



Staff Report to the Zoning Administrator

Application Number: **05-0444**

Applicant: Evan Shepherd Reiff
Owner: Public Storage Inc
APN: 032-091-02

Agenda Date: continued to 6/2/06
Agenda Item # **0.2**
Time: 8:30 a.m.

This staff report has been revised to incorporate additional information received since the original hearing on March 3, 2006 and the subsequent hearings on April 7, 2006 and May 5, 2006.

Project Description: Proposal to construct a new wireless communications facility on an existing commercial building. Includes six flush-mounted antennas and one GPS antenna camouflaged behind a screen; an air conditioning unit and associated equipment screened behind a new wall; and associated equipment cabinets located indoors. *Project Description revised based upon plans submitted 4/25/06.*

Location: Property located on the south side of Portola Drive, approximately 450 feet west of the intersection with 41st Avenue in the Live Oak Planning Area (3840 Portola Drive.)

Supervisory District: First District (District Supervisor: Janet Beautz)

Permits Required: Amendment to Planned Development Permit 83-18-PD, Coastal Development Permit 83-53-CZ, Commercial & Coastal Development Permit 86-0134, and Commercial & Coastal Development Permit 88-0251.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0444, based on the attached findings and conditions.

Exhibits

- | | |
|---|------------------------------|
| A. Project plans | E. Assessor's parcel map |
| B. Findings | F. Zoning map |
| C. Conditions | G. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	39,204 square feet
Existing Land Use - Parcel:	Commercial
Existing Land Use - Surrounding:	Commercial
Project Access:	Portola Drive
Planning Area:	Live Oak
Land Use Designation:	C-C (Community Commercial)
Zone District:	C-2 (Community Commercial)
Coastal Zone:	<u>X</u> Inside ___ Outside
Appealable to Calif. Coastal Comm.	___ Yes <u>X</u> No

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	No soils report required
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Biotic:	Biotic pre-site completed; no Santa Cruz Tarplant exists on-site
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

History

Discretionary Permits 86-0134 and 88-0251 amended Discretionary Permits 83-18-PD and 83-53-CZ to allow the subject parcel to be used as a mini-storage facility. The current proposal is to amend the original approvals to allow for the installation of a wireless communication facility.

Since this project was accepted for processing, the applicant has modified the proposed design several times in response to issues raised during the review process. Initially, the antennas were to be flush-mounted and painted to match the existing building with the equipment cabinets located outdoors. This was the design presented at the March 3, 2006 Zoning Administrator hearing. At the hearing, a member of the public requested Spanish translation and the project was continued to ~~the~~ April 7th hearing for this purpose.

In the intervening period between the first and second hearings, the applicant revised the project to entirely hide the antennas behind a screen that will be textured and painted to match the existing building.

Just before the April 7th hearing, staff received an attorney's letter contesting, among other issues, the appropriateness of a Categorical Exemption from the California Environmental Quality Act. The letter cited biological, aesthetic, drainage, noise and safety impacts, most of which were related to the location of the equipment cabinets outdoors. In order to assess the

validity of these issues, the hearing was continued to May 5, 2006

In response to these concerns, the applicant voluntarily moved the equipment cabinets indoors. At the May 5th hearing, the hearing was continued to June 2, 2006 to allow staff and the public sufficient time to evaluate the new proposal. The staff report, including findings and conditions, has been revised to reflect the proposed changes and to respond to the concerns raised by members of the public.

Project Setting

The subject parcel is an interior lot located on the south side of Portola Drive, about 140 feet east of 38th Street. It is currently developed with a Public Storage mini-storage facility that consists of two buildings. The northern building, which is closest to Portola Drive, contains a manager's unit and an office to serve the public. The proposed antennas, consisting of one GPS and six telecommunication antennas are to be flush mounted on the elevator shaft of the southern building and camouflaged behind a screen textured and painted to match the building. This southern building is behind a locked gate which requires a code for entry.

Surrounding land uses are residential and commercial, including: a Big Creek Lumber Company yard to the west; a medical office to the north; a restaurant, Rock of the Sea, to the east; and a mobile home park to the south.

Zoning & General Plan Consistency

The subject property is located in the C-2 (Community Commercial) zone district, a designation which allows wireless communication facilities and the project is consistent with the site's (C-C) Community Commercial General Plan designation. For wireless communication facilities located within this zone district, no alternatives analysis is required.

Co-location

County Code 13.10.662(b)(14) requires that when an applicant proposes a new wireless communication facility, they must evaluate the feasibility of a joint-use antenna facility. In this case, the applicant evaluated two sites, the PG&E facility on 7th Avenue and a site near the Capitola mall in Capitola. According to the submitted analysis, these sites are located too far from the area the applicant proposes to serve, so neither of these sites would provide the coverage of the Pleasure Point area that the proposed facility will provide (Exhibit 'G'). Therefore, co-location is not a feasible alternative to the current proposal.

CEQA Categorical Exemption

The California Environmental Quality Act (CEQA) provides exemptions for classes of projects which do not have a significant effect on the environment. Code section 15303, Class 3, "New Construction or Conversion of Small Structures" exempts both new, small facilities and conversions of existing small structures from one use to another. Small facilities are defined as including up to four commercial structures of up to 10,000 square feet each. The Planning Department's Environmental Coordinator has determined that the Class 3 Categorical Exemption

is appropriate for the proposed wireless communication facility.

Visual Impacts/Design Review

The proposed Wireless Communication Facility and associated equipment cabinets comply with the requirements of the County Design Review Ordinance, in that the proposed antennas will be flush mounted to the building and hidden behind a screen painted and textured to match the existing structure. **The** screen will appear integral to the existing structure, and the project will have virtually no visual impact on surrounding residences and the natural landscape. The County's Urban Designer has reviewed and accepted the proposed antenna screen design.

In addition, the power and telecommunication lines will have no visual impact as they are proposed to ~~run~~ underground and within or on the existing buildings. No trenching for these lines will occur near the three Canary Pines identified in the arborist report (Exhibit 'G') as the lines will run indoors while adjacent to the trees.

The equipment cabinets will have no visual impact as they will be located within one of the existing storage units. These equipment cabinets require cooling, and an air-conditioning unit is proposed to be located on the roof. The applicant proposes to screen the roof-mounted equipment behind a three-foot parapet wall, textured and painted to match the existing building, which will surround the air conditioning unit and another piece of equipment on the west, south and east sides with the north side screened by the existing elevator shaft. One corner of the parapet wall may be visible from the intersection of Portola Drive and 38th Ave. However, no other public vista will be impacted.

Noise

The General Plan specifies that the noise level generated by a stationary noise source be measured at the property line. **The** proposed air conditioner, with a manufacturer-specified noise level of 76 decibels, is located approximately 190 feet from the northern property; 75 feet from the eastern property line; 110 feet from the southern property line; and 50 feet from the western property line.

The project is located in a commercial district and is adjacent to both a lumberyard and a major arterial roadway, which create an ambient noise level which will assist in masking the noise generated by the air conditioner. In addition, the noise of the air conditioner will be attenuated by the parapet wall and elevator shaft which together will surround the unit on four sides.

Given the distance to the property lines, the ambient noise level and the sound attenuation provided by the parapet wall and elevator shaft, it appears that the project will be in conformance with the General Plan's maximum allowable noise exposure. To ensure that this is the case, a condition of approval is proposed requiring the project acoustical engineer to evaluate the air conditioner's noise level in the field and provide documentation that the unit is in conformance with the General Plan. Should the decibel level of the air conditioning unit exceed the limits specified in **the** General Plan, sound attenuation will be required before the building permit will be finalized.

Fire Hazard

The Central Fire Protection District has reviewed and accepted the current design. Several conditions of approval have been added including: the requirement that one-hour fire resistant interior surfaces be installed in the storage unit housing the equipment cabinets and the installation of a rapid entry (KNOX) system and an on-site emergency power shut-off,

Radio Frequency (RF) Exposure

The maximum ambient RF exposure level anywhere on the ground will be .54% of the applicable RF exposure levels established by the Federal Communications Commission (FCC). The on-site manager's residence's maximum ambient RF level will be .31% of the public exposure limit.

For the roof or the second floor of any building located at least 60 feet away, the maximum calculated exposure level is **14.5%**. Beyond 60 feet away, exposure levels decrease rapidly. By approximately 140 feet, the RF exposure decreases to below **1%** of the public exposure limit.

Section 47 USC 332(c)(7)(iv) of the Telecommunications Act of 1996 forbids jurisdictions from regulating the placement, construction, or modification of Wireless Communications Facilities based on the environmental effects of RF emissions if these emissions comply with FCC standards. The RF emissions of the proposed wireless communication facility comply with FCC standards.

Local Coastal Program Consistency

The proposed wireless communications facility is in conformance with the County's certified Local Coastal Program, in that the project is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. The project site is not located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, and it is not identified as a priority acquisition site in the County's Local Coastal Program. The proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number **05-0444**, 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

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EXHIBIT A

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COMINI
ESTABLISHED IN 1961, COMINI
IS THE LEADER IN THE
INDUSTRY OF

100 DROPS STRETCH, BURET 100
100 LBS. STRETCH, CALIBRATION 100
100 LBS. STRETCH, CALIBRATION 100
100 LBS. STRETCH, CALIBRATION 100

CONSULTANT

SEAL:

[illegible]

DRAWN BY:		CHK.:	APP.:
DKN		DAU	

3/24/06

100% ZONING

PLEASURE POINT STORAGE
CF16650-B

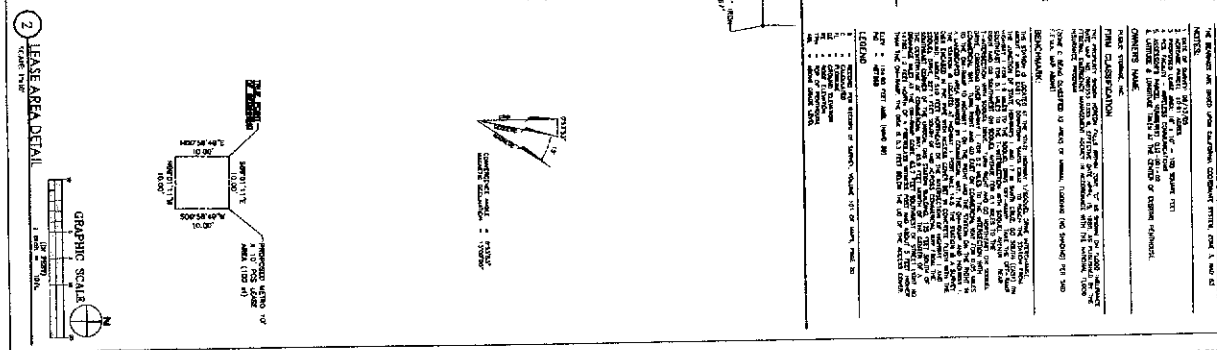
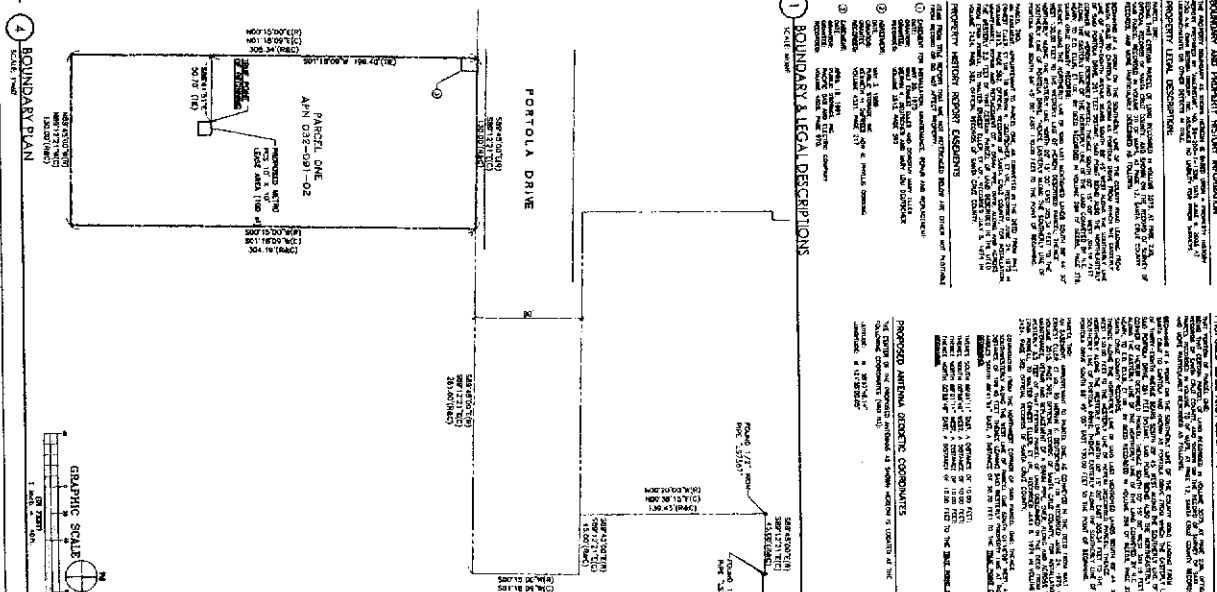
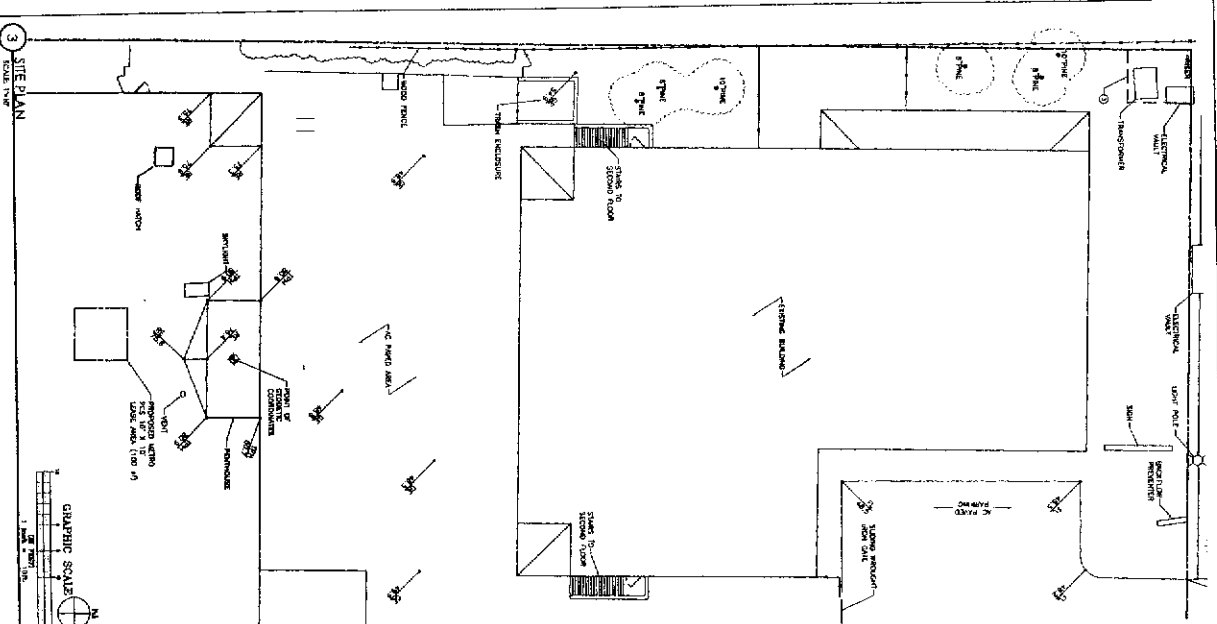
3840 FORTIDA DR.
SANTA CRUZ, CA 95062
SANTA CRUZ COUNTY
A.P.N.: 052-091-02

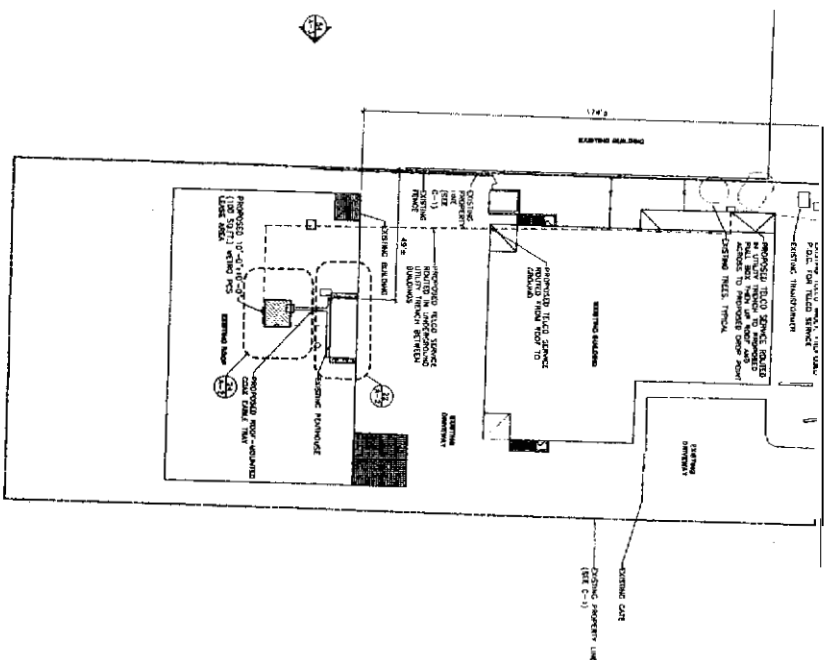
SHEET TITLE
LEASE AREA DETAIL
SITE & BOUNDARY PLAN



055-38

8

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SITE PLAN

REF.	J.A. 75	01 DEC 1970	BY:
	42504	STATED FOR 1025 279	CP
	51406	STATED FOR 1025 279	CP
	118406	STATED FOR 1025 279	SM
	32700	REVISION FOR PLANNING	SM
	326406	REVISION FOR PLANNING	SM
	427406	REVISION FOR PLANNING	PC

DRAWN BY: CHZ: APV:

CURRENT ISSUE DATE:

4/24/06

ISSUED FOR

100% ZONING

PROJECT INFORMATION

SF16450-B

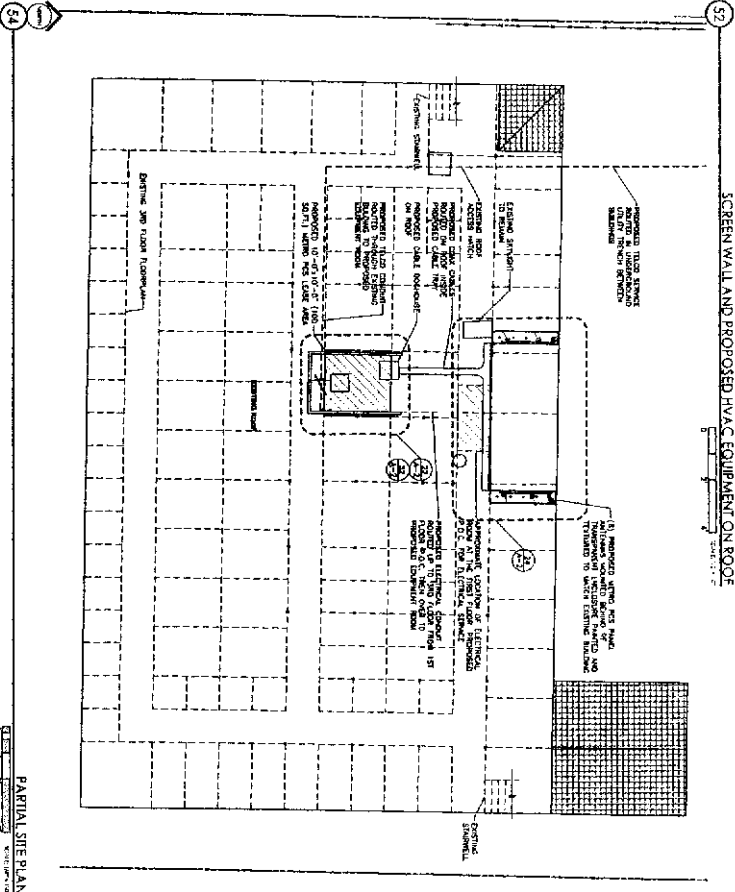
3840 PORTOLA DR.
SANTA CRUZ, CA 95062
SANTA CRUZ COUNTY
A.P.N. : 052-091-02

SHEET TITLE

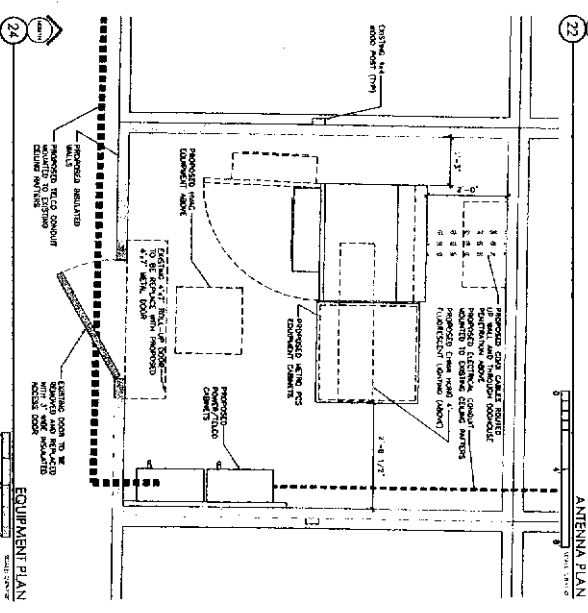
STEP PLAN

SHEET NUMBER

A-1



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REF DATA CHAR



metroPCS

metro PCS INC.
10000 WILLOW CREEK AVENUE
SAN ANTONIO, TEXAS 78203
SAN ANTONIO, TEXAS 78203
TEL: 210/764.1325

ARCHITECT

COMINI
COMINI ARCHITECTS, INC.
10000 WILLOW CREEK AVENUE
SAN ANTONIO, TEXAS 78203
TEL: 210/764.1325

CONTRACT NAME

REV. DATE

REV.	DATE	DESCRIPTION	BY
1	10/26/00	ISSUED FOR PERMIT	SP
2	11/26/00	ISSUED FOR PERMIT	SP
3	12/01/00	ISSUED FOR PERMIT	SP
4	12/01/00	ISSUED FOR PERMIT	SP
5	12/01/00	ISSUED FOR PERMIT	SP

CUSTOMER DATE

100% ZONING

PLACEMENT INFORMATION:

PLACEMENT POINT STORAGE

DATE

SITE EQUIPMENT, AND ANTENNA LAYOUT PLANS

REVISION

metroPCS
 4000 PCH, INC.
 10000 SANTA MONICA BLVD. SUITE 100
 ALHAMBRA, CA 91801
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OMNI
 COMMUNICATIONS
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CONTRACT

DATE:

REV.	DATE	DESCRIPTION
1	4/24/06	ISSUED FOR 100% ZONING
2	4/24/06	ISSUED FOR 100% ZONING
3	4/24/06	ISSUED FOR 100% ZONING
4	4/24/06	ISSUED FOR 100% ZONING
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6	4/24/06	ISSUED FOR 100% ZONING
7	4/24/06	ISSUED FOR 100% ZONING
8	4/24/06	ISSUED FOR 100% ZONING
9	4/24/06	ISSUED FOR 100% ZONING
10	4/24/06	ISSUED FOR 100% ZONING

DESIGNED BY: CMC INC.

