



Staff Report to the Zoning Administrator

Application Number: **101099**

Applicant: Leah Hernikl

Agenda Date: June 3, 2011

Owner: Camille and Timothy Washowich

Agenda Item #: 1

APN: 040-271-62

Time: After 10:00 a.m.

Project Description: Proposal to recognize and expand an existing wireless facility consisting of a 48 foot tall monopole with 1 existing panel antenna, 1 proposed new panel antenna and 2 proposed remote radio units (RRU); 3 existing panel antennas and 2 RRU's mounted on the existing single family dwelling; an approximately 207 square foot existing equipment enclosure with 9 existing equipment cabinets and associated equipment, 1 proposed generator connection/plug, 3 proposed equipment cabinets, two proposed RRU's, and 2 proposed A/C condensing units. Requires a Commercial Development Permit.

Location: Property located on Skyward Drive off of Trout Gulch Road in Aptos (685 Skyward Drive).

Supervisory District: 2nd District (District Supervisor: Pirie)

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 101099, based on the attached findings and conditions.

Exhibits

- | | |
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| A. Project plans | F. Visual Simulations |
| B. Findings | G. Alternatives Analysis |
| C. Conditions | H. On-site photos |
| D. Categorical Exemption (CEQA determination) | I. Acoustical Evaluation |
| E. Assessor's, Location, Zoning and General Plan Maps | J. NIER Exposure Report |
| | K. Comments & Correspondence |

Parcel Information

Parcel Size: 2.9 acres (126,324 square feet)
Existing Land Use - Parcel: Single Family Residential
Existing Land Use - Surrounding: Single Family Residential
Project Access: Via a Private Road off of Skyward Drive
Planning Area: Aptos
Land Use Designation: R-R (Rural Residential)
Zone District: RA (Residential Agriculture)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Eastern portion of the site mapped as landslide area; however, no development is proposed in this location.
Soils: Lompico-Felton Complex; Geotechnical Report Review required prior to building permit issuance.
Fire Hazard: Not a mapped constraint
Slopes: Slopes 0-15% in location of proposed monopole and facility; no development proposed on steeper slopes (>30%)
Env. Sen. Habitat: Parcel mapped for Dudley's Lousewort; however, no resources evident 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 a mapped resource

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: Private Well
Sewage Disposal: Septic
Fire District: Aptos/La Selva Fire Protection District
Drainage District: None

History

In 1992, the County issued a building permit (#102527, finalized in 1992) for the installation of a modular equipment building with associated electronic equipment and an air conditioning unit, the installation of three panel antennas attached to the existing single family dwelling, and 200 amp electrical service associated with a wireless communications facility.

Use permit 98-0031 was obtained in 1998 for the construction of a 48 foot tall monopole with one panel antenna, and an emergency generator and a propane tank. The facility was installed, however, a building permit was never obtained; therefore, permit 98-0031 is now void.

In 2008, AT&T submitted an application to recognize the existing monopole, antennas and associated equipment as well as to install one new panel antenna and one new equipment cabinet (08-0256). The proposed project was considered by the Zoning Administrator at a public hearing on February 6, 2009. The public testimony focused on the use permit history and the scope of the proposed use, existing facility noise, and road maintenance. The applicant was directed to provide a noise study to evaluate the noise impacts of the existing air conditioning system and proposed generator as well as to provide revised plans to address any changes to the original plans or modifications necessary to mitigate noise for the air conditioning unit and generator to ensure that noise is fully contained on the property without impacting adjoining residential properties. In addition, the applicant was directed to join the road maintenance association and to negotiate a fair share of the cost for yearly road maintenance with the association. The applicant did not provide the requested materials and withdrew the application prior to a subsequent hearing with a staff recommendation for denial. Therefore, application 08-0256 was never approved.

On November 2, 2010, AT&T submitted the current application to fully recognize the facility, as built, with the proposed additional antennas and equipment.

Analysis

The subject property is approximately 1.5 acres in size and is located at the terminus of a private road (cul-de-sac) accessed from Skyward Drive in Aptos. The property is surrounded by parcels developed with single family dwellings at rural densities. Specifically, there are four single family dwellings located at the terminus of the cul-de-sac. The subject parcel and adjacent surrounding parcels are zoned RA (Residential Agriculture) with R-R (Rural Residential) or R-S (Suburban Residential) General Plan designations.

Wireless Communication Facility

There is one wireless facility located at the eastern portion of the site between the residence and the private road and there are also panel antennas attached to the single family dwelling on the south facing deck. The eastern facility is accessed by a separate, approximately 160' long driveway and there is a neighboring single family dwelling located directly across from the facility to the south.

There are non-native acacia trees and other various shrubs located between the facility and the private road which help to buffer the equipment shelter and monopole from surrounding residences.

The existing facility to the east of the residence consists of a 43' tall wood monopole with one panel antenna (51" x 10.3" x 5.5") located above the top of the pole. The total height of the pole with the antenna is just over 47'. The proposal includes the addition of one panel antenna (55.2" x 11.8" x 6") mounted directly below the existing antenna and two remote radio units (RRU's) mounted at the base of the monopole. The proposed new antenna will not add additional height to the monopole. There is an existing equipment shelter of approximately 207 square feet located at the base of the monopole. The equipment shelter is an above-ground modular structure of approximately 11 feet in height. Currently, there are nine equipment cabinets (four UMTS cabinets, two battery racks, one DC Power cabinet, one data rack, and one wall-mounted ciene

cabinet) and associated equipment located within the shelter. The applicant is proposing to install three new cabinets (one UMTS cabinets and two MCPA cabinets), two remote radio units (RRU's) and two fan coils inside the equipment shelter.

There are also three existing panel antennas (51" x 10.3" x 5.5") mounted to the deck of the existing single family dwelling. The applicant is proposing to replace the existing antennas with three panel antennas, one measuring 55.2" x 11.8" x 6" and two measuring 75.4" x 10.3" x 5.5" and to mount two 10.4" x 14.4" x 22.4" RRU's on an existing deck column.

Visual simulations are provided in EXHIBIT F.

NIER Exposure Report

The applicant has submitted a Federal Communication Commission (FCC) Compliance Study on Non-Ionizing Electromagnetic Radiation (NIER) Exposure prepared by TRK Engineering (Exhibit J) which indicates that the radio frequency exposure level on nearby buildings, with all antennas transmitted at the maximum power level simultaneously, would be 0.23% of the Maximum Permissible Exposure (MPE). Additionally, the report determines that the highest exposure location is at the slope south of facility and indicates that, in that location, the power density from the facility is 15% of the MPE. The RF emissions of the wireless communications facility comply with FCC standards.

Zone District Consistency

The subject property is a parcel of approximately 1.5 acres and is located in the RA (Residential Agriculture) zone district.

As per County Code Section 13.10.661(c), the RA zone district is a 'Restricted Area' within which new, non co-located wireless communication facilities are discouraged; however, the County Code allows for exceptions to the restriction with evidence of the following:

- 1) That the proposed wireless communication facility would eliminate or substantially reduce one or more significant gaps in the applicant carrier's network, and
- 2) That there are no viable, technically feasible, and environmentally equivalent or superior potential alternatives outside of restricted or prohibited areas identified in the County Code that could eliminate or substantially reduce said significant gaps.

An Alternatives Analysis (EXHIBIT G) was submitted by the applicant, which indicates that due to the high elevation of the parcel and excellent line of sight at the facility, the Skyward site provides a significant area of coverage east and west of the site, on both sides of Highway One, and at relatively distant locations including portions of Capitola and Santa Cruz. As opposed to other surrounding potential sites, the analysis deems the proposed site as the technically and environmentally superior option in that it is estimated that it would require a combination of eleven cell sites to replicate the coverage that the proposed site provides. Of those eleven sites, two would be potential co-locations, three would require equipment upgrades, and six would be new wireless communication facilities.

The County Code strongly supports co-locations as the environmentally superior option given the minimal disturbance associated with installation at an existing facility. Staff is able to support the location of a wireless communication facility at the proposed Skyward site given that portions of the facility were permitted by a building permit in 1992 and by a discretionary permit in 1998 and that there is no one site or combination of sites in the surrounding area which provides comparable coverage and would have less environmental disturbance.

Setbacks/Visual Impacts

The subject wireless communications site meets all of the required site standards for the RA zone district as shown in the following table:

	Required as per 13.10.323, RA zone district	Proposed
Front Yard	40'	45' (from right of way)
Side Yard	20' & 20'	47' & 45'
Rear Yard	20'	>20'

A recent site visit confirmed that the facility is visible from the private road and from adjacent residential parcels to the south and southeast of the site (EXHIBIT H). The adjacent parcel to the south has the greatest visual impact, in that the residence is located directly at the end of the driveway which accesses the facility. In addition, although the monopole and antenna are adequately buffered from view, the equipment shed is clearly visible from the private road and from the adjacent residences on the cul-de-sac to the southeast and east. Conditions of approval are included which require the applicant to submit detailed landscape plans for approval by planning staff prior to building permit issuance. The landscape plans must show the planting of a vegetative buffer between the equipment shelter and the existing retaining wall/fence at the south side of the facility to buffer the view of the facility from the adjacent residence to the south, and the planting of additional trees at the east side of the facility adjacent to the private road to buffer the view of the facility from the road and residences to the east. Therefore, the facility complies with County Code Section 13.10.663(a)(9) for visual buffering and staff recommends that the Zoning Administrator waive additional visual setback requirements.

