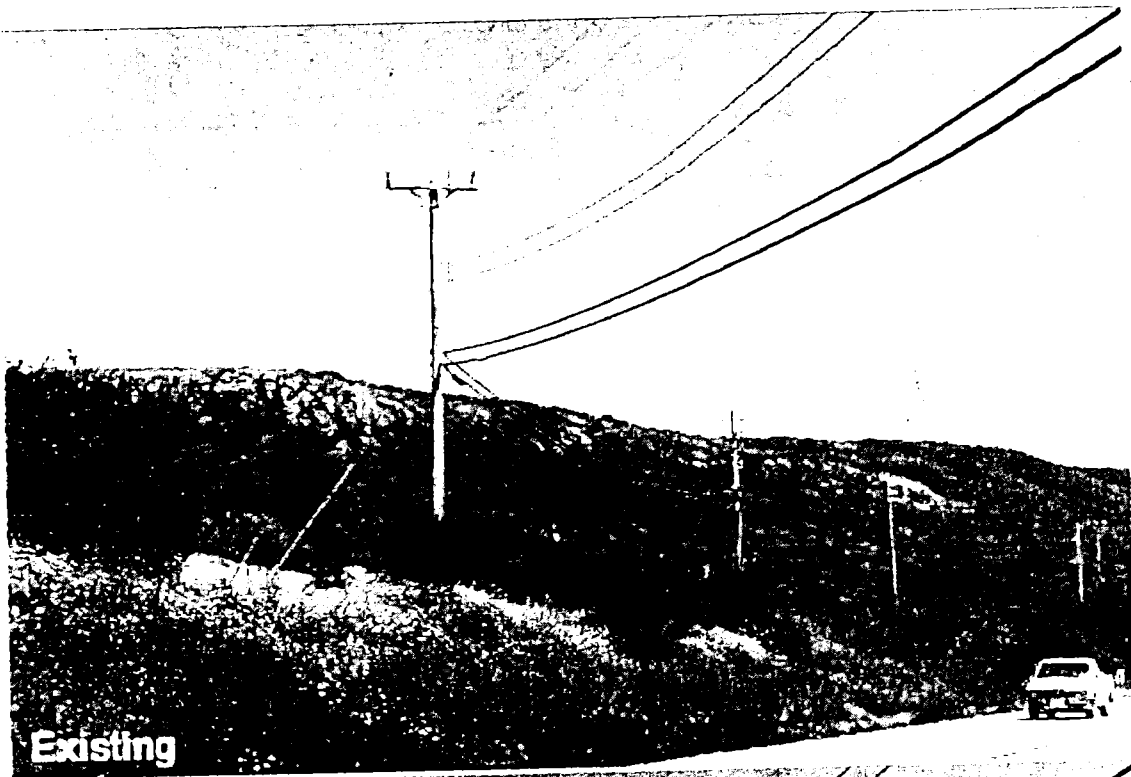
Site # DAV02

Camp Hill, Hwy 1
Santa Cruz, CA 95060

View #2

5/25/11

Antenna Structure

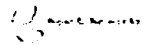
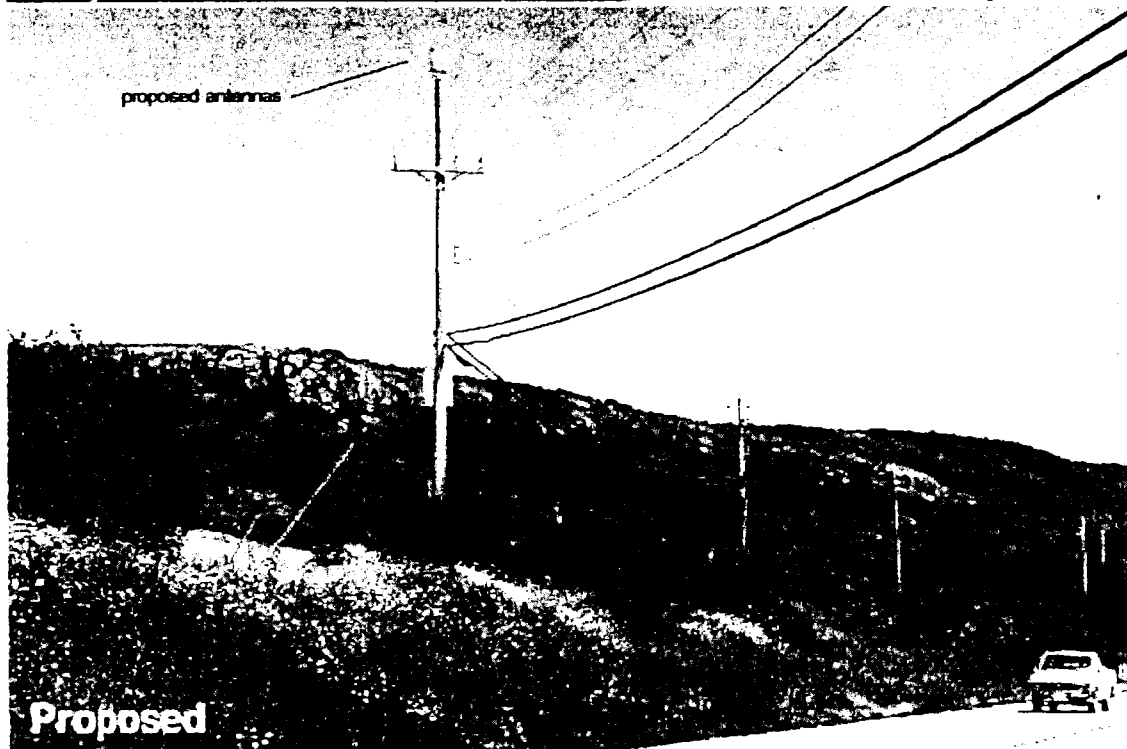
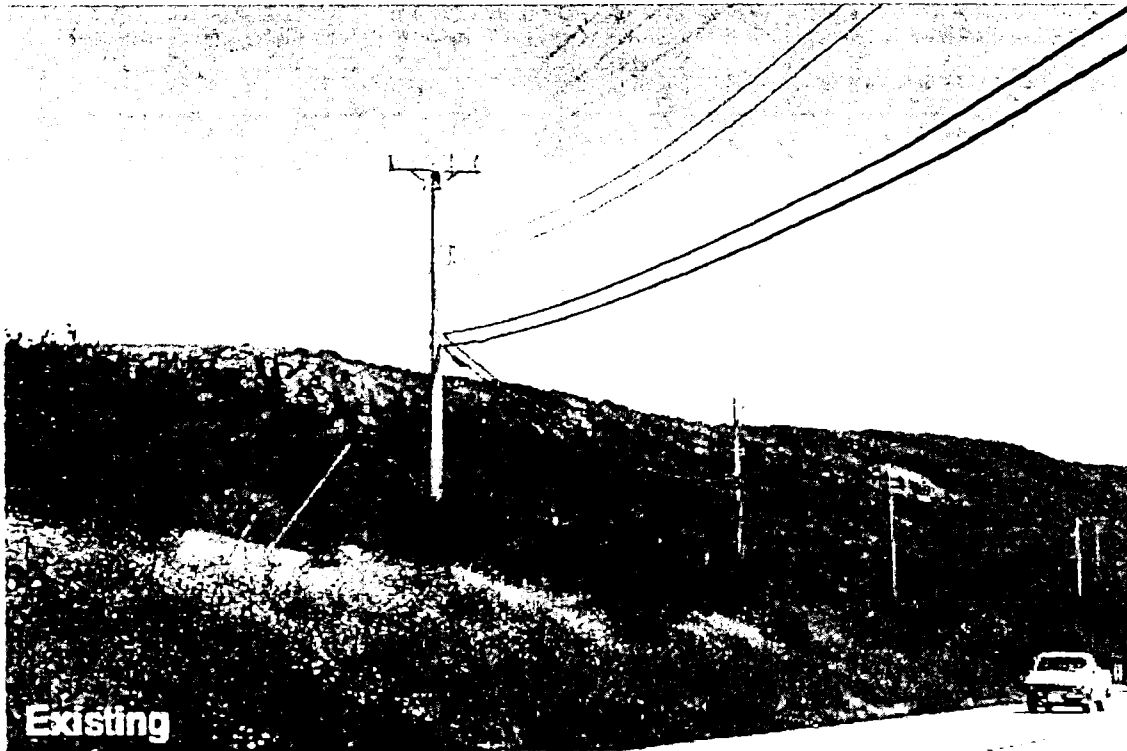