JAN	JUN	DEC
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SUBMITTED DATE:

4/24/06

DESIGNED FOR:

100% ZONING

PROJECT INFORMATION:

PEASUKE POINT STORAGE

5716550-B

3640 PORTOLA DR.

SANTA CRUZ COUNTY

A.P.N.: 032-091-02

SHEET TITLE:

TOPOGRAPHIC/AREA

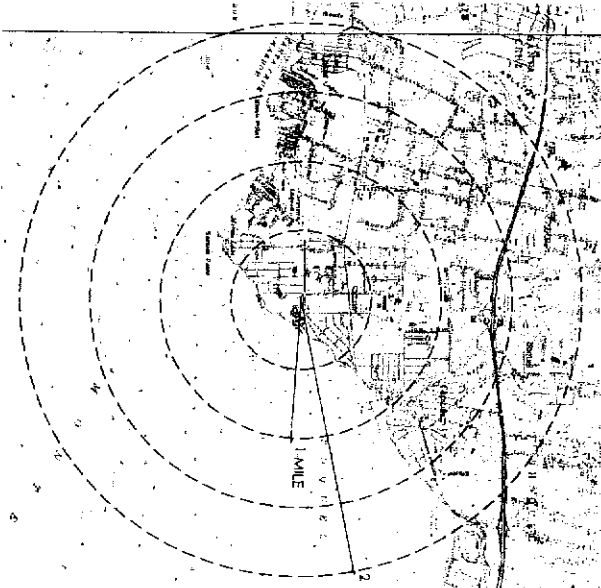
MAP

SHEET NUMBER:

SECTION:

Z-1

109-33



TOPOGRAPHIC/AREA MAP

8' 100' 200' 400'

54

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 metro PCS, INC.
 10000 JENSEN AVENUE
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 FAX: 214.724.1201

COMINI
 COMMERCIAL ARCHITECTS
 10000 JENSEN AVENUE
 SAN ANTONIO, TX 78217
 TEL: 214.724.1200
 FAX: 214.724.1201

CONTRACT

SCALE

REV.	DATE	DESCRIPTION
1	4/24/06	ISSUED FOR PERMIT
2	5/1/06	ISSUED FOR PERMIT
3	5/1/06	ISSUED FOR PERMIT
4	5/1/06	ISSUED FOR PERMIT
5	5/1/06	ISSUED FOR PERMIT
6	5/1/06	ISSUED FOR PERMIT
7	5/1/06	ISSUED FOR PERMIT
8	5/1/06	ISSUED FOR PERMIT
9	5/1/06	ISSUED FOR PERMIT
10	5/1/06	ISSUED FOR PERMIT

DATE	BY	CHK.	APP.
4/24/06			

CURRENT DATE DATE

4/24/06

SUBJECT

100% ZONING

PROPOSED PROJECT

PLEASE POINT STORAGE

SF 16450.8

3940 PORTOLA DR.

SANTA CRUZ, CA 95062

APN: 032-081-02

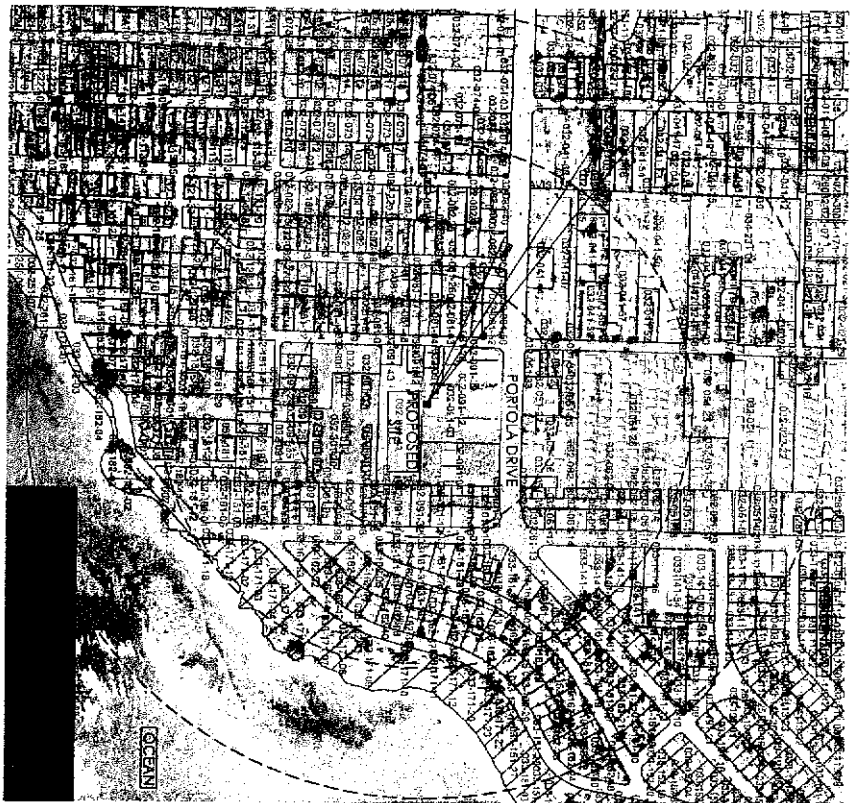
PROJECT

PROXIMATE MAP/

AERIAL PHOTO

Z-2

155-31



PROXIMATE MAP/ AERIAL PHOTO

155-31

Wireless Communication Facility Use Permit Findings

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

This finding can be made in that the proposed wireless communication antennas and air conditioning equipment will be screened with fiberglass textured and painted to match the existing building. The proposal will not significantly affect any designated visual resources, environmentally sensitive resources or any other significant County resource as its visual impact will be negligible and it will be located in an area for which there are no known significant County resources. Although the project is located within the Coastal Zone, it is not located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea.

2. The site is adequate for the development of the proposed wireless communications facility 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 proposed site is not located in a prohibited or restricted area as set forth in Sections 13.10.661(b) and 13.10.661(c). As such, no alternative site analysis or alternative designs are required. Wireless communication facilities are an allowed use with the C-2 (Community Commercial) zone district.

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 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 mini-storage is a permitted use under Discretionary Permits 83-18-PD, 83-53-CZ, 86-0134 and 88-0251. This application does not propose any alterations to the existing mini-storage facility beyond the installation of the wireless communication facility as shown in Exhibit A.

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

This finding can be made, in that the proposed antennas will be flush-mounted to an existing

Application # 05-0444
APN: 032-091-02
Owner: Public Storage Inc

structure which is about 32 feet high. No overall increase in height is proposed. As such, the proposal will not create a hazard for 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 exposure level anywhere on the ground will be .54% of the applicable RF exposure levels established by the Federal Communications Commission (FCC). The on-site manager's residence's maximum ambient RF level will be .31% of the public exposure limit.

For the roof or the second floor of any building located at least 60 feet away, the maximum calculated exposure level is 14.5%. Beyond 60 feet away, exposure levels decrease rapidly. By approximately 140 feet, the RF exposure decreases to below 1% of the public exposure limit.

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

The proposed wireless communication facility will not extend onto or impede access to a publicly used beach. The power and telecommunication lines servicing the facility will be placed underground or within the existing buildings. In addition, the project is not located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea.

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, in that the property is zoned C-2 (Community Commercial), a designation which allows commercial uses. The proposed wireless communications facility is an allowed use within the zone district, and is consistent with the site's (C-C) Community Commercial General Plan designation.

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.

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 development is designed to have almost no visual impact on the neighborhood. A fiberglass screen, textured and painted to match the existing building, will screen the antennas and roof-mounted equipment. The equipment cabinets will not be visible as they will be located indoors. 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 site is not located between the shoreline and the first public road. Consequently, the proposed wireless communications facility will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site 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 structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, commercial uses are allowed uses in the C-2 (Community Commercial) zone district of the area, as well as the General Plan and Local Coastal Program land use designation.

Development Permit Findings

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

This finding can be made, in that the proposed wireless communication facility will comply with all FCC regulations and a fiberglass covering, textured and painted to match the existing building, will screen the antennas and roof-mounted equipment so that the visual impact to neighboring properties will be minimal. The proposed wireless communication facility will require a building and electrical permit to ensure structural safety and energy conservation, Security measures will be required to prevent people from accessing the antennas or equipment cabinets.

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 proposed wireless communications facility will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the wireless communications facility and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-2 (Community Commercial) zone district. The primary use of the property will continue to be one mini-storage facility that meets all current site standards for the zone district except for the rear yard setback for which a variance was granted to reduce the setback from the required 30 feet to 15 feet. The wireless communication facility will meet all current site standards.

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

This finding can be made, in that the proposed commercial use is consistent with the use and density requirements specified for the Community Commercial (C-C) land use designation in the County General Plan.

The proposed wireless communication facility is compatible with adjacent uses in that the wireless communications facility was subject to Design Review and its design was accepted by the County's Urban Designer as specified in Policy 8.5.2 (Commercial Compatibility With Other

Uses).

The proposed project complies with General Plan Policy 5.10.3 (Protection of Public Vistas), in that no views of the beach, ocean, or other significant vistas can be viewed past or across the subject property.

The proposed project will be in compliance with the General Plan Noise element, specifically Policy 6.9.1 (Land Use Compatibility Guidelines) and 6.9.4 (Commercial and Industrial Development) in that an acoustical study will be required with the building permit to determine the decibel level of the air conditioning unit and attenuation will be required, if necessary, to bring the project into compliance with the General Plan's noise limits.

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 adequate electrical service will be available to the facility, and no additional traffic will be generated beyond occasional trips for maintenance and inspection of the facility.

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 wireless communication facility will be ancillary to the primary use of the property as a mini-storage facility, and the antennas will be camouflaged to match the existing building. The roof-mounted equipment will be screened with a parapet wall textured and painted to match the existing structure. Furthermore, the proposed equipment cabinets will not be visible as they will be housed indoors in a storage unit.

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 wireless communication facility will be camouflaged to minimize its visual impact to the surrounding properties. In addition, the roof-mounted equipment, including an air-conditioning unit, will be screened with a 3-foot wall painted and textured to match the existing building. The associated equipment cabinets will be installed indoors and will, therefore, have no visual impact. This proposal will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Project plans, seven sheets, by Omni Design Group, Inc., dated 4/24/06.

- I. This permit authorizes the construction of a Wireless Communications Facility. 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.
 - C. Obtain **an** Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - D. The applicant shall obtain approval from the California Public Utilities Commission and the Federal Communications Commission to install and operate this facility.
 - E. To ensure that the storage of hazardous materials on the site does not result in adverse environmental impacts, the applicant shall submit a Hazardous Materials Management Plan for review and approval by the County Department of Environmental Health Services.
- 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. The final plans shall include the following additional information:
 1. Identify finish paint and color for Planning Department approval. The screens covering the antennas and roof-mounted equipment must be textured and painted to match the existing building. Paint must be non-reflective. The County's Urban Designer must approve the proposed materials and construction method.
 2. Details showing compliance with fire department and County Code requirements, including:
 - a. The provision of one-hour fire resistant interior walls for the storage unit used to house the equipment cabinets.
 - b. A rapid entry (KNOX) system, as required by the Fire Chief.
 - c. An on-site emergency power shut-off (e.g., "kill switch") to de-energize all RF-related circuitry/componentry at the site or some other method which is acceptable to the Fire Chief for de-energizing the facility.

3. Show the location and wording of 12" x 12" signage notifying the public that a wireless communication facility is located on the property.
 4. All new electric and telecommunications lines shall be placed underground or be located within the existing buildings.
- B. To guarantee that the wireless communication facility 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 a company that provides for annual visual inspection and follow-up repair, painting, and resurfacing as necessary for all parts of the proposal, including the fiberglass screen covering the antennas and the 3-foot wall screening the roof-mounted equipment.
- C. To guarantee that the air conditioning unit remains in sound working order, the applicant shall submit a maintenance program prior to building permit issuance which includes the following:
1. A signed contract for maintenance with a company that provides for annual inspections and follow-up repair as necessary for all components of the air conditioning system.
- 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 Central Fire Protection 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. Submit a letter to the Planning Department written by the project acoustical engineer which details the air conditioner's decibel level (as measured on-site) and any needed sound attenuation measures. Should sound attenuation be required, the project acoustical engineer must field-verify the decibel level of the project with the attenuation measure in place and submit a letter documenting that the project is in conformance with the maximum allowable noise exposure limits specified in the General Plan.
 - B. All site improvements shown on the final approved Building Permit plans shall be installed.

- C. The roof-mounted equipment must be entirely screened from public view by the parapet wall.
- D. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- E. 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. Noise: The project's noise level must be in compliance with General Plan policies 6.9.1 and 6.9.4. Should the noise level exceed the limits established in the General Plan policy 6.9.1 and 6.9.4, sound attenuation will be required to bring the project into compliance.
- B. Additional Facilities: A Planning Department review that includes a public hearing shall be required for any future co-location at this wireless communications facility.
- C. Hazard Posting: The NIER hazard zone will be posted with bilingual NIER hazard warning signage that also indicates the facility operator and a 24-hour emergency contact who is authorized by the applicant to act on behalf of the applicant regarding an emergency situation. In addition, a 12" x 12" sign notifying the public that a wireless communication facility exists on site must be posted in an area readily visible by the public.
- D. Access Control: The equipment cabinet area must be locked at all times except when authorized personnel are present. The antennas must not be accessible to the public.
- E. Equipment Modification: Any modification in the type of equipment shall be reviewed and acted on by the Planning Department staff. The County may deny or modify the conditions at this time, or the Planning Director may refer it for public hearing before the Zoning Administrator.
- F. Camouflage: The camouflage materials, and the screening wall, shall be permanently maintained and replacement materials and/or paint shall be applied as necessary to maintain the camouflage of the facility.

- G. NIER Report: Within 90 days of the commencement of normal operations, or within 90 days after any modification to power output of the facility, a report must be submitted documenting the non-ionizing electromagnetic radiation (NIER) emissions of the project in order to verify compliance with the FCC's NIER standards.
- H. Lighting: All site, building, security and landscape lighting shall be directed onto the lease site and away from adjacent properties. Light sources shall not be visible from adjacent properties. Building and security lighting shall be integrated into the building design and shall be operated with a manual on/off switch. The site shall be unlit except when authorized personnel are present at night.
- I. Future Technologies: If future technological advances would allow for reduced visual impacts resulting from the proposed telecommunication facility, the applicant agrees through accepting the terms of this permit 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 re-establish the area consistent with the character of the surrounding vegetation.
- J. Future Studies: If, as a result of future scientific studies and alterations of industry-wide standards resulting from those studies, substantial evidence is presented to Santa Cruz County that radio frequency transmissions may pose a hazard to human health and/or safety, the Santa Cruz County Planning Department shall set a public hearing and in its sole discretion, may revoke or modify the conditions of this permit.
- K. Major Modification to Power Output: Any future major modification that would increase the power output of the wireless communication facility, as defined in Section 13.10.660(d), shall require the submission of an affidavit by a professional engineer registered in the State of California that the proposed facility improvements will not result in RF exposure levels to the public in excess of FCC's NIER exposure standard. In addition, within ninety (90) days of commencement of operation of the modified facility, the applicant shall conduct RF exposure level monitoring of the site, utilizing the Monitoring Protocol, and shall submit a report to the Planning Department documenting the results of said monitoring.
- L. Transfer of Ownership: In the event that the original permittee sells its interest in the wireless communication facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the County for maintaining consistency with all project conditions of approval. A new contact name shall be provided by the succeeding carrier to the Planning Department within thirty days of transfer of interest of the facility.

- M. Noncompliance: 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.
- 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.

Application# 05-0444
APN: 032-091-02
Owner: Public Storage Inc

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

Annette Olson
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: OS-0444

Assessor Parcel Number: 032-091-02

Project Location: 3840 Portola Dr.

Project Description: Proposal to construct a new wireless communications facility on an existing commercial building.

Person or Agency Proposing Project: Evan Shepherd Reiff

Contact Phone Number: (831) 345-2245

- 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:

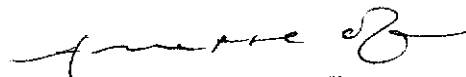
E. ☒ **Categorical Exemption**

Specify type: 15303

F. Reasons why the project is exempt:

New construction of small structures.

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



Annette Olson, Project Planner

Date: 5-24-06

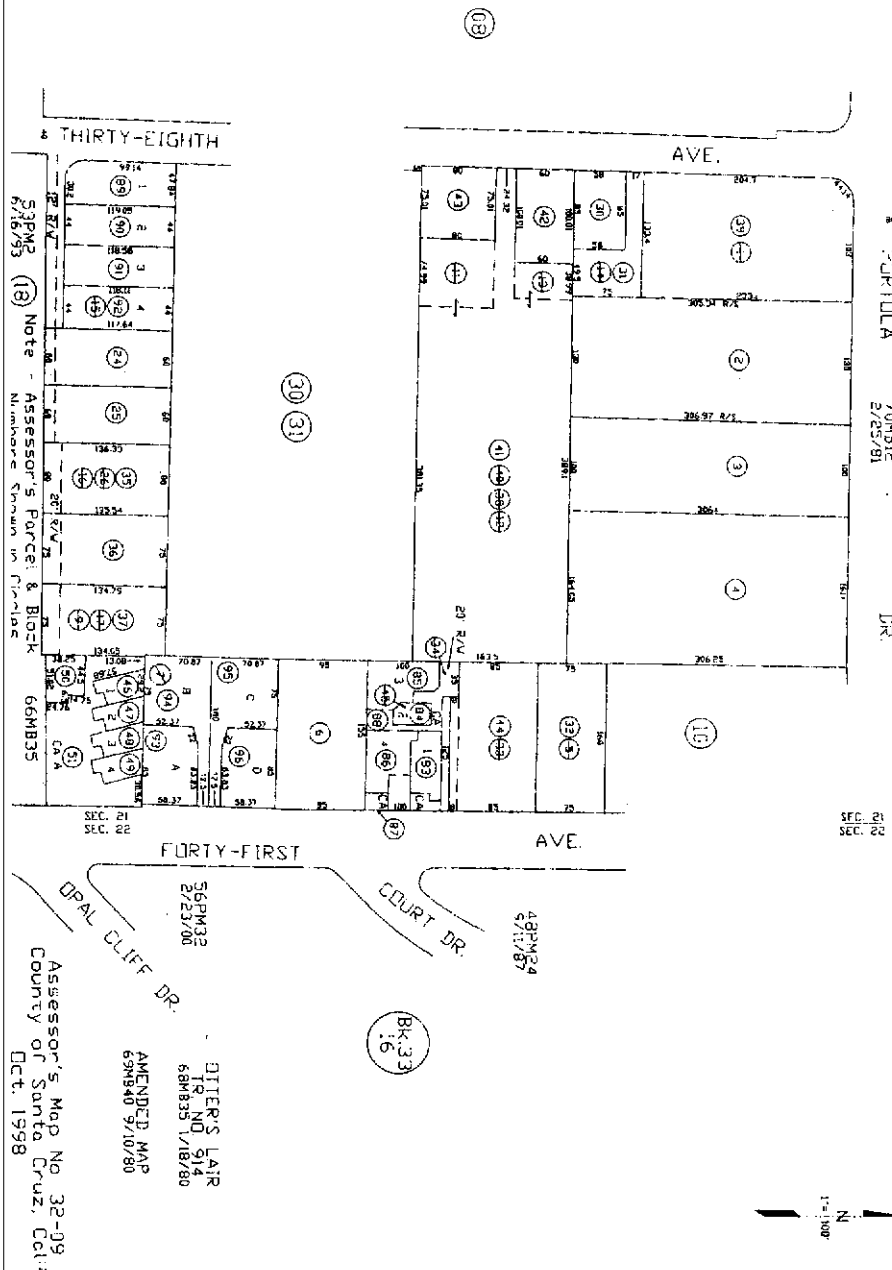
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 THE ASSessor MAKES NO GUARANTEE AS TO THE ACTUALITY NOR ASSURES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED
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SECTION 21, T1S, R1W, MDB & M.

