



## Staff Report to the Zoning Administrator

Application Number: **07-0274**

**Applicant:** Corey Alvin, Sprint-Nextel  
**Owner:** Pacific Telephone and Telegraph Co.  
**APN:** 077-092-08 & 24

**Agenda Date:** 11/7/08  
**Agenda Item #:** 3  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to co-locate a wireless communications antenna on an existing Pacific Bell Telephone Company building. Requires an amendment to Commercial Development Permits 3913-U, 3463-U, 2073-U, 1093-V, & 74-303-PD.

**Location:** Property located on the west side of Love Creek Road, about 300 feet from Central Avenue in Ben Lomond.

**Supervisory District:** 5<sup>th</sup> District (District Supervisor: Mark Stone)

**Permits Required:** Commercial Development Permit

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0274, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size:	5,565 square feet (077-092-08) 2,512 square feet (077-092-24)
Existing Land Use - Parcel:	Public Facilities building – Pacific Telephone and Telegraph Co.
Existing Land Use - Surrounding:	Church (PF) & Single Family Residences (R-1-10)
Project Access:	Via Love Creek Road
Planning Area:	San Lorenzo Valley

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

Land Use Designation: P (Public Facility)  
Zone District: PF (Public Facilities)  
Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A- no ground disturbance proposed  
Fire Hazard: Not a mapped constraint  
Slopes: N/A- no ground disturbance proposed  
Env. Sen. Habitat: Mapped biotic resource for Santa Cruz Manzanita and Ben Lomond  
Buckwheat; no ground disturbance proposed  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Mapped resource area; no ground disturbance proposed

### Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside  
Water Supply: San Lorenzo Valley Water District  
Sewage Disposal: Septic  
Fire District: Ben Lomond Fire District  
Drainage District: Zone 8

### History

The property was originally acquired by Pacific Telephone and Telegraph Company in December 1946 and has since had several additions approved and built, which are described as follows:

2073-U was approved on July 20, 1964 and permitted Pacific Telephone and Telegraph Company to construct a 325 square foot addition to the back of the existing building.

1093-V was approved on October 10, 1969 and permitted Pacific Telephone and Telegraph Company to construct a 60 foot addition to the existing building and to build a fence. This permit included a Variance to reduce the front yard setback from 15 feet to 9 feet.

3463-U was approved on October 13, 1969 and permitted Pacific Telephone and Telegraph Company to construct a restroom addition to the front (east wall) of the existing building.

3913-U was approved on May 10, 1971 and permitted Pacific Telephone and Telegraph Company to construct a 170 square foot addition to the existing communications building on site.

74-303-PD was approved on May 15, 1974 and permitted Pacific Telephone and Telegraph Company to construct a 1400 square foot addition to the existing communications building on

site.

In 1996, Pacific Bell Mobile Service was approved (113924) to install a wireless communications facility at the rear (west) side of the existing building. The facility included two 35' omni whip antennas, a mini-BTS wall mounted equipment cabinet, a TelCo cabinet, and other associated equipment.

Discretionary Permit 04-0038 (bp 54976T) permitted Nextel to install three Omni whip antennas, each 50 feet in height measured from ground level (35' tall antennas), and an elevated equipment structure at the rear of the existing building.

A 90 day NIER report was submitted for the subject parcel on October 26, 2007, which determined that the *"maximum observed cumulative power density level for a person anywhere at ground level was more than 750 times below the FCC general public exposure limits."* This measurement reflects contributions from all antennas within 500 feet of the site.

### **Project Setting**

This parcel is approximately 2,512 acres (County GIS) and is zoned PF (Public Facility) with a land use designation of P (Public Facility). All adjacent properties are also zoned PF; however, there are nonconforming residential properties further west adjacent to the site's parking lot, and residential properties further north and east across Love Creek Road.

There is an existing building owned by Pacific Telephone and Telegraph Company on site that is approximately 2,916 square feet and is used to house offices and to store equipment. The existing building is currently located on both parcels 077-092-08 and 077-092-24; therefore, as a condition of approval, the property owner or applicant shall merge the two parcels or obtain approval for a Lot Line Adjustment to cure the structural encroachment prior to building permit issuance of the proposed cellular co-location.

The wireless communications lease area is located at the rear of the building (west wall) and is approximately 240 square feet. There are five existing antennas currently on site, two permitted previously to Pacific Bell Mobile Service and three owned by Nextel. All antennas that exist on site are "omni" whip antennas. The three Nextel antennas are 35' tall and, because they are mounted on an elevated platform, measure 50' tall to ground level. The two AT&T antennas are not mounted on the platform and therefore measure 35' tall from ground level. There is one existing equipment shelter of about 60 square feet, located within the lease area on the existing platform grate. The platform is screened by an 8 foot screen wall that was approved in discretionary permit 04-0038.

### **Project Scope and Analysis**

The applicant, Sprint-Nextel, is proposing to co-locate one additional microcell accelerator whip antenna in the existing lease area. The proposed antenna will be mounted on the existing elevated platform and will measure 50' tall from ground level in accordance with the existing platform mounted antennas. No new equipment cabinets, sheds, or enclosures are proposed as a part of this project.

Wireless communication facilities are allowed uses within the PF (Public Facilities) zone district per County Code Section 13.10.661 as a co-located facility, and it is consistent with the site's P (Public Facility) General Plan Designation.

As a condition of approval the proposed antenna will be painted a neutral gray color to minimize visibility from the surrounding residential properties.