Davenport

Site # DAV03

View #1

Capitol Hill, Hwy 1
State Capitol Building



Davenport

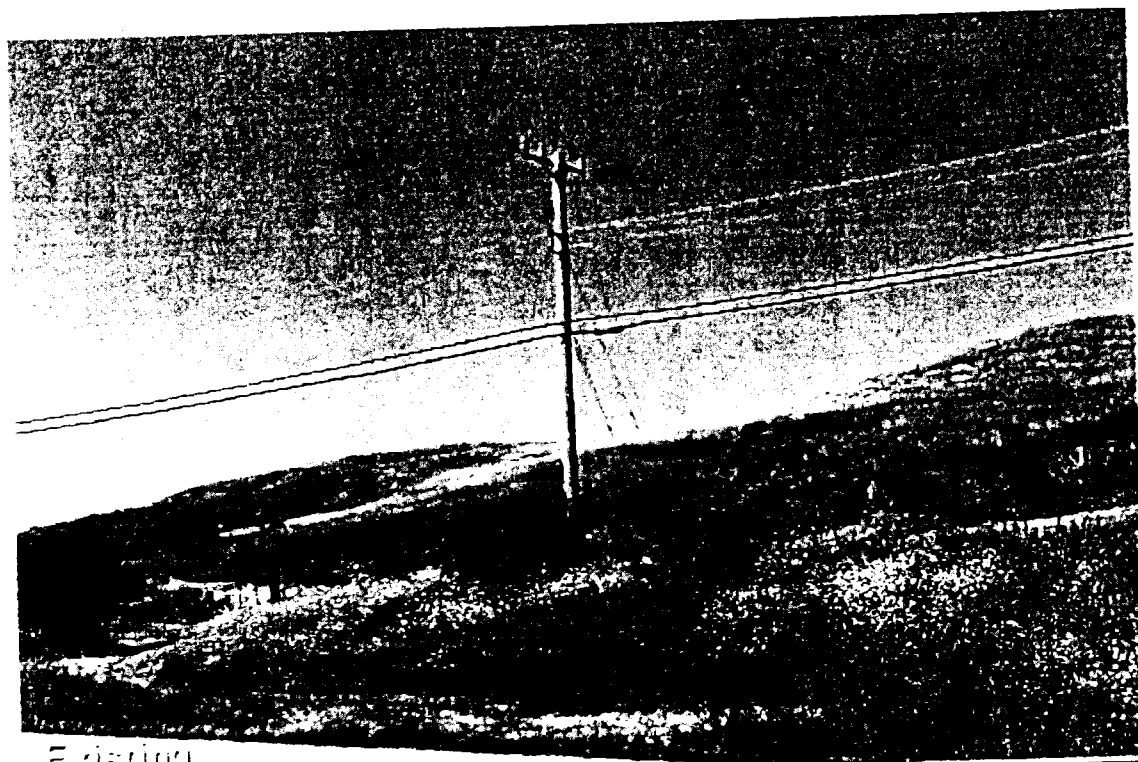
Site # DAV03

Castroville Hwy. Hwy 1
Santa Cruz, CA 95060

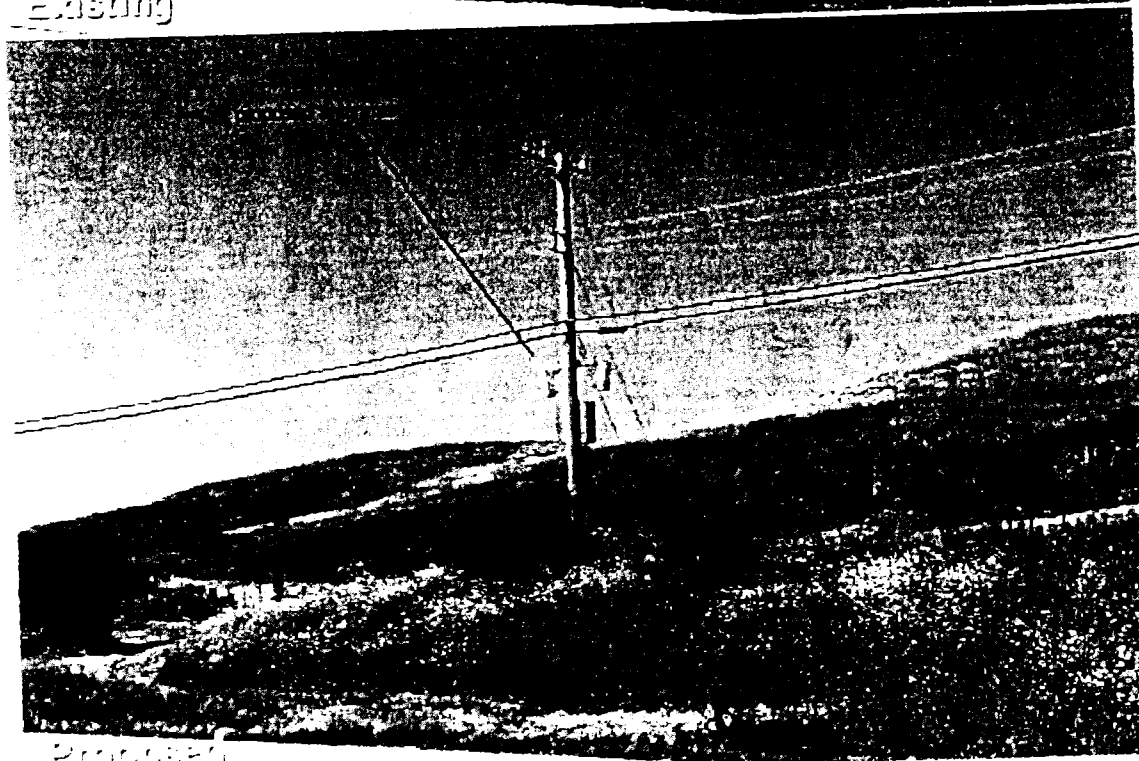
5/15/11

View # 1

Antenna location on hillside



Existing



Proposed

Q. 10000000

Davenport

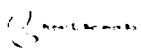
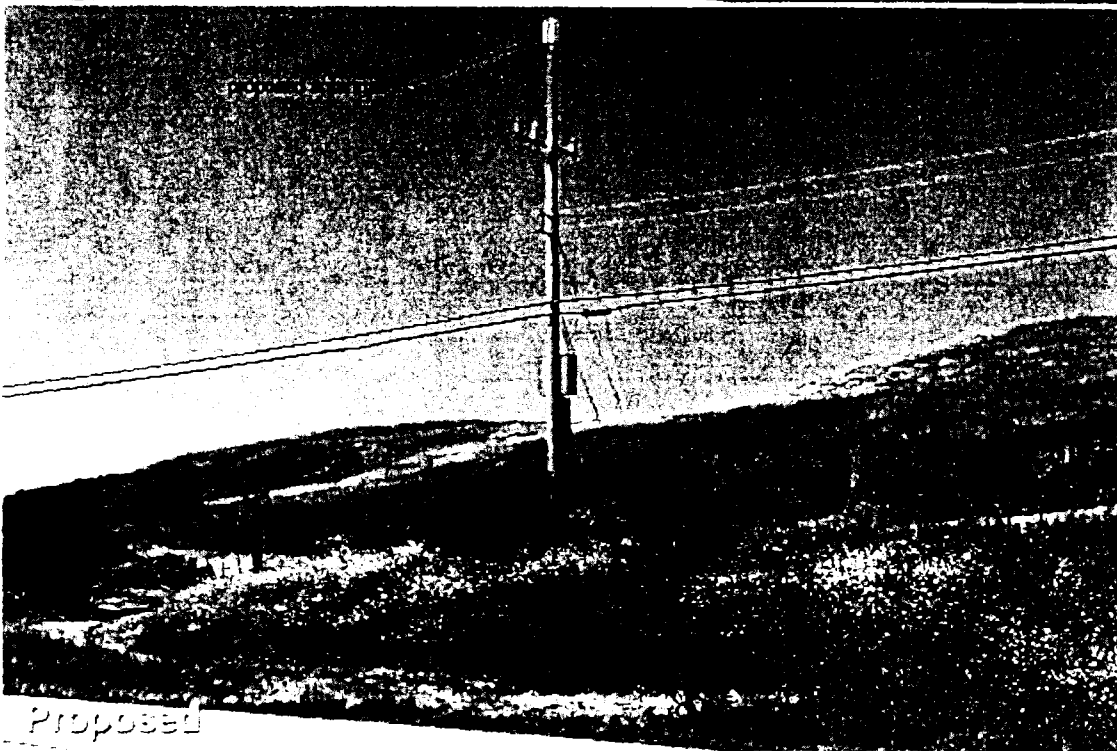
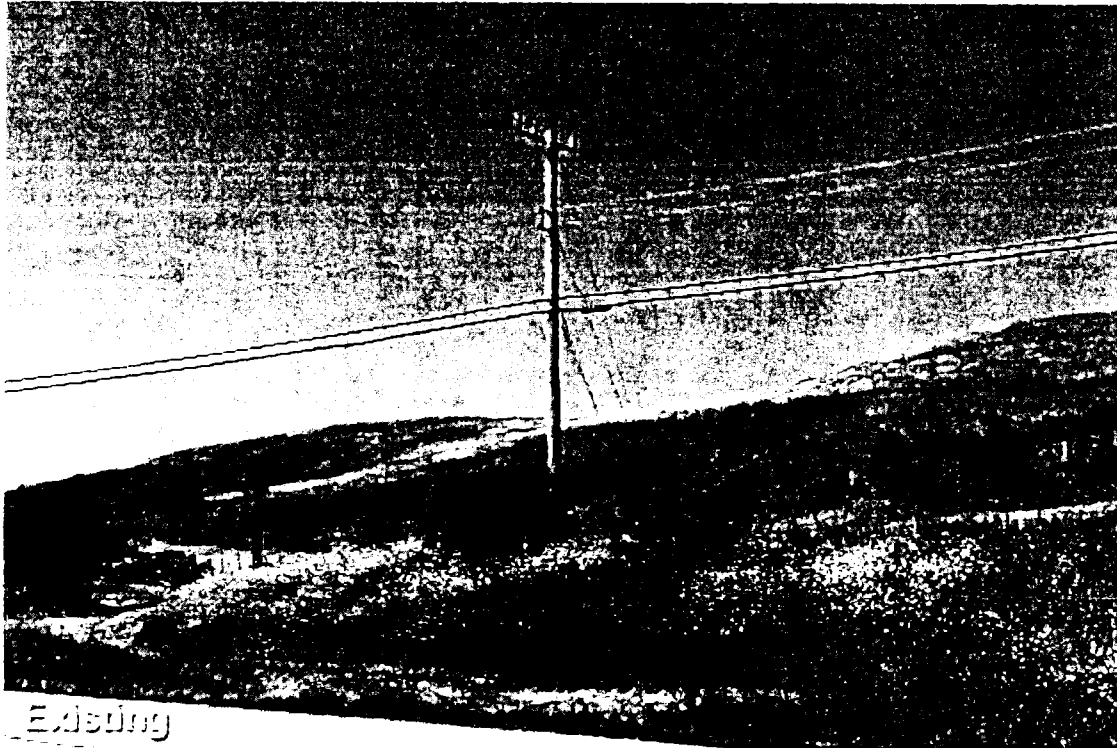
Site # DAV03

View #2

Cable & Power Line
Santa Cruz, CA 95060

10/1/00

10/1/00



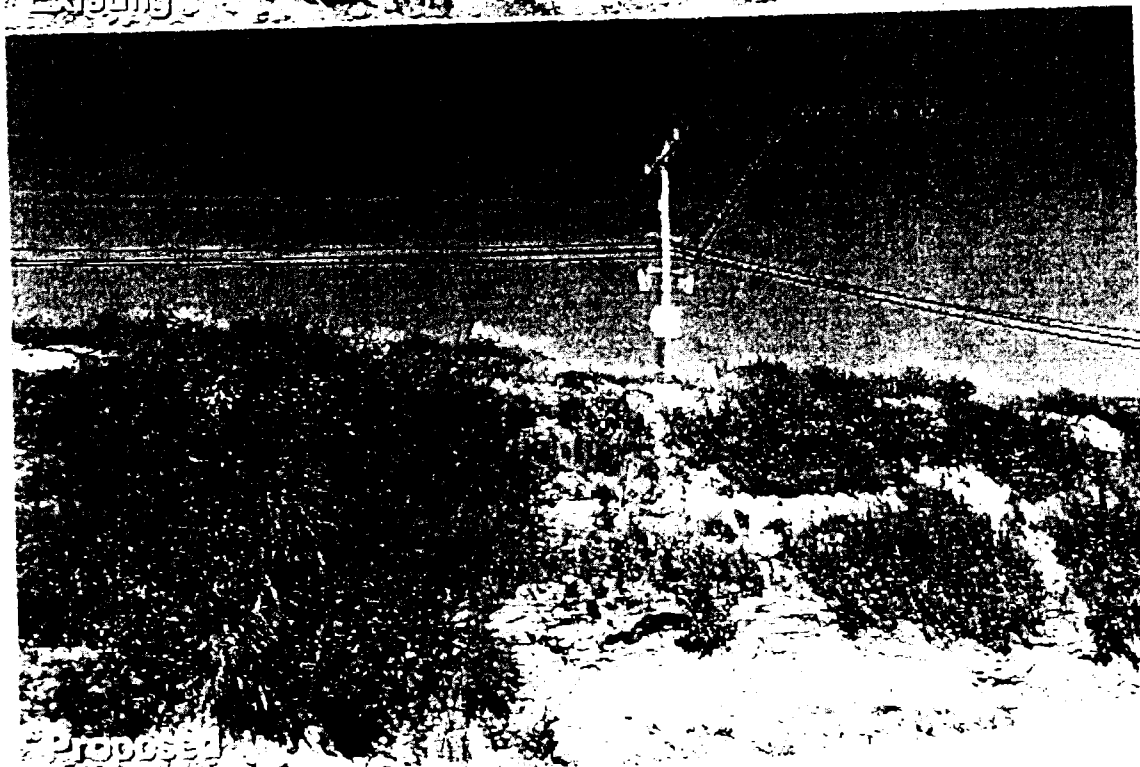
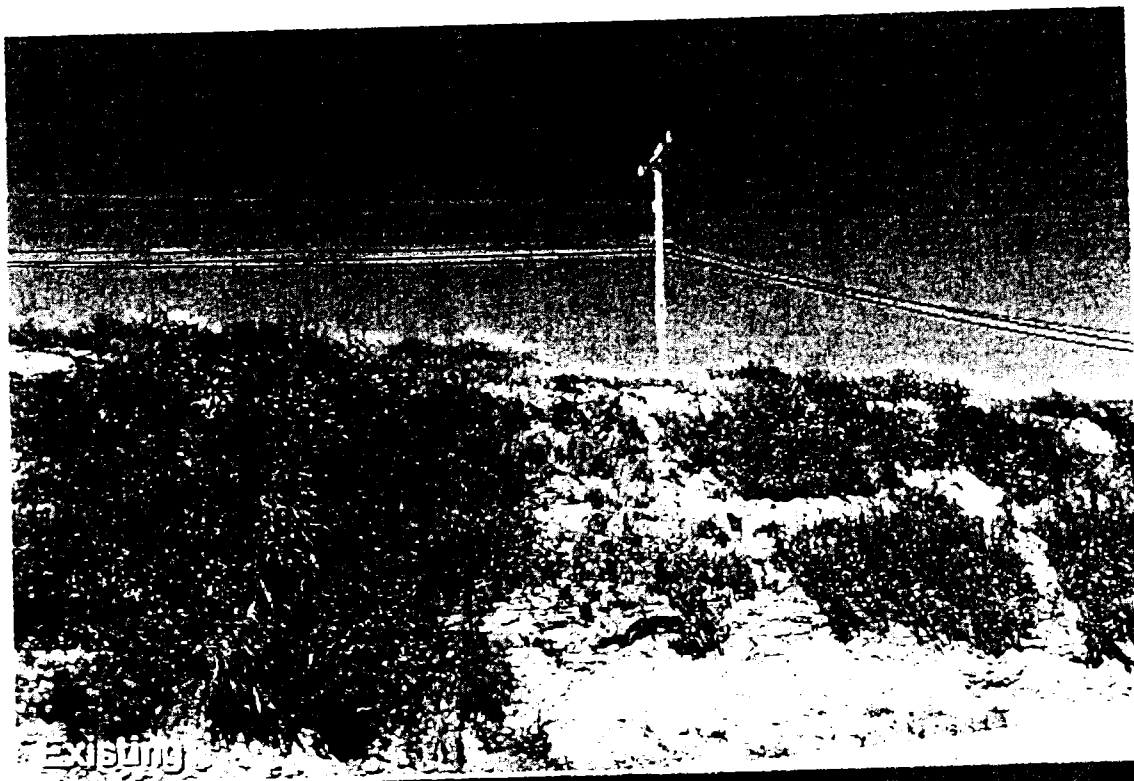
Davenport

