

## STAFF REPORT TO THE ZONING ADMINISTRATOR

**APPLICATION NO.:** 04-0071

**APN:** 071-081-03

**APPLICANT:** David Ney for Nextel

**OWNER** Rudolph and Clara Ballauf

**PROJECT DESCRIPTION:** Proposal to mount 12 panel antennae onto an existing **82** foot monopole, to construct **230** square foot equipment shelter and to construct a six foot high chain link fence with redwood slats to enclose the lease area at an existing wireless communication facility. Requires an Amendment to Commercial Development Permits 03-0006 and 940097.

**LOCATION:** Property located at the northwest end of Rose Acres Lane (6961 Rose Acres Lane) at approximately 300 yards northwest from San Lorenzo Way, Felton.

**PERMITS REQUIRED:** Amendment to Commercial Development Permits 03-0006 and 94-0097.

**ENVIRONMENTAL DETERMINATION:** Exempt - Category 3

**COASTAL ZONE:** \_\_\_ Yes X No

### PARCEL INFORMATION

**PARCEL SIZE:** 71.65 Acres (EMIS Estimate)

**EXISTING LAND USE:**

**PARCEL:** (TP) Timberland Production

**SURROUNDING:** RA (Residential Agriculture) and SU (**Special Use**)

**PROJECT ACCESS:** Rose Acres Lane – a private 50 foot right-of-way

**PLANNING AREA:** San Lorenzo Valley

**LAND USE DESIGNATION:** R-M (Mountain Residential)

**ZONING DISTRICT:** TP (Timber Production)

**SUPERVISORIAL DISTRICT:** Fifth District

### ENVIRONMENTAL INFORMATION

- |                      |   |
|----------------------|---|
| a. Geologic Hazards  | a. None mapped/no physical evidence at project site |
| b. Soils             | b. Soils Report not required                        |
| c. Fire Hazard       | c. Not a mapped constraint                          |
| d. Slopes            | d. No slopes over 30% at project site or access     |
| e. Env. Sen. Habitat | No physical evidence at project site                |
| f. Grading           | f. No grading proposed                              |
| g. Tree Removal      | g. No trees proposed to be removed                  |
| h. Scenic            | h. Yes, visible from Highway 9                      |
| i. Drainage          | i. Existing drainage adequate                       |
| j. Traffic           | j. N/A  |
| k. Roads             | k. Existing roads adequate                          |
| l. Parks             | Existing park facilities adequate                   |

- |                       |    |   |
|-----------------------|----|---|
| m. Sewer Availability | m. | N/A                                       |
| n. Water Availability | n. | N/A                                       |
| o. Archaeology        | o. | Not located within a mapped resource area |

### **SERVICES INFORMATION**

Inside Urban/Rural Services Line: Y e s X No

Water Supply: N/A

Sewage Disposal: N/A

Fire District: Felton Fire Department

Drainage District: Zone 6

### **HISTORY**

The project site is developed with two existing monopoles. The 82-foot monopole was approved under Commercial Development Permit 94-0097 in June of 1994. **An** amendment was subsequently approved in 2003 placing additional antennae and a microwave dish on this monopole under Permit 03-0006. The second monopole is an approximately 70-foot high "mono-pine" approved in 1998 under Commercial Development Permit 98-0436.

### **ANALYSIS AND DISCUSSION**

The property is an approximately 70-acre parcel, zoned Timberland Production (TP) with a Mountain Residential General Plan designation. The proposed wireless communication facility is **an** allowed use within the TP zone district, per County code 13.10.659.F2, as a co-located facility.

The proposed project consists of a co-location to install twelve panel antennae mounted at the 48-foot height elevation on **an** existing 82 foot monopole, to construct a six foot **high** chain link fence with redwood slats around the portion of the lease area and to construct 230 square foot equipment shed with in-ground utilities as a co-location wireless communications facility. Requires **an** Amendment to Commercial Development Permits 03-006 and 94-0097.

**As** a condition of approval, the proposed antennae will be painted to match the existing telecommunication tower. In addition, the proposed 6-foot high chain length fence will surround the proposed associated ground utility shelter and lease area thereby further reducing the potential aesthetic impacts to the surrounding area.