### **Alternative Site Analysis**

An alternative sites analysis is not required for the proposed project, since placing the proposed antenna at the proposed site (which is already developed for telecommunication use) would significantly reduce the environmental impacts of placing the pole in an undisturbed area. The creation of an addition site in the immediate area may be visible from Highway 9, a County designated scenic road, which may create unnecessary additional impacts to the scenic resources.

There is an existing telecommunication facility located on the project site and the proposed antenna will be the same height as three of the existing antennas. In addition, whip antennas are a less conspicuous design than typical monopole panel antennas and the site is suitable for the use of a microcell antenna for the intended site coverage.

### **Radiofrequency (RF) Exposure**

The applicant has submitted a study by Hammett and Edison, Inc., consulting engineers, which indicates that the maximum calculated cumulative level at ground for the simultaneous operation of all carriers will be 0.81% of the public exposure limit; the maximum calculated level at the second floor elevation of any nearby building is 1.1 % of the public exposure limit set by the Federal Communications Commission. These estimates are "worst-case" assumptions and are expected to overstate the actual power density levels.

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 communications facility comply with the FCC standards.

### **Visual Analysis**

The proposed wireless communications facility complies with the requirements of the County Design Criteria in that one new antenna will only slightly increase the visual impact of the telecommunications facility because five antennas already exist on site, which are all whip antennas, and the proposal is to add one whip antenna to the site, which is located at the rear of the building. The surrounding adjacent parcels are all zoned PF (Public Facilities) which allow the placement of wireless communication facilities and the existing lease area is currently screened by an existing 6 foot chain link fence with slats and an 8 foot screening wall which is located around the equipment cabinet. Highway 9 is a designated scenic road in the County General Plan, however the antennas are not visible from Highway 9; therefore, staff concludes that there will be no visual impacts to the Highway 9 viewshed as a result of this project.

## **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.

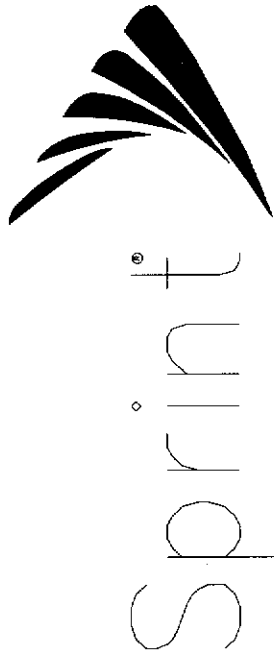
## **Staff Recommendation**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **07-0274**, 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.**

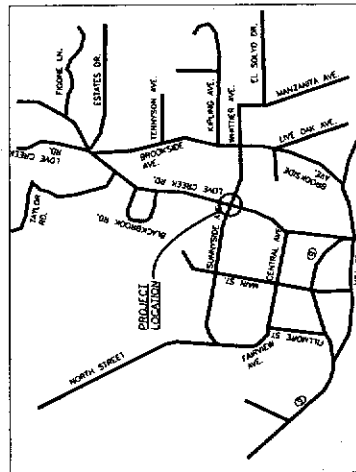
**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

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Together with NEXTEL

# BEN LOMOND SF72XC803 9575 LOVE CREEK ROAD BEN LOMOND, CA 95005



VICINITY MAP NO SCALE

ENGINEER/ARCHITECT:  
**DES**  
100 TOWER RD, SUITE 16  
AMERICAN CANYON, CA 94503  
TEL: (707) 320-9384  
FAX: (707) 320-2326  
CONTRACT: Eric Uphoff, P.E.

SITE NAME: BEN LOMOND  
SITE NUMBER: SF72XC803  
SITE ADDRESS: 9575 LOVE CREEK ROAD  
BEN LOMOND, CA 95005  
OWNER: SBC  
9575 LOVE CREEK ROAD  
BEN LOMOND, CA 95005  
APPLICANT: SPRINT NEXTEL CORPORATION  
12857 ALICOSTA BLVD., #300  
SAN RAMON, CA 94583  
CONTRACT NO.: 077-092-08-000  
PHONE NO.: (415) 760-9763  
A.P.N.: 077-092-08-000  
OCCUPANCY: U-1  
TYPE OF CONST.: V- ONE HOUR  
DATUM POINTS  
NAD 83 DATUM  
LATITUDE: N 37°05'26.70"  
LONGITUDE: W 122°05'12.55"

CONSULTANT TEAM

**UNUSUAL REQUIREMENTS:**  
FACILITY IS UNUSUAL AND NOT FOR HUMAN HABITATION.  
HANDICAPPED ACCESS REQUIREMENTS NOT REQUIRED, IN  
ACCORDANCE WITH CALIFORNIA STATE ADMINISTRATIVE CODE,  
PART 2, TITLE 24, SECTION 11200 3.4.2, EXCEPTION 1.