95-103

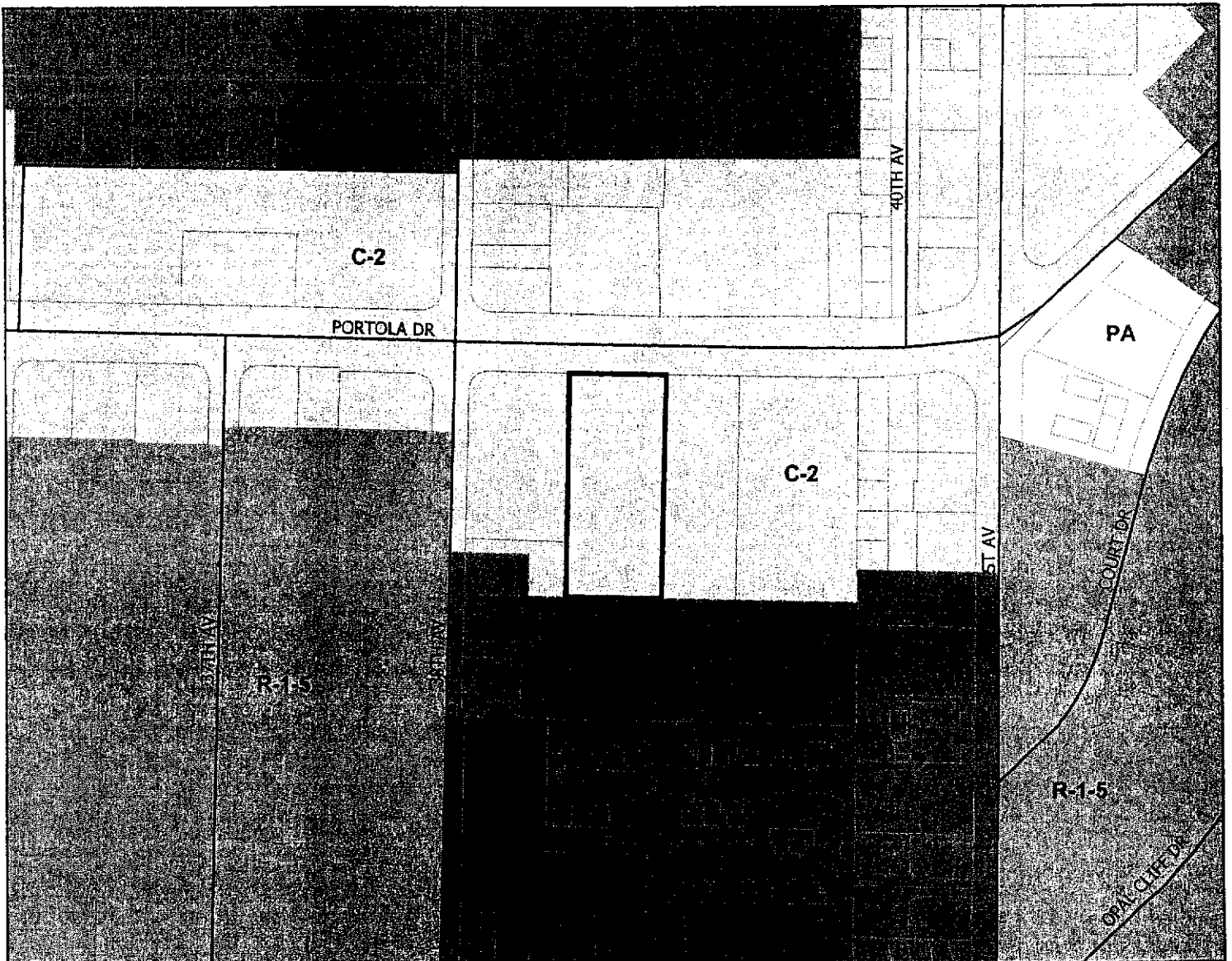
32-09

PARCULA 70MB12 2/25/91 DR.



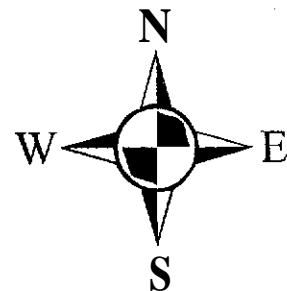


Zoning Map



Legend

-  APN 032-091-02
-  Assessors Parcels
-  Streets
-  COMMERCIAL-COMMUNITY (C-2)
-  RESIDENTIAL-MULTI FAMILY (RM)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  COMMERCIAL-PROF OFFICE (PA)
-  PARK (PR)



Map Created by
County of Santa Cruz
Planning Department
July 2005

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Annette Olson
Application No. : 05-0444
APN: 032-091-02

Date: February 1. 2006
Time: 09:16:51
Page: 1

Environmental Planning Completeness Comments

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

===== REVIEW ON JULY 20, 2005 BY JESSICA L DEGRASSI =====

NO COMMENT

The parcel is mapped biotic because of the SC Tarplant layer. although no tarplant exists onsite.

Environmental Planning Miscellaneous Comments

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

===== REVIEW ON JULY 20, 2005 BY JESSICA L DEGRASSI =====

NO COMMENT

Dpw Drainage Completeness Comments

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

===== REVIEW ON AUGUST 4, 2005 BY CARISA REGALADO =====

Plans accepted as submitted. Discretionary stage application review is complete for this division. (Additional notes in Miscellaneous Comments.)

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON AUGUST 4, 2005 BY CARISA REGALADO =====

Maintain existing drainage patterns as shown on the plans and do not adversely affect adjacent and/or downstream structures and properties (by flooding, erosion, etc.).

For increases in impervious area. a drainage fee will be assessed. The fees are currently \$0.85 per square foot and shall be increased by \$0.05 effective August 22, 2005 to \$0.90 per square foot

Dpw Road Engineering Completeness Comments

===== REVIEW ON AUGUST 4, 2005 BY GREG J MARTIN =====

NO COMMENT

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON AUGUST 4, 2005 BY GREG J MARTIN =====

INTEROFFICE MEMO

APPLICATION NO: 05-0444**Date:** August 16, 2005**To:** David Heinlein, Project Planner**From:** Larry Kasparowitz, Urban Designer**Re:** Design Review for a wireless antennae co-location at Public Storage, 3840 Portola Drive, Santa Cruz (Public Storage Inc. / owner, Peacock and Associates / applicant)

Add Conditions of Approval that require:

- *Antennas and cable tray shall be painted to match the existing building.*
- *Manual lighting only.*
- *Equipment shelter/cabinets shall be painted to match existing building.*

**MetroPCS • Proposed Base Station (Site No. SF16650B)
3840 Portola Drive • Santa Cruz, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of MetroPCS, a personal wireless telecommunications carrier, to evaluate the base station (Site No. SF16650B) proposed to be located at 3840 Portola Drive in Santa Cruz, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Prevailing Exposure Standards

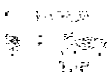
The U.S. Congress requires that the Federal Communications Commission ("FCC") evaluate its actions for possible significant impact on the environment. In Docket 93-62, effective October 15, 1997, the FCC adopted the human exposure limits for field strength and power density recommended in Report No.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

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

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

General Facility Requirements

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



**MetroPCS • Proposed Base Station (Site No. SF16650B)
3840 Portola Drive • Santa Cruz, California**

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

Computer Modeling Method

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

Site and Facility Description

Based upon information provided by Metro, including zoning drawings by Omni Design Group, Inc., dated June 23, 2005, it is proposed to mount six EMS Model RR6518-00DPL directional panel PCS antennas on the penthouse side walls, above the roof of the building located at 3840 Portola Drive in Santa Cruz. The antennas would be mounted at an effective height of about 29½ feet above ground, 2½ feet above the roof of the building, and would be oriented in pairs toward 70°T, 240°T, and 350°T. The maximum effective radiated power in any direction would be 1,890 watts, representing six channels operating simultaneously at 315 watts each. There are reported no other wireless telecommunications base stations installed nearby.

Study Results

For a person anywhere at ground, the maximum ambient RF exposure level due to the proposed Metro operation is calculated to be 0.0054 mW/cm², which is 0.54% of the applicable public exposure limit; the maximum calculated level on the first floor of the manager's residence is calculated to be 0.31% of the public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building is 14.5% of the public exposure limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels. Areas on the roof of the subject building may exceed the applicable exposure limit. Figure 3 attached provides the specific data required under Santa Cruz County Code Section 13.10.659(g)(2)(ix), for reporting the analysis of RF exposure conditions.

* Located at least 60 feet away, based on the drawings and aerial photographs from Terraserver.



**MetroPCS • Proposed Base Station (Site No. SF16650B)
3840 Portola Drive • Santa Cruz, California**

Recommended Mitigation Measures

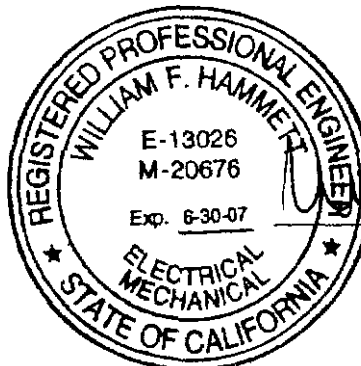
It is recommended that the roof of the building be kept locked, so that the Metro antennas are not accessible to the general public. To prevent occupational exposures in excess of the FCC guidelines, no access within 5 feet in front of the Metro antennas themselves, such as might occur during building maintenance activities, should be allowed while the site is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Posting explanatory warning signs[†] at roof access locations and at each transmitting antenna, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that the base station proposed by MetroPCS at 3840 Portola Drive in Santa Cruz, California, can comply with the prevailing standards for limiting human exposure to radio frequency energy and, therefore, need not for *this* reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2007. This work has been carried out by him or under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



William F. Hammett, P.E.

January 16, 2006

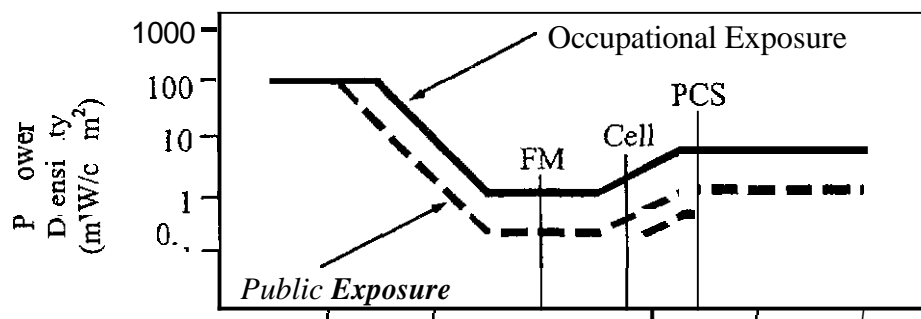
[†] Warning signs should comply with ANSI C95.2 color, symbol, and content conventions. In addition, contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord,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

FCC Radio Frequency Protection Guide

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

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

Frequency Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3– 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34– 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0– 30	18421f	<i>823.8/f</i>	4.89/ f	<i>2.19/f</i>	900/ f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√f	<i>1.59√f</i>	√f/106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500– 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications cell sites. The near field zone is defined by the distance, D, from an antenna beyond which the manufacturer's published, far field antenna patterns will be fully formed; the near field may exist for increasing D until some or all of three conditions have been met:

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

where h = aperture height of the antenna, in meters, and
 λ = wavelength of the transmitted signal, in meters.

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

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

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

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

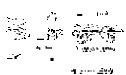
Far Field.

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

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

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

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

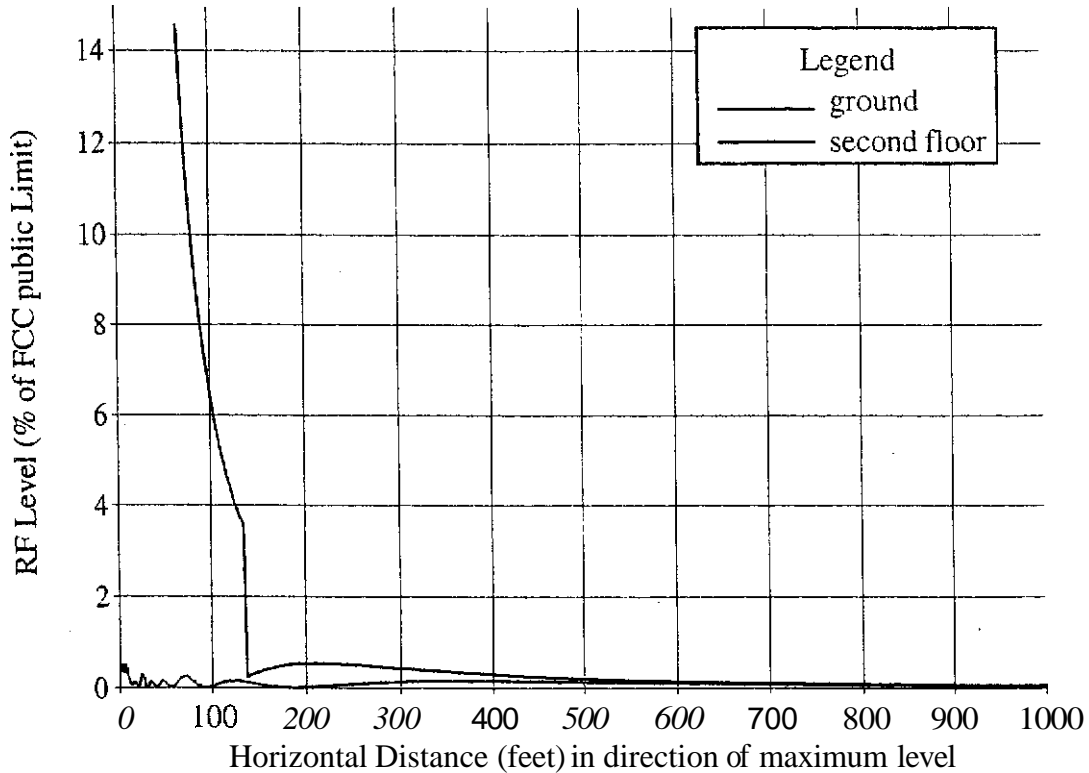


**MetroPCS • Proposed Base Station (Site No. SF16650B)
3840 Portola Drive • Santa Cruz, California**

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

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

Calculated Cumulative NIE Exposure Levels during Peak Operation Periods



RF level (% limit)							
Distance (feet)	50	100	200	300	500	750	1,000
ground	0.12%	0.035%	0.025%	0.14%	0.14%	0.081%	0.050%
roof or secondfloor	-	6.4%	0.55%	0.45%	0.22%	0.11%	0.061%

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

Maximum effective radiated power (peak operation) - 1,890 watts

Effective Metro antenna height above ground - 29½ feet

Other sources nearby - None

Other sources within one mile - Radio Stations KSCO and KOMY; not close enough to affect compliance

Plan for restricting public access - Antennas are mounted above the roof of a building

MetroPCS • Proposed Base Station (Site No. SF16650B)
3840 Portola Drive • Santa Cruz, California

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



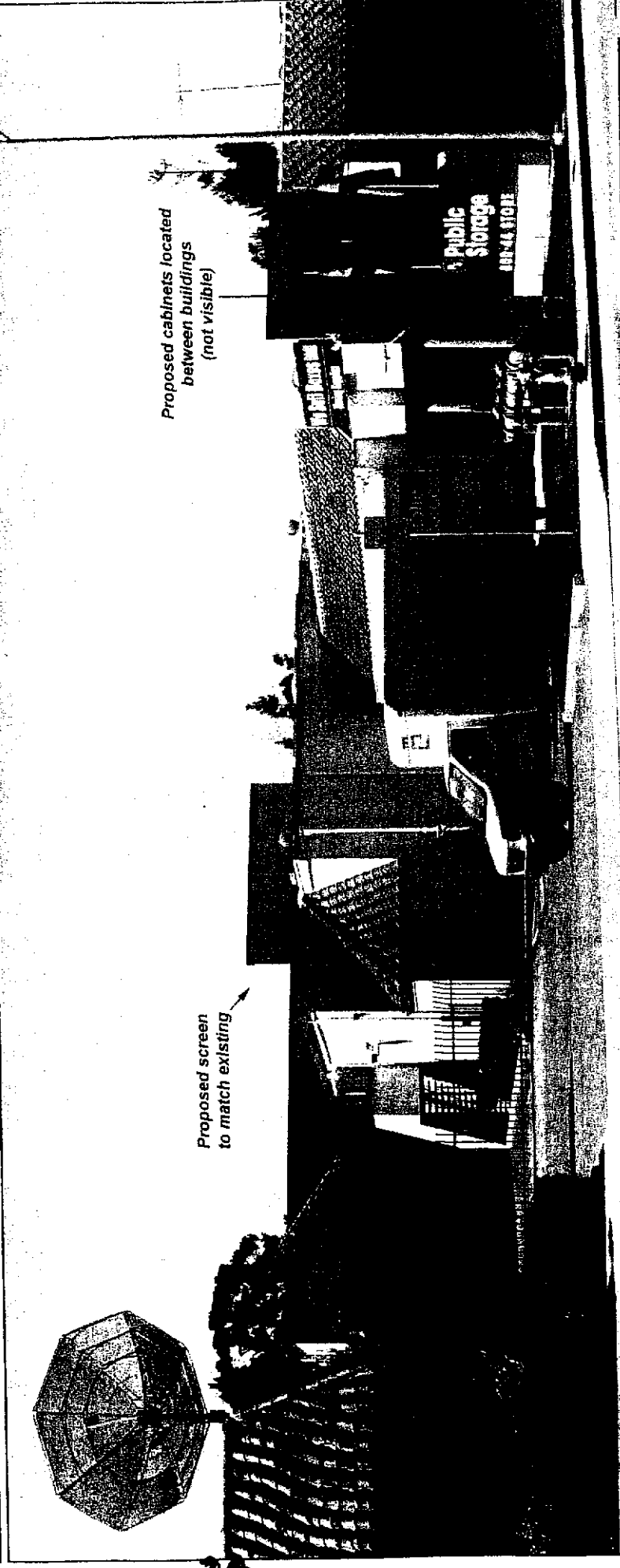
Aerial photo from Terraserver

Legend

- blank - less than 0.30% of FCC public limit (*i.e.*, more than 330 times below)
- ▨ - 0.30% and above near ground level (highest level is 0.54%)
- - 0.30% and above at roof or at 2nd floor level (highest level is 14.5%)

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

Photosimulation of view looking south from directly across Portola Drive.



Metro
**Pleasure Point
Public Storage**
3840 Portola Drive
Santa Cruz, CA 95062
SF1665B

Proposed



James P. Allen
& Associates

Dedicated to the Preservation of Trees

Construction Impact Assessment

**MetroPCS Equipment Facility
3840 Portola Drive, Santa Cruz Co.
APN 032-091-02**



Prepared for

Peacock Associates, Inc.

&

MetroPCS, Inc.

Consulting Arborists

611 Mission Street
Santa Cruz, CA 95060

831.426.6603 office
831.234.7739 mobile
831.460.1464 fax
jpallen@cruzio.com

ASSIGNMENT/SCOPE OF SERVICES

MetroPCS Inc is planning to construct a cellular site at the Pleasure Point Storage facility, 3840 Portola Drive, Santa Cruz (APN 032-091-02). Three pine trees growing on the property could be affected by the project. To protect the tree resources on this site, Santa Cruz County Planning Department requirements prompted Evan Shepherd Reiff of Peacock Associates, Inc. to request a proposal for a Construction Impact Assessment. The services performed are defined as follows:

- Inventory trees ≥ 6 inches in diameter at 4.5 feet above grade growing in proximity to the proposed construction.
- Locate, numerically tag and map tree locations using base maps provided by Peacock and Associates, Inc.
- Identify trees as to species and trunk diameter.
- Review construction plans (hardscape and utility) to determine potential impacts to trees.
- Create tree preservation specifications including a tree protection fencing plan with a preservation map.
- Provide all finding in the form of a report accompanied by a Tree Preservation Plan, adhering to the requirements set by the County of Santa Cruz Planning Department.