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

### **ALTERNATIVE ANALYSIS SITES**

An alternative sites analysis is not required for the proposed project, since placing the proposed antennae at the proposed site (which is already developed for telecommunication use) would significantly reduce environmental impacts. The creation of **an** additional site in the immediate **area** may require the additional road grading, electrical utilities, and the potential that an additional tower

may need to be erected, all of which would create unnecessary, additional impacts to the environmental and/or scenic resources that are located on the surrounding parcels.

There are two existing telecommunication facilities located on the project site. While the proposed Nextel antennae would be better camouflaged when mounted on the existing "mono-pine", it is not technologically feasible. Specifically, the antennae on the existing monopole belong to Verizon. The frequencies of the Verizon and Nextel telecommunications systems are **very** close. The antennae for the two systems must have a vertical separation of 20 feet and a horizontal separation of 200 feet to avoid signal interference. As the monopole and the "mono-pine" are located less than 50 feet from each other, it is impossible to meet the 200-foot horizontal separation when mounted on the "mono-pine". The only other feasible alternative would be a new monopole located at a lower elevation. Thus, staff determined that mounting on the existing monopole is the only feasible alternative that would result in the least amount of potential visual impacts on adjacent properties.

## VISUAL ANALYSIS

The existing monopoles on the project site are visible from the Highway 9, a County of Santa Cruz designated scenic comdor. The proposed project is designed such that it will appear as additional antennae on an existing telecommunication facility. The proposed antennae will be painted to match the exterior of the existing telecommunication tower. No further visual analysis has been required.

Private views will be affected by the wireless communications facility, in that the proposed project is clearly visible from the properties located to the west, east, south and north of the project site. These Views will not be substantially altered by the proposed project, as the project as designed, will resemble the existing telecommunication design, which is already visible from the surrounding residences.

The proposed telecommunication antennae will be painted to match the existing exterior of the telecommunication tower. The additional associated ground equipment shelter will be placed near the base of the existing development. The new ground equipment shelter will be surrounded with a 6-foot high chain length fence with redwood slats.

The proposed Nextel co-location mounted antennae extension fully complies with all Federal Communications Commission (FCC) guidelines construction requirements, technical standards, interference protection and radio frequency regulations.

## RECOMMENDATION

Staff recommends:

1. **APPROVAL** of Application Number **04-0071**, based on the attached findings and conditions.
2. Certification of the determination that **the** project is Categorically Exempt from the California Environmental Quality Act.