Site # DAV03

Gateway Hwy. Hwy.
Santa Cruz, CA 95060

5/05/17

VIEW #2
Open to the public



DAVENPORT

Davenport

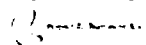
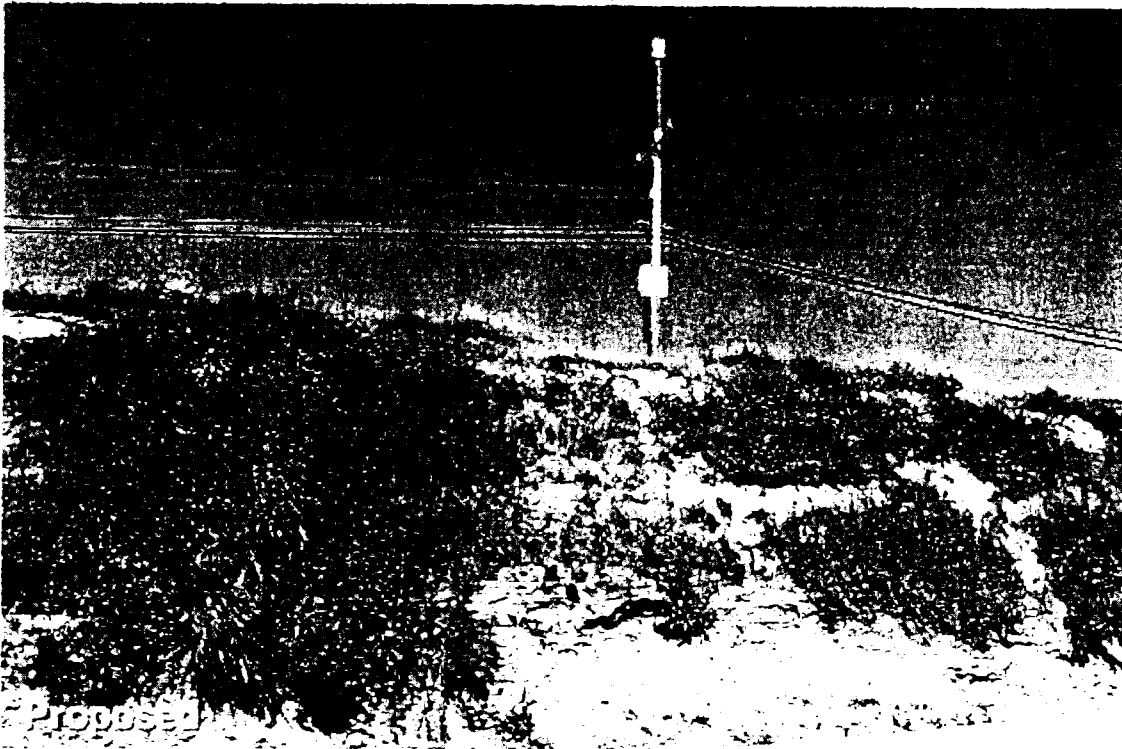
Site # DAV04

View #1

8/2/01

Cabrillo Hwy. Hwy 1
Santa Cruz, CA 95062

Copyright 2001 by [illegible]



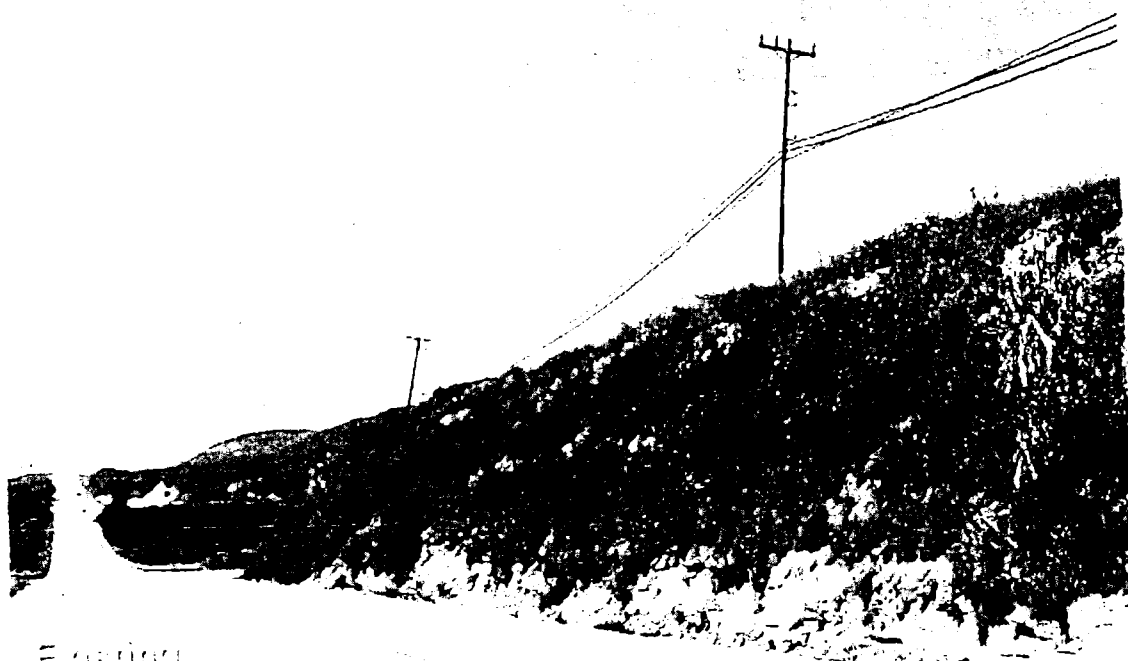
Davenport

Site # DAV04

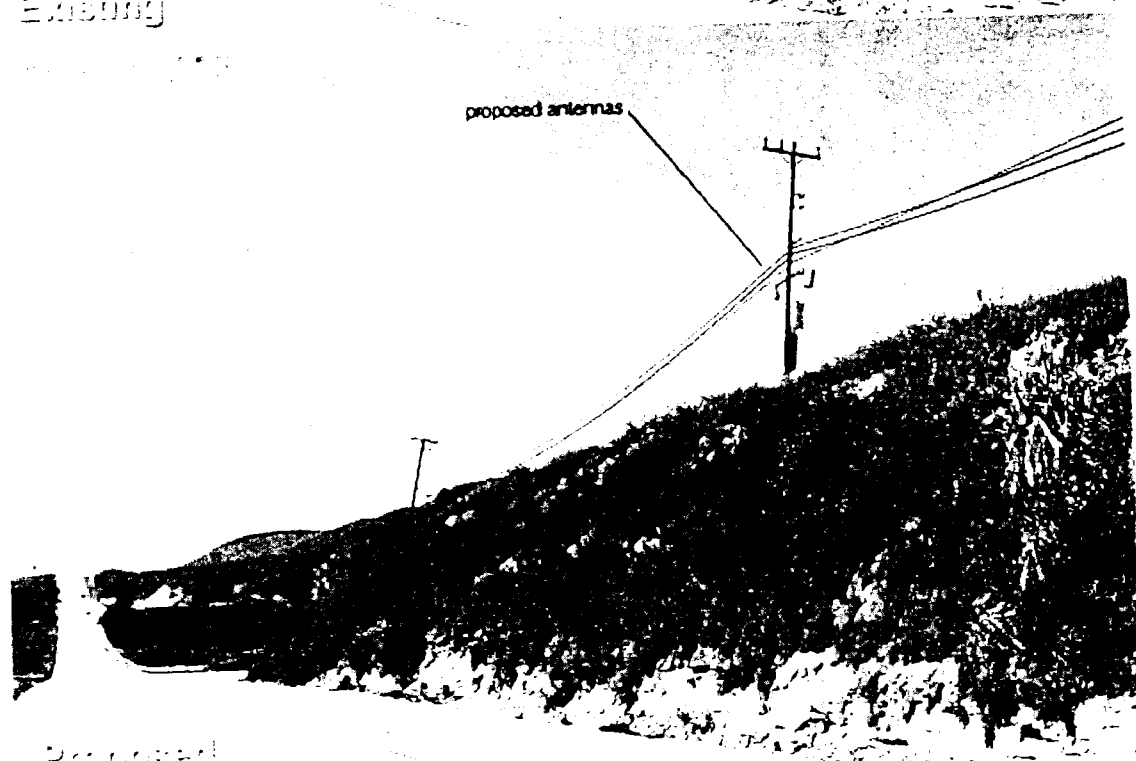
California Hwy. Hwy.
Santa Cruz, California

View #1

Antenna height: 100 ft.