**PROJECT DESCRIPTION:**  
THE PROPOSED NEW ANTENNA SHALL BE INSTALLED ON THE EXTERIOR OF THE  
EXISTING EQUIPMENT PLATFORM

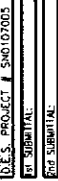
SHEET NO.	DESCRIPTION
T1	TITLE SHEET
A1	SITE PLAN
A2	EQUIPMENT / ANTENNA PLAN & ELEVATION
A3	ELEVATIONS
SHEET INDEX	

ALL WORK AND MATERIALS SHALL BE REPRESENTED AND INSTALLED IN ACCORDANCE  
WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE (CEC) AND THE  
CALIFORNIA MECHANICAL CODE (CMC) AND THE CALIFORNIA PLUMBING CODE (CPC).  
WORK NOT CONTRADICTORY TO THE LATEST APPLICABLE VERSIONS OF THESE CODES.  
1. CALIFORNIA ELECTRICAL CODE (CEC) 2001  
2. CALIFORNIA MECHANICAL CODE (CMC) 2001  
3. CALIFORNIA PLUMBING CODE (CPC) 2001  
4. ASSIGNED 120 VOLT SUPPLY  
5. NATIONAL ELECTRICAL CODE (NEC) 2001  
6. CALIFORNIA ELECTRICAL CODE (CEC) 2001  
7. CALIFORNIA MECHANICAL CODE (CMC) 2001  
8. CITY COUNTY ORDINANCES

**CODES & REGULATIONS**

<b>DES</b> DESIGN ENGINEERING SERVICES 100 TOWER RD, SUITE 16 AMERICAN CANYON, CA 94503 TEL: (707) 320-9384 FAX: (707) 320-2326	<b>Sprint</b> Together with NEXTEL 12857 ALICOSTA BLVD., #300 SAN RAMON, CA 94583 PHONE: (925) 279-2300 FAX: (925) 279-2683	<b>BEN LOMOND</b> SF72XC803 9575 LOVE CREEK ROAD BEN LOMOND, CA 95005 SANTA CRUZ COUNTY	PLAN APPROVAL: _____ DATE: _____ LEASING: _____ ZONING: _____ RF: _____ CONSTR.: _____ WATER CONN.: _____ TAG: _____ OWNER: _____	PROJECT # SF72XC803 DRAWN BY: AF CHECKED BY: EUG NO. DATE: 1 05/23/07 CD 902 REVIEW 2 12/18/07 12/18/07 COMMENTS	<b>TITLE SHEET</b>	<b>T1</b>	D.L.S. PROJECT # 540101053 SHEET # 1 SHEET TOTAL: 3
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## **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 conditions and/or project design to minimize and mitigate its visual and other resource impacts.

This finding can be made, in that the proposed co-location will not result in a significant increase in visual impacts, as the new antennas will be whip antennas that are virtually indistinguishable from the existing array. The existing building will shield visibility of the wireless communication facilities from Love Creek Road. While the site contains biotic resources, the area of the proposed collocation is already disturbed and no additional disturbance will occur.

2. That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that there are not environmentally superior and technically feasible alternative sites or designs for the proposed facility.

This finding can be made, in that the project is a co-location onto an existing facility, where the visual impacts of one additional antenna will be less than the impact of the construction of a new facility nearby as the site is shielded from Love Creek Road by an existing building and no new land disturbance will occur; therefore, no environmentally superior sites exist in the vicinity.

3. That 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 and that all zoning violation abatement costs, if any, have been paid.

This finding can be made, in that the existing public facilities use of the subject property is in compliance with the requirements of the zone district and General Plan designation, in which it is located.

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

4. That the proposed wireless communications facility will not create a hazard for aircraft in flight.

This finding can be made, in that the proposed antenna will be located on an existing platform and will only be 50 feet in height which is too low to interfere with aircrafts.

5. That the proposed wireless communications facility is in compliance with all FCC and California PUC standards and requirements.

Application #: 07-0274  
APN: 077-092-08 & 24  
Owner: Pacific Telephone and Telegraph Co.

This finding can be made, in that the maximum ambient RF levels at ground level due to the existing wireless antennas and the proposed antenna are calculated to be 0.81% of the public exposure limit and 1.1% of the applicable public limit at the second floor elevation of any nearby buildings, which are "worst-case" assumptions and are expected to overstate the actual power density levels; therefore, the facility will be in compliance with all FCC and California PUC standards and requirements.

## **Development Permit Findings**

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

This finding can be made, in that the maximum cumulative RF exposure level for simultaneous operation of both the existing and proposed carriers is 0.81% of the public exposure limit. The maximum calculated level at the second floor elevation of any nearby building is 1.1% of the public exposure limit. The RF emissions of the proposed wireless communication facility comply with FCC standards.

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

The project will not be materially injurious to properties or improvements in the vicinity in that the project is for a whip antenna to be installed on an existing platform with other existing whip antennas located behind an existing building, therefore there will be little additional visual impact to surrounding properties as a result of this project.

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 wireless antenna will be located within an allowed zone district for the construction of co-located wireless communications facilities. The project site is located within the PF (Public Facilities) zone district which is not a prohibited or restricted zone district (per sections 13.10.661(b) & (c) of the County Code).

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 wireless antenna will be built in the least visually and least environmentally intrusive manner due to the location on an existing platform where existing wireless communication facilities already exist.

The existing Pacific Telephone and Telegraph building is consistent with the uses specified for the P (Public Facility) land use designation in the County General Plan.

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

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

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

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

This finding can be made, in that the proposed facility will be co-located on an existing platform and will be compatible with the existing development on the subject property.

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

## Conditions of Approval

Exhibit A: Project Plans entitled "Sprint SF72XC803", prepared by Diamond Engineering Services, 4 sheets, dated 12/18/07.

- I. This permit amends Commercial Development Permits 3913-U, 3463-U, 2073-U, 1093-V, and 74-303-PD to install one additional antenna on an existing platform as depicted on the approved "Exhibit A" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval
      - a. The proposed antenna will be painted a neutral gray color to minimize visibility from the surrounding residential properties.
  - C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.