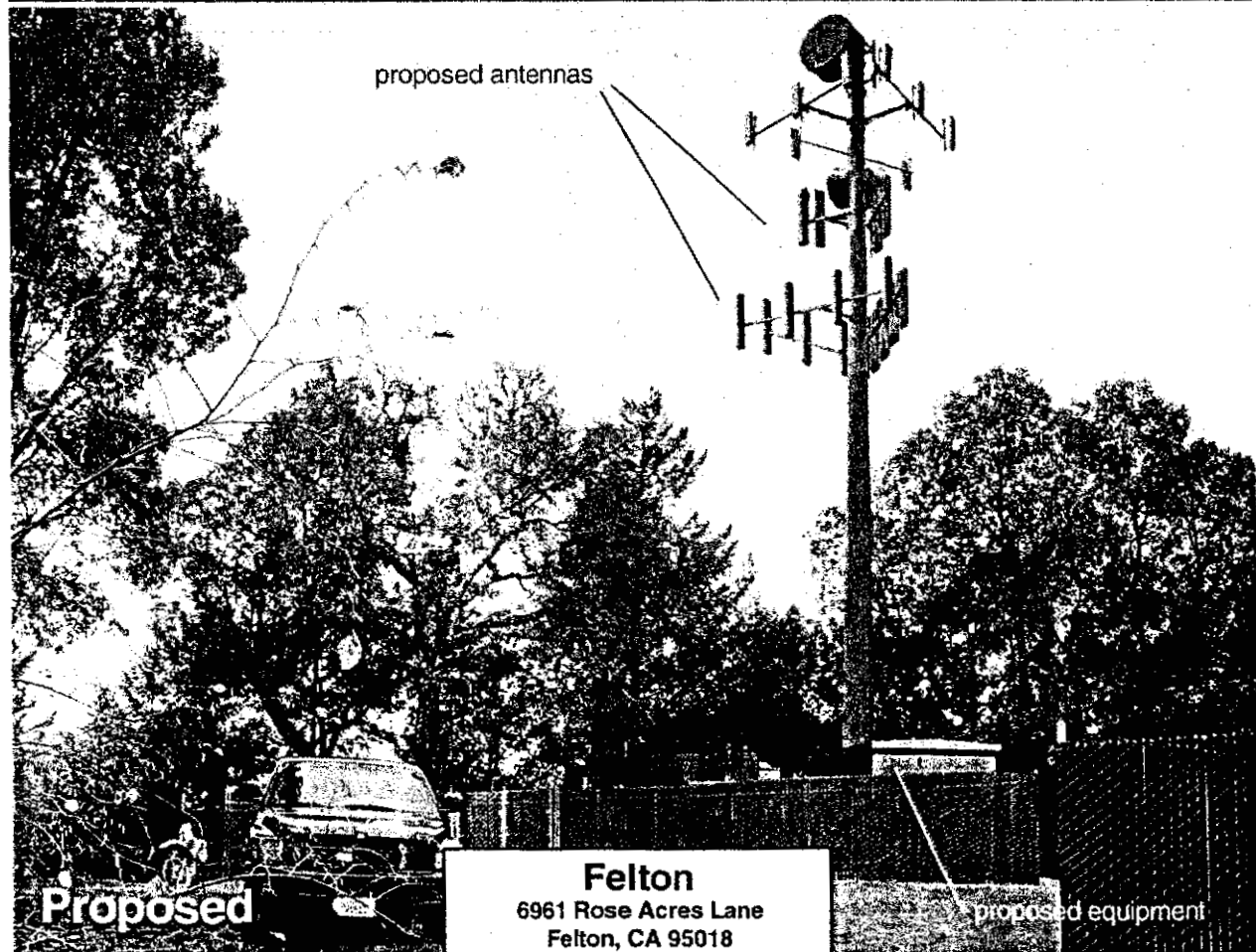
## EXHIBITS

- A. Photo-simulation and Project plans (on file with the Planning Department)
- B. Findings
- C. Conditions
- D. CEQA Determination
- E. Assessor's Parcel Map
- F. **Zoningmap**
- G. General Plan **Map**

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.