SUMMARY

Plans for the proposed construction project have been reviewed, and the impacts to the existing tree population assessed. To protect the tree resources on this site the following plan modifications and alternative construction methods must be implemented

The proposed construction will have minimal impacts to the Canary Island pines on this site as long as the pad supporting the equipment is constructed above natural grade using a pier and above grade beam system. This will elevate the equipment support structure and avoid disturbance to the exposed supporting roots of Tree #1. Piers should be positioned at the corners of the 8' x 12' pad supporting the required equipment with placement avoiding roots greater than two inches in diameter.

The required underground utility/coaxial cables from point of contact to equipment pad and from equipment pad to antennae are to be placed either above ground or far removed from tree root zones. This form of installation will not harm the trees on this project.

Tree Preservation Zone fencing and straw bales shall be in place prior to the onset of construction

Implementation of the Tree Preservation Specifications included within this document is required to safeguard the trees proposed for retention.

38

BACKGROUND

To complete ~~this~~ assessment a site inspection was performed on December 16, 2005. For purposes of ~~identification~~, metal numbered tags have ~~been~~ affixed to tree ~~trunks~~ at 6 feet above ~~natural~~ *grade*. Tree locations with corresponding numbers ~~are~~ documented on a survey map.

The trees were evaluated visually ~~from~~ the root crown (where the ~~trunk~~ meets natural grade), to the foliar canopy to determine health and structural stability. A visual tree ~~assessment~~ involves an evaluation of the biology, ~~mechanics~~ and function, ~~as well as~~ the ~~suitability~~ for preservation.

The biological assessment ~~includes~~ a visual analysis ~~of~~ the following:

- Vitality ~~of~~ the leaves, bark and ~~twigs~~
- Presence of fungi
- Presence of dead wood or broken branches
- ~~Status~~ of old wounds or cavities

The mechanical assessment involves a visual analysis of the following characteristics:

- Integrity of the framework of the tree (~~trunk~~ and major branches)
- Indicators of potential internal defect such as bulges crack or ~~ribs~~ on the ~~supporting trunk~~ or large branches.
- Wounds
- Lean
- Root buttress development and configuration

The site assessment ~~involves~~ an ~~analysis~~ of the following:

- Evaluation ~~of~~ the growing area including availability for potential root development.
- Typical ~~wind/rain~~ events and previous consequences to tree stability.

Construction related ~~impacts~~ were ~~assessed~~ using plans (dated 7/12/05) provided by Evan Shepherd Reiff – Peacock Associates, Inc. and drawn by Omni Design Group, Inc.

SITE DESCRIPTION

The proposed construction will occur in a landscaped area ~~between~~ the storage facility and the western property line behind a trash enclosure. Width of ~~this~~ site varies from 20 ~~to~~ 15 feet. Access to ~~this~~ area ~~is~~ limited due to a locked gate located to the west of the garbage enclosure.

This site slopes to the west with the highest point being where there is surface root development and the lowest point at the pathway.

TREE DESCRIPTION

These three trees were planted from nursery grown, containerized stock at the time the storage facility was constructed. The original support stakes are still in place. The trees are planted close to one another without adequate area for canopy/root development

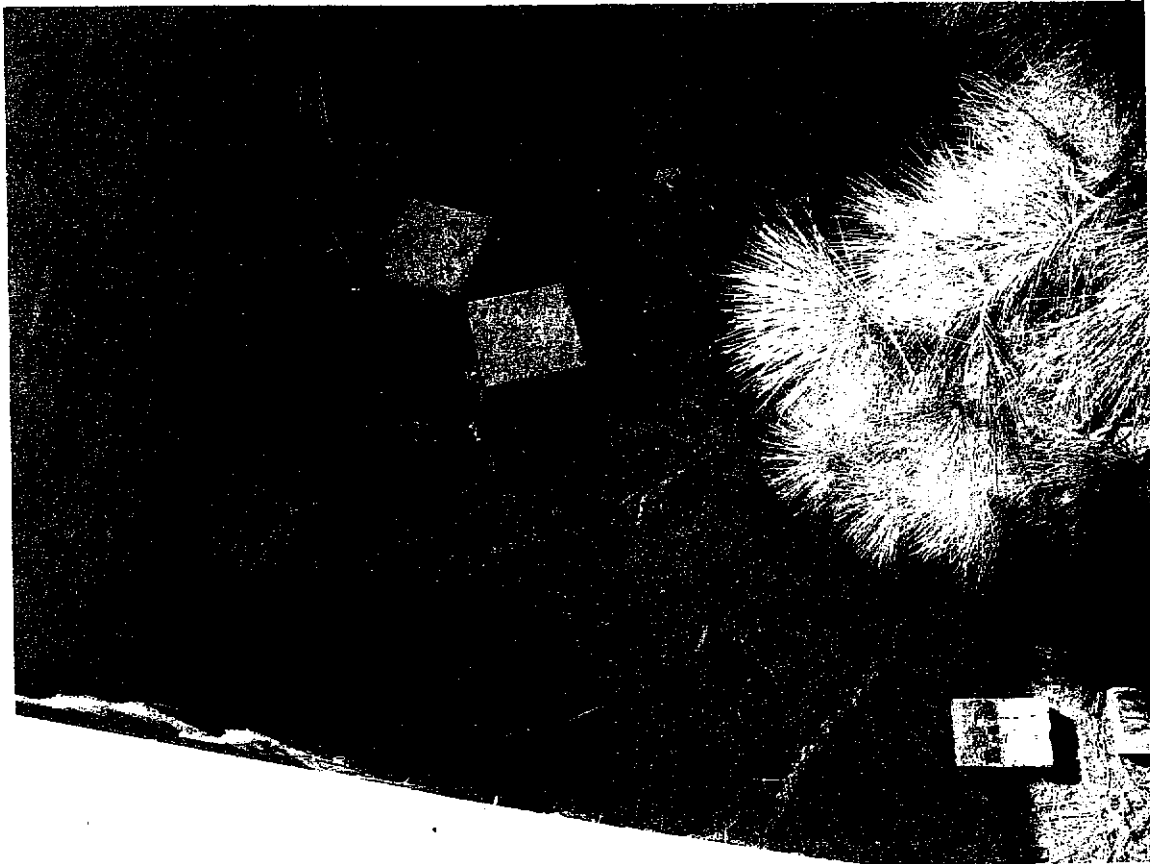
Tree #1

Canary Island Pine *Pinus Canariensis*

8.5 diameter inches at 54 inches above grade

Height of approximately 25 feet

Extensive surface root development to the south with roots ranging from ½ inch to 3 inches in diameter. Approximately 10 linear feet of the supporting surface roots are visible, growing in the southerly direction – spanning from the trunk to the existing trash enclosure.



Canopy is dense with good foliar coloration.

Tree #2

Canary Island Pine *Pinus Canariensis*

6.5 diameter inches at 54 inches above *grade*

Height of approximately **28** feet

This tree is located approximately 6 feet to the west of the stairwell, with tree #1 to the ~~the~~ **south** and ~~tree~~ #3 to the north. The root crown flare is not visible at grade, an indication of excessive planting depth during installation.

The foliar development and coloration are indications this tree is in a good **state** of vigor.

Tree #3

Canary Island Pine *Pinus Canariensis*

12 diameter inches at **54** inches above grade

Height **of** approximately 35 feet

This tree is located approximately 10 feet to the west of the existing storage building.



The upper **8** feet of the canopy **has** died.

The lower canopy displays good coloration and density.

DESCRIPTION OF CONSTRUCTION RELATED IMPACTS

The proposed project consists of an 8' by 12' equipment support pad at the western property boundary midpoint. It will begin with the preparation and construction of the leased equipment pad area. Installation of aboveground utility lines linking power and signal supply lines to the roof attached antennae will complete the proposed construction plans. a

The impacts to the trees are based on provided development plans

- **Concrete slab construction to support equipment**

Traditional construction of a concrete slab requires the upper 8 inches of topsoil to be scrapped off exposing lower level soils that can be stabilized. During this process, roots adjacent to and within this area are often damaged, resulting in bark-stripped roots or shattered root stubs. Additionally, soil stabilization involves the mechanical removal of pore spaces within the soil by compaction. This decreases both anchoring and feeding root development, leading to a stressed tree.

- **Utility line placement**

Traditionally, this involves trenching for utility lines, affecting tree roots. Design plans avoid root zone impacts by detailing an above ground routing of utilities from the building corner, approximately 20 feet from the point of contact, along the existing building foundation to the equipment pad. Utilities will continue above ground from the equipment pad to the roof anchored antennae. Disturbance to tree roots from the below ground portion is not anticipated.

- **Equipment access**

Equipment repeatedly driving over Critical Root Zones can mechanically damage supporting roots and compact soils. Compaction breaks down soil structure by removing air and adding moisture. Anaerobic conditions may develop, promoting decay. Absorbing roots can suffocate from lack of oxygen. Structural roots may be compromised as a result of the decay. •

- **Canopy pruning**

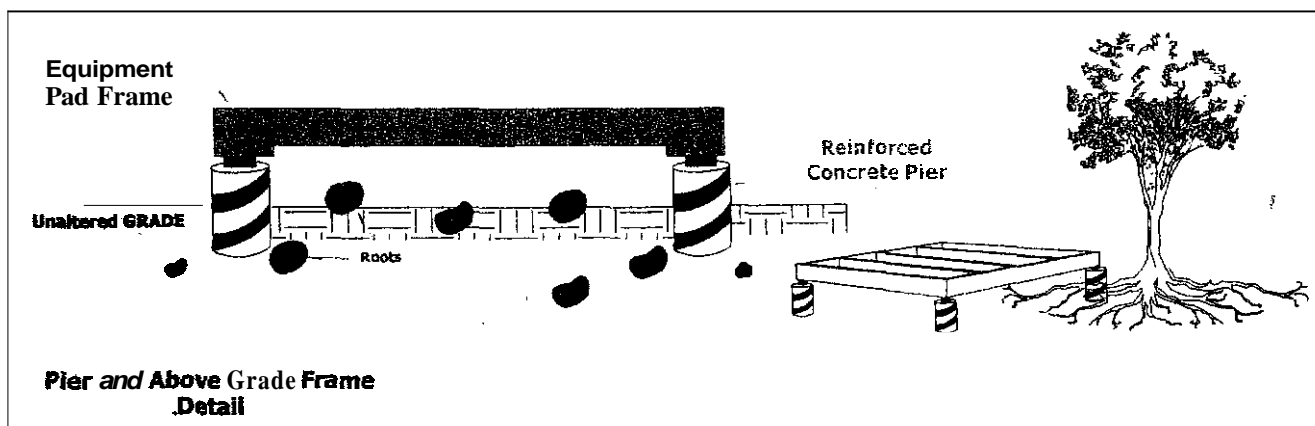
The removal of branches encroaching into the building area is required to create adequate space for access.

Recommended Procedures

The construction of the support pad using traditional **methods** will dramatically **reduce** the lifespan of existing tree. It can be abated with the implementation of pre-construction **treatments** and modifications to construction methods **as** described below.

Pier and Above Grade Beam System

This procedure **is** recommended for the equipment pad in close proximity to both **trees** (#1 & 2). **This** system **eliminates** the **need** for excavation and the resulting root loss. The graphic below depicts the basic principles **of** the **system** that will be used for the construction of the equipment **support** pad.



Piers will **be** placed at the corners **of** the 8 ft x 12 ft support structure. Grade beams will be placed above **natural** grade or constructed without disturbing native soil. This alternative method **of** construction will decrease the impacts of the pad foundation.

Equipment access

Equipment used to **construct** the **support** will be smaller mechanized equipment **to** be operated by hand. There is no vehicular access **to** the site, avoiding the possibility of extensive **damage** to the surface roots of Trees #1 & 2.

Pruning to provide clearance has been recommended for **Tree #1** to remove the **minimum** amount of **lower** branches on the southern side of the tree **that** will interfere with the proposed **construction**.

A qualified certified **arborist**, using the following industry guidelines should be contracted to perform all the above-described work.

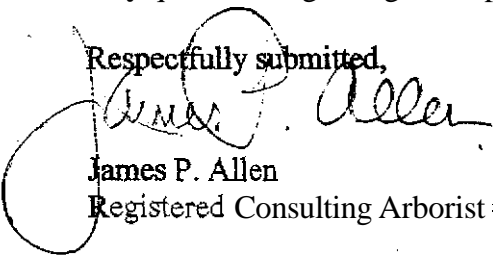
- American National Standards **Institute A300** for Tree **Care** Operations- Tree, Shrub and Other Woody Plant Maintenance-Standard Practices. (Part 1)-2001 Pruning
- **International Society** of Arboriculture: Best Management Practices
- American National Standards Institute **Z133.1-1994** for Tree **Care** Operations- Pruning, Trimming, Repairing, Maintaining, and Removing Trees and **Cutting** Brush-Safety Requirements

Tree preservation specifications included in this report, outline specifics for tree protection fencing and other procedures that will provide the best opportunity for **their** long-term survivability. The exact locations for these procedures **are** documented on the **attached map**.

The implementation of these **recommended** procedures will ensure the future growth and stability of the **tree resources** on this site.

Any questions regarding **this** report may be directed to my office.

Respectfully submitted,


James P. Allen
Registered Consulting Arborist #390



Tree Preservation Specifications

MetroPCS Cell Site, APN 032-091-02

These guidelines should be printed on all pages of the development plans. Contractors and sub contractors should be aware of tree protection guidelines and restrictions. Contracts should incorporate tree protection language that includes “damage to trees will be appraised using the Guide to Plant Appraisal 9th Edition and monetary fines assessed”.

A pre construction meeting with the Project Arborist

A meeting with the Project Arborist, Project *Manager* and all contractors involved with the project shall take place prior to the onset of construction. Tree preservation specifications will be reviewed and discussed.

Establishment of a Tree Preservation Zone (TPZ)

Fencing, no less than **48** inches in height with metal stakes embedded in the ground shall be installed in areas designated on the attached map. Fencing will be installed prior to the onset of grading, under the supervision of the Project Arborist and shall not be moved.

Restrictions within the Tree Preservation Zone (TPZ)

No storage of construction materials, debris, or excess soil will be allowed within the TPZ. Parking of vehicles or construction equipment in this area is prohibited. Solvents or liquids of any type should be disposed of properly, never within this protected area.

Field decisions

The Project Arborist and Construction Project Manager will determine the most effective construction methods to maintain tree health.

Alteration of grade

Maintain the natural grade around trees. If trees roots are unearthed during the Construction process, the Project Arborist will be notified immediately. Exposed roots will be covered with moistened burlap until the Project Arborist makes a determination.

Trenching requirements

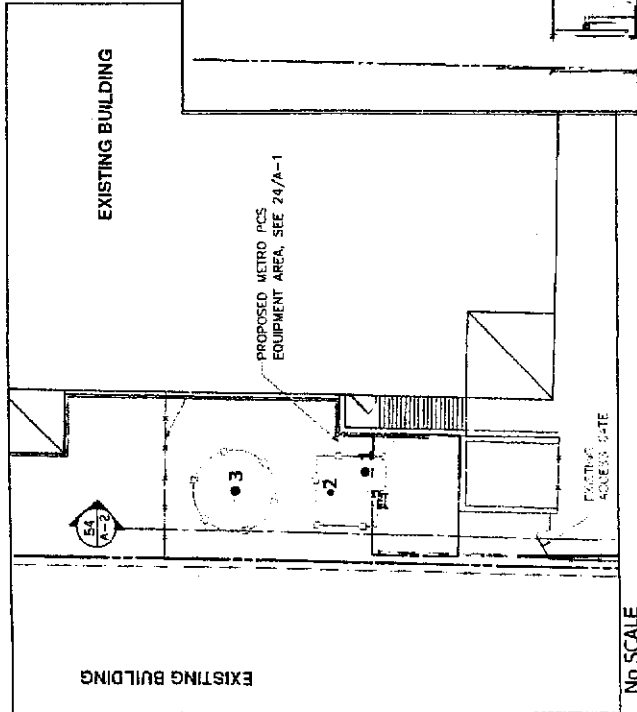
Any areas of proposed trenching will be evaluated with the Project Arborist and the contractor prior to construction.

Tree canopy alterations

Unauthorized pruning of any tree on this site will not be allowed. Tree canopy alterations are to be performed the specifications established by the Project Arborist

SITE OVERVIEW

PORTOLA DRIVE



EXISTING BUILDING

EXISTING BUILDING

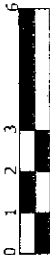
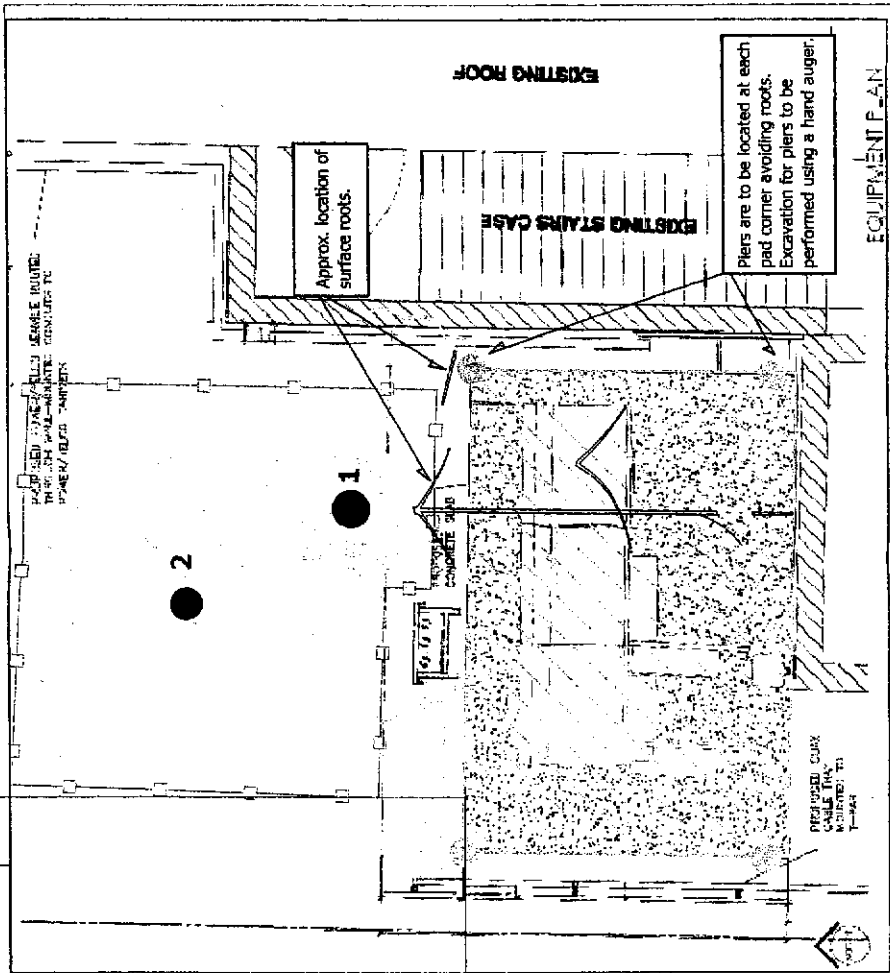
PROPOSED METRO PCS
EQUIPMENT AREA, SEE 24/A-1

EXISTING ACCESS GATE

No SCALE

46

SITE DETAIL



SCALE 1/3" = 1 Foot

Map 1 of 1
Date: Dec. 21, 2005

Legend

- Surveyed tree location
- 2 Assigned tree number
- Canopy pruning for clearance
- Straw Bale
- Tree Preservation Fencing
- Tree Preservation Zone
- Equipment Support Pad

3840 Portola Drive

Santa Cruz, CA 95062

APN 032-091-02

Tree Location
&
Preservation Map



James P. Allen
& Associates

611 Hudson Street, Santa Cruz, CA 95060
Office: (408) 286-1144
Email: jallen@jpa.com

Basemap provided by Omni Design Group, INC

ENVIRIT G



Systems -Product Realization Center

Subject: Bellcore Requirement GR-487-CORE
Section 3.28 (R3-157) Acoustical Noise Suppression
Test Report on Flexent Modular Cell Enclosure

date: January 24,2000

from: Gregory P. Mikus
Org. JC012E002
NJ04.52, 1H3B
(973) 426-1230
gmikus@lucent.com

Memorandum for Record

Introduction

An acoustical Noise Suppression test was performed on the Outdoor Flexent Modular Cell enclosure Laboratories located in Annandale NJ on January 24,2000 in order to verify compliance to the requirement specified in section 3.28 of GR-487-CORE (Generic Requirements for Telecommunications Cabinets) see Noise Unlimited test report No. 9065.1. Marvin Lowman of Noise Unlimited Inc. conducted the testing. G. Mikus and J. Stofanek of Lucent Technologies were present during the testing.

Bellcore Requirement Description (R3-157)

Equipment equipped with telecommunications equipment and associated cooling fans, shall suppress the sound level noise to a level of 65dBA at a distance of 1.5 m (5 ft) from the cabinet with the doors during times of maximum noise generation within the cabinet.

Procedure:

Sound measurements shall be made in a room or enclosure that duplicates as much as possible the acoustic properties of a network facility and the actual service environment.