Existing



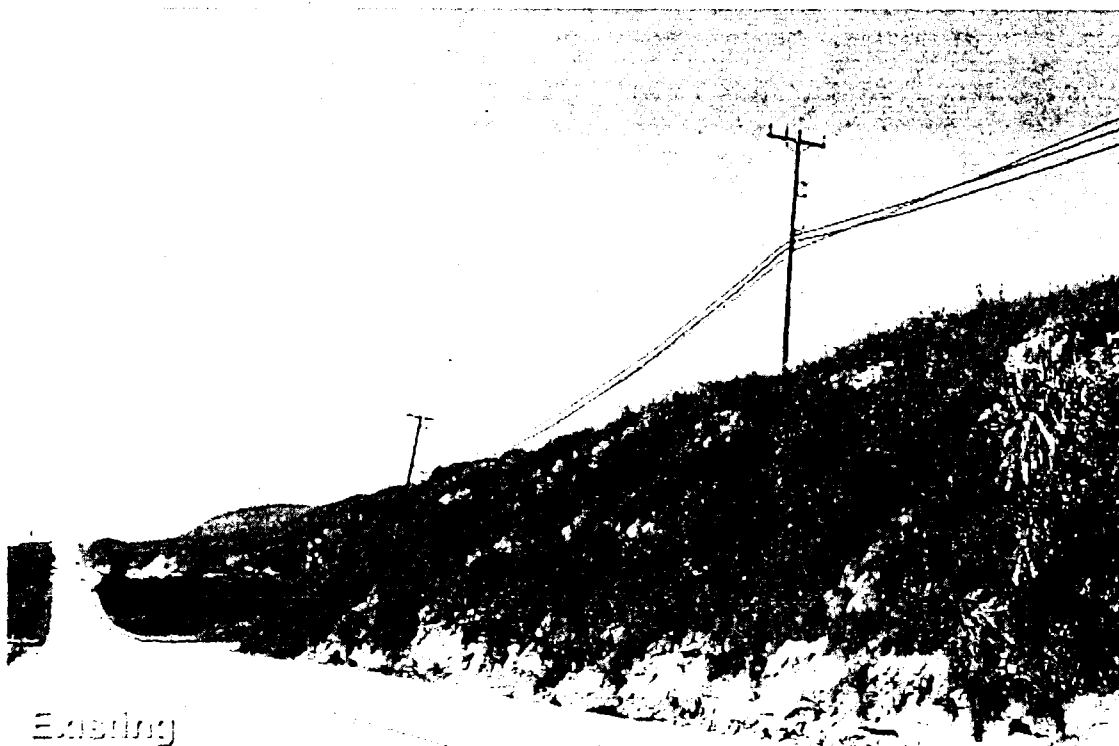
Proposed

(1) DAVENPORT

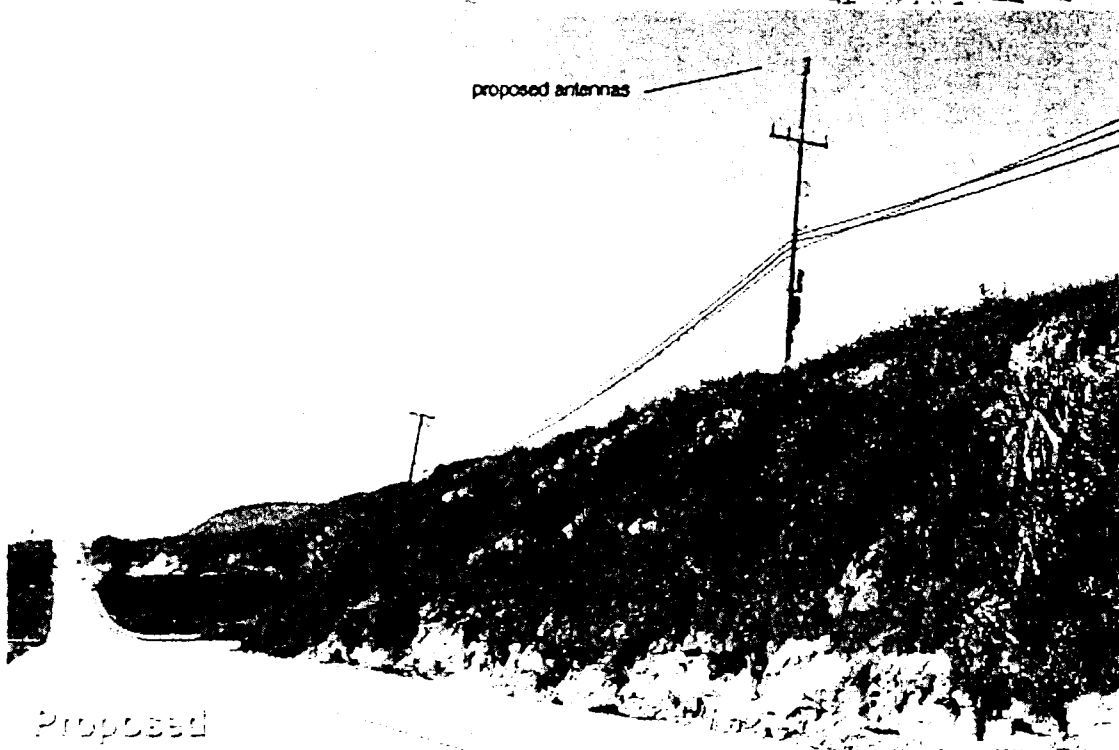
Davenport
Cable & Fiber Optics
Service Center, DAVENPORT

Site # DAV04

View #2

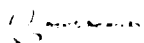


Existing



proposed antennas

Proposed



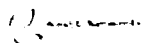
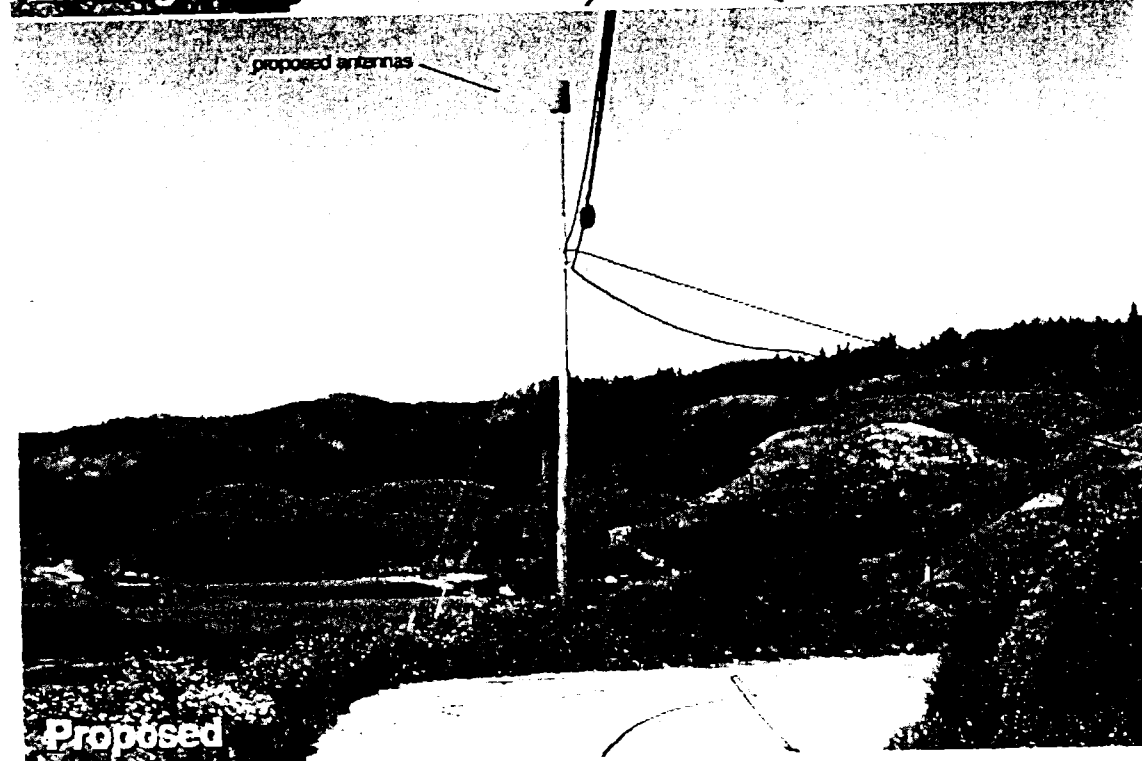
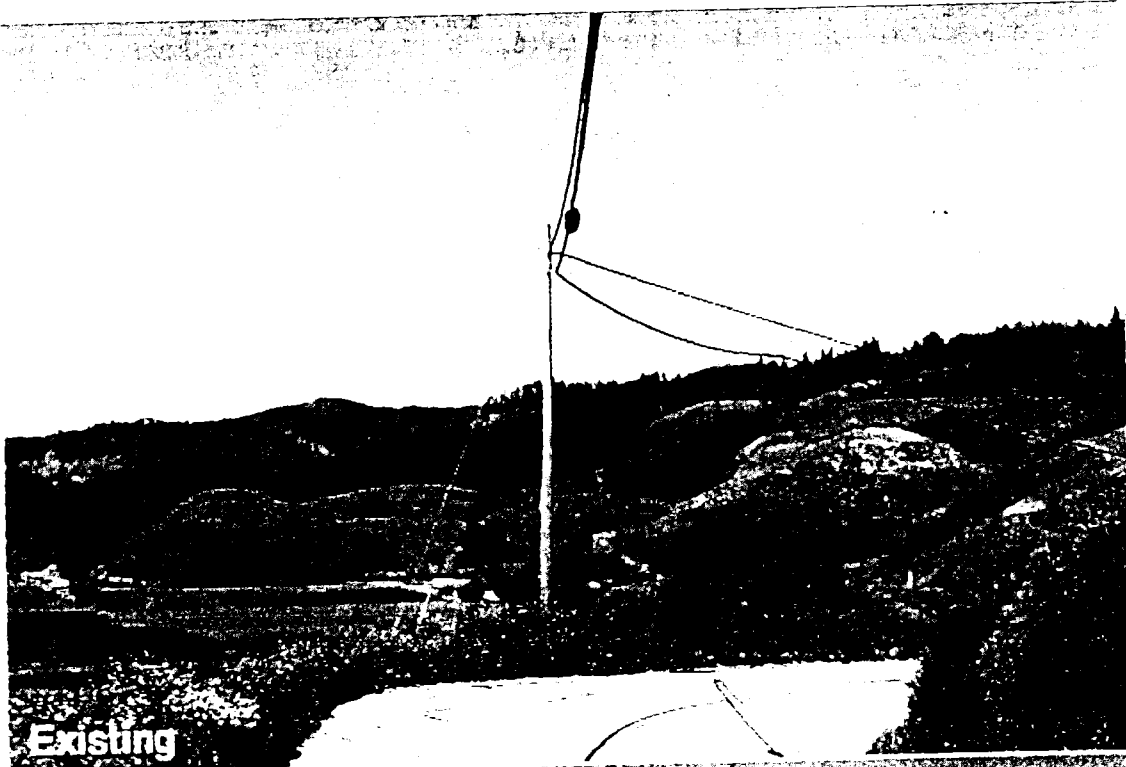
Davenport