Report Prepared By: \_\_\_\_\_

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Santa Cruz CA 95060  
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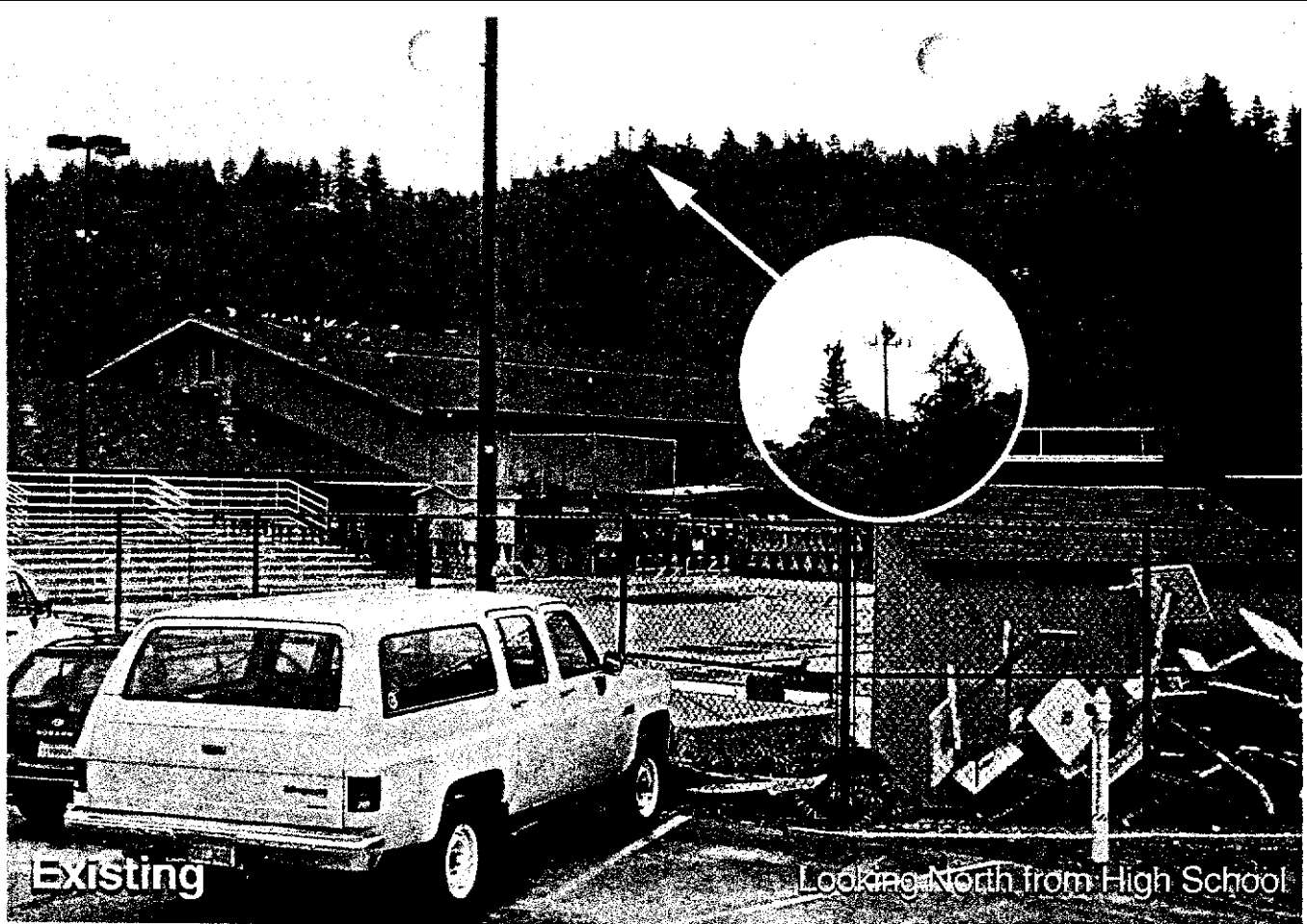
NEXTEL 12/29/03

Photosimulation by Applied Imagination 510 914-0500

VIEW 1

Photo-Simulation

EXHIBIT A



NEXTEL 12/24/03

Photosimulation by Applied Imagination 510 914-0500

VIEW 2

photo-simulation

EXHIBIT A

## **WIRELESS COMMUNICATION FACILITY USE PERMIT FINDINGS:**

1. THE DEVELOPMENT OF THE PROPOSED WIRELESS COMMUNICATIONS FACILITY WILL NOT SIGNIFICANTLY AFFECT ANY DESIGNATED VISUAL RESOURCES, OR OTHERWISE ENVIRONMENTALLY SENSITIVE AREAS OR RESOURCES, AS DEFINED IN THE SANTA CRUZ COUNTY GENERAL PLAN/LCP (SECTIONS 5.1, 5.10, AND 8.6.6), OR THERE IS NO OTHER ENVIRONMENTALLY SUPERIOR AND TECHNICALLY FEASIBLE ALTERNATIVE TO THE PROPOSED LOCATION WITH LESS VISUAL IMPACTS AND THE PROPOSED FACILITY HAS BEEN MODIFIED TO MINIMIZE ITS VISUAL AND ENVIRONMENTAL IMPACTS.

The proposed project (telecommunication antennae) will be visible from Highway 9 – a General Plan designated scenic road. The proposed, co-location facility on an existing telecommunication tower is visible from the adjacent properties, but is designed to mitigate potential significant visual impacts. The proposed facility will be located on an existing telecommunication tower and is designed *to* appear as a part of the existing design of the development. The proposed painting scheme, matching the existing telecommunication tower, will result in a negligible visual impact to the Highway 9 viewshed due to the additional antennae proposed by this project. The proposed project complies with General Plan Policy 5.10.3 (Protection of Public Vistas), in that the project, as proposed and conditioned, minimizes disruption of landform and aesthetic character caused by grading operations, utility wires, poles, inappropriate landscaping and structure design. The existing public views from the scenic highway will be minimally changed as a result of this project.