- D. Parcels 077-092-08 and 077-092-24 shall be merged and a copy of the recorded conformed deed must be submitted to the Planning Department.
- E. Meet all requirements and pay any applicable plan check fee of the Ben Lomond 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. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. No ground disturbance shall occur as a part of this project.

IV. Operational Conditions

- A. NIER Report: A report documenting Non-Ionizing Electromagnetic Radiation at the facility site shall be submitted within ninety (90) days after the commencement of normal operations, or within ninety (90) days after any major modification to power output of the facility.
- B. Equipment Modifications: 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.
- C. Warning Signs: Warning signs that comply with OET-65 color, symbol, and content recommendations shall be posted at roof access locations and at the transmitting antennas such that the signs are readily visible from any angle of approach to persons who might need to work within that distance. Signs shall include contact information to arrange for access to the restricted areas.
- D. Access: No access for maintenance is permitted to within 6 feet of the antennas while the site is in operation unless other measures can be demonstrated to ensure that occupational protection requirements are met.
- E. Camouflage: The camouflage materials shall be permanently maintained and replacement materials and/or paint shall be applied as necessary to maintain the camouflage of the facility.
- F. Noise: All noise generated from the approved use shall comply with the requirements of the General Plan.
- G. Lighting: All site, building, security and landscape lighting shall be directed away

from the scenic corridor and adjacent properties. Light sources shall not be visible from adjacent properties. Light sources can be shielded by landscaping, structure, fixture design or other physical means. Building and security lighting shall be integrated into the building design.

- H. 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.
- I. 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.
- J. 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.
- K. Transfer of Ownership: In the event that the original permittee sells its interest in the permitted wireless communications 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, including proof of liability insurance. Within 30-days of a transfer of ownership, the succeeding carrier shall provide a new contact name to the Planning Department.
- 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.

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

**Please note: This permit expires two years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

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

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

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

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

\_\_\_\_\_  
Samantha Haschert  
Project Planner

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

# 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: 07-0274

Assessor Parcel Number: 077-092-08 & 24

Project Location: 9575 Love Creek Road

**Project Description: Proposal to co-locate a wireless communication antenna at an existing Pacific Bell Telephone Company building.**

**Person or Agency Proposing Project: Corey Alvin, Sprint-Nextel**

**Contact Phone Number: (415) 760-9763**

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

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15301)

F. **Reasons why the project is exempt:**

Proposal to install a wireless communications antenna on an existing building

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

\_\_\_\_\_  
Samantha Haschert, Project Planner

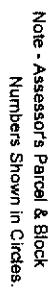
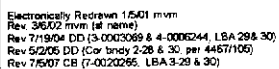
Date: \_\_\_\_\_

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**Tax Area Code**  
**90-031**