Site # DAV04

Carmel Valley High
Santa Cruz, CA 95060

View #2

10/10/00 10:00 AM



Davenport

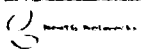
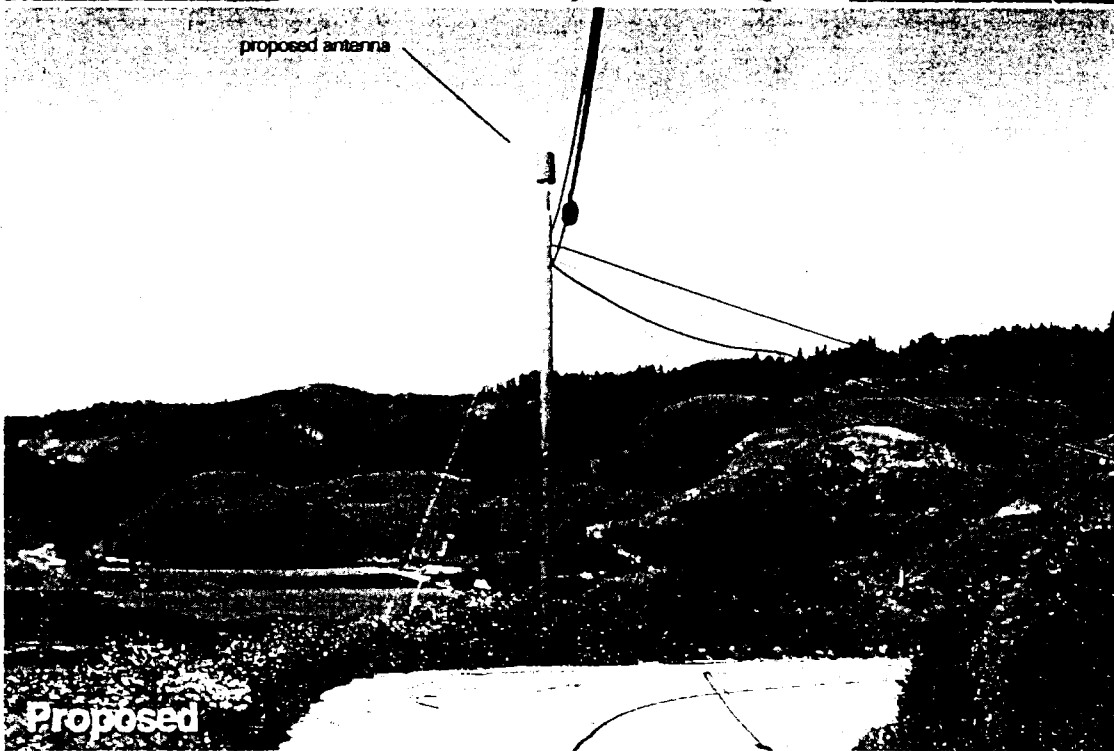
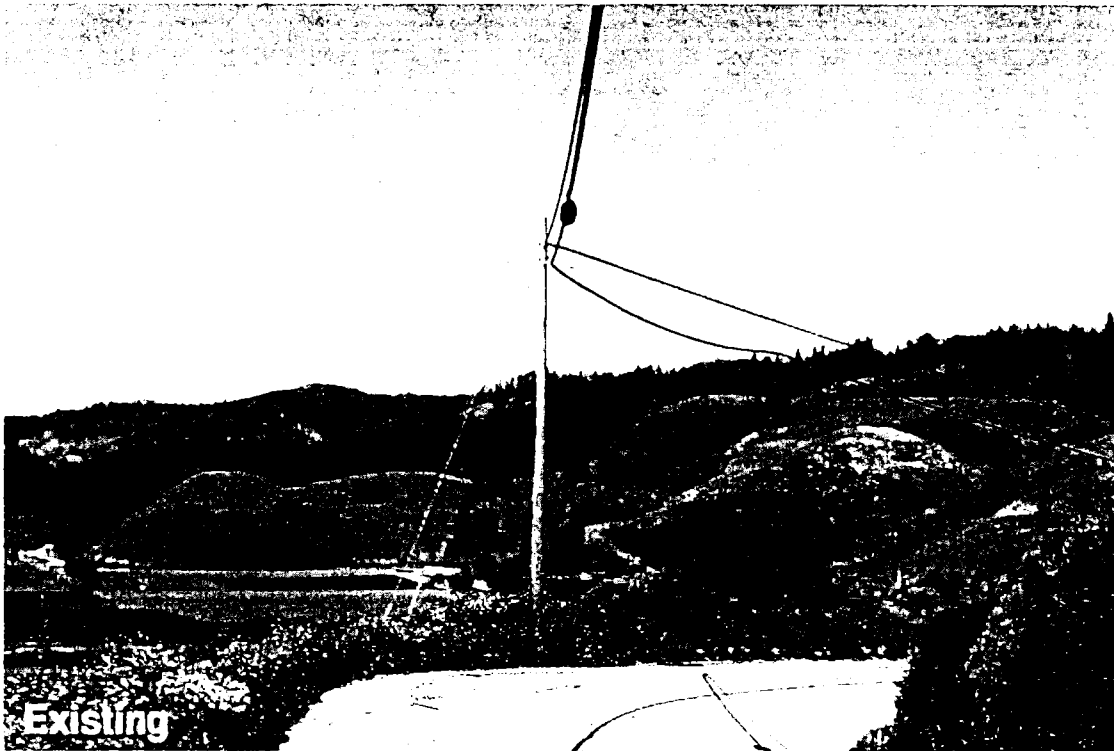
Site # DAV05

View # 1

5/15/11

Cable to Base (How?)
Series 0012 DAV0000

Antenna to Base (How?)