No formal alternative sites analysis has been required for this project, and the proposed project site is the environmentally superior site, in that the creation of an additional wireless communications facility near or on an adjacent property. There are two existing telecommunication facilities located on the project site. While the proposed Nextel antennae would be better camouflaged when mounted on the existing "mono-pine", it is not technologically feasible. Specifically, the antennae on the existing monopole belong to Verizon. The frequencies of the Verizon and Nextel telecommunications systems are very close, and the antennae for the two systems must have a vertical separation of 20 feet and a horizontal separation of 200 feet to avoid signal interference. As the monopole and the "mono-pine" are located less than 50 feet from each other, it is impossible to meet the 200-foot horizontal separation when mounted on the "mono-pine". The only other feasible alternative would be a new monopole located at a lower elevation. Thus, mounting on the existing monopole is the only feasible alternative that would result in the least amount of potential visual impacts, and would preclude the potential impacts of grading a new access road ~~through~~ the adjacent scenic and biotic resource areas, development impacts to the biotic resources in the area and impacts to the scenic resources of the Highway 9 viewshed from a more visually intrusive project.

2. THE SITE IS ADEQUATE FOR THE DEVELOPMENT OF THE PROPOSED WIRELESS COMMUNICATIONS FACILITY AND THAT THE APPLICANT HAS DEMONSTRATED THAT THERE ARE NOT ENVIRONMENTALLY SUPERIOR AND TECHNICALLY FEASIBLE ALTERNATIVE SITES OR DESIGNS FOR THE PROPOSED FACILITY.

As discussed in Wireless Communication Finding #1, the proposed project site is the environmentally superior site, in that additional infrastructure and monopoles and the associated site disturbance is not required for **this** co-location project. In addition, the project avoids the erection of a new monopole within the Highway 9 viewshed, therefore proposing the least visually intrusive alternative and minimizing adverse impacts to the scenic resources of the Highway **9** viewshed.

The presence of the existing telecommunication development on the project site, with the associated road and utilities infrastructure, result in the determination that the currently proposed project site is the environmentally superior site for this project, with no further alternative sites analysis being necessary.

3. THE SUBJECT PROPERTY UPON WHICH THE WIRELESS COMMUNICATIONS FACILITY IS TO BE BUILT IS IN COMPLIANCE WITH ALL RULES AND REGULATIONS PERTAINING TO ZONING USES, SUBDIVISIONS AND OTHER APPLICABLE PROVISIONS OF THIS TITLE (County Code 3.10.659) AND THAT ALL ZONING VIOLATION ABATEMENT COSTS, IF ANY, HAVE BEEN PAID.

The existing residential mountain use is in compliance with the Mountain Residential General Plan designation, in which it **is** located. The telecommunication tower proposal is an allowed use within the TP zone district on properties within a Mountain Residential General Plan land use designation. The existing and proposed uses, as designed, are compatible with the zone district and General Plan designation.

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

4. THE PROPOSED WIRELESS COMMUNICATION FACILITY WILL NOT CREATE A HAZARD FOR AIRCRAFT IN FLIGHT.

The proposed wireless communications facility will be located on an existing telecommunication tower, which is approximately 82-feet in height, and this elevation is too low to interfere with **an** aircraft in flight.

5. THE PROPOSED WIRELESS COMMUNICATION FACILITY IS IN COMPLIANCE WITH ALL FCC (Federal Communications Commission) AND CALIFORNIA PUC (public Utilities Commission) STANDARDS AND REQUIREMENTS.

The location of the proposed wireless communications facility and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, in that the maximum ambient RF levels at ground level due **to** the existing wireless communications facilities and the proposed operation are calculated to be 3% percent of the most restrictive applicable limit.



### **DEVELOPMENT PERMIT FINDINGS:**

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the proposed wireless communications facility and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, in that the maximum ambient RF levels at ground level due to the existing wireless communications facilities and the proposed operation are calculated to be 3 percent of the most restrictive applicable limit.

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

The project will not be materially injurious to properties or improvements in the vicinity in that the project will be camouflaged from view, and located on an existing facility, resulting in a minimal visual impact.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The property is an approximately 70-acre parcel zoned Timber|Production (TP). The existing and proposed uses are consistent with and allowed within the TP zone district.