77-09

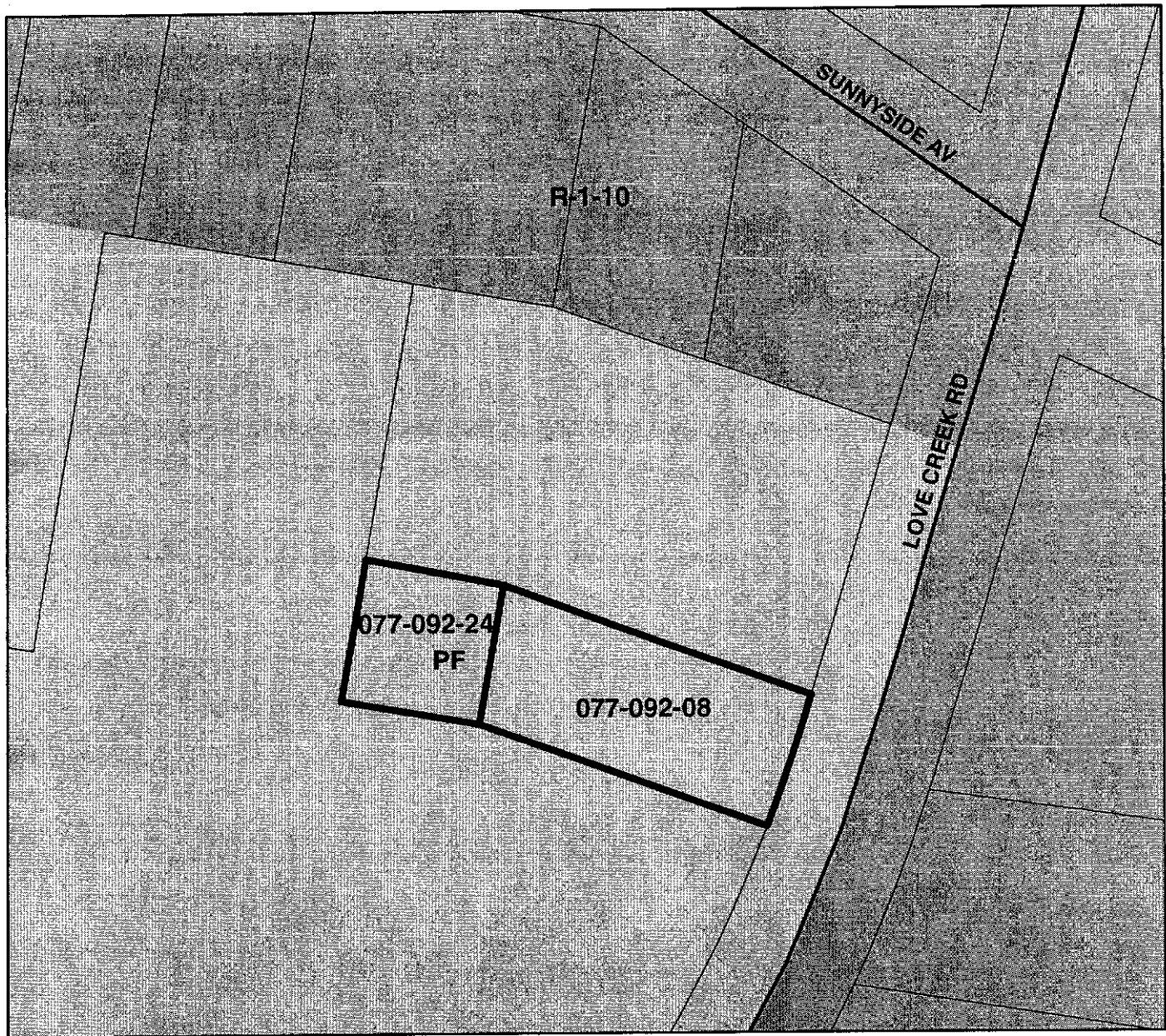
**EXHIBIT E**









Assessor's Map No. 77-09  
County of Santa Cruz, Calif.  
Jan., 2001

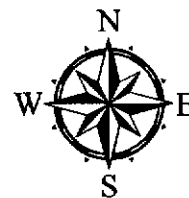


# Zoning Map



## LEGEND

-  APN: 077-092-08
-  APN: 077-092-24
-  Assessors Parcels
-  Streets
-  PUBLIC FACILITY
-  RESIDENTIAL-SINGLE FAMILY