Davenport

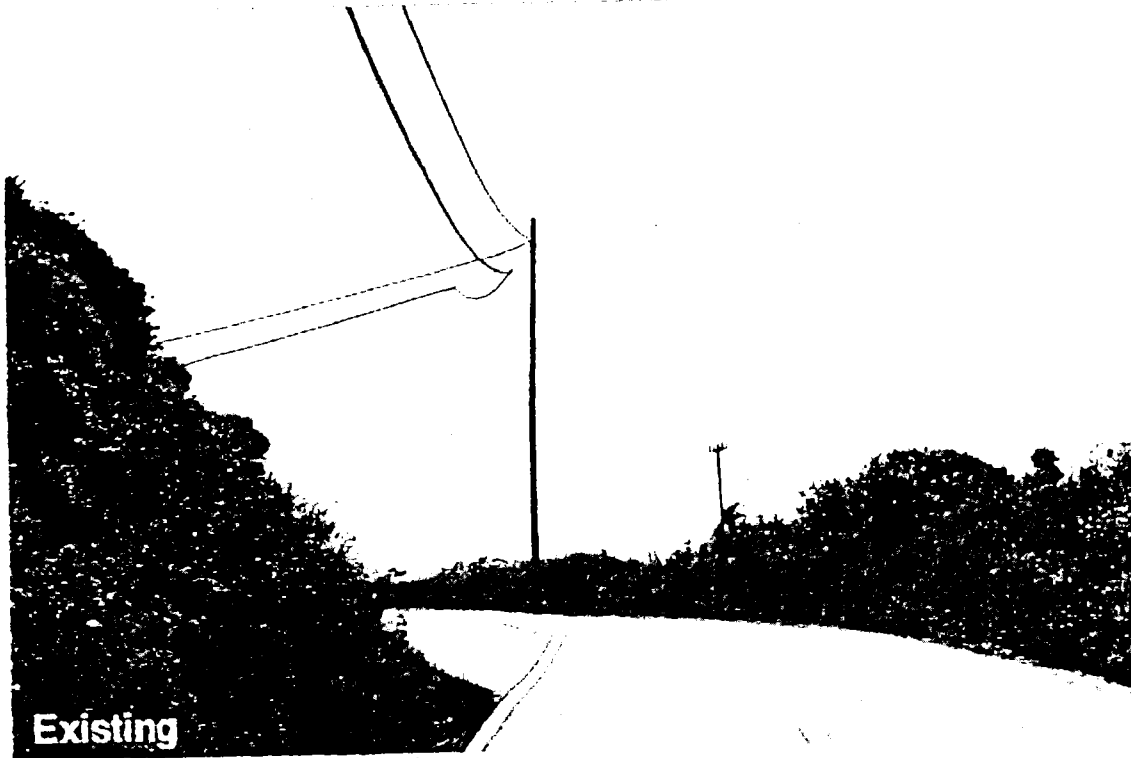
Site # DAV05

Cabrillo Hwy - Hwy 1
Santa Cruz, CA 95060

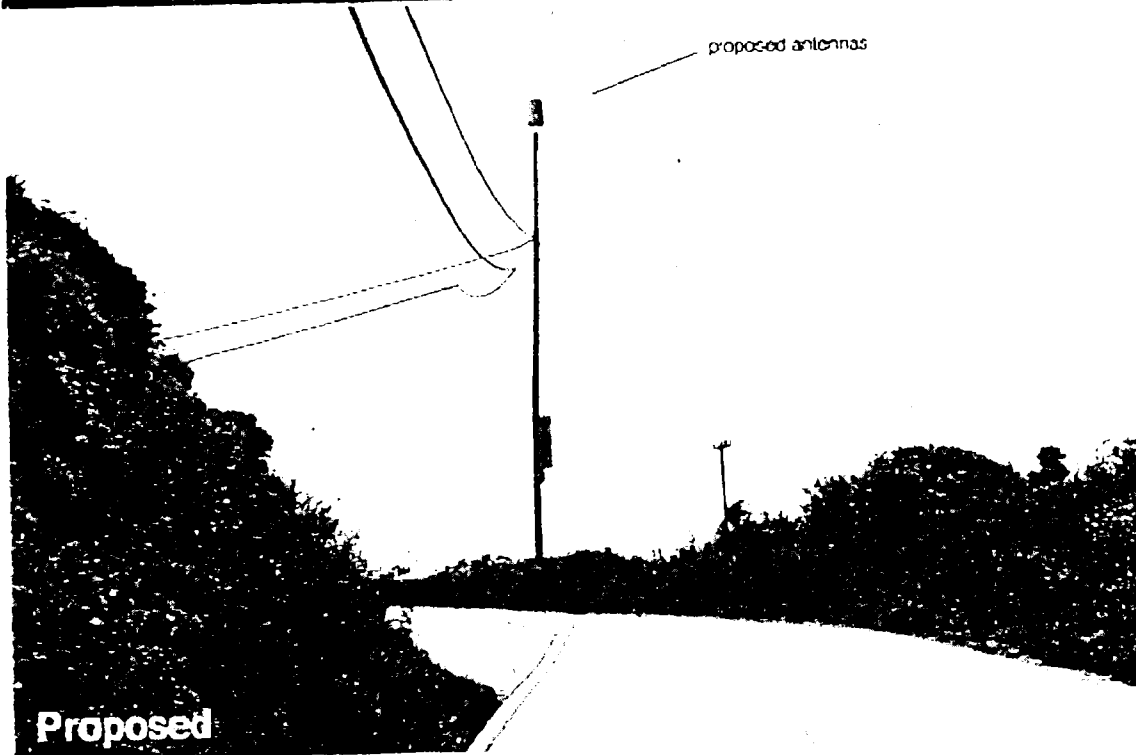
10/27/11

View #1

10/27/11 10:00 AM

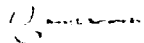


Existing



proposed antennas

Proposed



Davenport

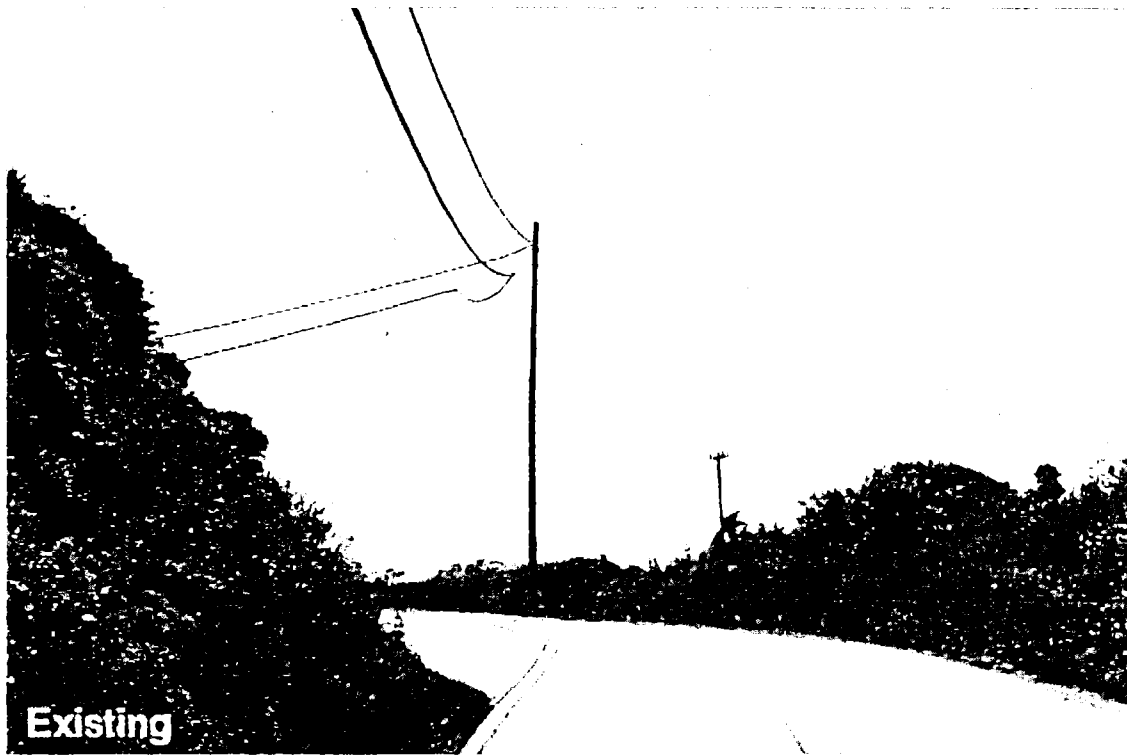
Site # DAV05

View #2

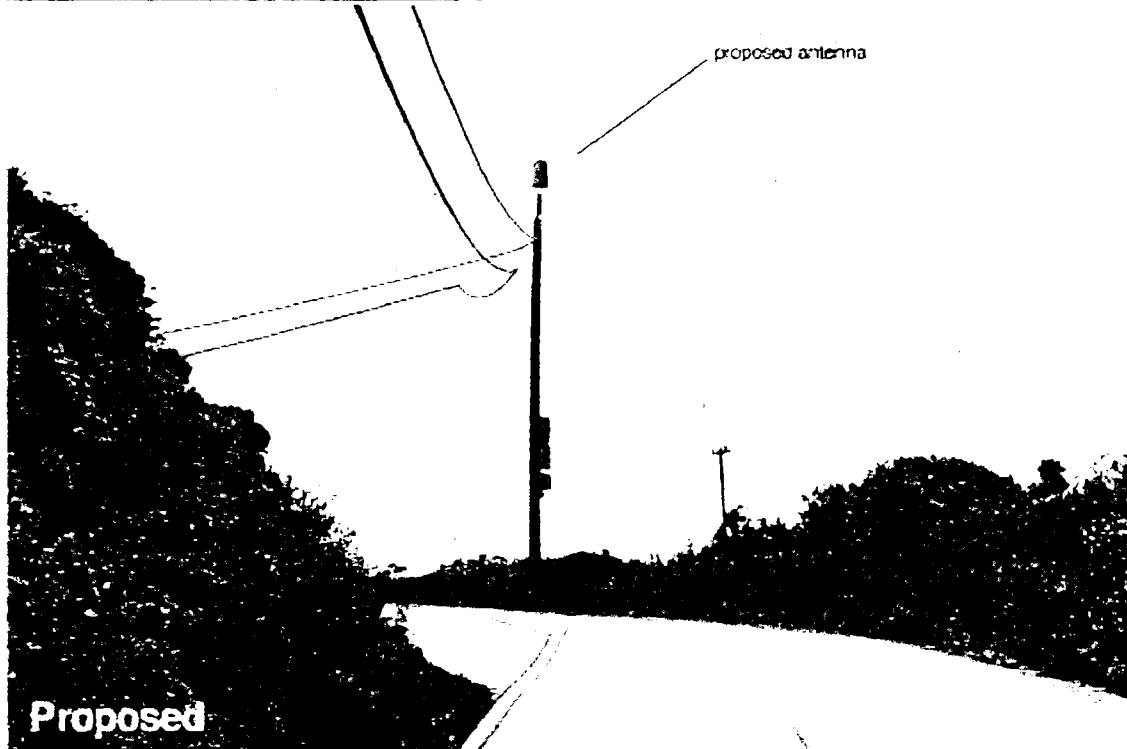
3/15/11

City of Davenport
Santa Clara County

April 1, 2011

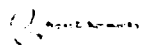


Existing



proposed antenna

Proposed



Davenport

Site # DAV05

10/20/11

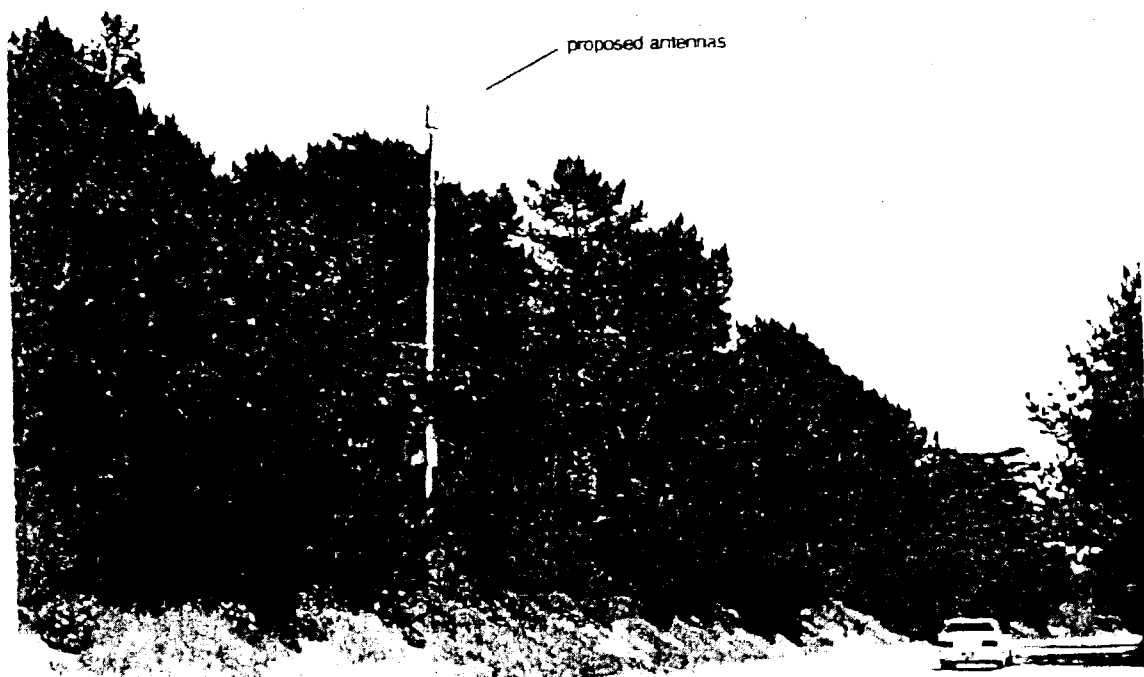
Carmel Valley High
Santa Cruz, CA 95060

VIEW #2

Antenna mounted on utility pole



Existing



Proposed

Quadrant

Davenport

Site # DAV09

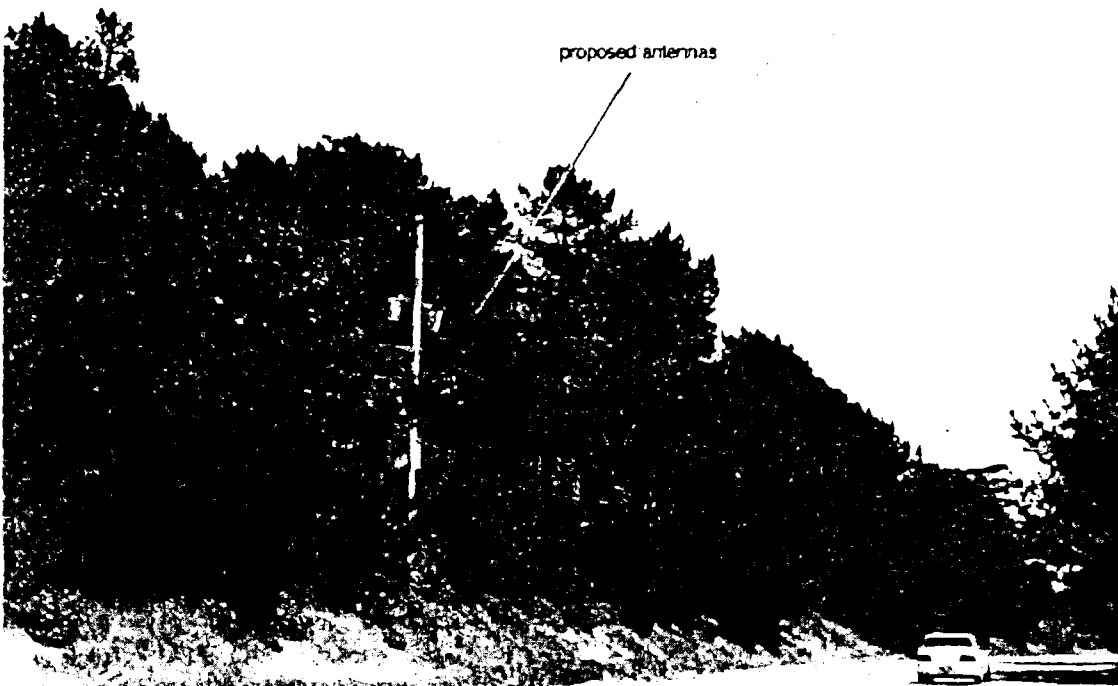
Carmichael Blvd
Santa Cruz, CA 95060

View #1

proposed antenna location

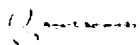


Existing



proposed antennas

Proposed



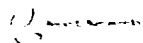
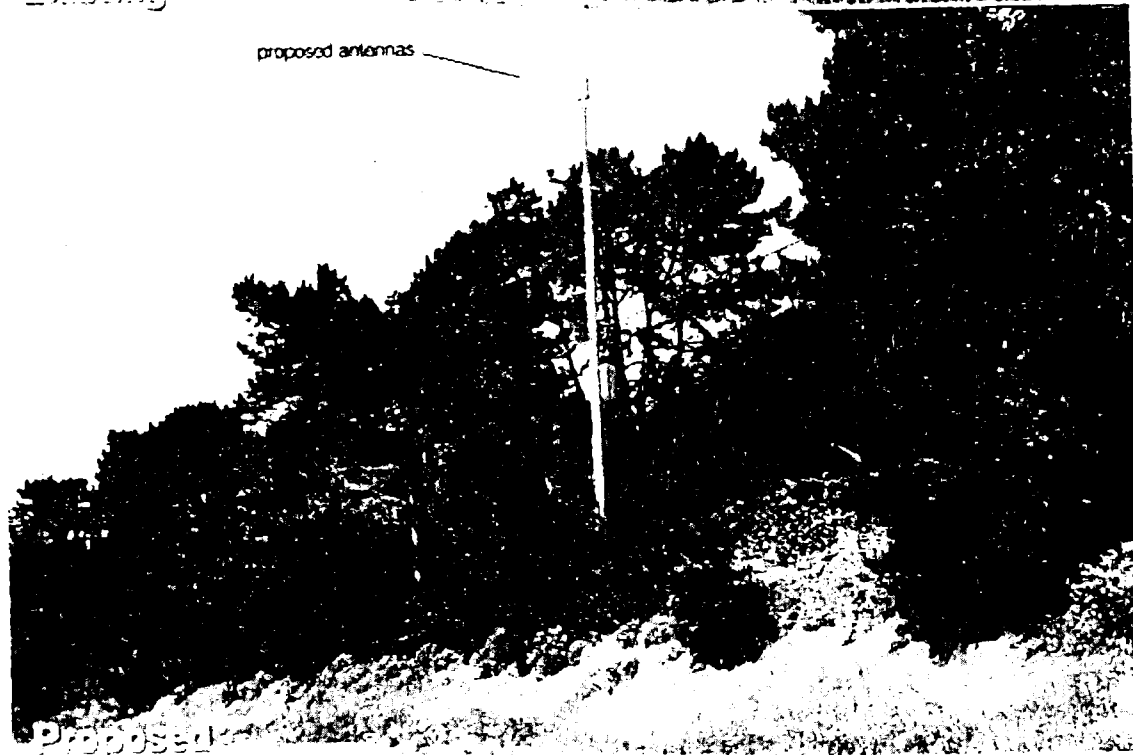
Davenport