Noise

There are two air conditioning/condensing units that are currently located on the east wall of the equipment shelter. An Acoustical Evaluation and Survey and Analysis of Future Conditions, prepared by Wilson Ihrig & Associates, dated 9/15/10 (EXHIBIT I) was submitted by the applicant to provide noise measurements from the existing facility and an analysis of future conditions resulting from the proposed noise baffling mitigations. The report indicates that although noise from the air conditioning units is clearly audible from all four surrounding parcels at the cul-de-sac, the ambient noise level (including refrigeration equipment noise) is well below the maximum of 60 Ldn allowable by the County Noise Ordinance. Additionally, the maximum hourly average noise level (Leq) allowed by the County General Plan is 40 dBA for stationary sources and the existing refrigeration equipment produces approximately 32 dBA.

Although the report indicates that the existing facility meets the requirements of the Noise Ordinance in the County General Plan, the neighbors have identified mechanical noise as a nuisance. Therefore, the applicant is proposing to move the air conditioning units to the west wall (rear) of the equipment shelter and to enclose the units with solid fencing and sound absorptive panels at the locations of the air conditions units (as per the recommendations of the acoustical report) to mitigate exterior noise impacts. With the proposed and recommended mitigations described above, the project acoustic engineer estimates that the worst-case level of noise to be expected when both units run simultaneously will be 24 dBA, which is below the lowest level of ambient environmental noise observed during the quietest times of the day.

A generator is required to maintain power at the site during a power failure. Although there may be additional noise impacts as a result of the generator, the noise impacts will be temporary, in that the generator will only operate during the length of the power failure. A generator shall not remain on-site, rather a plug is proposed to be located at the south wall of the equipment shelter and a generator will be brought on-site only during a power outage and will be removed thereafter.

Road Maintenance/Access

The site plan (EXHIBIT A) indicates that there is an existing 40' wide right of way easement over parcel 040-271-58 which was deeded to parcel 040-271-62 in 1979 for access; however, a portion of the driveway which accesses the wireless facility is not located within the deeded right of way. Therefore, conditions of approval require that the applicant and/or property owner show the location of an easement over parcel 040-271-58 on the building permit plans and submit a copy of the recorded easement for Planning Department review and approval prior to building permit issuance.

Public testimony provided for the provider's 2008 application included neighbor concerns regarding road maintenance. The road which accesses the facility is a private road that is maintained with the funds from a Road Association. Comments received from neighbors indicate that the property owner may not be a party to the Road Association and further, that the property owner should be required to contribute additional funds, beyond regular dues, to the Association due to the increased impacts as resulting from commercial truck traffic.

The applicant indicated that the cellular site requires a monthly visit from a technician for regular maintenance. Staff does not support that a maintenance truck accessing the parcel once per month will increase pavement wear and tear beyond that of regular daily residential traffic. Further, Road Association agreements on private roads are not usually enforced or regulated by the County; therefore, conditions of approval are included which restrict maintenance vehicles associated with the facility to one visit per month and staff does not recommend further action by the Zoning Administrator.

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 **101099**, 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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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 subject property is not located within a scenic corridor, as designated in the County General Plan, is not mapped for biotic agricultural resources, and does not contain evident environmentally sensitive habitats that would be adversely affected by the facility. Landscaping would be required as a condition of approval of the project and would require the applicant to plant landscape buffers at the south and east sides of the property to buffer the view of the facility and specifically, the equipment shelter, from neighboring residences and the private road. An Alternative Analysis was submitted by the applicant, which indicates that the coverage provided in the subject location is equivalent to that of 11 individual sites, six of which would be new sites; therefore, the proposed single site is the most technically feasible and environmentally superior to the available alternatives.

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 subject parcel is zoned Residential Agriculture (RA) which is a restricted area as set forth by the County Code, however the applicant submitted an Alternatives Analysis which concludes that there are no environmentally equivalent or superior and technically feasible alternative sites available. The report indicates that due to the elevation of the site and excellent line of sight, the Skyward site provides a significant area of coverage east and west of the site, on both sides of Highway One, and at relatively distant locations including portions of Capitola and Santa Cruz. As opposed to other surrounding potential sites, the analysis deems the proposed site as the technically and environmentally superior option in that it is estimated that it would require a combination of eleven cell sites to replicate the coverage that the proposed site provides. Of those eleven sites, two would be potential co-locations, three would require equipment upgrades, and six would be new wireless communication facilities and only three of those eleven sites are not located in a prohibited or restricted 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 wireless communication facility is an allowed use in the RA (Residential Agriculture) zone district and Rural Residential (R-R) General Plan designation with the Alternatives Analysis which indicates that, as opposed to potential alternative locations, the subject parcel is the most technically feasible and environmentally superior location. Approval of this application will resolve the existing code violation and all violation abatement costs will be paid.

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 wireless communications facility is located on an approximately 48' tall monopole and this elevation is too low to interfere with an 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 power density generated by the existing and proposed antennas is anticipated to be approximately 15% of the FCC's general public limit at the area of greatest exposure and is approximately 0.25% of the FCC's general public limit at surrounding residences; therefore, the RF emissions of the wireless communications facility comply with FCC standards.

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 site is not located within the coastal zone; therefore, this finding is not applicable.

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 power density generated by the existing antennas is approximately 15 percent of the FCC's general public limit at the location of greatest exposure and approximately 0.25 percent at surrounding residences. Therefore, the RF emissions of the wireless communications facility comply with FCC standards.

The 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 monopole and equipment shelter will be required to be buffered from view of surrounding residences and the private road as a result of the approval in order to reduce visual impacts.

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

The wireless communication facility is located within the RA (Residential Agriculture) zone district, which is a restricted zone district as per the County Code's Wireless Ordinance; however, an alternatives analysis indicates that based on the site's elevation and excellent line of sight, the subject site is the most technically viable and environmentally superior location for a cellular communications facility. A combination of eleven alternative sites would be required to achieve the coverage provided by the subject parcel, six of which would require construction on parcels designated as Prohibited or Restricted by the County Wireless Ordinance and only two of which would be potential co-locations. Therefore, this finding can be made.

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 resulting wireless communication facility will not be visually intrusive as a result of required landscaping and vegetative buffering and is the least environmentally intrusive option due to the fact that eleven individual sites would be required to achieve the equivalent coverage provided at the subject property and six of those site would require the construction of new facilities which would create a greater environmental impact than locating at the one subject site.

The existing wireless communications facility is consistent with the uses specified for the Rural

Residential (R-R) 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 and all electric power and telephone connections currently exist. The facility requires inspection by maintenance personnel once per month and this does not result in an increase in traffic that is unacceptable for the surrounding street network.

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 facility will be comprised of a wood monopole with two panel antennas which is adequately buffered from view of the private road and adjacent residences by existing vegetation and the panel antennas to be located on the south facing deck of the existing single family dwelling are not visible from the private road. With the requirements for buffering landscaping, the project is compatible with the existing rural residential nature of developments on the subject and surrounding properties.

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 conditions will require that the facility is adequately buffered from view of surrounding residences and the private road.

Conditions of Approval

Exhibit A: Project Plans, 7 sheets, prepared by JRA (Jeffrey Rome & Associates, Inc.), dated 10/18/10 and 10/26/10 (final revision dates).

- I. This permit recognizes the existing wireless communications facility including an approximately 48' tall monopole with one panel antenna, a 207 square foot equipment enclosure and three panel antennas installed on the deck of the existing single family dwelling. This permit also authorizes the following:
 - A. Replacement of three existing panel antennas with three new panel antennas and two Remote Radio Units (RRU's) on the deck of the single family dwelling;
 - B. Installation of one additional panel antenna on the monopole;
 - C. Installation of two Remote Radio Units (RRU's) at the base of the monopole;
 - D. Installation of three equipment cabinets, two RRU's, and two fan coils within the equipment shelter.

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:

- E. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- F. Within one year of the effective date of this permit, obtain a Building Permit from the Santa Cruz County Building Official for all existing equipment on-site exclusive of the 3 panel antennas mounted on the single family dwelling, the equipment shelter and the air conditioning unit which were permitted by building permit 102527. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- G. Obtain a building permit for all proposed new equipment. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- H. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- I. Obtain a grading permit, if required.
- J. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.

II. Prior to issuance of a Building Permit the applicant/owner shall:

- A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following:
1. Details showing compliance with fire department requirements.
 2. Detailed grading plans.
 3. Compliance with all recommendations of the Acoustic Evaluation and Survey and Analysis of Future Conditions including fencing construction and design and sound baffling panels.
 4. Plans shall show the location of an easement over the portion of the driveway which accesses the wireless communications facility which is currently located on APN 040-271-58. A recorded copy of this right of way easement will be required prior to building permit issuance.
 5. A detailed landscape plan that includes the planting of native species trees at the south and west sides of the facility to buffer the view of the facility. The plan shall show the replacement of any trees that have died or been removed with a native species and shall show an adequate number of 15 – 25 gallon trees to be planted. The applicant shall submit a 5 year maintenance plans that includes the replacement of any trees that die within that period.
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Meet all requirements of and pay all required drainage fees to the County Department of Public Works, Stormwater Management.
- D. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- E. Submit 3 copies of a soils report completed by a California licensed geotechnical engineer for review and approval.
- F. Provide required off-street parking for one maintenance vehicle. Parking spaces

must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.