The sound level shall be measured by a sound meter meeting ANSI 1.4, and set to the A-weighting scale and the slow meter response setting.

Measurements shall be made in accordance with ANSI S1.18.

The doors shall be closed.

Sound levels produced shall be measured at 5ft from the cabinet surfaces in all horizontal positions at a height of 3ft from the cabinet-mounting surface.

Test Setup

The Flexent Modcell outdoor version was placed inside the acoustic room; a background noise measurement was taken. The Modcell outdoor version enclosure was then rendered operational and acoustic measurements were taken around the enclosure.

Test Results

Position	Location	DBA re: 20 uPa
1	Ambient	43
1	Front	61
2	Left Side	53
3	Rear	52
4	Right Side	53

At the completion of the test as described in the Bellcore requirement the Flexent Modular Cell test data was reviewed and the noise levels did not exceed the specified requirement. Therefore the Outdoor Flexent Modular Cell enclosure meets the requirements set forth in Bellcore **GR-487 –CORE** section **3.28**. This data is also in the Noise Unlimited test report No. 9065.1

Respectfully,

Gregory P. Mikus

Lucent Technologies
Proprietary-Use Pursuant to Company Instruction

February 28, 06

SUBJECT: 3840 Portola Dr Santa Cruz, APN #

032-091-02

As a RESIDENT/HOMEOWNER in the proposed construction AREA my concern with this telecommunication depot is the E.M.F. (ELECTRO MAGNETIC FIELDS) transmitted from this development into the surrounding RESIDENTIAL neighborhoods.

I oppose any amendments to the use of this property.

This area does not need any more zoning amendments.

Thank you

Robert Giles

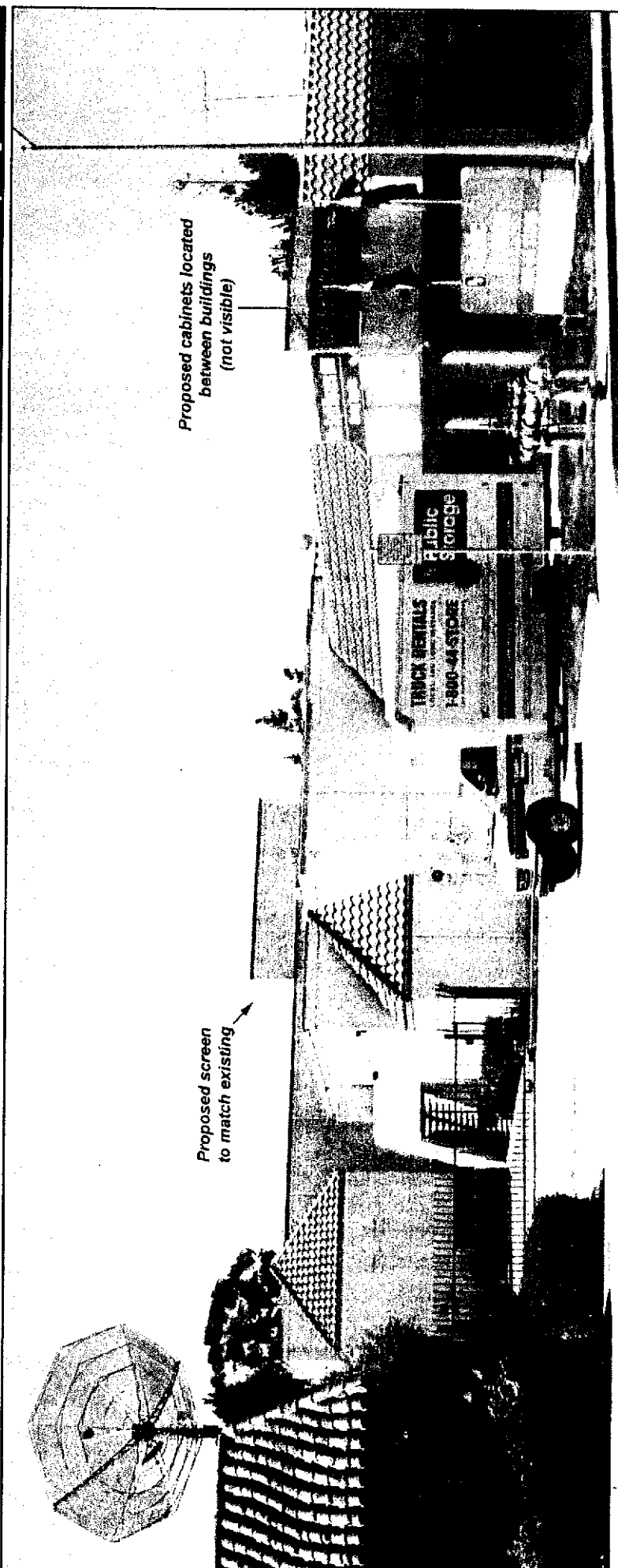
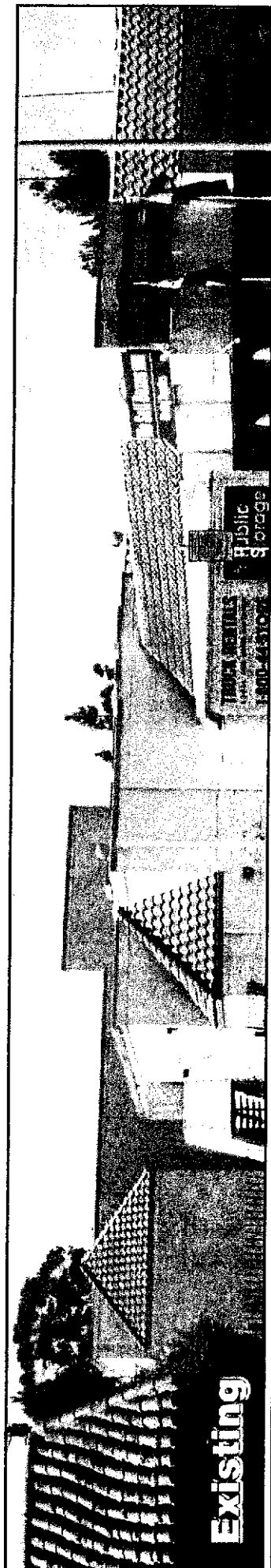
38th AVE

SANTA CRUZ, CA.

ph # 831-462 3260

C.C.

Photosimulation of view looking south from directly across Portola Drive.



Metro
**Pleasure Point
Public Storage**
3840 Portola Drive
Santa Cruz, CA 95062
SF1665B

Proposed

Don Bussey
Zoning Administrator
Santa Cruz County

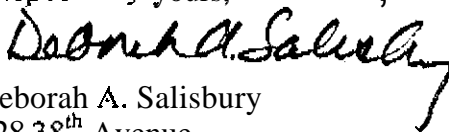
March 3, 2006

Re: Afternoon Agenda
Friday, March 3, 2006
Item 05-0444
APN 032-091-02 (3840 Portola Drive)
Proposal to construct a new wireless communications facility on an existing commercial building....

I has come to my attention that many residents within the required 1000-foot notification area were not properly noticed; specifically, persons within several mobile home **parks** on 38th Avenue. This includes the (no name) park behind the Big Creek Lumber yard on the south side of 38th (692 38th Ave), and on the north side of 38th Avenue the Bay Village, Opal Cliffs, Bay Park, Ranchito Retired Senior, Shangri-La and Castle Mobile Home Parks (825, 890, 925, 978, 1040, and 1099, respectively), etc. Additionally, included within this geographic area are numerous Spanish-speaking residents and tenants who are unable to read and understand English, although they may have minimal verbal skills.

It is our hope that the item can be continued so that everybody who is entitled has an opportunity to be properly noticed.

Respectfully yours,



Deborah A. Salisbury
528 38th Avenue
Santa Cruz CA 95062
462-0930

2-27-06

Young Administrator

Re: 050444(*) 3840 Portola Dr APU(S) 03209102

I received the notice of an application to construct a GPS antenna on the referenced parcel. I am opposed to this as an area neighbor as the intrusion into the area would be out of character. There are plenty of areas that do not intrude on neighborhood areas where this can be done.

We do not need another visual eyesore in our area. Please register my opposition to this.

Thank you

David Pettibone

1479 Court Dr

Santa Cruz, CA 95062

831 475-4195

Thurs



NOTICE OF PUBLIC HEARING

Notice is hereby given that the County of Santa Cruz
Zoning Administrator will hold a public hearing on the following item:

6. 05-0444 (*) 3840 PORTOLA DRIVE, SANTA CRUZ APN(S): 032-091-02
Proposal to construct a new wireless communication facility on an existing commercial building. Includes six flush-mounted antennas, one GPS antenna, three associated ground equipment cabinets, a 96 s.f. concrete slab, and two power and telecommunication boxes in a new equipment area surrounded by an existing fence. Requires an amendment to Planned Development Permit 83-18-PD, Coastal Development Permit 83-53-CZ, Commercial and Coastal Development Permit 86-0134 and Coastal Development Permit 88-0251. Property located on the south side of Portola Drive, approximately 450 feet west of the intersection with 41st Avenue, in the Live Oak Planning Area (3840 Portola Drive).
OWNER: PUBLIC STORAGE, INC.
APPLICANT: EVAN SHEPHERD REIFF
SUPERVISORIAL DIST: 1
PROJECT PLANNER: ANNETTE OLSON, 454-3134

DATE: Friday, MARCH 3, 2006
TIME: The afternoon agenda beginning at 1:00 p.m.
PLACE: Board of Supervisors Chamber
County Government Center
701 Ocean Street, Room 525
Santa Cruz CA 95060

Any persons whose interests are adversely affected by any act or determination by the Zoning Administrator may appeal such act of determination to the Planning Commission. Appeals from any action of the Zoning Administrator shall be taken by filing a written notice of appeal with the Planning Department and paying the appeal fee, not later than the fourteenth calendar day after the day on which the act or determination appealed was made.

If any person challenges an action taken on the foregoing matter(s) in court, they may be limited to raising only those issues which were raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

All interested persons are invited to provide comments to the Zoning Administrator either at the public hearing, or in writing. Written comments may be sent to the Zoning Administrator at the County Government Center, 701 Ocean Street, Room 400, Santa Cruz CA 95060. Staff reports on permit applications are available for review or purchase one week before the hearing by calling 454-3156.

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Board of Supervisors Chambers is located in an accessible facility. If you wish to attend this meeting and you require special assistance in order to participate, please contact the ADA Coordinator at 454-3055 (TDD number 454-2123), at least 72 hours in advance of the meeting, to make arrangements. Persons with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those persons affected, please attend the meeting smoke and scent free.

- ☒ This project requires a Coastal Development Permit which is not appealable to the California Coastal Commission.
- ☐ This project requires a Coastal Development Permit, the approval of which is appealable to the California Coastal Commission (Grounds for appeal are listed in Section 13.20.122 of the County Code.) The appeal must be filed with the Coastal Commission within ten working days of receipt by the Coastal Commission of notice of final local action.

For more information, call the project planner noted in the above project description.

*Admittedly
Opposed
Jury v. No
Cabrera*

*What happen
to this
"Brantham"
project on G.C.
under
amendment
utilization
promised*

Annette Olson

From: Evan Shepherd Reiff [esreiff@peacockassociates.com]

Sent: Tuesday, April 04, 2006 11:21 AM

To: Annette Olson

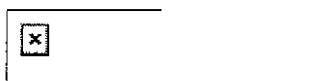
Subject: Noise issue

Hi Annette: Noise meter will be here tomorrow.

See attached PDF. This product is an acoustical blanket for the equipment cabinet that will reduce the sound by 13-55 decibels depending on the frequency of the cabinet's sounds.

I believe that this takes care of the noise issue re: County noise standards. We can also take a condition for independent acoustical testing within 60 days of final inspection.

I will advise when the meter arrives and will be happy to meet you at the site to determine ambient noise. Evan



Evan Shepherd Reiff, MRP
Planning and Zoning Manager
5900 Hollis Street R1
Emeryville, CA 94608
Cell: 831.345.2245
Fax: 831.438.0845

4/5/2006

54

EXHIBIT G



Acoustical Surfaces, Inc.

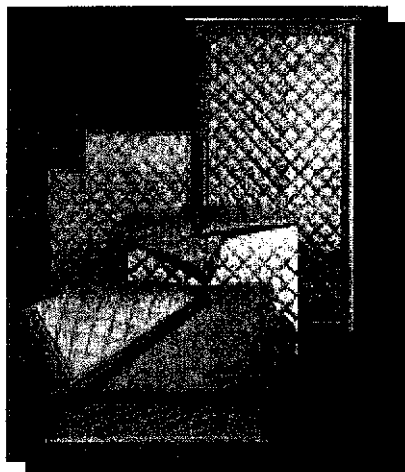
Soundproofing, Acoustics, Noise & Vibration Control Specialists

123 Columbia Court North • Suite 201 • Chaska, MN 55318
(952) 448-5300 • Fax (952) 448-2613 • (800) 448-0121

Email: sales@acousticalsurfaces.com

Visit our Website: www.acousticalsurfaces.com

We Identify and S.T.O.P. Your Noise Problems



SILICONE COATED QUILTED CURTAIN S.T.O.P.

Absorptive/Noise Barrier Quilted Curtains

- ✓ **For Moisture or Humid Conditions**
- ✓ **Cost Effective**
- ✓ **Water & Chemical Resistant**
- ✓ **Exterior Applications**
- ✓ **UV, Mold and Mildew Resistant**
- ✓ **Cleanable**

MATERIAL: Acoustical foam or fiberglass core, faced with quilted aluminized fabric.

PATTERN: Quilted pattern.

FEATURES: Effective and durable absorber with mass loaded vinyl barrier option.

APPLICATIONS: Effective solution to a wide range of noise control problems. Machinery and work area enclosures, moisture or humid conditions and outdoor noise control. Silicone fabric available for outdoors.

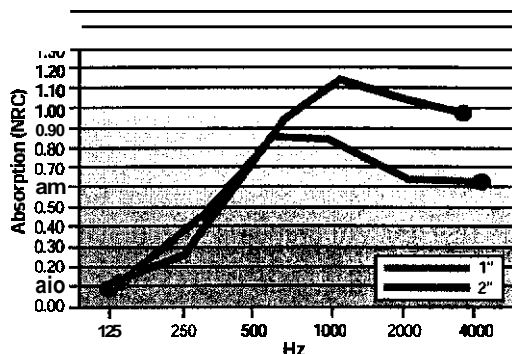
THICKNESS: 1" & 2" **NOM. SIZE:** 48" wide; lengths up to 25' – custom sizes available.

COLOR: Silver only.

FLAMMABILITY: ASTM E-84, Class A.

INSTALLATION: Hook and loop fasteners, grommet hangers, curtain support hardware.

TEMP RANGE: -90 to +500°F.



QUILTED CURTAIN S.T.O.P. Sound Absorption Coefficients – C423

Frequency	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	NRC
1" Thick w/oBarrier	.12	.47	.85	.84	.64	.62	.70
2" Thick w/oBarrier	.19	.99	.96	.80	.67	.33	.85
1" Thick w/Barrier	.12	.47	.85	.84	.64	.62	.70
2" Thick w/Barrier	.19	.99	.96	.80	.57	.33	.85

QUILTED CURTAIN S.T.O.P. Sound Transmission Loss - ASTM E90

Frequency	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	STC
1" Thick w/Barrier	11	16	24	30	35	35	27
2" Thick w/Barrier	13	20	29	40	50	55	32

• Soundproofing Products • Sonex™ Ceiling & Wall Panels • Sound Control Curtains • Equipment Enclosures • Acoustical Baffles & Banners. Solid Wood & Veneer Acoustical Ceiling & Wall Systems • Professional Audio Acoustics • Vibration & Damping Control • Fire Retardant Acoustics • Hearing Protection • Moisture & Impact Resistant Products • Floor Impact Noise Reduction • Sound Absorbers • Noise Barriers • Fabric wrapped Wall Panels • Acoustical Foam (Egg Crate) • Acoustical Sealants & Adhesives • Outdoor Noise Control • Assistive Listening Devices • OSHA, FDA, ADA Compliance • On-Site Acoustical Analysis • Acoustical Design & Consulting • Large Inventory • Fast Shipment • No Project Too Large or Small • Major Credit Cards Accepted

April 6, 2006

Mr. Don Bussey
Zoning Administrator
County Of Santa Cruz

Re:

05-0444
Incorrect Site Planning and Slab Location
Wireless Communications Facility
3840 Portola Dr. APN 032-091-02

Dear Mr. Bussey,

My partner and I are the adjoining property owners immediately west of this application.

The proposed location for the concrete slab is incorrect. It violates the existing CDP, and creates an unnecessary danger and nuisance for the following reasons;

1. **Commercial Development Permits** issued in 1988 conditioned the landscaping on the west property line to be increased and maintained. This slab location would eliminate the area conditioned.
2. **The Fire Exit** for the resident managers will be essentially blocked, particularly in the dark
3. **The Fire Danger** of locating equipment and conduits, which have the potential of arcing, this close to a wood frame building could create a fire hazard.
4. **The Equipment Noise** produced creates a nuisance. At least the equipment should be housed in sound insulated cabinets.

Please require the applicant to redesign their site plan and locate the equipment either within the existing building or on another part of the property so as to eliminate the potential hazards and concerns.

Yours truly,



/ Ken DeFrees

Cc: Annette Olson

CHATTEN-BROWN & CARSTENS

3250 OCEAN PARK BOULEVARD

SUITE 300

SANTA MONICA, CALIFORNIA 90405

www.cbclearblaw.com

TELEPHONE: (310) 314-8040

FACSIMILE: (310) 314-8050

E-MAIL: ACM@CBCBARTH.LAW.COM

April 6, 2006

Via Facsimile and Email

Don Bussey
Deputy Zoning Administrator
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Re: ~~Opposition~~ to Application 05-0444 for ~~Metro~~ PCS Cellular Facility at 3840 Portola Drive

Dear Mr. Bussey,

~~On behalf of Deborah Salisbury and the Pleasure Point Neighbors we~~ urge that you deny the request by Metro PCS for an Amendment to Planned Development Permit 83-18-PD, Coastal Development Permit 83-53-CZ, Commercial Development Permit 86-0134 and Coastal Development Permit 88-0251 to permit a wireless communication facility on the roof of an existing Public Storage building at 3840 Portola Drive. Metro PCS proposes to attach six flush-mounted antennas and a Global Positioning System (GPS) antenna to the existing building and install three associated ground equipment cabinets on a 96 square foot concrete slab located on the western side of the project site ("the project").

Although there are many practical and policy reasons to deny these permits, this letter only addresses the legal aspects of the project that preclude approval of the project at this time. First, the approval of this project without environmental review would violate the California Environmental Quality Act (CEQA). This project does not qualify for a Class 3 exemption from CEQA under CEQA Guidelines section 15303. Class 3 exemptions do not apply to cellular installations. Further, the exemption is unavailable for this project because the project would have cumulative impacts and significant impacts due to unusual circumstances that preclude the County from using this exemption. Additionally, the project is not in compliance with the relevant Santa Cruz County Code requirements.

Don Bussey
 county of Santa Cruz Planning Department
 April 6, 2006
 Page 2 of 11

I. A CLASS 3 CEQA EXEMPTION IS NOT APPLICABLE TO METRO PCS'S CELLULAR INSTALLATION

The Class 3 exemption to CEQA's requirements for environmental review prior to project approval is not applicable to the proposed project. The Planning Department staff found that the project is categorically exempt from preparing an environmental review document under CEQA Guidelines section 15303. This section states that:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

The finding that this exemption is applicable is based upon the exemption being for the construction and location of limited numbers of new, small facilities or structures. At a first glance this makes some sense, but the illustrative examples contained within this section demonstrate that these antennas and their ancillary equipment are not what the Guidelines intended to be exempt. The Guidelines list the following as examples of Class 3 exemptions:

(a) One single-family residence, or a second dwelling unit in a residential zone... (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units... (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area... (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction... (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences... (f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act [citation] and accepts no offsite waste.

While the Guidelines specify the use of the Class 3 exemption is not limited to the examples, the examples provide categories of projects that demonstrate when this exemption is intended to be used. The list of examples demonstrates that intent of this class of exemptions is to allow for a small new structure on a site where no other development currently exists or a small new structure that will be used as a part of the

Don Bussey
 County of Santa Cruz Planning Department
 April 6, 2006
 Page 3 of 11

existing development. Neither of these is the case for the proposed project. Additionally, courts ruling on whether a project should be allowed to use this exemption have consistently based their decision to allow the exemption on the applicability of a specific subsection of section 15303. None of the categories of examples in 15303(a)-(f) are relevant to the installation of six antennas and ancillary equipment by Meho PCS. The subsection that is the closest would be 15303(d), allowing for utility extensions, but these are only exempt in relation to the examples listed in subsections (a) through (c) because only those utility extensions "of reasonable length to serve such construction" are exempt. Here, the cellular installation is not in conjunction with a single-family residence, duplex or store, motel, office or restaurant and therefore 15303(d) does not allow for a utility extension. The cellular installation is a revenue-generating structure, completely separate from the existing commercial development already in place at this site and thus a Class 3 exemption is not applicable.