The proposed co-location, wireless communications facility is not a principal permitted use within the zone district, but is a use that can be conditionally allowed in the TP zone district on parcels with a Mountain Residential General Plan designation. The ordinance regulating the location of wireless communications facilities (County Code Section 13.10.659) does authorize the construction of such devices within TP or R-M General Plan areas, but does state that, "the proliferation of antennae, towers and or satellite dishes could create a significant adverse visual impacts, therefore there is a need to regulate the siting, design and construction of wireless communication facilities to ensure that the appearance and integrity of the community is not marred by the cluttering or unsightly facilities." The proposed project is consistent with the Wireless Communication Facilities ordinance, in that the proposed antennae will be co-located on an existing 82-foot telecommunication tower and these additional antennae will be painted to match and appear as part of the existing development. In addition, the proposed site is the environmentally superior site, with no further alternative sites analysis being required.

**3. THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.**

The property is located in the Timber Production (TP) zone district implements the Mountain Residential (R-M) General Plan land use designation. The existing and proposed uses, as designed, are compatible with the zone district and General Plan designation.

The proposed wireless communications co-location, as conditioned, 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 district as specified in Objective 8.1.3 (Residential Site and Development Standards Ordinance), in that the co-located antennae on the existing wireless communications tower will not adversely shade adjacent properties, and will be painted to match the existing tower and minimize visual impacts to the surrounding neighborhood.

The existing wireless communication towers on the subject property are visible from Highway 9, a General Plan designated scenic road. In addition, the proposed co-location is visible from the adjacent properties, but designed in such a manner that it will be visually compatible to the existing development. As discussed in Wireless Communication Finding #1, there are two communications towers on this site, a monopole and a "mono-pine". While the proposed Nextel antennae would be better camouflaged when mounted on the existing "mono-pine". It is technologically infeasible due to interference between the existing Verizon antennae and the proposed Nextel antennae. The only other feasible alternative would be a new monopole located at a lower elevation, which could adversely affect the Highway 9 viewshed. Thus, the proposal to mount the proposed antennae on the existing telecommunication monopole and painted them to match the existing development will result in minimal visual impact to the adjacent properties and to the Highway 9 viewshed. The proposed project complies with General Plan Policy 5.10.3 (Protection of Public Vistas), in that the project as proposed minimizes disruption of landform and aesthetic character caused by grading operations, utility wires, poles, inappropriate landscaping and structure design. Specifically, mounting the proposed antennae on the existing monopole is the only feasible alternative that would result in the least amount of potential visual impacts, and would preclude the potential impacts of grading a new access road through the adjacent scenic and biotic resource areas, the impacts of development to the biotic resources in the area and impacts to the scenic resources of the Highway 9 viewshed from a more visually intrusive project.

No specific plan has been adopted for this portion of the County.

**4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.**

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

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed co-location to the existing wireless communications tower will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects and land use intensities of the neighborhood in the vicinity, in that the proposed antennae will be located on an existing tower and is camouflaged to appear as part of the existing development. This proposed design will adequately mitigate any potential visual impacts to the surrounding neighborhood and the Highway 9 designated scenic corridor.

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.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the proposed facility will be located on an existing telecommunication tower and will be camouflaged to reduce potential visual impacts to the surrounding neighborhood.

## **CONDITIONS OF APPROVAL**

Exhibit **A** Project Plans by ADC Design Consultants, dated 2/3/04, sheets T-1, C1-2, A1-4 (8 pages)

- I. This permit authorizes the construction of twelve panel antennae mounted at the 48-foot height elevation on an existing 82 foot monopole, to construct a six foot high chain link fence with redwood slats around the portion of the lease area, to construct 230 square foot equipment **shed** with in-ground utilities as a co-location wireless communications facility
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the **Santa** Cruz County Building Official.
  - C. 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 of the approval date on **this** permit.
- II. Applicant shall obtain approval from the California Public Utilities Commission and the Federal Communications Commission.
- III. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
    1. Identify finish of exterior materials and colors of roof antennae and microwave dish for Planning Department approval. Any color boards must be in 8.5" x 11" format.
    2. Drainage and erosion control plans.
    3. Details showing compliance with fire department requirements,
    4. Exterior elevations of associated ground equipment shelter identifying finish materials and colors. Exterior materials shall be non-reflective earth tone colors to blend with the existing natural surroundings
    5. Provide fencing and warning sign details. Include sign location, fence location, height, and materials for review and approval by the County.
  - B. To guarantee that the camouflaged, co-location of the existing tower remains in good visual condition and to ensure the continued provision of mitigation of the visual impact of the wireless communications facility, the applicant shall submit a maintenance

program prior to building permit issuance which includes the following:

1. A signed contract for maintenance with the company that provides the exterior finish and camouflage materials, for annual visual inspections and follow-up, painting, and resurfacing **as** necessary
  - C. Meet all requirements of the Drainage Section of the Department of Public Works. Pay all appropriate Zone 8 drainage fees. Fees will be assessed on the net increase in impervious area due to **this** project. Please clearly label all ~~proposed~~ impervious areas. If there are additional proposed impervious areas describe where and how they will **drain** and that the added runoff will not cause any adverse impacts downstream.
  - D. Any and all violations/permit conflicts on site with respect to cellular towers shall be corrected/rectified to the County's satisfaction prior to building permit issuance.
  - E. Meet all requirements and pay any applicable plan check fee of the Felton Fire Department.
  - F. 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.
  - G. If hazardous materials (batteries) are to be used, stored or generated on site, contact the appropriate Hazardous Material Inspector in Environmental Health at 454-2022 to determine if a permit is required.
- IV. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction **of** the County Building Official.
  - C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if **the** discovery contains human remains, or the Planning Director if the discovery contains **no** human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- V. Operational Conditions

- A. 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. The applicant shall agree in writing that where future technological advances would allow for reduced visual impacts resulting from the proposed telecommunication facility, the applicant agrees to make those modifications which would allow for reduced visual impact of the proposed facility as part of the normal replacement schedule. If, in the future, the facility is no longer needed, the applicant agrees to abandon the facility and be responsible for the removal of all permanent structures and the restoration of the site as needed to reestablish the area consistent with the character of the surrounding vegetation.
  - C. Any modification in the type of equipment shall be reviewed and acted on by the Planning Department staff. The County may deny or modify the condition at his time, or the Planning Director may refer it for public hearing before the Zoning Administrator.
  - D. All noise shall be contained on the property. A maximum exterior noise level at the property line is 60 LDN.
  - E. All site, building, security and landscape lighting shall be directed onto the lease site and away from the adjacent properties. Light sources shall not be visible from adjacent properties. Light sources must be shielded by landscaping, structure, fixture design or other physical means. Building and security lighting shall be integrated into the building design.
  - F. The applicant shall meet all requirements of County Code 13.10.659(i) pertaining to initial and ongoing monitoring of NIER (Non-Ionizing Electromagnetic Radiation) levels.
- VI.** 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.

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

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Cathleen Carr\*  
Project Planner

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*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. The appeal period ends at 5:00 p.m. on April 30, 2004.*

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

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

Application No.: 04-0071

Assessor Parcel No.: 071-081-03

Project Location: 6961 Rose Acres Lane, Felton.

**Project Description: Proposal to mount 12 panel antennae onto an existing 82 foot monopole, to construct 230 square foot equipment shelter and to construct a six foot high chain link fence with redwood slats to enclose the lease area at an existing wireless communication facility. Requires an Amendment to Commercial Development Permits 03-0006 and 94-0097.**

Person or Agency Proposing Project: David Ney, Nextel

Contact Phone: (925) 250-1498

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

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

**F. Reasons why the project is exempt:** This project involves mounting 12 additional antennae on an existing 82-foot high telecommunications monopole at the 48-foot elevation, adding a new 230 square foot equipment shed and new chainlink fence with wood slats, where two existing telecommunication towers, associated equipment sheds and fencing exist. The parcel is zoned Timber Production with a Mountain Residential General Plan designation. Telecommunications towers are a conditionally allowed use in this zone district and General Plan designation. The proposed project meets all zoning and General Plan requirements, is minor in nature, and therefore, qualifies for the CEQA exemption. In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Cathleen Carr, Project Planner