- G. Provide a copy of a recorded right of way easement over parcel 040-271-58 for the portion of the access driveway that is outside of the existing 40 foot right of way.

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 and shall be in substantial compliance with the approved visual simulation.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. 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. Maintenance: Regular maintenance visits are restricted to one visit per month between the hours of 8:30 a.m. and 5:00 p.m. Only one maintenance vehicle may access the site during a maintenance visit.
- C. Construction Hours: All activities associated with construction and installation of new equipment at the site, as permitted by this permit, shall be limited to Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.
- D. Additional Facilities: A Planning Department review that includes a public hearing shall be required for any future co-location at this wireless communications facility.

- E. 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.
- F. Buffering: The required landscape buffers shall be permanently maintained in good condition in order to continue to meet the objective of buffering the facility from the private road and surrounding residences.
- G. Noise: All noise generated from the approved use shall comply with the requirements of the General Plan. Sound baffling techniques shall be maintained in perpetuity. The generator shall run only during the length of an electric power outage or as necessary to maintain communication. Once electricity is restored, the generator shall be turned off as soon as possible.
- H. 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.
- 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. 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.
- L. 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.

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:

- 1. This permit expires one year from the effective date listed below unless a building permit (or permits) is obtained for the existing unpermitted portions of the facility and equipment on site.**
- 2. This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structures described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

Approval Date: _____

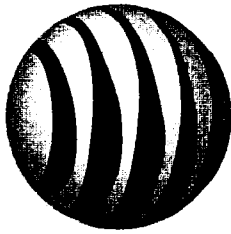
Effective Date: _____

Expiration Date: _____

Steven Guiney, AICP
Deputy Zoning Administrator

Samantha Haschert
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.



at&t

CNU3498/JACKSON OVERLAY
685 SKYWARD DRIVE
APTOS, CALIFORNIA 95003

JRA

Jeffrey R. Jones & Associates, Inc.
Atmosphere • California • Nevada
(949) 794-5979
FAX (949) 794-5978
Internet: (714) 794-0098

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at&t
14548 Professional Engineer
Jeffrey R. Jones, California #14548

APPROVALS	DATE
R.F.	DATE
DESIGN	DATE
CONSTRUCTION	DATE
SITE ACQUISITION	DATE
OWNER APPROVAL	DATE

PROJECT NAME
AT&T UNITS OVERLAY
SITE NAME
JACKSON OVERLAY
SITE NUMBER
CNU3498
685 SKYWARD DRIVE
APTOS, CALIFORNIA 95003

DRAWING DATES
08/02/10 HMC FIELD (P1-185)
08/02/10 HMC FIELD (P1-186)
08/22/10 HMC FIELD (P1-187)
08/22/10 HMC FIELD (P1-188)
10/11/10 HMC FIELD (P1-189)
10/11/10 HMC FIELD (P1-190)
REVISION LEVEL: 1.4
A.P.N.: 040-271-62
SHEET TITLE

TITLE SHEET
T-1

SHEET INDEX

- 1-2 TITLE SHEET
- 3-4 SPECIFICATIONS AND NOTES
- 5-6 SITE PLAN
- 7-8 EXISTING SITE PLAN
- 9-10 EXISTING UTILITY DETAILS
- 11-12 EXISTING BUILDING DETAILS
- 13-14 EXISTING ANTENNA AND MOUNT DETAILS

APPLICABLE CODES

ALL WORK SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES:
2007 CALIFORNIA BUILDING CODE AND LOCAL AMENDMENTS
2007 CALIFORNIA ELECTRICAL CODE AND LOCAL AMENDMENTS
2007 CALIFORNIA PLUMBING CODE AND LOCAL AMENDMENTS
IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL.

ACCESSIBILITY DISCLAIMER

THIS PROJECT IS AN UNOCCUPIED WIRELESS ACCESS TELECOMMUNICATIONS FACILITY AND IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS.

SCALE

THE DRAWING SCALE(S) SHOWN IN THIS SET PRESENTS THE CORRECT SCALE ONLY. WHEN THESE DRAWINGS ARE PRINTED IN A 24"x36" FORMAT, THIS DRAWING SET IS NOT 24"x36". THIS SET IS NOT TO SCALE.

DEVELOPMENT SUMMARY

APPLICANT: AT&T MOBILITY
4330 ROCKWOOD DRIVE
PLEASANTON, CALIFORNIA 94668
OWNER: T&I & CABLE MANAGEMENT
685 SKYWARD DRIVE
APTOS, CALIFORNIA 95003
PHONE: (831) 432-8688
TOWN OWNER: N/A
OTHER ON-SITE TELECOM FACILITIES: NO
PROJECT ADDRESS: 685 SKYWARD DRIVE
APTOS, CALIFORNIA 95003
ADDRESS PARCEL NUMBER: 040-271-42
34-98870
LATITUDE: 36.98870
LONGITUDE: 121.88000
LAT/LONG TYPE: NAD-83
EXISTING ZONING: TBO
PROPOSED PROJECT AREA: NO INCREASE IN S.F.
EXISTING TYPE OF CONSTRUCTION: TYPE V-B
PROPOSED TYPE OF CONSTRUCTION: TYPE V-B
EXISTING OCCUPANCY: U-2
PROPOSED OCCUPANCY: U-2
JURISDICTION: SANTA CRUZ COUNTY

PROJECT DESCRIPTION

AT&T WIRELESS INTENDS TO CONSTRUCT, OPERATE AND MAINTAIN AN UNOCCUPIED WIRELESS COMMUNICATIONS FACILITY. THE FACILITY WILL CONSIST OF THE FOLLOWING:
• REMOVE (1) (E) WALL MOUNTED UNIT & (1) (E) GROUND MOUNTED COMMERCIAL UNIT
• INSTALL (2) (M) GROUND MOUNTED HMC UNITS ON (M) CONCRETE PAD.
• (E) WOODEN FENCE
• (E) WOODEN FENCE
• INSTALL (2) (M) AT&T ANTENNAS TO REPLACE (E).
• REMOVE (1) (M) AND ADD (1) (M) ANTENNA ON (E) WOOD POLE.
• INSTALL (1) (M) AND ADD (1) (M) ANTENNA ON (E) WOOD POLE.
• INSTALL (1) (M) 200K UNITS CABINET IN SHELTER.
• INSTALL (2) (M) 200K UNITS CABINET IN SHELTER.
• INSTALL (4) (M) 100K UNITS CABINET IN SHELTER.
• INSTALL (4) (M) 100K UNITS CABINET IN SHELTER.
• INSTALL (1) (M) 100K UNITS CABINET IN SHELTER.
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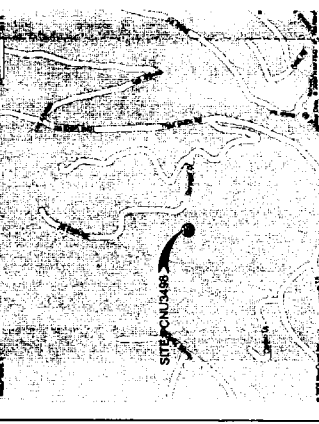
CONSULTANT TEAM

CLIENTS REPRESENTATIVE:
ERICSSON INC.
8160 STONEMORE HILL ROAD
SUITE 400
PLEASANTON, CALIFORNIA 94668
SITE ACQUISITION AND PLANNING:
PHONE: (949) 794-1182
ARCHITECT:
JEFFREY R. JONES & ASSOCIATES
1 SAN JOAQUIN AVE.
SUITE 250
NEWPORT BEACH, CALIFORNIA 92660
PHONE: (949) 762-3929
FAX: (949) 762-3931
CONTACT: NORM NELSON

SPECIAL INSPECTIONS

NO.	DESCRIPTION OF TYPE OF INSPECTION REQUIRED, LOCATION, REMARKS
1	CONCRETE
2	REINFORCED CONCRETE
3	REINFORCED CONCRETE
4	REINFORCED CONCRETE
5	REINFORCED CONCRETE
6	REINFORCED CONCRETE
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38	REINFORCED CONCRETE
39	REINFORCED CONCRETE
40	REINFORCED CONCRETE

VICINITY MAP



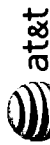
CITY OF APTOS

- EXHIBIT A

JRA

Jeffrey R. Jones & Associates, Inc.
 Architects • Engineers • Planners
 1400 • California • Nevada
 (415) 744-1579
 (415) 744-3879
 (415) 744-0559

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1400 Riverbank Drive
 Menlo Park, California 94025