Site # DAV09

Catlin Hwy. Hwy 1
Santa Cruz, CA 95060

View #1

Approved for construction



Davenport

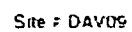
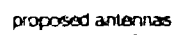
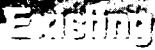
Site # DAV09

Catalina Hwy - Hwy 1
Santa Cruz, CA 95060

View #2

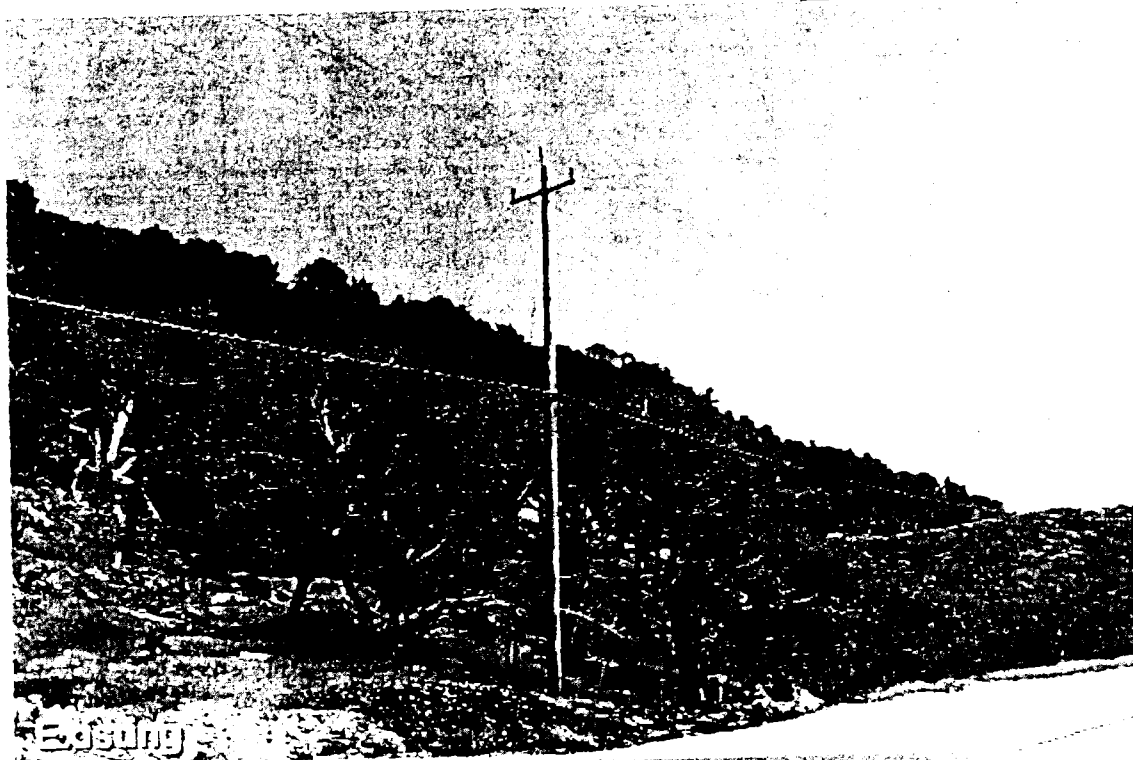
Antenna height: 100 feet

FIG. 11



View #2

Applied Ergonomics 35 (2004) 311–322



DAVENPORT

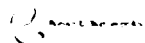
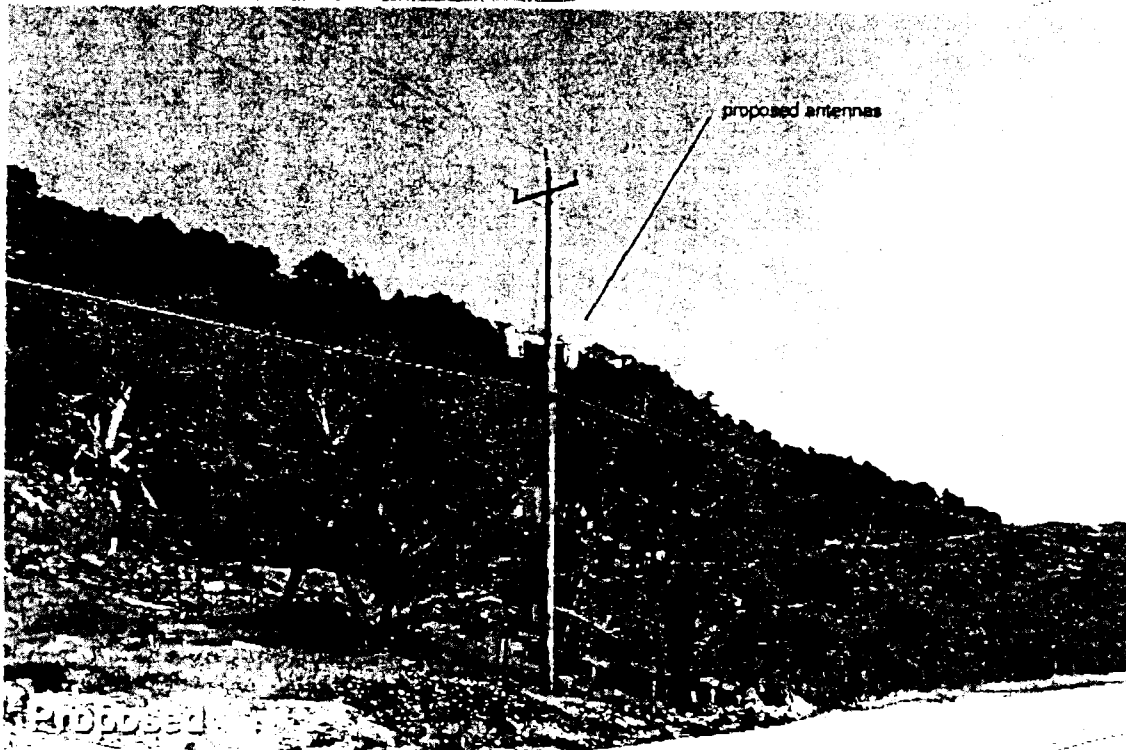
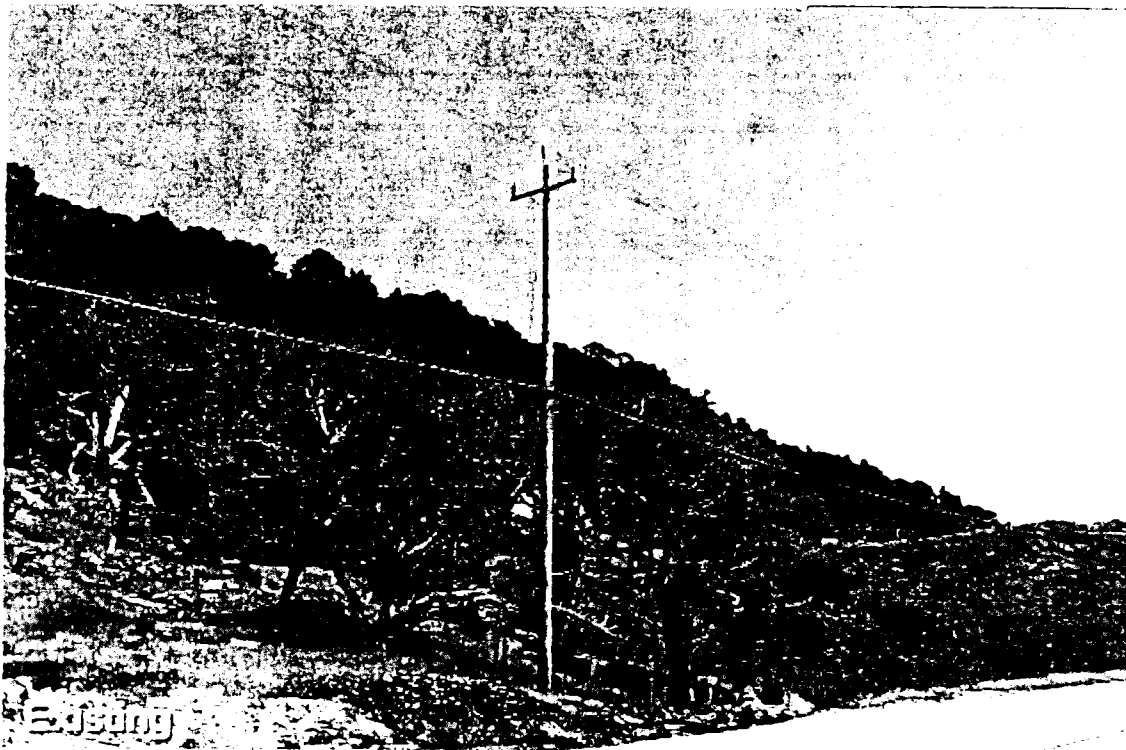
Davenport

Site # DAV10

Capitol Hill, Hwy 1
Santa Cruz, CA 95060

View #1

April 1991



Davenport

Site # DAV10

6-12-77

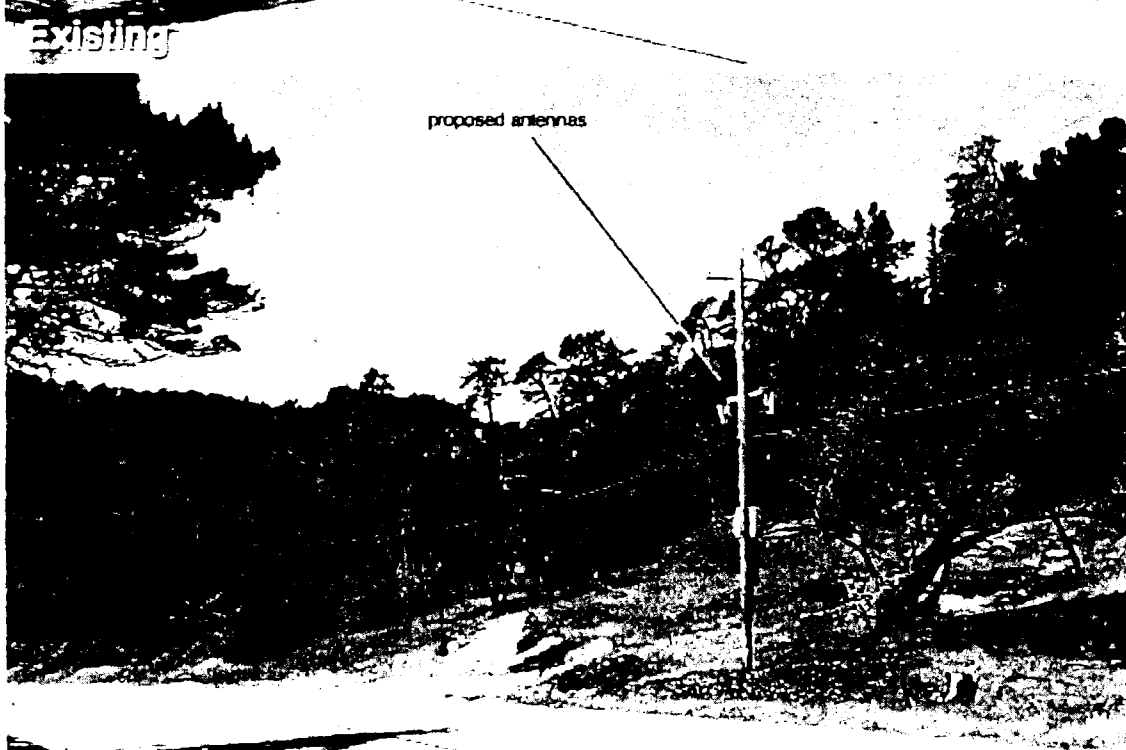
Station H-4, Bay 1
SANTA CRUZ, CA 95060

View #1

Antenna height 100 ft. (30.5 m)