A lead agency's finding that a project falls within an exempt category of projects must be supported by substantial evidence. (*Dehne v. County of Santa Clara* (1981) 115 Cal.App.3d 827,842.) The burden to prove that a project meets the requirements of a specific categorical exemption falls squarely on the agency attempting to approve a project based on the exemption, regardless of the evidence presented by project opponents. (*Davidon Homes v. City of San Jose* (1997) 54 Cal.App.4th 106,117.) When reviewing whether an agency properly determined a project qualified for a specific categorical exemption, courts should narrowly construe the exemption. (*Dehne, supra*, 115 Cal.App.3d at 842.) CEQA's categorical exemptions should be interpreted in a manner affording the greatest environmental protection within the reasonable scope of the statutory language. (*County Of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931,966.) This burden cannot be met here, thus a Class 3 categorical exemption to CEQA cannot be used for this project.

II. THE CLASS 3 EXEMPTION IS UNAVAILABLE FOR THE PROJECT

CEQA Guidelines section 15300.2 provides instances in which a Class 3 exemption to CEQA review is unavailable. This Guideline lists situations in which significant impacts are to be inferred, even though an exemption would otherwise apply, therefore making the exemption unavailable.

A, A Class 3 Exemption is Unavailable Because the Project Will Have a Significant Impact Due to Unusual Circumstances.

The project is also excepted from using the Class 3 exemption by 15300.2(c), which provides that "[a] categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the

Dan Bussey
 County of Santa Cruz Planning Department
 April 6, 2006
 Page 4 of 11

environment due to ~~unusual~~ circumstances.”

1. There is a Reasonable Possibility of Significant Impacts

There is a reasonable possibility ~~that~~ this project will ~~have~~. significant biological, aesthetic, noise, safety ~~and~~ health impacts, ~~making~~ the Class 3 exemption unavailable.

a. Biological impacts require mitigation

The project ~~may~~ have significant biological impacts ~~making~~ a categorical exemption unavailable. ~~The~~ Arborist's Report found that “Three pine ~~trees~~ growing on the property could be ~~affected~~ by the project.” (Arborist ~~Report~~ p. 1.) These are significant ~~trees~~, due to ~~their~~ large size, that require protection. ~~The Board of Supervisors of Santa Cruz County has~~ found that:

Removal of significant trees could reduce scenic beauty and the attractiveness of the area to residents and visitors...[and] the preservation of significant ~~trees~~ and forest communities on private ~~and~~ public property is ~~necessary~~ to protect and enhance the ~~county's~~ natural beauty, property values, ~~and~~ tourist ~~industry~~. The enactment ~~of this~~ chapter is necessary to promote the public health, safety, ~~and~~ general welfare ~~of~~ the county, while recognizing individual rights ~~to~~ develop, ~~maintain~~, and enjoy the use of private ~~property~~ to the fullest possible extent.

(County ~~Code section~~ 16.34.010.)

Because of the potential for impacts to these significant ~~trees~~, the report states that “Implementation of the *Tree Preservation Specifications* included within this document is required to safeguard the trees proposed for retention.” (Arborist Report p. 1.) The report requires that ~~the equipment~~ cabinets be placed on a raised platform to avoid ~~the tree roots~~ and the ~~cable~~ connecting these equipment cabinets to current utilities to ~~be~~ placed above ground wherever possible ~~and when~~ it is underground to be placed ~~as~~ far removed from the tree root zone ~~as~~ possible. These mitigation measures demonstrate the ~~reasonable~~ possibility of ~~this~~ project ~~having~~ a significant impact on biological resources. The need for mitigation ~~measures~~ makes the use of a categorical exemption unallowable.

“[E]ligibility for a categorical exemption ~~must~~ be determined without reference to mitigation measures.” (*Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1104.) If a project may have a significant effect on the ~~environment~~, the agency must move to the second tier of the CEQA process ~~and~~ prepare an initial study. (*ibid.*) “[P]roposed mitigation measures ~~cannot~~ be ~~used~~ to support a

Don Bussey
 County of Santa Cruz Planning Department
 April 6, 2006
 Page 5 of 11

categorical exemption; they must be considered under the standards that **apply** to a mitigated negative declaration." (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1199.) The reason **for** this requirement is substantive; CEQA Guidelines for the environmental review process "contain elaborate **standards—as** well as significant procedural requirements—for determining whether proposed mitigation will adequately protect the environment and hence make **an** EIR unnecessary" the Guidelines governing preliminary review, including those for categorical exemptions "do not contain any requirements **that expressly** deal with the **evaluation** of mitigation measures." (Id. at 1201; see also *Salmon Protection, supra*, 125 Cal.App.4th at 1108 [Reliance upon mitigation measures (whether included in the application or later adopted) involves **an** evaluative process of assessing those mitigation measures and weighing them against potential environmental impacts, and that process must be conducted under established CEQA standards and procedures for EIRs or negative declarations.]

Additionally, these **trees** should not only be considered **on** their own, but also a source of habitat for **area** wildlife. The Arborist's Report **only** considers protection of the **trees** root systems and limitations on pruning. **The** impacts **the** installation of the equipment cabinets will have on any species that **use** the **trees as** habitat could be significant and must be **studied as** well.

b. Aesthetic impacts are not properly disclosed

The project may also have significant aesthetic **impacts** that have not been properly mitigated or disclosed. **The equipment** cabinets **are** being placed in a lovely patch of open space **containing** a Japanese moon bridge and used by the manager of the Public Storage facility as a garden. The Public Storage manager's apartment is located within the building the cabinets will be placed adjacent to, just a few feet away from the project. **The** placement of the cabinets will remove these **uses** and will visually **degrade the** area further because it appears from the site plans that will be visible above the fence at the site. **There are no** before and after mockups, renderings or photo simulations of the area where these cabinets will be placed to show the true **impacts**.

Further, renderings provided do not adequately show the wall mounted tray that the cable will be placed in to disguise it. Detailed photo simulations of this aspect of the project must be prepared to adequately disclose this **potentially significant** impact and are required by **County Code section 13.10.662(b)(11)** because the tray will be visible from public locations.

These potentially significant aesthetic impacts **make** the use of a categorical exemption unavailable. "[A]ny **substantial**, negative effect of a project on view and other

Don Bussey
 county of Santa Cruz Planning Department
 April 6, 2006
 Page 6 of 11

features of beauty could constitute a "significant" environmental impact under CEQA." (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1604.) According to the California Court of Appeal, lay opinions that articulate the basis of the opinion can constitute substantial evidence of a negative aesthetic impact. (*Ocean View Estates Homeowners Assoc., Inc. v. Montecito Wafer District* (2004) 116 Cal.App.4th 396, 402.) Expert testimony on the matter is not required because the overall aesthetic impact of a project is a subjective matter for which personal observations are sufficient evidence of the impact. (Id.: *Oro Fine Gold Mining Cop. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 882.) Moreover, aesthetics qualify as a permissible ground for denial of a permit under the Federal Telecommunications Act. (*Airtouch Cellular v. City of El Cajon* 83 F.Supp.2d 1158 (S.D.Cal. 2000).)

c. Drainage problems exist at the site

The western portion of the project site, where the equipment cabinets will be placed, is an area of poor drainage. A drainage grate is located a few feet from where the concrete pad will be installed. Water commonly runs across the ground in this area after a rain, which is the reason the above-mentioned moon bridge was put in place. Runoff flows from east to west at this site and can cause impacts on the adjoining property. The addition of more impervious surface at this site will exacerbate the problem. Additionally, due to the grounds high level of saturation, there is a potential for instability in the concrete piers that are proposed to support the building pad for the equipment cabinets. These are potentially significant impacts that must be studied before this project can be considered,

d. Mitigation for noise and safety impacts is improperly deferred

The conditions of approval for the project improperly defer mitigation of the potentially significant noise and safety impacts. Mitigation measures must be "required in, or incorporated into" a project. (Pub. Resources Code § 21081 (a)(1); *Federation of Hillside and Canyon Assoc. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Deferral of the analysis of the feasibility and adoption of mitigation measures violates CEQA. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308.)

There is a reasonable possibility of noise impacts from the equipment on the residential unit within the Public Storage building as it is located only 23 feet away, as well as at the Big Creek Lumber Company also only a few feet away. This impact could be especially significant at night as the area is very quiet at night and the manager's apartment is less than 30 feet away from the three equipment cabinets; The conditions of approval require an acoustical study to be prepared prior to the issuance of building

Don Bussey
 County of Santa Cruz Planning Department
 April 6, 2006
 Page 7 of 11

permits to assure that there will be no noise impacts. (Staff Report p. 15.) This is impermissible deferred mitigation. The study should be done now as part of an initial study so that these impacts can properly be considered and mitigated.

The project also defers mitigation of potential safety impacts. The equipment cabinets are located less than ten feet away from a large lumber storage facility. The lumber storage facility sits approximately at the property line with no fence separating the two sites. This is a potential fire hazard that must be considered as part of the project. The conditions of approval require details showing the project can comply with Fire Department requirements prior to issuance of a building permit. This showing should be required prior to project consideration.

d. Potential health impacts can be considered

Further, there is the possibility of adverse health effects from low-frequency/radio frequency electromagnetic radiation. While the Federal Telecommunications Act ("TCA") prohibits local governments from denying cellular installations based solely upon a finding of negative health effects from radio frequency radiation, these health effects may be considered as part of the decision making process in conjunction with other impacts.¹ The area where the project is to be installed is largely residential, making the impacts of radiation more significant because there will be longer periods of exposure, in particular for sensitive persons, including young children and the elderly.

2. There are Unusual Circumstances

Unusual circumstances under CEQA Guidelines section 15300.2(c) exist when "the circumstances of a particular project (i) differ from the general circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental risk that does not exist for the general class of exempt projects." (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1207.)

¹ The TCA states that the placement of cellular facilities may not be regulated "on the basis of the environmental effects of radio frequency emissions." Cellular service providers would like to have you believe this means a board may not hear any evidence of the health effects from these towers. Courts have held differently.

The 2nd Circuit Court of Appeals found that raising health concerns does not violate TCA, but testimony and denial cannot be "almost exclusively" pertaining to the health effects. There must be substantial evidence there are other reasons for the denial. (*Cellular Telephone Co. v. Town of Oyster Bay*, 166 F.3d 490, 493-94 (2nd Cir. 1999).) Therefore citizens may testify and the Zoning Administrator may take into account testimony regarding the negative health impacts that radio frequency emissions may have as described above.

Don Bussey
 County of Santa Cruz Planning Department
 April 6, 2006
 Page 8 of 11

As stated above, this project differs from the **general** circumstances of the projects covered by a Class 3 categorical exemption. None of the other examples **listed** in Guidelines section **15303** involve structures that would emit electromagnetic or any other type of radiation.

Additionally, the location of the project provides unusual circumstances. The area, while zoned **Community Commercial**, has a **high** concentration residential uses. The **equipment** cabinets will be placed only a **short** distance **from** the Public Storage manager's apartment and the antennas **are** only slightly further away and located on a building adjacent to a mobile home park and other residential neighborhoods. **The County of Santa Cruz** recognizes the lack of safety of putting cellular antennas near residents by specifically restricting antennas in residential districts. **County Code section 13.10.660(b)(5)** states:

Commercial wireless communication facilities are commercial uses and as such are generally incompatible with the character of residential zones in the County and, therefore, should not be located on residentially zoned parcels unless it **can** be proven **that** there **are** no alternative nonresidential sites **from which can** be provided the coverage needed to eliminate or substantially reduce significant gaps in the applicant carrier's coverage network.

Further, this project is out of compliance with the Santa Cruz County Code sections allowing for cellular installations and adequate findings have not been made to allow the lack of compliance. There are significant environmental risks caused by these unusual circumstances as discussed in the previous section. Therefore, a Class 3 exemption is unavailable because there is a likelihood of significant impacts due to unusual circumstances.

B. An Exception to the Class 3 Exemption Applies Due to Cumulative Impacts

If the Class 3 exemption was found to include the project, CEQA review is still required because the cumulative impacts of the project preclude use of the exemption. CEQA Guidelines section 15300.2(b) states "All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." There is a strong preference for co-location of cellular facilities under the Santa Cruz County Code. (Sections 13.10.661(g) and 13.10.662(b)(14).) Therefore, by opening this site up to one cellular facility, there is a strong likelihood that other cellular operators will choose to locate at this site as well. Each will require additional antennas and equipment cabinets. The further development

Don Bussey
County of Santa Cruz Planning Department
April 6, 2006
Page 9 of 11

of cellular facilities at this **site**, encouraged under the **county Code**, is a cumulative impact **that prevents** the use of a categorical exemption for **this project**. This impact is **also required to be analyzed** by **County Code** section 13.10662(13)(B)(v), but is not.

III. THE PROJECT CANNOT BE APPROVED UNTIL PROPER ENVIRONMENTAL REVIEW DOCUMENTS HAVE BEEN PREPARED.

A **Class 3 exemption** to CEQA is **not** applicable to the **project** and unavailable due to the significant **impacts of the project** caused by cumulative **impacts and unusual circumstances**. Thus, before the permits can be approved for Metro PCS, an initial study must be prepared and the **County** must **evaluate** the impacts of the **project** and decide **whether to prepare an Environmental Impact Report, a Negative Declaration, or a Mitigated Negative Declaration**.

IV. THE PROJECT DOES NOT COMPLY WITH THE COUNTY CODE.

A. Co-location Should Be Considered

County Code section 13.10.661(g) states **To-location** of new wireless communication **facilities** into/onto existing wireless communication facilities and/or **existing telecommunication towers** is **generally encouraged**. **Additionally**, "If a co-location agreement **cannot** be obtained, or if co-location is determined **to be technically infeasible**, documentation of **the effort and the reasons** why co-location **was** not possible shall be **submitted**," **Section 13.10.662(b)(14)** requires the submission of information regarding the feasibility of joint-use antenna facilities. Specifically, **findings** must be **made as to whether it is "feasible to locate the proposed sites where facilities currently exist"**, information must be provided **on the nearest existing structure** and **"written notification of refusal of the existing structure owner to lease space on the structure"** must be **submitted**.

The finding that co-location is not available for **the proposed project** has not been made and there is **no evidence in the staff report** that it can be made. **The project** applicant is **required** to pursue co-locating this facility before **constructing** a new wireless facility at this site. There is a large tower less than a mile away on **Bulb Avenue** that should have **been** considered for co-location, in addition to any other cellular facility sites in the vicinity.

B. Metro PCS's Plans Are Not Adequately Disclosed

County Code section 13.10.662(b)(5) requires disclosure of **existing** facilities and plans for expansion **purposed** and anticipated **future** facilities. There is no discussion in

Don Bussey
County of Santa Cruz Planning Department
April 6, 2006
Page 10 of 11

the staff report of current **Metro PCS** facilities or **this provider's plans** future plans for additional facilities in the **area**.

County Code section 13.10.662(b)(11) and (d) **require detailed visual analysis** of a proposed **wireless facility**, including photo **simulations** and **mock ups**. Here, **the only thing that is provided** is a photo simulation of the antennas that does not appear to show the proposed **screening** for the **antennas and does not show the tray** for the cable that would **run** along the **buildings** or the equipment cabinets. Neither the height of the equipment cabinets **nor the fence around them** have been disclosed in the site plans. **More detailed visual assessments** are required before the project can be considered,

Further, County Code section 13.10.662(13)(A)(vi) requires **the submission** of a drainage plan with the application for permits. This has not **been submitted** and the conditions of approval do not require it **to be submitted until** a building permit is **sought**. (**Staff Report p. 16.**) **This plan** should already have **been provided so that** the potential drainage impacts can be **assessed** prior to project **consideration**.

V. DENYING THE PLANNED DEVELOPMENT PERMIT WILL NOT VIOLATE THE TELECOMMUNICATIONS ACT OF 1996

While the TCA does **impose** some limitations, it does not override local **authority**. According to the 2nd Circuit Court of **Appeals**, **the TCA has explicitly preserved** local zoning **authority** over cell **tower siting**, but has made it **subject** to judicial oversight. (*Cellular Telephone Co. v. Town of Oyster Bay*, 166 F.3d 490, 493 (2nd Cir. 1999).) **Courts have found that** no "**more than a mere scintilla**" of evidence before the deciding agency on the negative impacts of the cell site is all that is **required** to deny a permit for a cellular installation. (*Id.* at 494.)

The TCA does not allow providers to construct any **and all wireless communications facilities** it deems necessary to compete **with** other telecommunications providers. (*Sprint Spectrum L.P. V. Willoth*, 176 F.3d 630, 639 (2nd Cir. 1999).) The TCA's **goals** of expanding wireless service does not **trump** all **other** considerations, **including a local government's preservation of autonomy**. (*Ibid.*) In addition, the 2nd **Circuit** held allowing all applicants to be approved is a disincentive for wireless **service providers** to develop and deploy **new technology that will provide better transmission and reception** with less intrusive **towers, which is a goal** of the TCA's **to increase innovation**. (*Id.* at 640.)

Also, **case-by-case** denials of permits for **particular sites cannot** be construed as a denial of wireless services **under 704(c)(7)(b)(I)(II)**, unless service could feasibly be provided from only one site. (*AT&T Wireless PCS v. City Council of Virginia Beach* 155

Don Bussey
County of Santa Cruz Planning Department
April 6, 2006
Page 11 of 11

F3d 423,428-429 (4th Cir. 1998).) **This** complete **lack** of feasibility is **extremely** unlikely in the real world and more importantly Metro PCS **has provided no** evidence to prove it.

The 1st Circuit has held that it **was** allowable under the TCA to deny permit to locate a ~~tower~~ within a town's historic district since it was not "technically essential." (*Omnipoint v. Amherst*, 173 F.3d 9, 15 (1st Cir. 1999).) Additionally, it **is** the applicant's burden to provide evidence that no alternative sites exist for purposes of section 704, not the governing body's (*Southwestern Bell Mobile Systems, Inc v. Todd*, 244 F.3d 51 (1st Cir. 2001).) Here Metro PCS **has not shown** it is "technically essential" to place its cellular facility at this site.

The 9th Circuit has recently upheld the **holdings** of these decisions. (*MetroPCS v. City and County of San Francisco* 400 F.3d 715,726 (9th Cir. 2004).) Substantial evidence **required** under the TCA for prohibition of a cellular facility is to be in the context of state and local laws. (*Id.* at 724.) **There is** substantial evidence in the context of CEQA and the County Code that **this** project will have **numerous** negative impacts on the public. **The Court also found that where** there were no bans on cellular installations and there **was** service available by at least one provider, the city **had not violated the** TCA by prohibiting wireless service. (*Id.* at 730-734.) Here there are other carriers that provide service in the area.

V. CONCLUSION

The cellular installation project at 3840 Portola Drive **does** not comply with CEQA or the Santa Cruz County Code. Therefore, we request **you** deny approval of the permits for the proposed project. Thank you for your consideration.

Sincerely,



Amy Minter

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May 19, 2006

Via Facsimile (831-454-2131) and Email

Don Bussey
Deputy Zoning Administrator
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Re: Opposition to Application OS-0444 for Metro PCS Cellular Facility at 3840
Portola Drive

Dear Mr. Bussey,

On behalf of Deborah Salisbury and the Pleasure Point Neighbors we renew our request that you deny the Metro PCS application for an Amendment to Planned Development Permit 83-18-PD, Coastal Development Permit 83-53-CZ, Commercial Development Permit 86-0134 and Coastal Development Permit 88-0251 that would permit a wireless communication facility on the roof of an existing Public Storage building at 3840 Portola Drive. Metro PCS proposes to attach six flush-mounted antennas and a Global Positioning System (GPS) antenna to the existing building. Metro PCS has modified the project to now include the installation of three associated equipment cabinets inside the building located at 3840 Portola Drive ("the project"). Due to this change in the project, Metro PCS now proposes to mount an air conditioning unit on the roof of this building as well.

While the proposed changes to the project would alleviate some of the drainage, biological and noise impacts locating the equipment cabinets outside on a concrete slab would have, many project impacts remain and new impacts are likely to occur. Thus, approving the project without environmental review would still be a violation of the California Environmental Quality Act (CEQA) because the project does not qualify for a class 3 exemption from CEQA under CEQA Guidelines section 15303. As explained in our letter of April 6, 2006, class 3 exemptions do not apply to cellular installations. Further, the exemption is unavailable for this project because the project would have cumulative impacts and significant impacts due to unusual circumstances that preclude the County from using this exemption. Additionally, the project is not in compliance with the relevant Santa Cruz County Code requirements.

Don Bussey
County of Santa Cruz Planning Department
May 19, 2006
Page 2 of 7

I. A CLASS 3 CEQA EXEMPTION IS NOT APPLICABLE TO METRO PCS'S CELLULAR INSTALLATION

As discussed in our previous letter, the Class 3 exemption to CEQA's requirements for environmental review prior to project approval, set forth in CEQA Guideline 15303, is not applicable to the proposed project, regardless of where the equipment cabinets are located. This section states that:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

The Guidelines list the following as examples of Class 3 exemptions:

(a) One single-family residence, or a second dwelling unit in a residential zone... (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units... (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area... [i]n urbanized areas . . . up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use.... (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction... (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences... (f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act [citation] and accepts no offsite waste.