APPROVALS

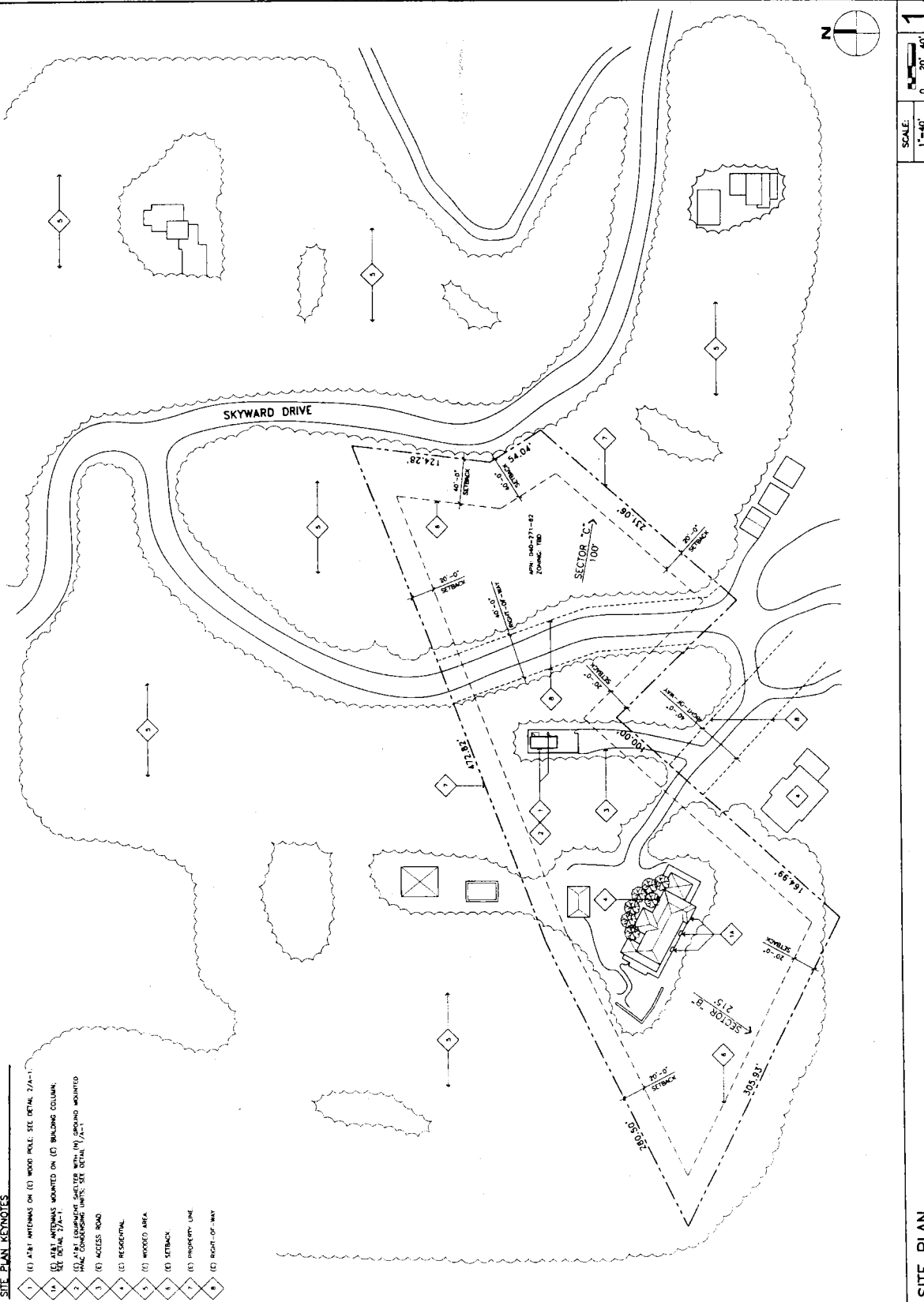
DATE	DATE
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DATE	DATE

PROJECT NAME
 AT&T UNITS OVERLAY
SITE NAME
 JACKSON OVERLAY
SITE NUMBER
 CHU3498
 680 SKYWARD DRIVE
 APLOS, CALIFORNIA 94025

DATE	DATE
DATE	DATE
DATE	DATE
DATE	DATE
DATE	DATE

APN: 040-271-62
SHEET TITLE
 SITE PLAN

A-0



SITE PLAN KEYNOTES

- (1) AIR ANTENNA ON (2) WOOD POLE. SEE DETAIL 2/A-1
- (3) AIR ANTENNA MOUNTED ON (4) BUILDING COLUMN. SEE DETAIL 2/A-1
- (5) AIR EQUIPMENT SHELTER WITH (6) GROUND MOUNTED MOUNTING UNITS. SEE DETAIL 1/A-1
- (7) ACCESS ROAD
- (8) RESIDENTIAL
- (9) WOODED AREA
- (10) SETBACK
- (11) PROPERTY LINE
- (12) RIGHT-OF-WAY

JRA
Jeffrey R. Associates, Inc.
Arizona - California - Nevada
Phoenix (602) 944-3379
San Francisco (415) 398-3379
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at&t
4430 Reswood Drive
Palo Alto, California 94306

APPROVALS

DATE	DATE
DATE	DATE
DATE	DATE
DATE	DATE
DATE	DATE

PROJECT NAME
AT&T UNITS OVERLAY
SITE NAME
JACKSON OVERLAY
SITE NUMBER
CNU3498
880 SATYARD DRIVE
APTO, CALIFORNIA 95020

REVISION DATES

09/05/10	ISSUE NO. 1 (P1-80)
09/11/10	ISSUE NO. 2 (P1-80)
09/17/10	ISSUE NO. 3 (P1-80)
09/27/10	ISSUE NO. 4 (P1-80)
10/18/10	ISSUE NO. 5 (P1-80)
10/22/10	ISSUE NO. 6 (P1-80)

REVISION LEVEL 4.4
A.P.N: 040-271-62
SHEET TITLE
RRU DETAILS

A-4

RRU CABINET	SCALE: 1"=1'-0"	SCALE: 0.25"=1'	4	5	3	2	1
<div> <p>KATHREIN 742-264 SPEC.</p> <p>SCALE: 1"=1'-0"</p> <p>SCALE: 0.25"=1'</p> </div> <div> <p>TOP VIEW</p> <p>FRONT VIEW</p> <p>RIGHT VIEW</p> </div>	<div> <p>KATHREIN 800-10764 SPEC.</p> <p>SCALE: 1"=1'-0"</p> <p>SCALE: 0.25"=1'</p> </div> <div> <p>TOP VIEW</p> <p>FRONT VIEW</p> <p>RIGHT VIEW</p> </div>	<div> <p>KATHREIN 742265 SPEC.</p> <p>SCALE: 1"=1'-0"</p> <p>SCALE: 0.25"=1'</p> </div> <div> <p>TOP VIEW</p> <p>FRONT VIEW</p> <p>RIGHT VIEW</p> </div>	<div> <p>DECIBEL QBXLH-6565A-VM SPEC.</p> <p>SCALE: 1"=1'-0"</p> <p>SCALE: 0.25"=1'</p> </div> <div> <p>TOP VIEW</p> <p>FRONT VIEW</p> <p>RIGHT VIEW</p> </div>				

EXHIBIT A

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: 101099
Assessor Parcel Number: 040-271-62
Project Location: 685 Skyward Drive

Project Description: Proposal to recognize an unpermitted wireless communication facility.

Person or Agency Proposing Project: Leah Hernikl

Contact Phone Number: (408) 799-1182

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

Specify type:

E. ☒ **Categorical Exemption**

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

F. Reasons why the project is exempt:

Recognition of a wireless communication facility in a zone district which allows for new wireless communication facilities.

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

Samantha Haschert, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

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POR. APTOS RANCHO

W. 1/2 SEC. 8, T.11S., M.D.B. & M.

Tax Area Code 40-27

69-281

SPRINGER RD.

Bk 41 10

Bk 41 09

TROUT CREEK

GULCH

SKYWARD DR.