Davenport Site # DAV16 View #2
 Santa Cruz, CA 95060



Proposed

Davenport Site # DAY10
 Camino Real - Hwy 1
 Santa Cruz, CA 95060

View #2
 North Looking South

EXHIBIT B: ALTERNATE HUB LOCATION CANDIDATES

DATE SUBMITTED: January 14, 2011

**CANDIDATE LOCATION
DATA**

	CANDIDATE A	CANDIDATE B	CANDIDATE C
Candidate name or identifier:	Davenport Fire Department	Swanton Berry Farm	Big Creek Lumber
Is the candidate in the search ring?	Yes	Yes	Yes
Street address or descriptive address:	75 Marine View	25 Swanton Road	3564 Highway 1
City, County, State, Zip:	Davenport, Santa Cruz, CA	Davenport, Santa Cruz, CA	Davenport, Santa Cruz, CA 95017
Ground Build, Roof-top, Collocate, Other:	Ground	Ground	Ground
Latitude:	37° 00' 44.31" N	37° 01' 49.67" N	37° 05' 18.99" N
Longitude:	122° 11' 46.36" W	122° 13' 05.67" W	122° 16' 23.07" W
Ground Elevation (AMSL):	89'	118'	152'
Rad Center elevations available (in feet):	N/A	N/A	N/A
Overall Tower Height:	N/A	N/A	N/A
Zoning jurisdiction:	County	County	County
Zoning required?	Yes	Yes	Yes
Zoning Timeline:	60-90 days	60-90 days	60-90 days
Other location comments:	None	None	None
Access description:	No issues	No issues	No issues
Location accessible for crane?	Yes	Yes	Yes
Will compound footprint accommodate generator?	Yes	Yes	Yes
Current carriers if collocation (if known):	N/A	N/A	N/A
Approximate distance to commercial power if known:	10'	50'	50'
Existing commercial power vendor and rating if known:	200 Amps	100 Amps	Unknown
Distance to existing telco pedestal if known:	75'	75'	Unknown
Existing Telco provider(s) if known:	TBD	TBD	TBD

Location Comments:	Zoning District: (P) - Public Facility - ALLOWED PER WIRELESS ORD.	Zoning District: (AG) zone - ALLOWED PER WIRELESS ORD.	Zoning District: (AG) zone ALLOWED PER WIRELESS ORD. (Adjacent to Existing Parks & Rec)
--------------------	--------------------------------------------------------------------	--------------------------------------------------------	-----------------------------------------------------------------------------------------

CANDIDATE LANDLORD DATA

Tower Owner:	N/A	N/A	N/A
Tower Contact Name:	N/A	N/A	N/A
Tower Contact Address:	N/A	N/A	N/A
Tower Contact Phone:	N/A	N/A	N/A
Tower Contact Email:	N/A	N/A	N/A
Ground Owner:	Davenport Fire Department	Swanton Berry Farm	Big Creek Lumbar
Ground Contact Name:	Brendan Miele	Sandy/Jim	Janet Webb, President
Ground Contact Address:	75 Marine View, Davenport, CA 95017	22 Swanton Road, Davenport, CA 95017	3564 Highway 1, Davenport, CA 95017
Ground Contact Phone:	831-238-0480	(831) 469-8804	(831) 457-5015
Ground Contact Email:	davenportfire@yahoo.com	sandy@cruzio.com	N/A
Is the candidate subject to a Master Lease Agreement (MLA)?	No	No	No
Landlord Comments:	I have reached out to the landlord, and hope to be able to discussing space.	I have been in discussion with the master tenant, Swanton Berry Farm, however the property is owned by an absentee owner, who I am pursuing.	This property owner has been elusive thus far, I will keep pursuing.

GENERAL COMMENTS

Lease:	Overall, only (3) areas which provide a viable option.
Zoning:	All (3) locations allow "wireless", and in this case, this is just the equipment HUB with a fiber feed, meaning the applicability may not be applicable, meaning planning would only need to take a "administrative" look at our proposal, which would be over the counter.

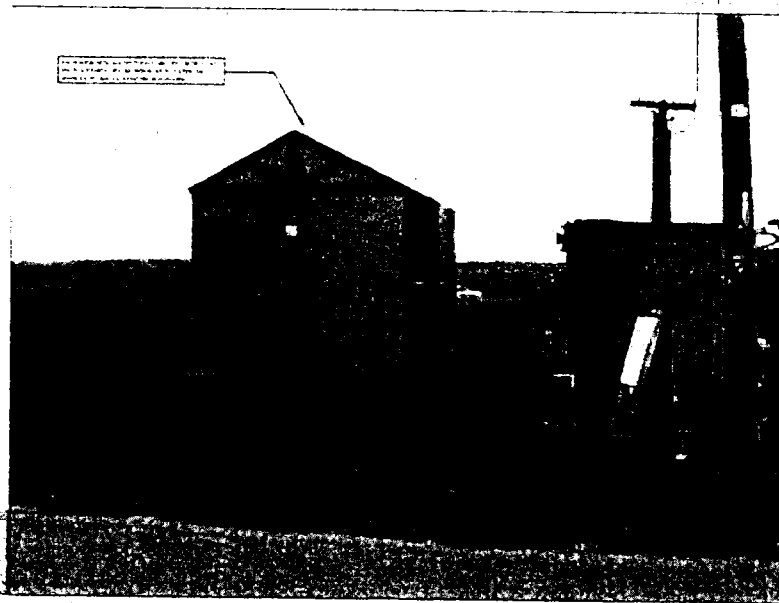
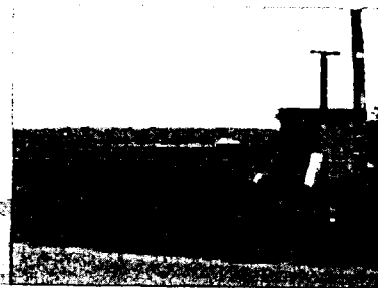
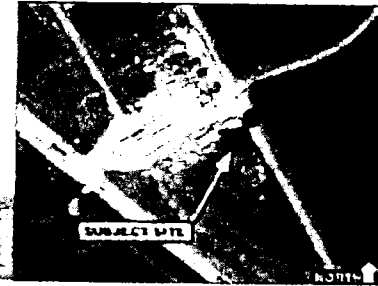
Permitting:	No permitting issues, other than clearing your compliance issues (see above, if any). BP process takes approximately 6 weeks in Santa Cruz County.
Environmental:	Candidate A - A gas tank exists on property. Candidate B - No none issues, other than standing water, and the facility is used as a farm, potential diesel issues, Candidate C - Lumber company, no known issues.
Regulatory:	Not aware of any issues.
Construction concerns:	None. New Build type construction, "stealth" would be required, screening the equipment, blending in with the environment.
Fire or Police services:	Volunteer fire department in Davenport. County Sheriff covers Davenport area.

EXHIBIT C: TELECOMMUNICATIONS HUB LOCATION & SIMULATIONS

DAVENPORT HUB



View #. 1



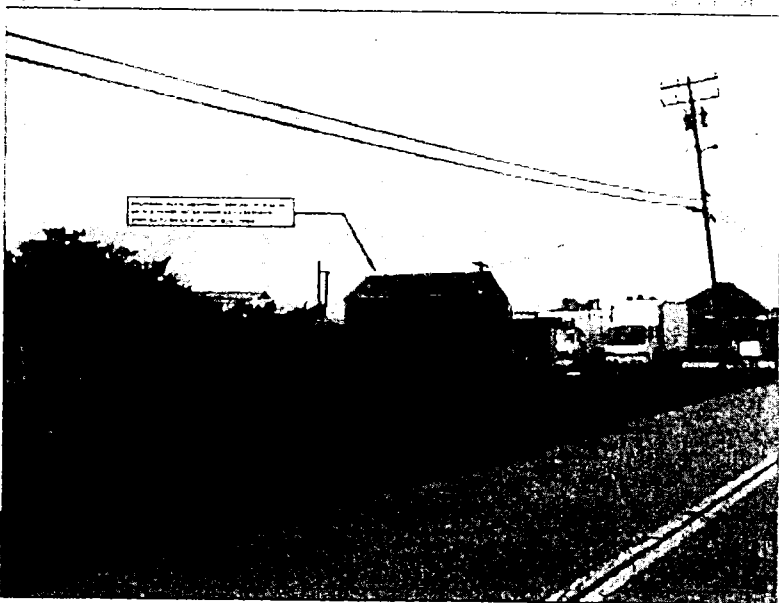
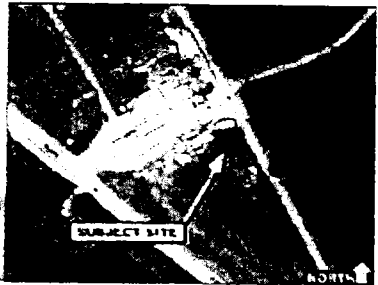
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DAVENPORT HUB



View #. 2



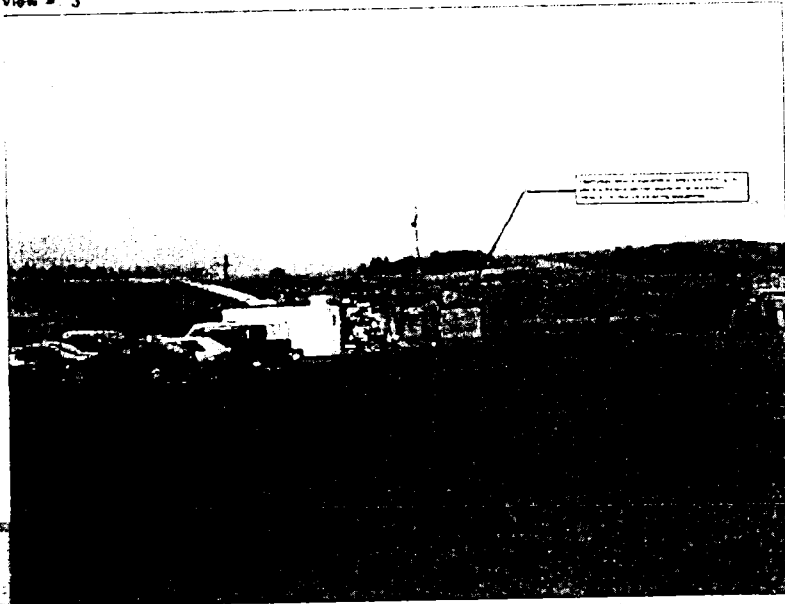
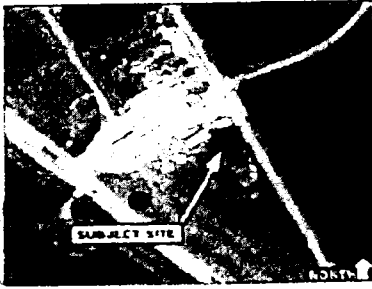
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DAVENPORT HUB



View # 3



AT&T

CDG