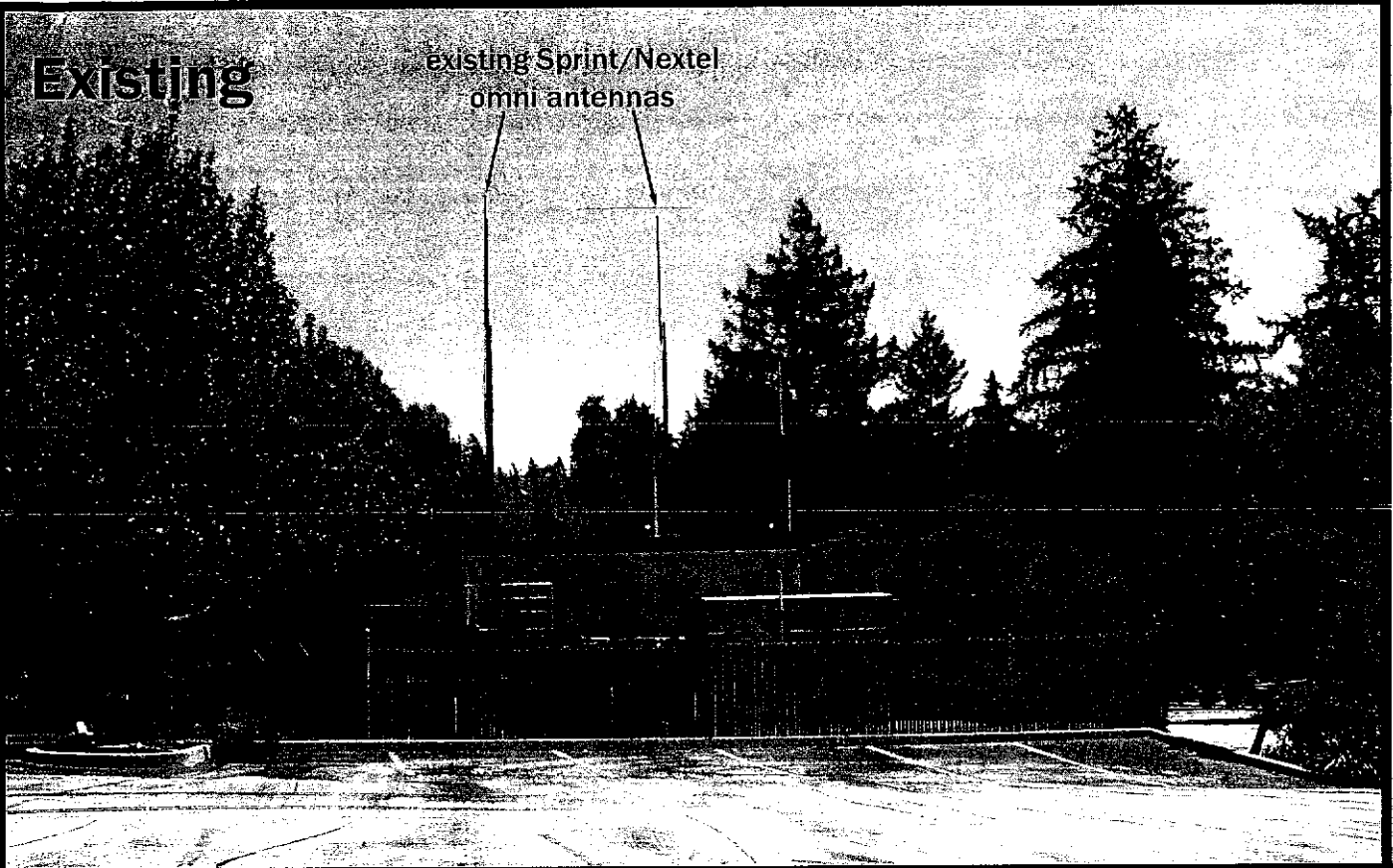


Map Created by  
County of Santa Cruz  
Planning Department  
September 2008

EXHIBIT F

**Existing**

existing Sprint/Nextel  
omni antennas



Sprint  NEXTEL

CA2653-B

Ben Lomond

9575 Love Creek Road  
Ben Lomond, CA 95005

**Proposed**

proposed Sprint/Nextel  
additional omni antenna



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## Existing

existing Sprint/Nextel  
omni antennas

Sprint  NEXTEL

CA2653-B

Ben Lomond

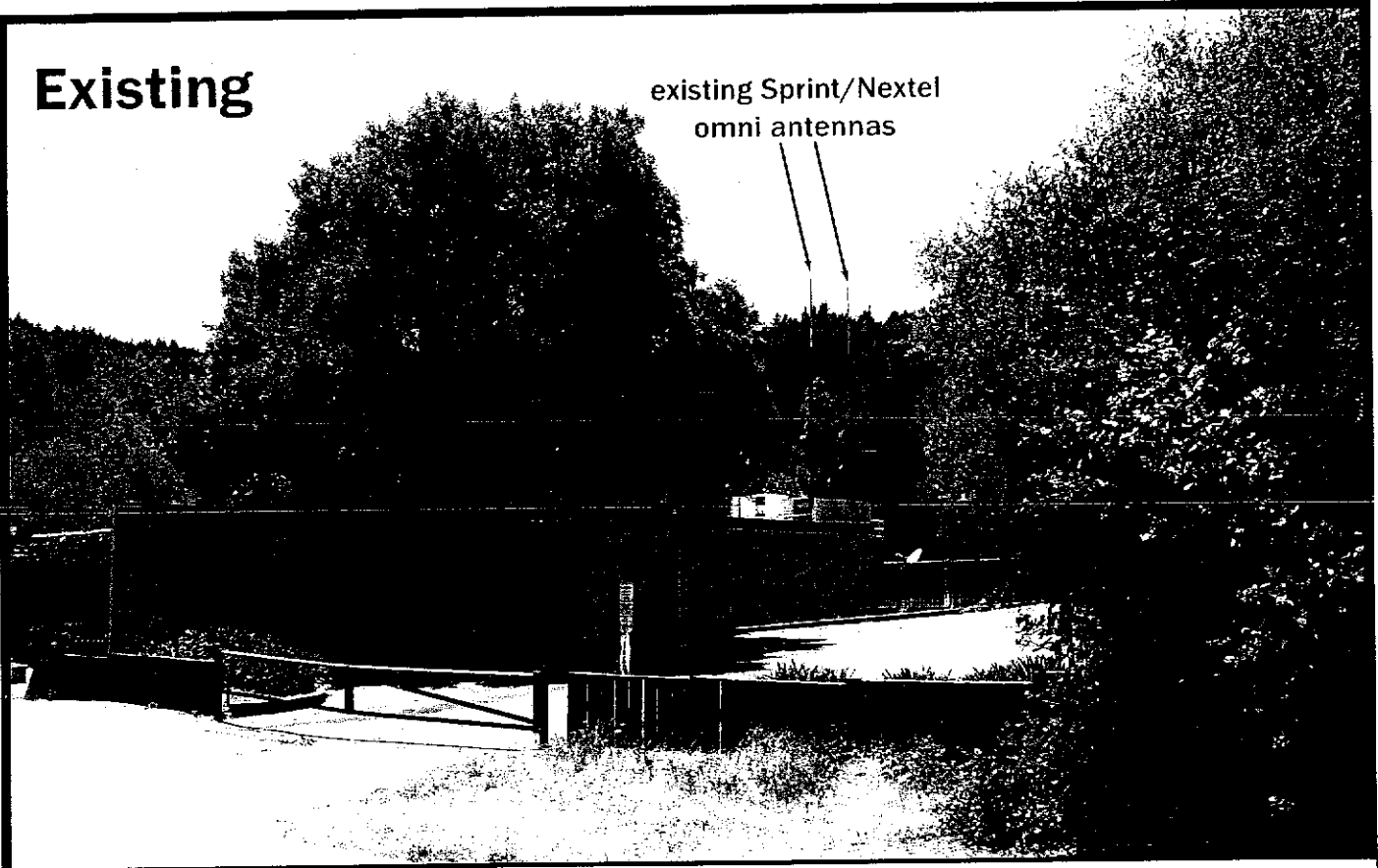
9575 Love Creek Road  
Ben Lomond, CA 95005