23PM60 12/14/78

29PM13 4/5/78

54MB18 12/2/76

45MB20 6/20/66

80RS47 6/23/89

26/61

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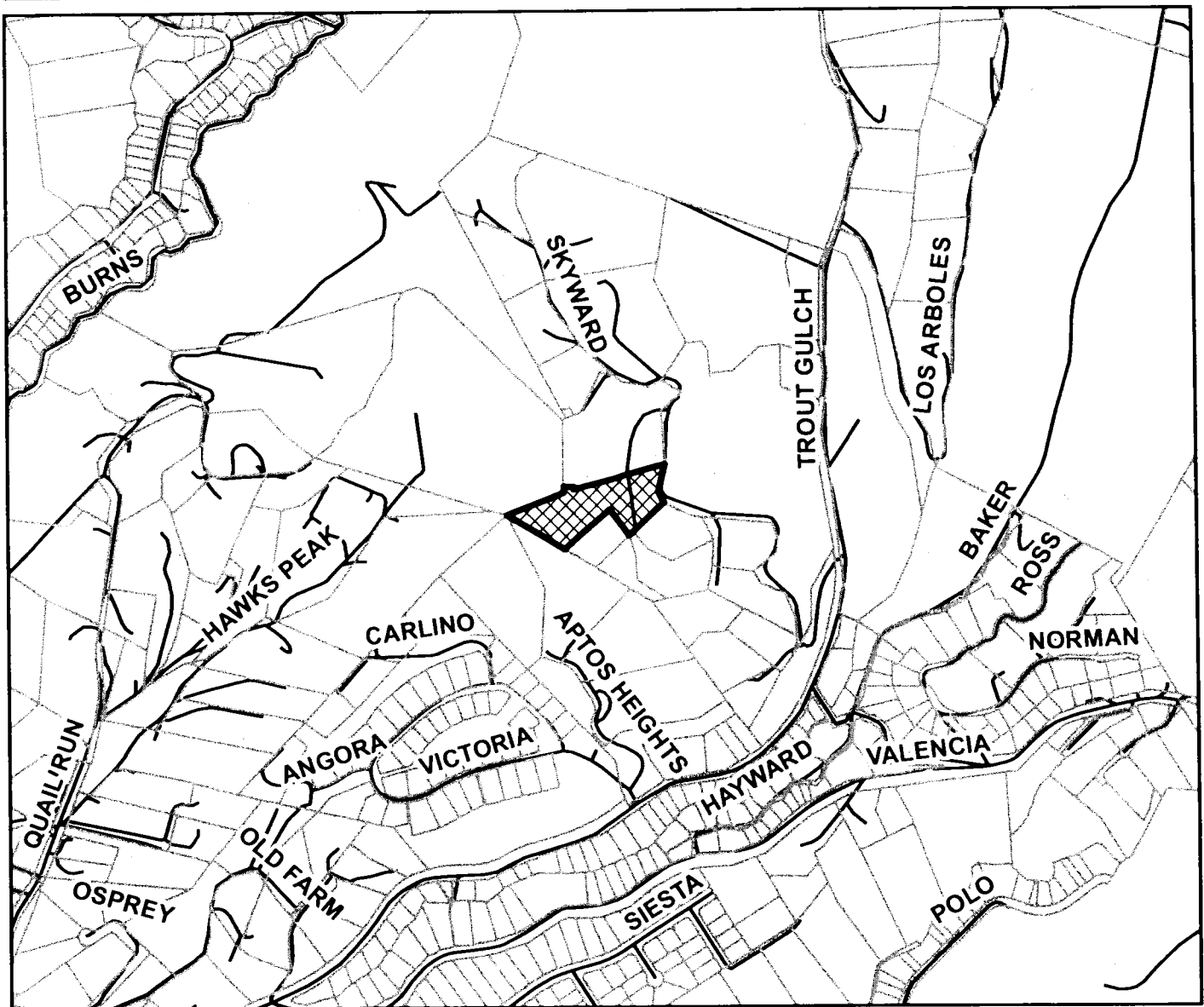
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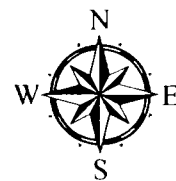


Location Map



LEGEND

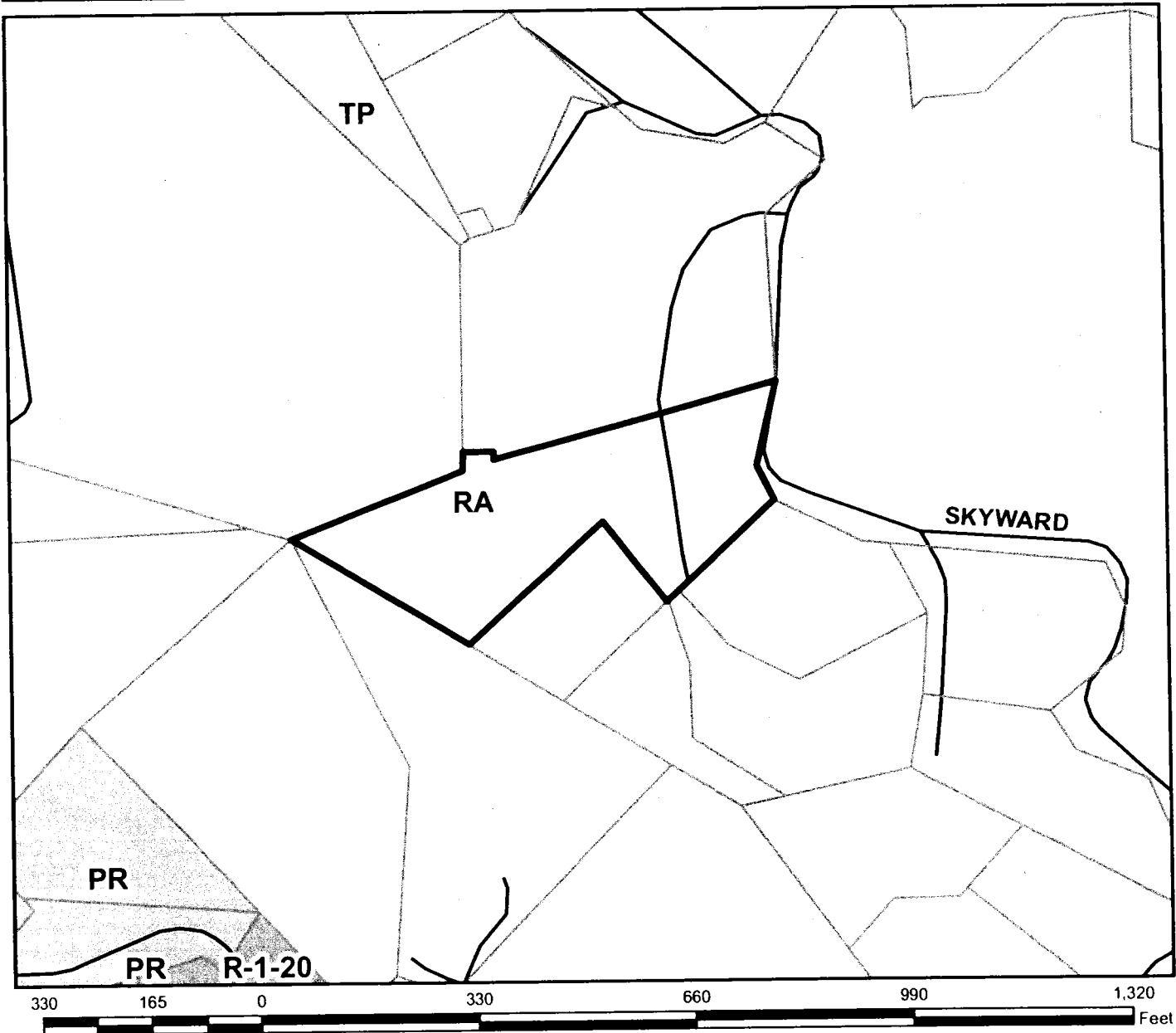
-  APN: 040-271-62
-  Assessors Parcels
-  Streets



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Planning Department
November 2010