While the Guidelines specify the use of the Class 3 exemption is not limited to the examples, courts have relied upon a project's similarity with one of the listed examples when considering whether the exemption should apply. (*Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098 [one single-family residence]; *Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243 [expansion of retail structure of less than 10,000 square feet in an urbanized area]; *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [one single-family

Don Bussey
County of Santa Cruz Planning Department
May 19, 2006
Page 3 of 7

residence].) In deciding whether a Class 3 exemption should apply to a project, the Court of Appeal in *Centinela Hospital Assn. v. City of Inglewood* (1990) 225 Cal.App.3d found

As a matter of law, we conclude that the proposed facility herein falls within the class 3 exemption because it is similar to both the apartments and duplexes permitted under subdivision(b) and the small commercial structures permitted under subdivision (c) of Guidelines section 15303.

(*Id.* at 1600.) Additionally, in *Fairbanks*, *supra* 75 Cal.App.4th 720 the court required strict compliance with the parameters set forth in subsection (c) of 15303's list of examples in order for the class 3 exemption to apply. (*Id.* at 1253-1254.) As the California Resources Agency has explained: "[Section 15303] describes the class of small projects involving new construction or conversion of existing small structures. The 1998 revisions [which added more detailed descriptions of the subsections] clarify the types of projects to which it applies." (http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html) These revisions **did not** clarify the section to include wireless facilities.

The wireless facility proposed by this project does not fall within any of the categories of examples for a class 3 exemption, thus the exemption is not applicable to the project. The closest is subsection (d), but the project does not comply with this example's requirement that the utility being installed be an extension and be for the service of the existing structures on the site. The wireless facility is a completely separate commercial venture, unrelated to the Public Storage business located on site. The project is not being installed to serve this business. Thus under court's holding in *Fairbanks*, the project cannot use this exemption to avoid the application of CEQA. The cellular installation is a revenue-generating structure, completely separate from and unrelated to the existing commercial development already in place at this site and thus a class 3 exemption is not applicable.

Further, the County Code states that "All wireless communication facilities ...are subject to the California Environmental Quality Act." (Santa Cruz County Code section 13.10.661.) It is clear from this statement that the County did not intend wireless facilities to be allowed to use any exemption to CEQA. A categorical exemption "exempts a project from the provisions of CEQA" (CEQA Guidelines section 15300), therefore if a categorical exemption is used for a project, the project is not subject to CEQA. To allow Metro PCS to use a categorical exemption for this wireless facility would be a violation of the County Code.

II. THE CLASS 3 EXEMPTION IS UNAVAILABLE FOR THE PROJECT

CEQA Guidelines section 15300.2 provides instances in which a class 3 exemption to CEQA review is unavailable. This Guideline lists situations in which significant impacts are to be inferred, even though an exemption would otherwise apply, therefore making the exemption unavailable.

A. A Class 3 Exemption is Unavailable Because the Project Will Have a Significant Impact Due to Unusual Circumstances.

The project is excepted from using the class 3 exemption by 15300.2(c), which provides that “[a] categorical exemption shall not be used for **an** activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.”

1. There is a Reasonable Possibility of Significant Impacts

There is a reasonable possibility that this project will have significant safety, noise, biological and aesthetic impacts, making the class 3 exemption unavailable.

Metro PCS’s revised plan to place the equipment cabinets inside a storage unit in the Public Storage building may cause a significant fire hazard. The cabinets require an air conditioning unit be installed due to the fire hazard the installation of this equipment would otherwise cause. There is no discussion of a contingency plan if the air conditioner is not working. Also, there needs to be an investigation and condition of approval as to the materials that should not be allowed in adjoining storage units. Highly flammable materials should not be allowed.

Secondly, the visual impacts of the air conditioner unit that is part of the project have not been properly disclosed. The air conditioner unit is to be located on the roof of the building, but the photo simulation prepared by Metro PCS does not include this unit. The visual characteristics of this unit, including precisely how it will be screened, need to be adequately disclosed prior to project approval so that aesthetic impacts can properly be considered.

Also, the noise from this air conditioner unit could have a significant impact on the nearby residences. Other than residential uses, this neighborhood **has** some commercial establishments, all of which are closed and silent at night. The area is very quiet at night and the impact of the noise from the air conditioner unit needs to be considered and, if necessary, mitigated prior to project approval. Metro PCS claims that there will be noise screening of the air conditioner unit, but defers any discussion of the methods for

Don Bussey
County of Santa Cruz Planning Department
May 19, 2006
Page 5 of 7

screening until after project approval. The Court of Appeal has held that it is improper to defer the development and implementation of mitigation measures until after project approval. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308.) Further, "eligibility for a categorical exemption must be determined without reference to mitigation measures." (*Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1104.) That mitigation for the noise impacts of this project are required demonstrates that a categorical exemption is unavailable.

The project may also have a biological impact through the installation of the underground cable. These cables will be located only a short distance away from large Canary pine trees on the project site. These trees have extension root systems, as indicated by the arborist's report, and the County must ensure that digging the trench will not impact the root systems of any trees on the project site.

2. There are Unusual Circumstances

Unusual circumstances under CEQA Guidelines section 15300.2(c) exist when "the circumstances of a particular project ~~differs~~ differ from the general circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental **risk** that does not exist for the general class of exempt projects." (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1207.)

As stated above, this project differs from the general circumstances of the projects covered by a class 3 categorical exemption. None of the other examples listed in Guidelines section 15303 involve structures that would emit electromagnetic or any other type of radiation. Nor do they include revenue-generating structures that are completely separate from and unrelated to the commercial structures already located on the site.

Additionally, the location of the project provides unusual circumstances. The area; while zoned Community Commercial, has a high concentration of residential uses. The antennas are located on a building adjacent to a mobile home park and an apartment complex. The Public Storage building manager has an apartment on the project site and other residential neighborhoods surround the project site. The County Of Santa Cruz recognizes the lack of safety of putting cellular antennas near residents by specifically restricting antennas in residential districts. County Code section 13.10.660(b)(5) states:

Commercial wireless communication facilities are commercial uses and as such are generally incompatible with the character of residential zones in the County and, therefore, should not be located on residentially zoned parcels unless it can be proven that there are no alternative nonresidential

Don Bussey
County of Santa Cruz Planning Department
May 19, 2006
Page 6 of 7

sites from which can be provided the coverage needed to eliminate or substantially reduce significant gaps in the applicant carrier's coverage network.

While the project is technically in a commercial zone, the intent of the section applies because it will impact a residential area.

This project is out of compliance with the Santa Cruz County Code sections allowing for cellular installations and adequate findings have not been made to allow the lack of compliance. There are significant environmental risks caused by these unusual circumstances as discussed in the previous section. Therefore, a class 3 exemption is unavailable because there is a likelihood of significant impacts due to unusual circumstances.

III. THE PROJECT CANNOT BE APPROVED UNTIL PROPER ENVIRONMENTAL REVIEW DOCUMENTS HAVE BEEN PREPARED.

A class 3 exemption to CEQA is not applicable to the project and unavailable due to the significant impacts of the project caused by cumulative impacts and unusual circumstances. Thus, before the permits can be evaluated by the County, an initial study must be prepared and the County must evaluate the impacts of the project and the County must decide whether to prepare an Environmental Impact Report, a Negative Declaration, or a Mitigated Negative Declaration.

IV. THE PROJECT DOES NOT COMPLY WITH THE COUNTY CODE.

The revised plans for the project do not rectify the project's many violations of the County Code. The Santa Cruz County Code, in recognition of the potential hazards associated with the proliferation of cellular installation, has placed many requirements on these facilities. The Metro PCS project fails to meet all of these requirements.

County Code section 13.10.662(b)(5) requires disclosure of existing facilities and plans for expansion purposed and anticipated future facilities. There must be detailed discussion of current Metro PCS facilities and this provider's future plans for additional facilities in the area.

County Code section 13.10.663(b)(10) contains numerous requirements for ensuring fire prevention and emergency response including:

(A) At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;

Don Bussey
County of Santa Cruz Planning Department
May 19, 2006
Page 7 of 7

(B) Rapid ~~entry~~ (KNOX) systems shall be installed as required by the Fire Chief;

(E) For the protection of emergency response personnel, at any wireless communication facility where there is the possibility that RF radiation levels in excess of the FCC public exposure limit could be experienced by emergency response personnel working in close proximity to antennas/RF-emitting devices, said facility shall have an on-site emergency power shut-off (e.g., "kill switch") to de-energize all RF-related circuitry/componentry at the base station site, or some other method (acceptable to the local Fire Chief) for de-energizing the facility.

There is no evidence that the Metro PCS application meets these requirements.

County Code section 13.10.662(b)(11) and (d) require detailed visual analysis of a proposed wireless facility, including photo simulations and mock ups. Here, the only thing that is provided is a photo simulation of the antennas that does not appear to show the proposed screening for the antennas and does not show the tray for the cable that would run along the buildings or the newly proposed air conditioner unit. More detailed visual assessments are required before the project can be considered.

V. CONCLUSION

The cellular installation project at 3840 Portola Drive does not comply with CEQA or the Santa Cruz County Code. Therefore, we request you deny approval of the permits for the proposed project. Thank you for your consideration.

Sincerely,



Amy Minter



**CENTRAL
FIRE PROTECTION DISTRICT**
of Santa Cruz County
Fire Prevention Division

930 17" Avenue, Santa Cruz, CA 95062
phone (831) 479-6843 fax (831) 479-6847

Date: May 2, 2006
To: Evan Shepherd Reiff
Applicant: same
From: Tom Wiley
Subject: cell equipment location
Address: 3840 Portola Dr.
APN: 032-091-02
OCC: 1105
Permit: 20060145

Based upon a review of the plans submitted, District requirements appear to have been met, and PLANS ARE APPROVED FOR PERMIT.

The job copies of the building and fire system plans and permits must be on-site during inspection.

Upon completion of the above listed requirements please call the Fire Prevention Division to set up an appointment for an inspection. You will be asked for an address and Assessors Parcel Number (APN). A **MINIMUM OF 48 HOURS NOTICE** to the fire department is required prior to inspection.

Submit a check in the amount of \$90.00 for this particular plan check, made payable to Central Fire Protection District. INVOICE MAILED TO APPLICANT. Other fees may be incurred. Please contact the Fire Prevention Secretary for total fees due for your project. Fire District fees must be paid and a receipt for District fees must be presented to the County Planning Department before Building Permit issuance.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at tomw@centrfdgd.com. All other questions may be directed to Fire Prevention at (831) 479-6843.

CC: File

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.
1105-050206

Annette Olson

From: Evan Shepherd Reiff [esreiff@peacockassociates.com]
Sent: Wednesday, May 17, 2006 10:15 AM
To: Annette Olson
Subject: R E 05-0444- 3840 Portola drive- SF16650

The Sprint site at Brommer/17th was a potential candidate for a search ring in that area (you will recall someone presenting at a hearing that the Fire Station there decided not to rent to MetroPCS). The County file on the Sprint Site shows that Nextel approached the County and received feedback that only antennas that were internal to the pole would be approved. MetroPCS approached Sprint for this design and was told that they would not be able to lease to MetroPCS; it is our assumption that with the Sprint/Nextel merger, that Sprint is reserving space for a future Nextel site there.

As this is a separate search ring for MetroPCS, this ring would not cover the Pleasure point area. In review of the submitted RF plots, you can see that the 1665 (the pleasure point site) does not cover the area in Brommer/17th (1671).

If you have any additional questions, please do not hesitate to contact me. Evan



Evan Shepherd Reiff, MRP
Planning and Zoning Manager
 5900 Hollis Street R1
 Emeryville, CA 94608
 Cell: 831.345.2245
 Fax: 831.438.0845

From: Annette Olson [mailto:PLN143@co.santa-cruz.ca.us]
Sent: Friday, May 12, 2006 4:39 PM
To: Evan Shepherd Reiff
Subject: RE: 05-0444- 3840 Portola drive- SF16650

Hi Evan.

Thanks very much for your evaluation of the SBC site. As a follow-up, did you consider the Brommer St/17th Ave site (the carrier is Sprint)? It's important that all of the potential co-location sites are evaluated.

Best,
 Annette

-----Original Message-----

From: Evan Shepherd Reiff [mailto:esreiff@peacockassociates.com]
Sent: Wednesday, April 26, 2006 12:34 PM
To: Annette Olson
Subject: 05-0444- 3840 Portola drive- SF16650

Annette:

As requested, I am responding to a concerned citizen's request for additional information pursuant to 13.10.662(14) "Submittal requirements if new site, not collocation". The Site in question by the concerned citizen is at the SBC building at 3640 Capitola Rd. It is a collocation with Verizon, Nextel, and Cingular.

This site **is** adjacent to a recently approved MetroPCS site at the Capitola Mall. We had originally investigated the SBC site and were turned away by Capitola Planning due to restrictions in their new wireless ordinance #862, Section 17.98.080(B) whereby Wireless communicty facilities are prohibited within or 500 feet from residential districts. A residential district and development are adjacent to the SBC site.

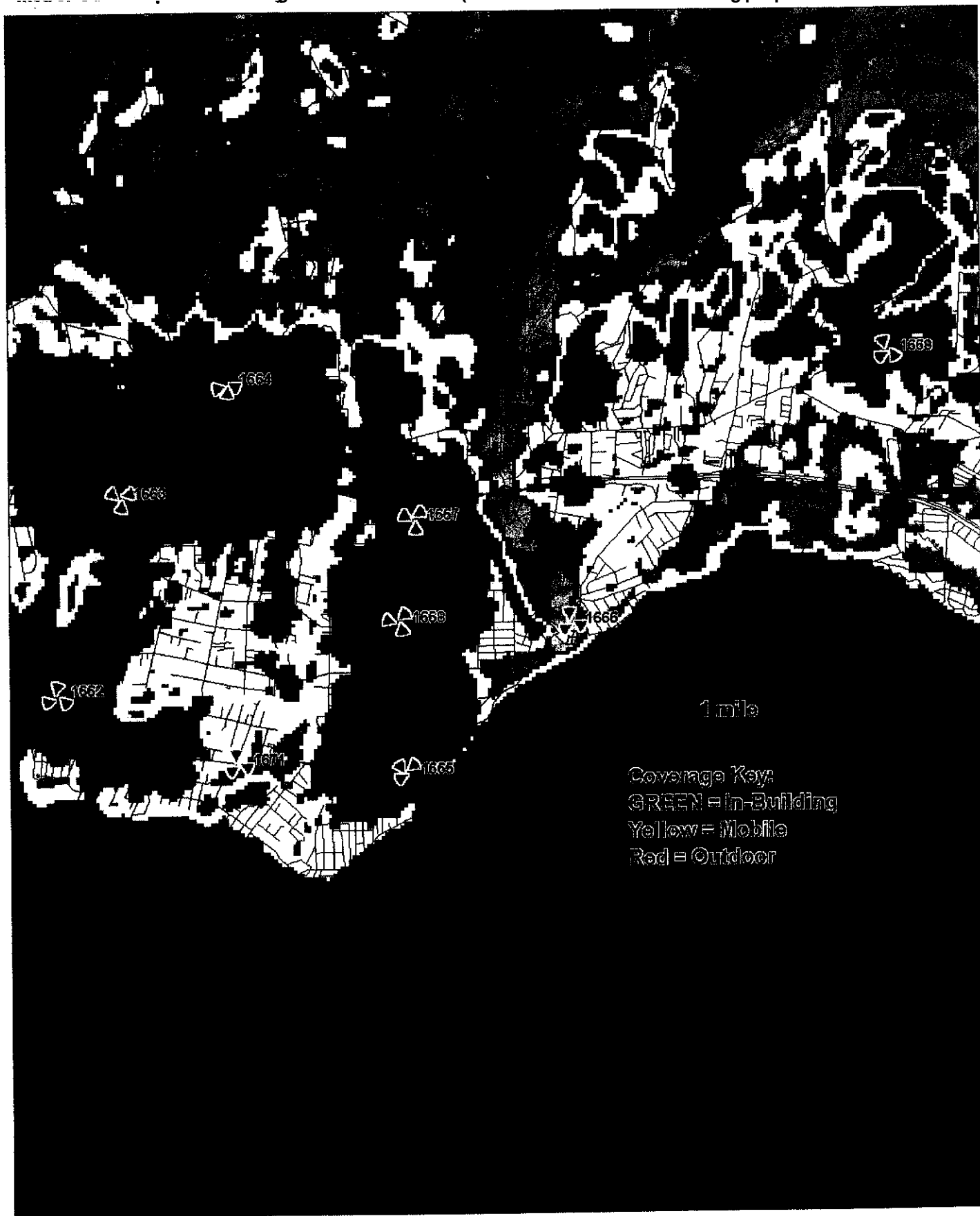
In additlon, the site at the Capitola Mall (or the SBC site) are too far from the proposed site at 3840 Portola Drive. The attached coverage maps for the area, and showing the Capitola Mall site (SF1658), show that the mall site does not provide coverage into Capitola Village, along Portola to Capitola and also to a yet undertmined site (SSF1671), and does not eliminate many red zones in the Pleasure Point area and in Capitola. (The coverage plots show Green as in-building coverage which is every wireless company's objective),

Lastly, it is important to understand that with the cost of **the** permits, construction, and leases, sites are only issued by the Radio Engineer when there is a need for network stability and coverage.

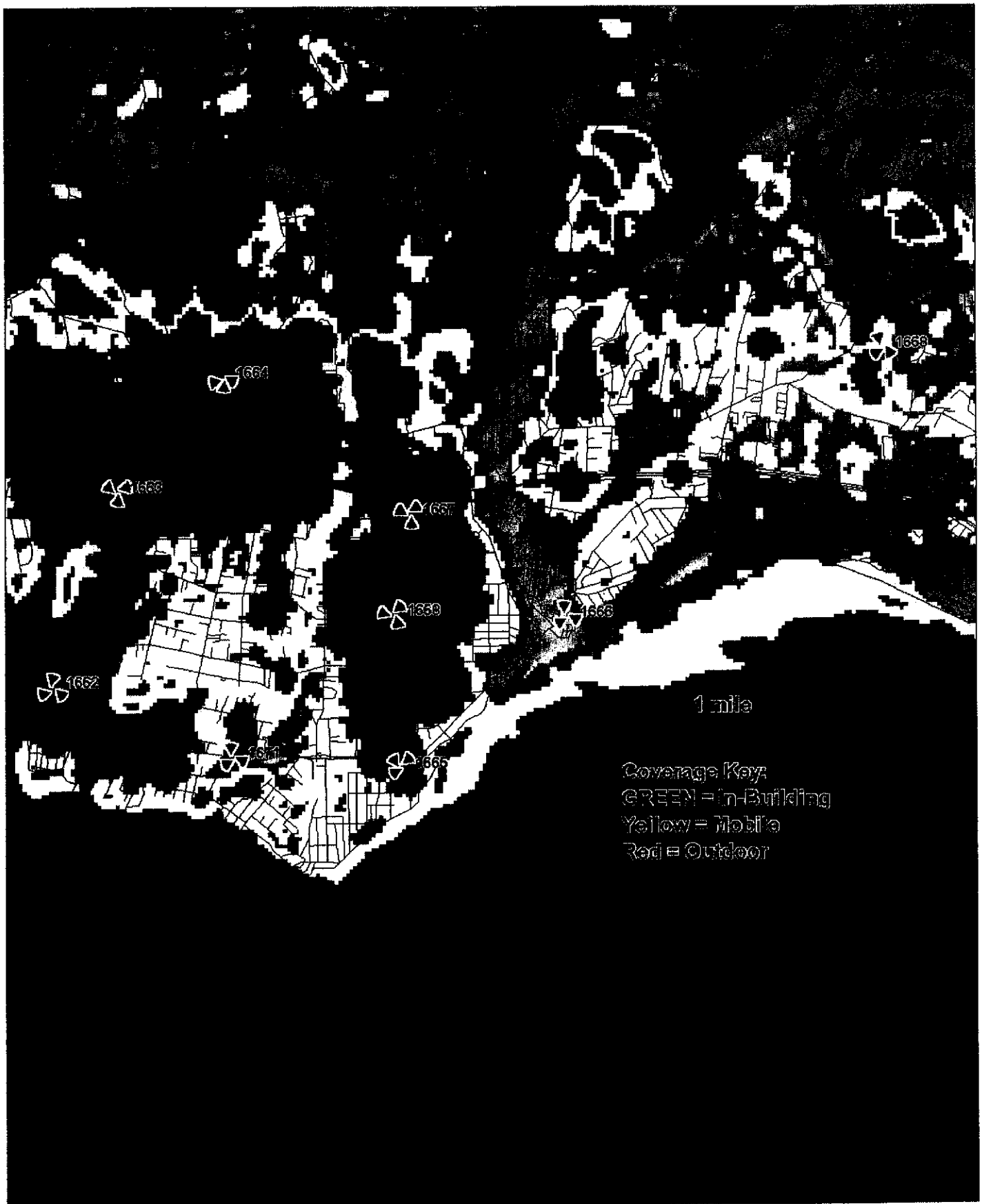
If you have any questions, please do not hesitate to call or email. Thanks, Evan