## Proposed

proposed  
Sprint/Nextel  
additional omni  
antenna

## Existing

existing Sprint/Nextel  
omni antennas



Sprint  NEXTEL

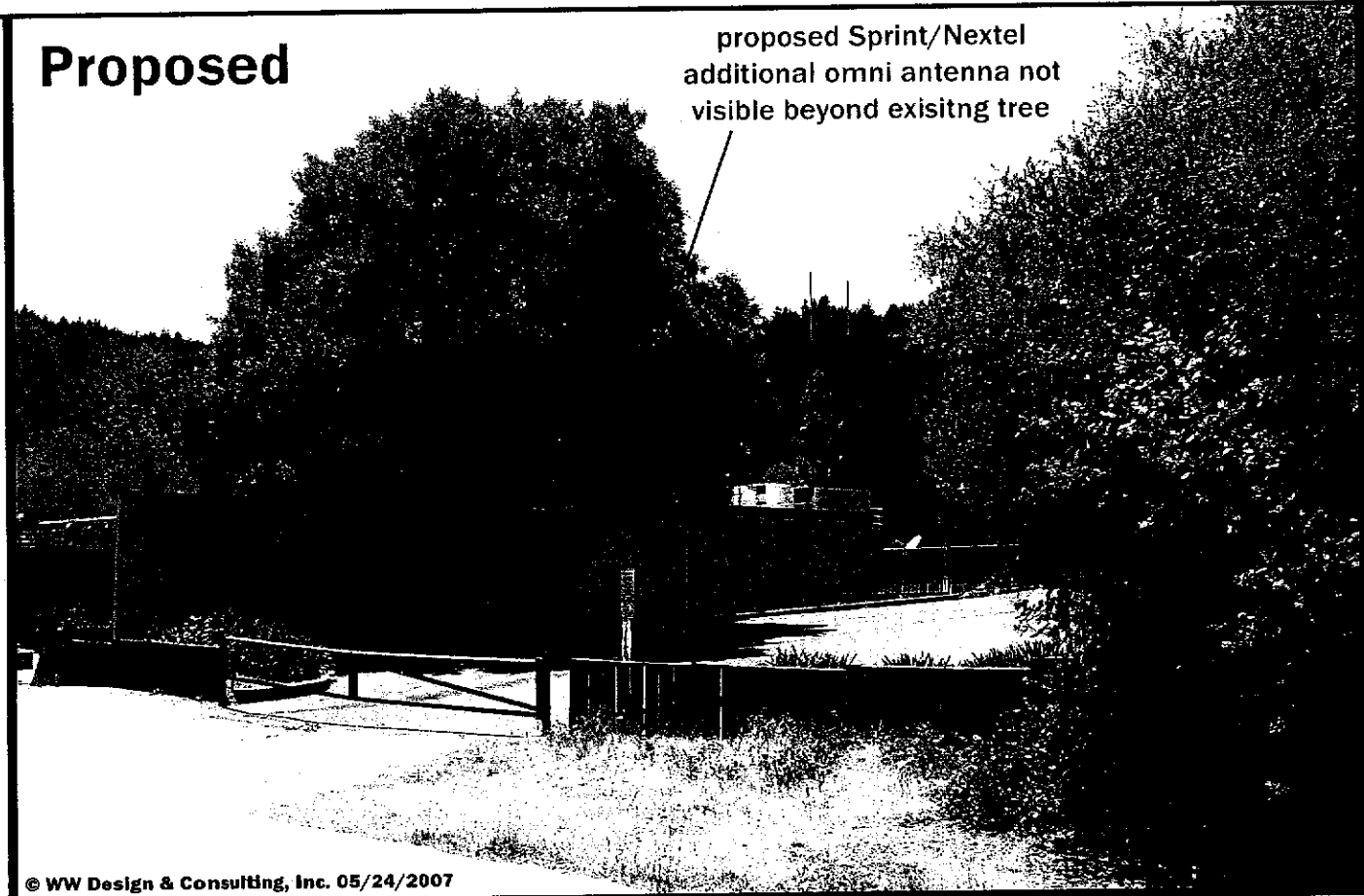
CA2653-B

Ben Lomond

9575 Love Creek Road  
Ben Lomond, CA 95005

## Proposed

proposed Sprint/Nextel  
additional omni antenna not  
visible beyond existing tree



**C O U N T Y   O F   S A N T A   C R U Z**  
**Discretionary Application Comments**

**Project Planner:** Samantha Haschert  
**Application No.:** 07-0274  
**APN:** 077-092-08

**Date:** September 18, 2008  
**Time:** 14:50:33  
**Page:** 1

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**Environmental Planning Completeness Comments**

===== REVIEW ON JUNE 21, 2007 BY JESSICA L DEGRASSI =====  
NO COMMENT

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON JUNE 21, 2007 BY JESSICA L DEGRASSI =====  
NO COMMENT

**Dpw Road Engineering Completeness Comments**

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

===== REVIEW ON JUNE 21, 2007 BY GREG J MARTIN =====  
NO COMMENT

**Dpw Road Engineering Miscellaneous Comments**

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

===== REVIEW ON JUNE 21, 2007 BY GREG J MARTIN =====

## INTEROFFICE MEMO

APPLICATION NO: 07-0274

Date: June 20, 2007

To: Samantha Haschert, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Review of a new cellular antennae at Love Creek Road, Ben Lomand

## ZONING CODE ISSUES

Design Review Authority

13.10.663 General development performance standards for wireless communication facilities.

Evaluation Criteria	Meets criteria In code( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>SITE LOCATION</b>			
<b>Visual character of site</b>			
Site location and development of wireless communications facilities shall preserve the visual character, native vegetation and aesthetic values of the parcel on which such facilities are proposed, the surrounding parcels and road right-of-ways, and the surrounding land uses to the greatest extent that is technically feasible, and shall minimize visual impacts on surrounding land and land uses to the greatest extent feasible	✓		
Facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site, and every effort shall be made to avoid, or minimize to the maximum extent feasible, visibility of a wireless communication facility within significant public viewsheds.	✓		
Utilization of camouflaging and/or stealth techniques shall be encouraged where appropriate.			N/A
Support facilities shall be integrated to the existing characteristics of the site, so as to minimize visual impact.	✓		
<b>Colocation</b>			
Co-location is generally encouraged in situations where it is the least visually obtrusive option, such as when increasing the height/bulk of an existing tower would result in less visual impact than constructing a new separate tower in a nearby location.	✓		