Zoning Map



LEGEND

APN: 040-271-62

Assessors Parcels

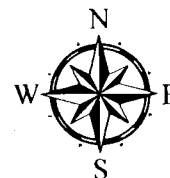
Streets

AGRICULTURE RESIDENTIAL

TIMBER PRODUCTION

PARK

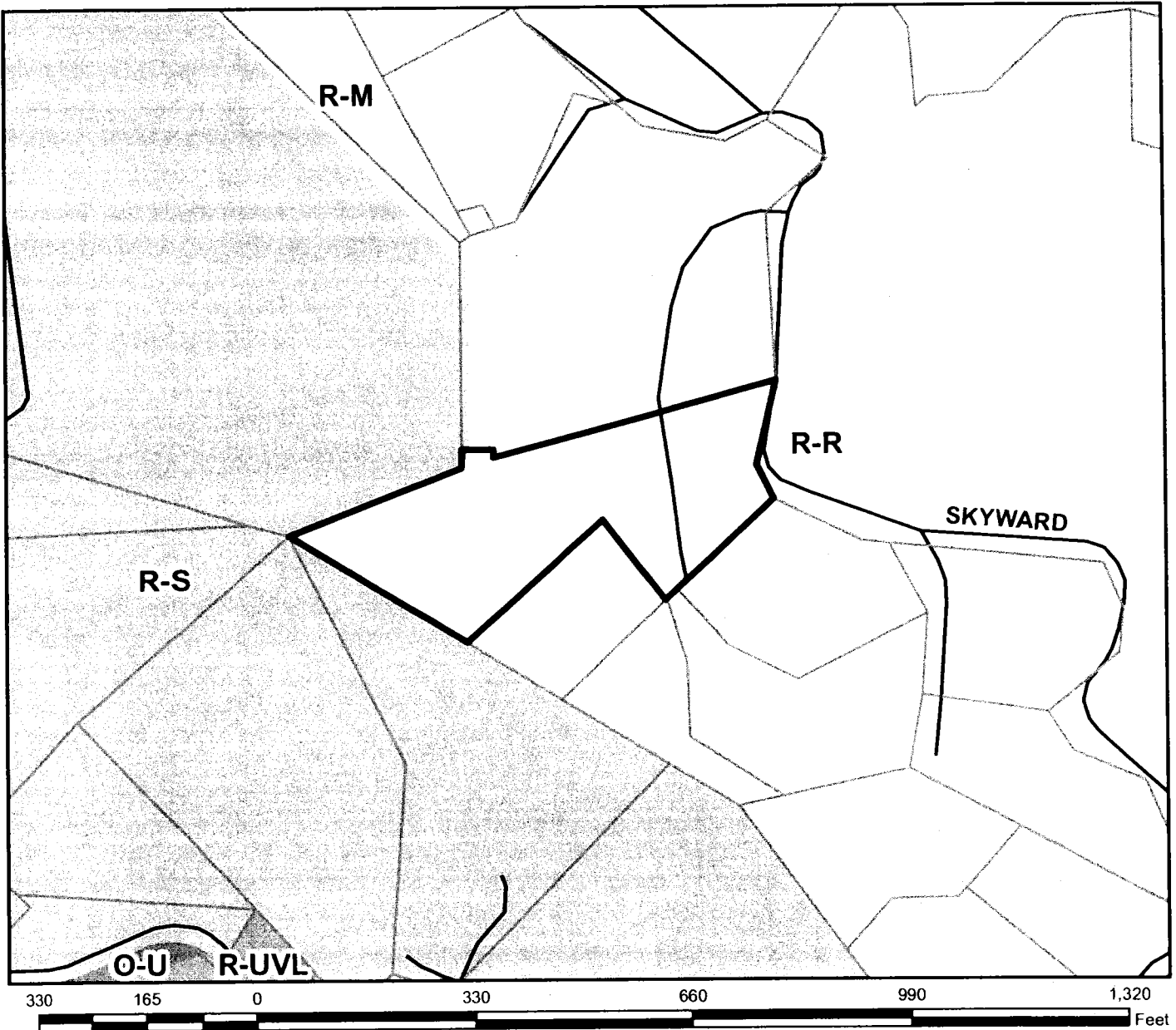
RESIDENTIAL-SINGLE FAMILY











Map Created by
County of Santa Cruz
Planning Department
November 2010

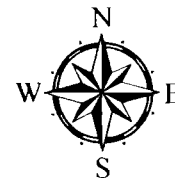


General Plan Designation Map



LEGEND

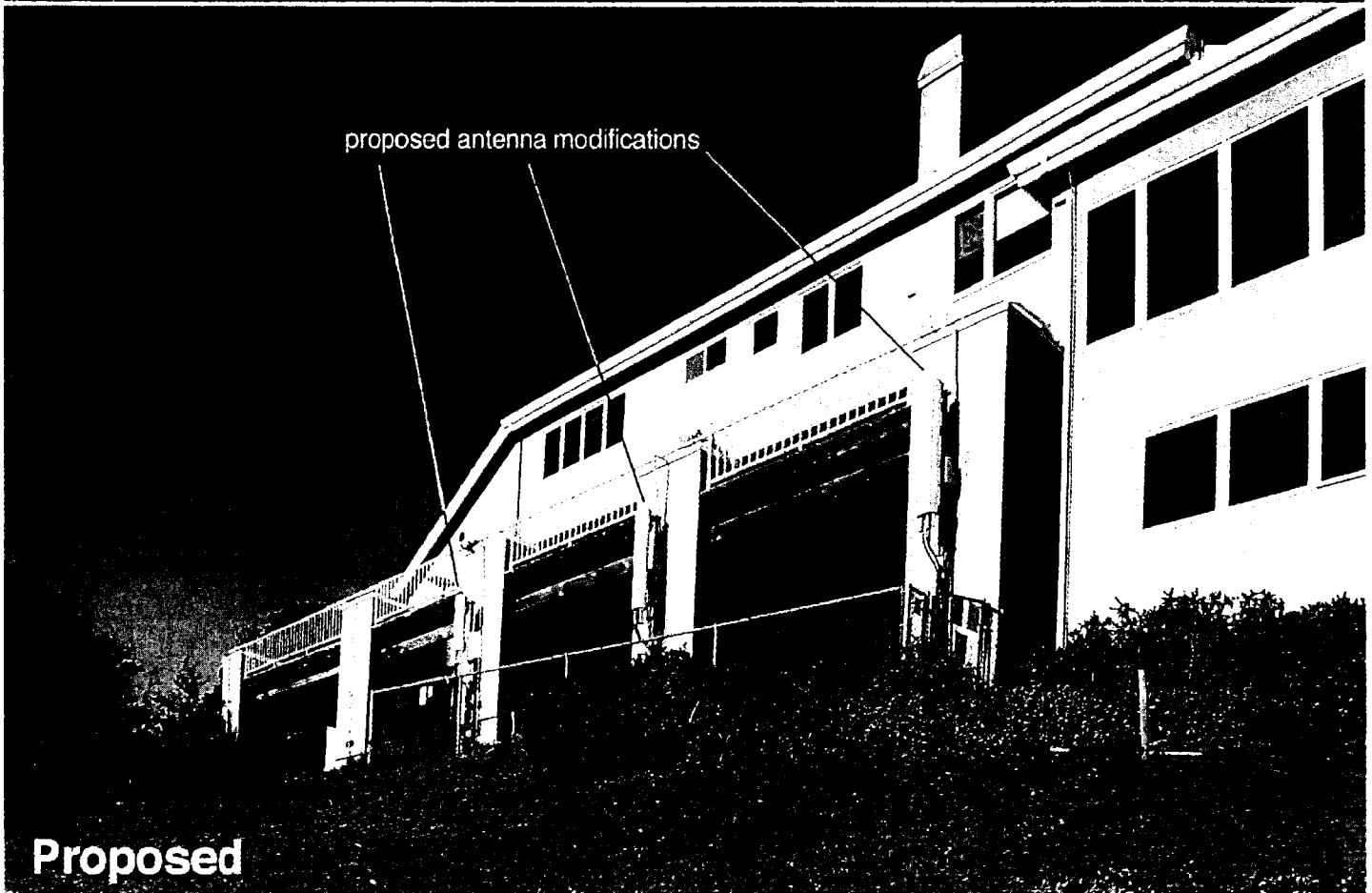
-  APN: 040-271-62
-  Assessors Parcels
-  Streets
-  Residential-Rural
-  Residential-Mountain
-  Residential-Suburban
-  Residential - Urban Very Low Density
-  Urban Open Space



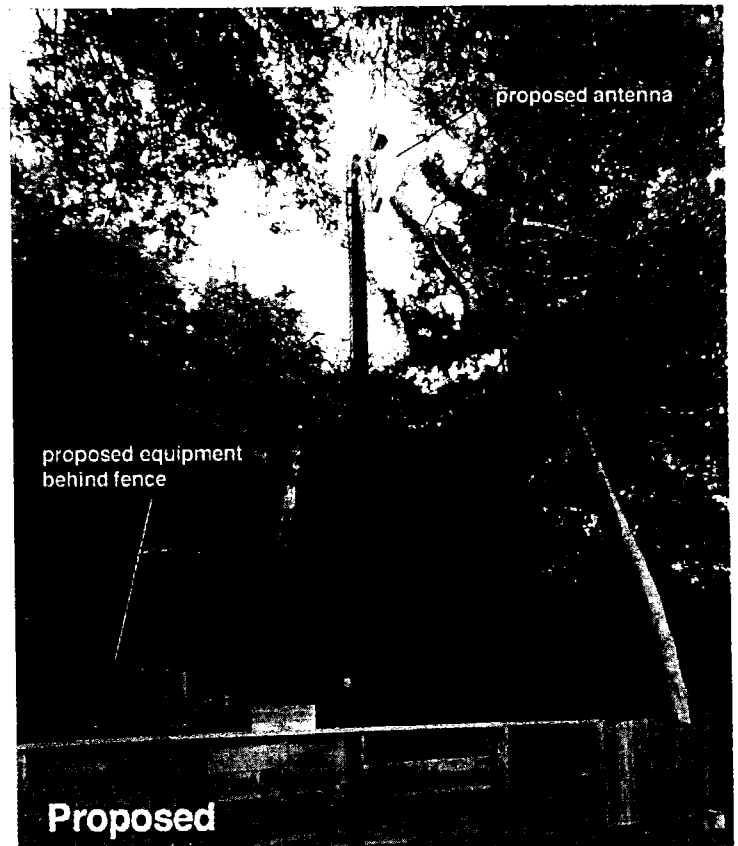
Map Created by
County of Santa Cruz
Planning Department
November 2010