Evan Shepherd Reiff, WRP
Planning and Zoning Manager
5900 Hollis Street R1
Emeryville, CA 94608
Cell: 831.345.2245
Fax: 831.438.0845



July 12th 2005



July 12th 2005

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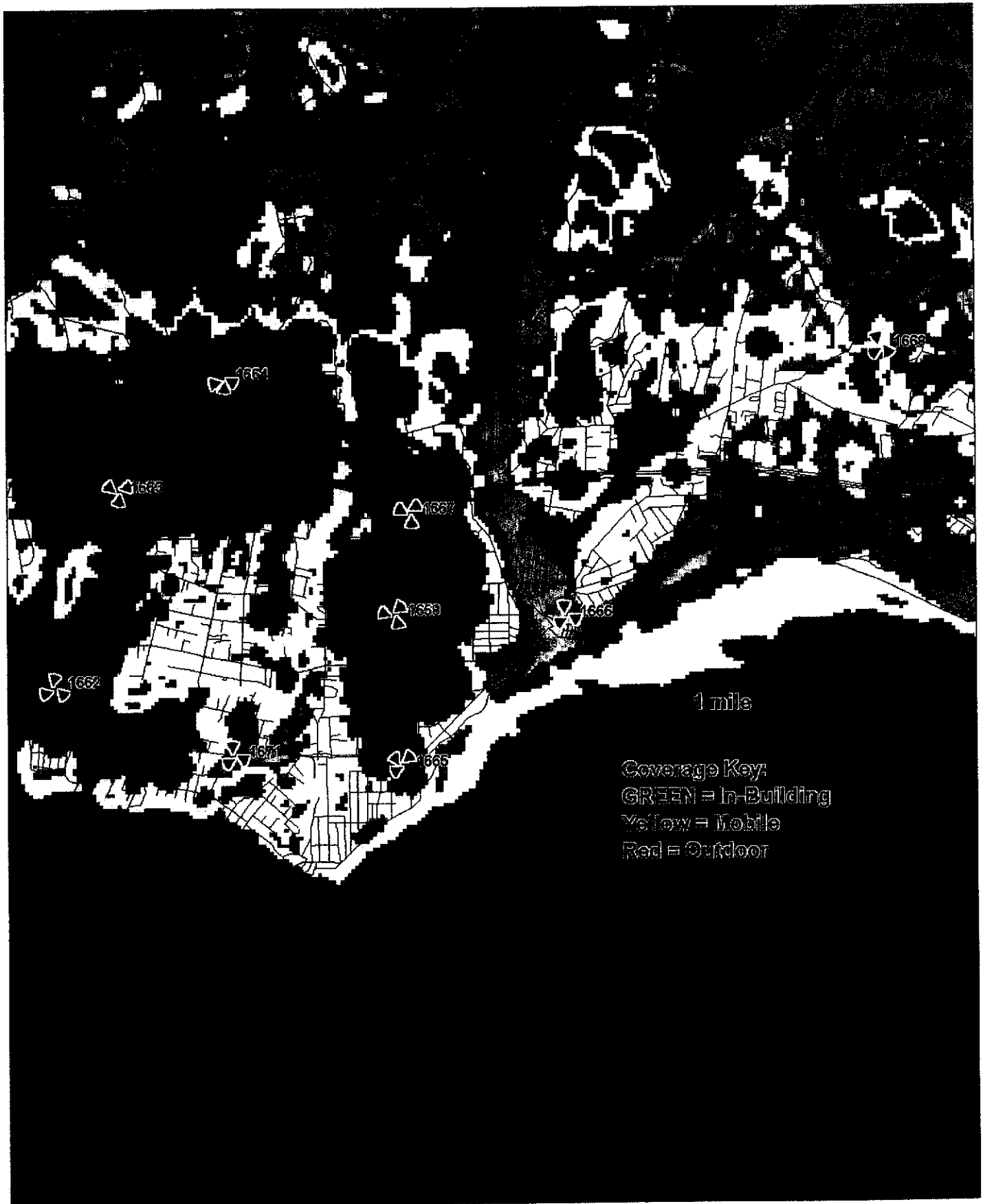
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Lastly, it is important to understand that with the cost of the permits, construction, and leases, sites are only issued by the Radio Engineer when there is a need for network stability and coverage.

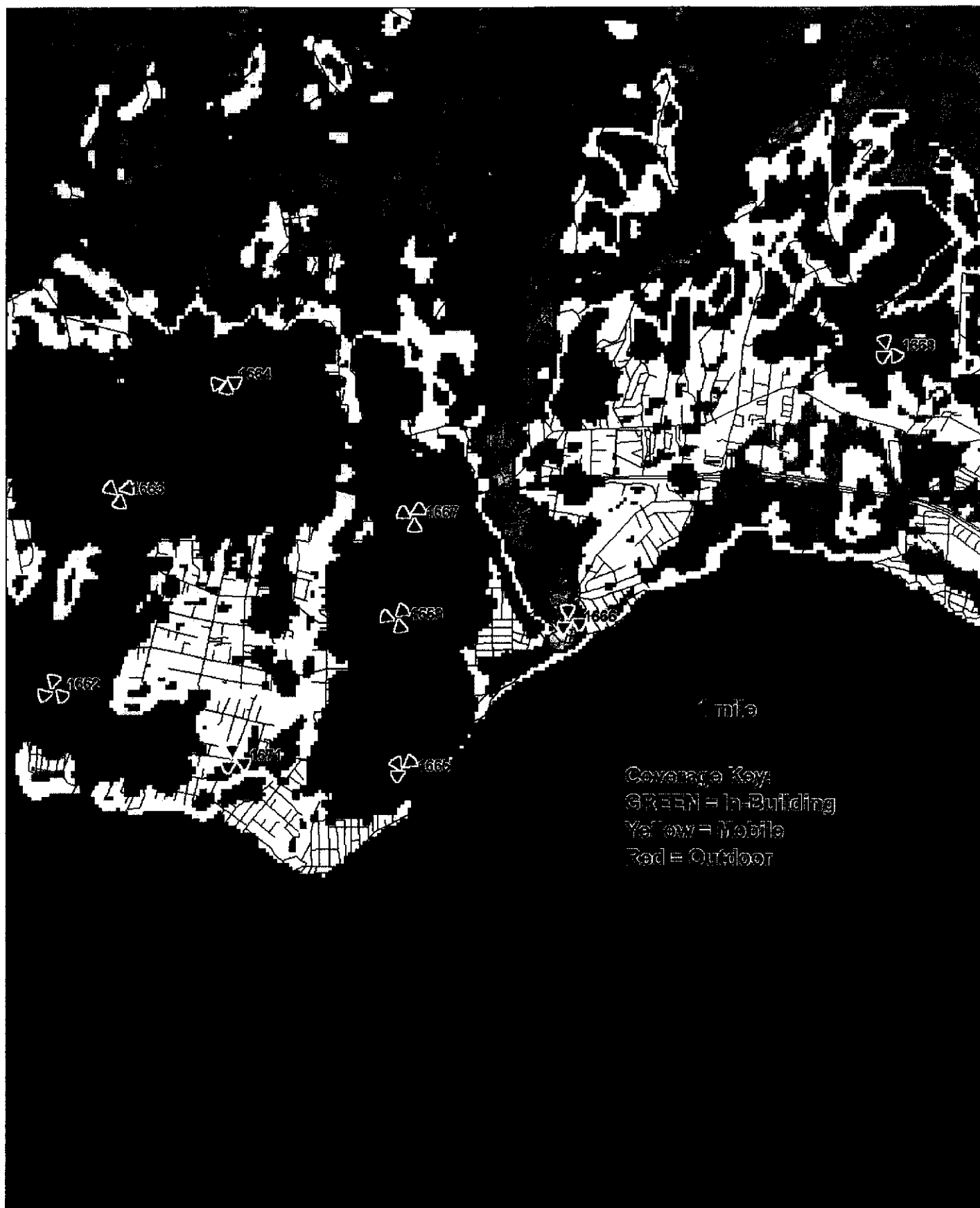
If you have any questions, please do not hesitate to call or email. Thanks, Evan



Evan Shepherd Reiff, MRP
Planning and Zoning Manager
5900 Hollis Street R1
Emeryville, CA 94608
Cell: 831.345.2245
Fax: 831.438.0845



July 12th 2005



July 12th 2005

Annette Olson

From: Evan Shepherd Reiff [esreiff@peacockassociates.com]
Sent: Wednesday, May 17, 2006 10:55 AM
To: Annette Olson
cc: Kresston Haynes; Kersten Rutherford; Jason Phelan
Subject: FW: SF16650 Pleasure Point Public Storage AC unit

Hi Annette:

Attached is the AC unit specifications. It is a roof mounted unit. The mfg's published noise level of 76 decibels is at the unit. The County guidelines for noise is at the property line approx 40 away. In addition, we have proposed a roof equipment screen wall which will significantly attenuate the AC noise. Therefore, noise levels at the adjacent property lines must be measured on site.

We will be ok to receive a condition of approval that the site meet all County Noise Guidelines per the General Plan, and that noise level compliance documentation, from an independent consultant, be provided prior to final inspection and issuance of the "certificate of occupancy".

Please let me know if I can provide you with any additional information. Evan



Evan Shepherd Reiff, MRP
Planning and Zoning Manager
 5900 Hollis Street R1
 Emeryville, CA 94608
 Cell: 831.345.2245
 Fax: 831.438.0845

From: Jason Phelan
Sent: Tuesday, May 09, 2006 5:26 PM
To: Evan Shepherd Reiff
Cc: Rutherford, Kersten
Subject: RE: SF16650 Pleasure Point Public Storage status?

Evan,

Here you go. The mechanical engineer Denver from BMA stopped by the office today and gave me the specs on the HVAC unit. Since we know what equipment cabinet you are going to use indoors we can speculate either the 50HJ004 or 50HJ005 should suffice (red arrows.) The sound specifications are on the last page. This HVAC unit has the condenser and supply and return air built into it (since we can mount it directly above the room this might be a cheaper alternative than getting a condenser unit on the roof and running condenser lines into the room to fan coils either wall mounted or ceiling mounted.) When it comes to sound levels, remember that the specifications are for direct line of site and we are proposing a screenwall around the HVAC unit therefore the sound levels will be less. Let me know how this goes. Thanks.

Jason W. Phelan
Project Coordinator
Omni Design Group, Inc.

5/17/2006

83

EXHIBIT G

EIT Certificate No. 117723

100 Crass Street Suite 101
San Luis Obispo, CA 93401
Phons: (805) 544-9700
Fax: (805) 544-4327
E-mail: jphelan@omnidesigngroup.com

From: Evan Shepherd Reiff [<mailto:esreiff@peacockassociates.com>]
Sent: Monday, May 08, 2006 4:32 PM
To: Jason Phelan
Cc: Rutherford, Kersten
Subject: RE: SF16650 Pleasure Point Public Storage status?

Jason: The zoning hearing has been continued to 6/2. End of new information by 5/19. I expect that this one will be taken up by the County Supervisors. BUT, I need the **AC** informaton including model, cut sheet, noise standards ASAP so I can complete my submittal by the cutoff. Can you please send me that info? Thanks Evan



Evan Shepherd Reiff, MRP
Planning and Zoning Manager
5900 Hollis Street R1
Emeryville, CA 94608
tell: 831.345.2245
Fax: 831.438.0845

5/17/2006

84

EXHIBIT G

Date:	Supersedes:	501J004, 005, 006, 007, 008, 009, 012 & 014 SINGLE-PACKAGE COOLING UNITS WITH FIELD-INSTALLED ELECTRIC HEAT	501H	Rev: -15SB
JOB NAME:		LOCATION:		
BUYER:		BUYER P.O. #	CARRIER#	
UNIT NUMBER:		MODEL NUMBER:		
PERFORMANCE DATA CERTIFIED BY:				DATE:



DESCRIPTION

Units are one-piece, cooling only units, with a low profile, prewired, tested and charged at the factory. The units have convertible supply and return openings and are intended for installation on an accessory curb (ordered separately), or for slab mounting (for horizontal duct connections). Units are designed to accept field-installed electric heaters. Units may be ordered with an array of factory-installed options as well as several choices of electric heat per unit.

STANDARD FEATURES

Standard one-year full product warranty.
Five-year protection plan for the motor-compressor.
SEER to 13.0, EER up to 11.6.
Downflow to horizontal convertible for slab mounting.
Low outdoor temperature cooling operation to 25 F (-4 C) as standard.
Units are tested and certified by ARI and certified by UL and UL, Canada.
Factory-run test printout included with each rooftop unit.
24-volt control circuit, with resettable circuit breaker.
Exclusive Cycle-LOC™ compressor anti-cycle protection.
Two-inch disposable-type return air filters in dedicated rack.
Independent circuit with internal line break and overload protection, self-lubricating with internal discharge muffler.
Refrigerant circuit contains a filter drier to trap dirt and moisture.
Scroll compression standard.
Adjustable motor pulley belt drive evaporator fan standard on all size units, with permanently lubricated high-static motors.
Noncorrosive composite condensate pan with self-draining sloping design and both bottom and side drain connections in accordance with ASHRAE standards.
Loss-of-charge, freeze protection, and high-pressure safety switches.

Standard thru-the-bottom power entry capability.
Indoor and outdoor coils constructed of lanced aluminum fins mechanically bonded to internally grooved seamless copper tubes.
Available corrosion resistant coils.
Full perimeter heavy gage base rail with built-in rigging adapters and fork truck slots.
Single-point electrical connections.
Direct-drive propeller condenser fan motor totally enclosed with permanently lubricated bearings.
Prepainted cabinet with primer inner panels, certified at 500-hr salt spray test and noncorrosive screws.
Large, easily removable panels provide ready access to unit components for rapid removal or maintenance.
Filter access door for filter access and maintenance that requires no tools.
Fixed orifice metering device precisely controls flow to each circuit individually.
Reliable accurate control circuit with color coded wires and easy accessible terminal board.
Available extended warranty
Labor warranty (requires authorized start-up).

PERFORMANCE DATA

COOLING

Net Total Cap. _____ Btuh at _____ F Condenser Air Temperature
Net Sensible Cap. _____ Btuh
Compressor Power Input _____ kW
_____ F Outdoor Air Temperature
Indoor Entering Air db _____ F wb _____ F
Cfm _____ Ext. Static Pressure _____ in. wg

SEER/EER

HEATING

Heating Capacity _____ kW
Btuh _____
Operating Weight _____ lb (unit) _____ lb (curb)

ELECTRICAL DATA

Power Supply to Unit _____ Volts _____ Phase _____ Hz
Minimum Circuit Amps _____ Maximum Overcurrent Protection (Fuse only) _____

OPTIONS AND ACCESSORIES

FACTORY-INSTALLED OPTIONS

- ☐ EconoMiSer IV with Controls (Vertical Only)
- ☐ EconoMiSer2 with 4-20 mA Actuator Only (for PremierLink™ or 3rd Party EMS System Control)
- ☐ High-Static Indoor Fan Motor and Drive
- ☐ Copper/Copper Coils — Evaporator, Condenser, Both
- ☐ E-Coated Condenser Coils/Aluminum or Copper Fins
- ☐ E-Coated Evaporator Coils/Aluminum Fins/Copper Tubes
- ☐ Non-Fused Disconnect Switch (80 A Max)
- ☐ 115-Volt Powered Convenience Outlet (load side)
- ☐ 62AQ Energy\$Recycler™ Transformer (004-007 460 v Only)
- ☐ Hinged Access Panels for Indoor Fan, Compressor, Control Box, and Filter
- ☐ NOVAK Controls (3051)
- ☐ PremierLink Control
- ☐ Humidi-MiSer™ Dehumidification Device
- ☐ Pre-coated Condenser Coils

FIELD-INSTALLED ACCESSORIES

- ☐ PremierLink Retrofit Controller
- ☐ EconoMiSer IV with Controls (Vertical or Horizontal)
- ☐ EconoMiSer2 with 4-20 mA Actuator and No Microprocessor — Vertical or Horizontal Dedicated Design
- ☐ EconoMiSer2 with Power Exhaust and Barometric Pressure Relief — Vertical Only
- ☐ EconoMiSer2 Accessory Kit — For use with Hinged Panel — Vertical or Horizontal
- ☐ Power Exhaust — Vertical or Horizontal
- ☐ EconoMiSer2 575 v Transformer for 208/230 v Single-Phase Power Exhaust
- ☐ Manual Outdoor-Air Damper (25% Open)
- ☐ Manual Outdoor-Air Damper (50% Open)
- ☐ 25% Two-Position Damper
- ☐ 100% Two-Position Damper
- ☐ Return Air Enthalpy Sensor
- ☐ Return Air Temperature Sensor
- ☐ Outdoor-Air Enthalpy Sensor
- ☐ CO₂ Sensors (Space or Duct Mount)
- ☐ Aspirator Box (Duct Mount CO₂ Room Sensor)
- ☐ Electric Heat
- ☐ Single Point Kits
- ☐ Roof Curb (14 or 24-in. Height)
- ☐ Thru-the-Bottom Utility Connection Kit
- ☐ Thru-the-Bottom Curb Utility Connection Kit
- ☐ Time Guard II Compressor Anti-Cycle Control
- ☐ Outdoor Coil Hail Guard
- ☐ Outdoor Coil Protector Grille
- ☐ Condenser Coil Salt Spray Protector
- ☐ -20 F Motomaster® Low Ambient Control Kit
- ☐ Motomaster Head Pressure Control
- ☐ Programmable Setback Thermostat
- ☐ Electrical/Mechanical Thermostat and Subbase
- ☐ Thermidistat™ Device
- ☐ Humidistat
- ☐ Indoor Fan/Filter Status Indicator
- ☐ 62AQ Sleeper Rail (14 or 24-in. height)
- ☐ 62AQ Energy\$Recycler Unit
- ☐ 62AQ Energy\$Recycler Mounting Kit
- ☐ 62AQ Energy\$Recycler Supply Air Blower
- ☐ 62AQ Energy\$Recycler 460 v Transformer
- ☐ 62AQ Energy\$Recycler 575 v Transformer
- ☐ UV-C Lamps

BLANKET QUOTE CONTROLS

- ☐ 115-V Field Powered GFI Convenience Outlet (line side)
- ☐ 115-V GFI Convenience Outlet (field powered)
- ☐ E-Coated Aluminum/Copper Condenser and Evaporator Coils
- ☐ Fused Disconnect
- ☐ Hinged Access Panels
- ☐ Lockout of High Fire Stage for Heating
- ☐ Low Ambient Controller (Motomaster® I)
- ☐ Smoke Detector — Return Air
- ☐ Smoke Detector — Return and Supply Air
- ☐ Smoke Detector — Supply Air
- ☐ Split Power (transfer switch NOT included)
- ☐ UV-C Lamps (installed and powered with door interlock switch and disconnect switch)

CUT ALONG DOTTED LINE

CUT ALONG DOTTED LINE

[illegible]



HEATER RATING VOLTAGE	ACTUAL HEATER VOLTAGE										
	200	208	230	240	380	440	460	480	550	575	600
240	0.68	0.75	0.92	1.000	—	—	—	—	—	—	—
480	—	—	—	—	0.63	0.84	0.92	1.00	—	—	—
600	—	—	—	—	—	—	—	—	0.64	0.92	1.00

≈ 19.5 kW capacity at 208 v.

COOLING OPERATION AIR QUANTITY LIMITS — 50HJ015,017

UNIT 50HJ	MINIMUM CFM	MAXIMUM CFM
015	3600	6250
017	4500	1500

MINIMUM HEATING AIRFLOW — 50HJ004-014

UNIT 50HJ	CFM
w 4	800
005	1200
006	1500
007	1800
008	1250
009	2550
012	3000
014	3750

UNIT SIZE 50HJ	TEMPERATURE LIMIT (F)	
	Standard Unit	Unit With Lo or Ambient Kit Unit With Motormaster® IControl

OUTDOOR SOUND POWER (TOTAL UNIT)

UNIT 50HJ	ARI RATING (decibels)	A-WEIGHT (dB)	OCTAVE BANDS							
			63	125	250	500	1000	2000	4000	8000
004,005	76	76.0	55.9	66.0	64.0	66.2	68.4	64.5	61.7	57.3
006,007	80	80.0	59.1	68.9	68.7	71.9	74.0	68.9	65.7	59.0
008,009	82	82.0	62.2	69.3	71.5	74.7	76.2	72.9	68.7	61.5
012	84	84.0	64.6	71.1	73.3	76.9	77.6	73.7	70.6	63.7
014	86	86.0	63.7	69.9	72.5	78.2	81.1	77.3	73.3	66.8
015,017	88	87.8	90.8	88.7	86.4	84.3	83.5	78.4	75.6	66.8
020-024	82	81.7	90.2	84.8	80.7	79.0	77.6	71.4	66.7	60.7
028	85	84.9	90.0	86.3	83.6	82.9	80.3	74.9	71.4	66.5

LEGEND

ARI — Ab Conditioning and Refrigeration Institute

NOTE: Indoor sound power is available in Carrier's Electronic Catalog Program (ECAT) for specific operating parameters.

50HJ