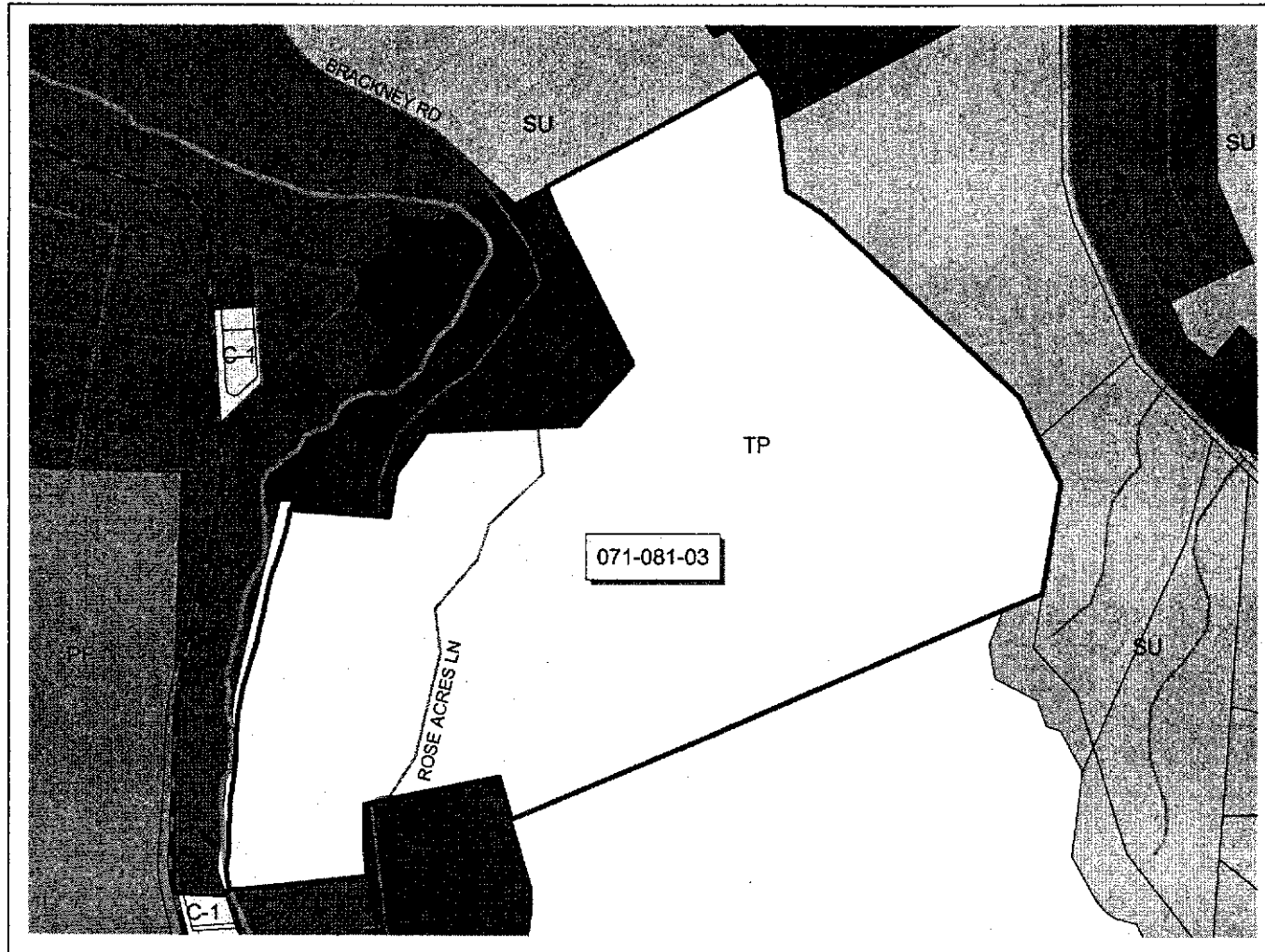
Date: \_\_\_\_\_

**EXHIBIT D**



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

# Zoning Map



1000 0 1000 2000 Feet

## Legend

	APN 071-081-03
	Parcel boundaries
	State highways
	Streets
	Perennial Stream
	TP
	C-1
	SU
	PF
	R-1-X
	RA
	R-1-AC



Map created by Santa Cruz County  
Planning Department:  
February 2004

# General Plan Map



1000 0 1000 2000 Feet

## Legend

	APN 071-081-03
	Parcel boundaries
	State highways
	Streets
	Perennial Stream
	Public Facilities
	Mountain Residential
	Rural Residential
	Suburban Residential



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