Existing



Proposed



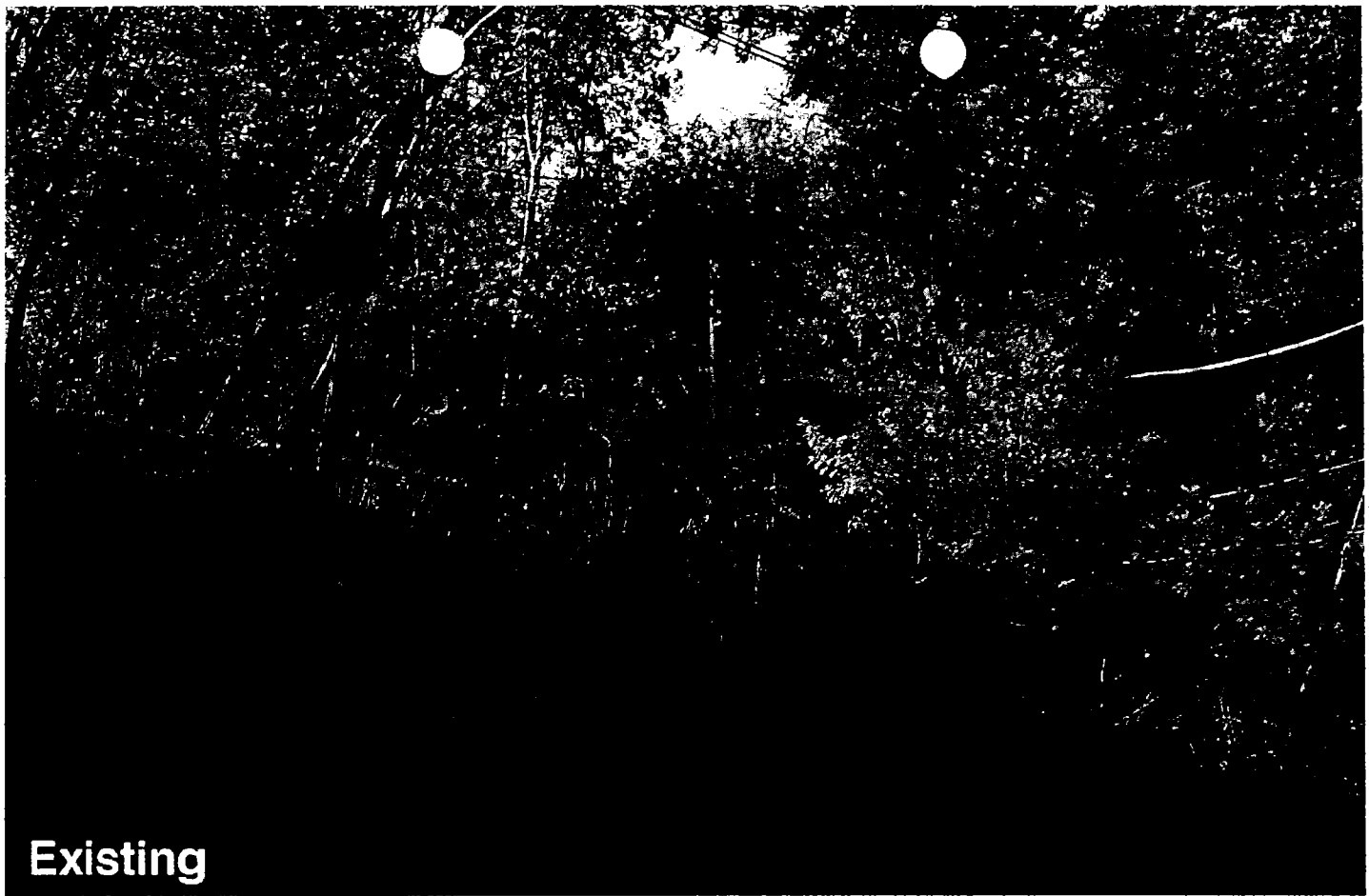
11/02/10

Jackson Overlay
685 Skyward Drive
Aptos, CA 95003

Site # SF1460

Looking North from Driveway

Applied Imagination 510.514.0500



Existing



Proposed

ALTERNATIVES ANALYSIS
Development Permit Application 101099
685 Skyward Drive, Aptos
AT&T Site CNU3498

Coverage Area of Subject Site

As shown in the enclosed coverage maps, the subject site on Skyward provides a significant area of coverage east and west of the site, and on both sides of Highway One. In addition to its primary coverage, this site also provides coverage infill at areas relatively distant, including portions of Capitola and Santa Cruz.

The site's high elevation relative to these areas provides excellent line-of-sight, that allows the Skyward facility to provide continuity where gaps in coverage exist from other cell sites located at lower elevations, with more limited line-of-sight.

Alternatives to Subject Site

The site and surrounding areas are zoning districts that are designated Restricted or Prohibited in the County's Wireless Ordinance. There is no single location that is both technically feasible in terms of replicating the coverage of the subject site, and is not in a Restricted/Prohibited zone. The nearest non-Restricted/Prohibited zoning districts are too low in elevation to achieve what the Skyland facility accomplishes.

Due to the site's height and far-reaching line-of-sight, AT&T radio frequency engineers calculate that it would take a combination of eleven cell sites to replicate the coverage that the site provides. Of these eleven sites, two could potentially be co-locations with other carriers, three would be upgrades to existing AT&T sites (adding UMTS service to the existing GSM service), and six would require new facilities.

The locations and brief descriptions of their relative merits are listed in the table "Comparison of Replacement Sites."

Merits of Subject Site

- Provides significant primary coverage, and supplemental infill, with one facility, rather than requiring multiple cell sites
- Wood pole design, location and surrounding vegetation render the facility not visible from off of the immediate property
- The site was located in an area with existing infrastructure and roadways. Only a driveway and minimal grading were required for the equipment shelter and access/parking area
- AT&T will cooperate with allowing other carriers to co-locate

COMPARISON OF REPLACEMENT SITES


Map ID	Location	Co-location	Favorable Zoning	Restricted Zoning	Prohibited Zoning	Longitude	Latitude	Comparative Merits and Disadvantages	Feasibility
									None of these sites are technically feasible as a replacement to the subject site, as they each would only provide a portion of the coverage provided by the subject site.
1	Bromberg and Sizemore Ave	X	C-1			-121.985	36.9708	Co-location; increase height of existing monopole	
2					R-1	-122.00357	36.9904	Prohibited zoning, City of Santa Cruz	
3	Post Office Dr. Aptos	X	C-2			-121.9	36.9752	Co-location	
5	Seascope Golf Clubhouse			PR		-121.883	36.9665	Possible opportunity to stealth antennas in rooftop element. Access and power available.	
6	Santana Dr			RA		-121.85	36.9908	If access and power are available, and the facility can be hidden, it would be on par with the subject site.	
7	White Rd/Frogsong			RA		-121.85	36.96049	If access and power are available, and the facility can be hidden, it would be comparable to, but not superior to, the subject site.	
8					R-1-1	-121.874	36.98039	Prohibited zoning	
9	Pleasure Point		C-2			-121.966	36.9626	Possible rooftop locations	
CNU3478	Moon Valley Ranch	X				-121.87	36.9681	Modify existing AT&T facility; add UMTS	
CNU3632	San Andreas	X		SU		-121.863	36.9628	Modify existing AT&T facility; add UMTS	
CNU3237	Mar Monte	X		SU		-121.849	36.9473	Modify existing AT&T facility; add UMTS	

EXHIBIT G
Feasibility



1. View from south adjacent residence:



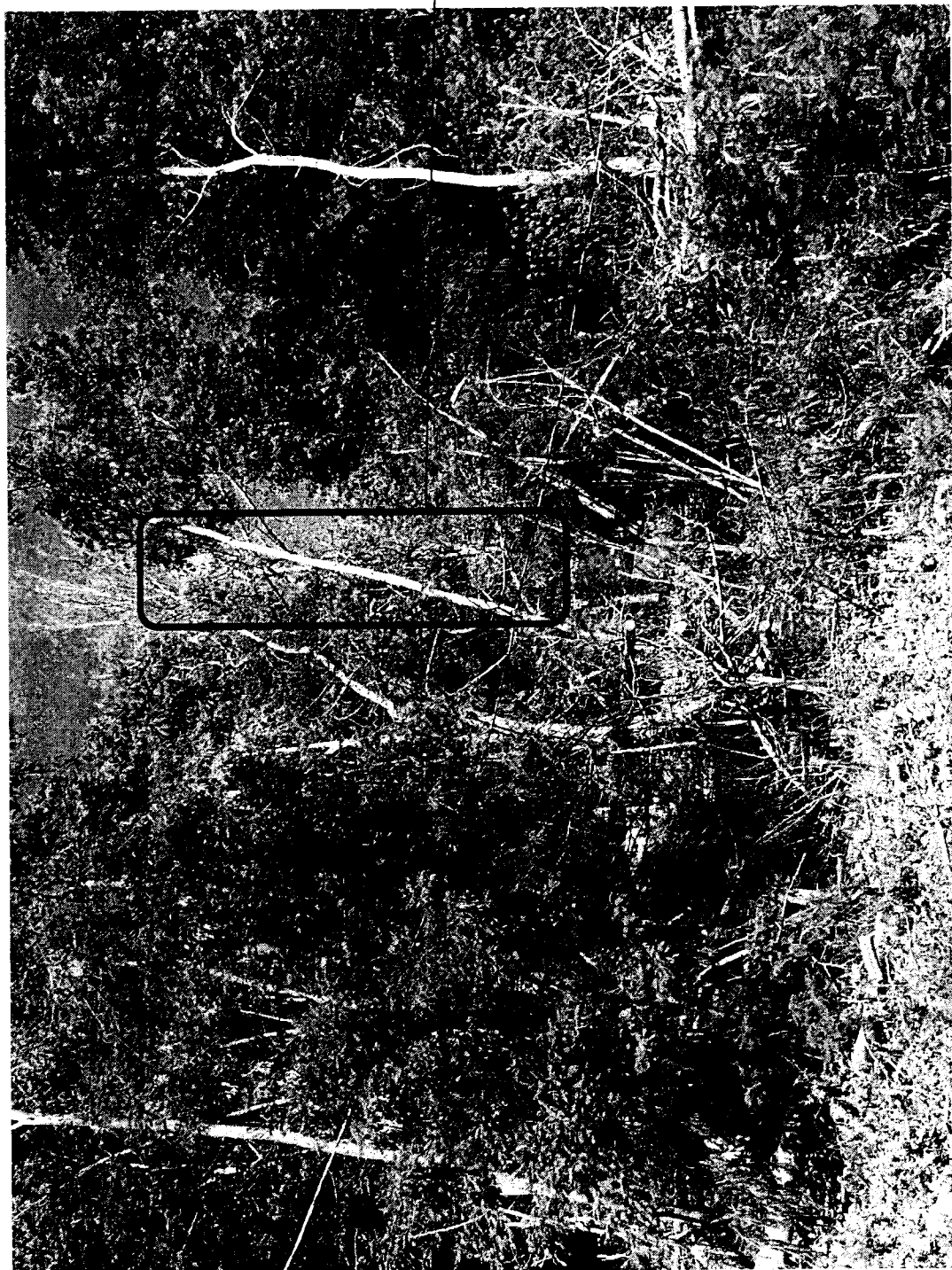
Top of Monopole and
Antenna

2. View from southeast adjacent residence:



3) Views from east adjacent residence and from private road:





MONOPOLE AND ANTENNA



WILSON IHRIG & ASSOCIATES
ACOUSTICAL AND VIBRATION CONSULTANTS
CALIFORNIA NEW YORK

6001 SHELLMOUND STREET
SUITE 400
EMERYVILLE, CA 94608
Tel: 510-658-6719
Fax: 510-652-4441
www.wiai.com

15 September 2010

Mr. Anthony Poletti
Project Manager
Black Dot Wireless
27271 Las Ramblas, Suite 200
Mission Viejo, California, 92691

Subject: Acoustical Evaluation and Survey and Analysis of Future Conditions
Cell Site CNU3498, Aptos, California

Dear Mr. Poletti:

This letter presents an evaluation of the noise produced by current refrigeration equipment at the site of CNU3498 along Skyward Drive near Aptos, CA and predictions of expected future noise after the present equipment is replaced with lower noise types.