<b>Ridgeline Visual Impacts</b>			
Wireless communication facilities proposed for visually prominent ridgeline, hillside or hilltop locations shall be sited and designed to be as visually unobtrusive as possible. Consistent with General Plan/LCP Policy 8.6.6, wireless communication facilities should be sited so the top of the proposed tower/facility is below any ridgeline when viewed from public roads in the vicinity.			N/A
If the tower must extend above a ridgeline the applicant must camouflage the tower by utilizing stealth techniques and hiding it among surrounding vegetation.			N/A
<b>Site Disturbance</b>			
Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.	✓		
<b>Consistency with Other Regulations</b>			
All proposed wireless communication facilities shall comply with the policies of the County General Plan/Local Coastal Plan and all applicable development standards for the zoning district in which the facility is to be located, particularly policies for protection of visual resources (i.e., General Plan/LCP Section 5.10). Public vistas from scenic roads, as designated in General Plan Section 5.10.10, shall be afforded the highest level of protection.	✓		
<b>Visual Impacts to Neighboring Parcels</b>			
To minimize visual impacts to surrounding residential uses, the base of any new freestanding telecommunications tower shall be set back from any residentially zoned parcel a distance equal to five times the height of the tower, or a minimum of three hundred (300) feet, whichever is greater.	✓		
This requirement may be waived by the decision making body if the applicant can prove that the tower will not be readily visible from neighboring residential structures, or if the applicant can prove that a significant area proposed to be served would otherwise not be provided personal wireless services by the subject carrier, including proving that there are no viable, technically feasible, environmentally equivalent or superior alternative sites outside the prohibited and restricted areas designated in Section 13.10.661(b) and 13.10.661(c).	✓		

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>DESIGN REVIEW CRITERIA</b>			
<b>Non-flammable Materials</b>			
All wireless communication facilities shall be constructed of non-flammable material, unless specifically approved and conditioned by the County to be otherwise (e.g., when a wooden structure may be necessary to minimize visual impact).	✓		
<b>Tower Type</b>			
All telecommunication towers shall be self-supporting monopoles except where satisfactory evidence is submitted to the appropriate decision-making body that a non-monopole (such as a guyed or lattice tower) is required or environmentally superior.	✓		
All guy wires must be sheathed for their entire length with a plastic or other suitable covering.	✓		
<b>Support Facilities</b>			
The County strongly encourages all support facilities, such as equipment shelters, to be placed in underground vaults, so as to minimize visual impacts.		✓	
Any support facilities not placed underground shall be located and designed to minimize their visibility and, if appropriate, disguise their purpose to make them less prominent. These structures should be no taller than twelve (12) feet in height, and shall be designed to blend with existing architecture and/or the natural surroundings in the area or shall be screened from sight by mature landscaping.	✓		
<b>Exterior Finish</b>			
All support facilities, poles, towers, antenna supports, antennas, and other components of communication facilities shall be of a color approved by the decision making body.	✓		
Components of a wireless communication facility which will be viewed against soils, trees, or grasslands, shall be of a color or colors consistent with these landscapes.	✓		
All proposed stealth tree poles (e.g., "monopines") must use bark screening that approximates natural bark for the entire height and circumference of the monopole visible to the public, as technically feasible.			N/A

Visual Impact Mitigation			
Special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts, including appropriate camouflaging or utilization of stealth techniques.	✓		
Use of less visually obtrusive design alternatives, such as "microcell" facility-types that can be mounted upon existing utility poles, is encouraged.	✓		
Telecommunication towers designed to look like trees (e.g., "monopines") may be favored on wooded sites with existing similar looking trees where they can be designed to adequately blend with and/or mimic the existing trees. In other cases, stealth-type structures that mimic structures typically found in the built environment where the facility is located may be appropriate (e.g., small scale water towers, barns, and other typical farm-related structures on or near agricultural areas).	✓		
Rooftop or other building mounted antennas designed to blend in with the building's existing architecture shall be encouraged.	✓		
Co-location of a new wireless communication facility onto an existing telecommunication tower shall generally be favored over construction of a new tower.	✓		
Owners/operators of wireless communication towers/facilities are required to maintain the appearance of the tower/facility, as approved, throughout its operational life.	✓		
Public vistas from scenic roads, as designated in General Plan/LCP Section 5.10.10, shall be afforded the highest level of protection.	✓		

Height			
All towers shall be designed to be the shortest height possible so as to minimize visual impact.	✓		
Any applications for towers of a height more than the allowed height for structures in the zoning district must include a written justification proving the need for a tower of that height and the absence of viable alternatives that would have less visual impact, and shall, in addition to any other required findings and/or requirements, require a variance approval pursuant to County Code Section 13.10.230.	✓		

<b>Lighting</b>			
Except for as provided for under Section 13.10.663(a)(5), all wireless communication facilities shall be unlit except when authorized personnel are present at night.	✓		
<b>Roads and Parking</b>			
All wireless communication facilities shall be served by the minimum sized roads and parking areas feasible.	✓		