Executive Summary

Noise due to current refrigeration equipment at the cell site is clearly audible by the property line of all four residences abutting the cul-de-sac at the end of Skyward Drive. However, the data obtained indicates that such noise does not violate the requirements of the City of Santa Cruz Noise Element.

The current upgrade project to the cell site includes the replacement of the current cooling equipment with much quieter units to be located *behind* the site's building and surrounded by a sound barrier fence. Calculations performed of the expected level of noise to be produced by the new equipment at the proposed location indicate that such noise is likely to become inaudible during most of the day and just barely audible during those times when other environmental noises in the area are the lowest while fully complying with applicable legislation.

Applicable Legislation

The County of Santa Cruz has enacted legislation as part of their General Plan that regulates noise. This is contained in the Noise Element, Chapter 6, Section 6.9 of the General Plan as a goal which attempts:

"To protect the public and sensitive wildlife habitat areas from harmful noise sources such as industrial facilities, automobiles, airplanes, motorcycles, construction noise, surface mining operations, chainsaws, off-road vehicles, loud music, and other noise sources."

Two noise standards are mentioned in the Noise Element: a daily average noise standard for Land Use Compatibility with various Noise Environments and Maximum Allowable Noise Exposures due to Stationary Noise Sources such as the current cell phone station. The two Standards are summarized in Figure 6-1 and Figure 6-2, respectively, and are reproduced below.

Figure 6-1 Land Use Compatibility For Community Noise Environments							
LAND USE CATEGORY	EXTERIOR NOISE EXPOSURE Ldn or CNEL (Both are weighted in decibels by when noise occurs - day or night)						
	55	60	65	70	75	80	
Residential, Hotels, and Motels							
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds							
Schools, Libraries, Museums, Hospitals, Personal Care Meeting Halls, Churches							
Office Buildings, Business Commercial, and Professional							
Auditoriums, Concert Halls, Amphitheaters							
Industrial, Manufacturing, Utilities, and Agriculture							
	<p>NORMALLY ACCEPTABLE Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.</p> <p>CONDITIONALLY ACCEPTABLE Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.</p> <p>UNACCEPTABLE New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.</p> <p>Ldn = Day-Night Average Sound Level CNEL = Community Noise Equivalent Level</p>						

Figure 6-2 Maximum Allowable Noise Exposure Stationary Noise Sources (1)		
	Daytime (5) (7 PM to 10 PM)	Nighttime (2, 5) (10 PM to 7 AM)
Hourly Leq average hourly noise level, dB (3)	50	45
Maximum Level, dB (3)	70	65
Maximum Level, dB - Impulsive Noise (4)	65	60
dB = decibel (1) As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures. (2) Applies only where the receiving land use operates or is occupied during nighttime hours. (3) Sound level measurements shall be made with "slow" meter response. (4) Sound level measurements shall be made with "fast" meter response. (5) Allowable levels shall be raised to the ambient noise levels where the ambient levels exceed the allowable levels. Allowable levels shall be reduced 5 dB if the ambient hourly Leq is at least 10 dB lower than the allowable level.		

As shown in Figure 6-2, noise levels due to stationary sources such as the cell site are limited to no more than 50 dBA on average over one hour during the daytime and no more than 45 dBA during nighttime hours. (Please note that although not explicitly indicated in the Table, all values are assumed to be expressed in A-weighted decibels –dBA–, as such metric is standard for the evaluation of environmental noise). However, if the ambient hourly average (Leq) noise level is 10 decibels *lower* than the allowable level, then such allowable level is reduced by 5 decibels.

For short-term duration noises, maximum levels allowed are 70 dBA during the daytime hours and 65 dBA during the night, as noise due to operation of the cell site is not impulsive in nature. However, as the ambient noise at the nearest residences is more than 10 decibels lower than the maximums shown in the above Figure, a 5 decibel penalty must be applied to those maximums as per note (5), thus the maximums allowed are 65 and 60, for day and nighttime, respectively.

Present Noise levels

In order to determine the present level of noise in the area, continuous monitoring for a period of seven contiguous days was conducted by means of precision, calibrated, digitally logging sound meters left unattended at two locations. These meters recorded the level of environmental noise eight times each second, providing statistical summaries every hour of the day for each of the days surveyed. In addition to the hourly summary statistics, the meters were programmed to store the average and maximum level of noise once a minute for the entire duration of the survey, resulting in approximately 11,000 points of data for each monitor. This was done to determine the effect that the intermittent sources of noise by the cell site had on the noise environment by the residences.

The first location surveyed corresponds approximately with the southeast corner of the site and was used as a "control" to determine when the equipment was running and when it was not. The second location selected was near the western property line for the residence at 645 Skyward Drive, across the street from the cell station.

The resulting data indicates that noise in the area is fairly typical of that found in low density urban environments, influenced by distant vehicular traffic, local sounds such as those produced by birds, tree leaves moving due to wind and mechanical equipment such as the water pump servicing the large water reservoir east of the residence at 645 Skyward Dr. and refrigeration unit(s) servicing the cell site. The following table presents a summary of the data measured:

Table 1: Long-term survey noise level summary.
All levels in decibels A-weighted (dBA)

Location	Average Daytime(1)	Average Nighttime(1)	Ldn (daily average)
1 – by cell site	50-55	48-52	56-58
2 – by 645 Skyward residence	40-50	30-40	44-47
Note: All level ranges shown are typical. See Figures 1 & 2 for hourly and daily average (Ldn) details (1) typical hourly average (Leq) as per City's Noise Element, Table 6-2			

Present Mechanical Equipment Noise

The minute long noise data gathered revealed that noise due to cooling equipment at the cell site reaches the nearest residential property at average levels of approximately 37 to 39 decibels A-weighted (dBA). This is clearly evident in the data during nighttime hours, when other environmental noise sources are silent. Please see Figures 3 and 4 for a sample plot of the minute-by-minute average and maximum noise data by the cell site and by the residence, respectively.

Noise due to refrigeration equipment at the cell site is clearly audible during daytime hours by the property line of all four residences abutting the cul-de-sac at the end of Skyward Drive. The data obtained reveals that the level of ambient noise at the nearest residence, ranging from 44 to 47 Ldn decibels is significantly below the maximum 60 Ldn allowable by the County of Santa Cruz for residential land uses (see Figure 6-1, from the County's Noise Element, above), even with the refrigeration equipment being clearly audible.

The hourly average noise level (Leq) at the nearest residence due to the refrigeration equipment is approximately 32 decibels A-weighted (dBA). This level is also significantly below the 40 dBA allowed by the County's Noise Element for stationary sources during nighttime hours. See Figure 6-2, above. Please note that being that the ambient noise level without the refrigeration equipment running is less than 10 dB lower than the 45 dBA allowable level, a penalty of 5 dB is applied to this maximum allowable level thereby lowering such maximum to 40 dBA.

When the data obtained is compared to the instantaneous maximum level metric indicated by the Code (see 2nd row in Figure 6-2), it is also evident that the approximately 37 to 39 dBA produced by the refrigeration equipment is also significantly below the 60 dBA allowed (after 5 dB penalty is applied here also.)

Predicted Future Mechanical Equipment Noise

Calculations of the expected future level of noise to be produced by the proposed equipment were made using the methodology indicated in AHRI Standard 275-2009¹ and the manufactured-provided sound data for the equipment proposed².

The proposed layout consists of two 3-Ton condenser units to be located west of the existing building, between the retaining wall and the west building façade. Please see Figure 5 for a plan of the proposed layout. In addition, two 6' tall wood fences with gates will be constructed (see items #12 and 14 in Figure 5) so as to create a sound barrier effect and thus further shield surrounding residential land uses from mechanical noise.

Given the proposed layout and the sound data provided by the manufacturer, our calculations indicate that the worst-case level of noise to be expected when both units run simultaneously will be 24 dBA. This calculation assumes sound absorbent panels will be installed on the retaining wall, facing the proposed condenser units and that the new fences and gates will be built with no gaps or openings between wood slats, using a tongue-and-groove or overlapping slat arrangement, so as to minimize sound flanking.

Conclusions and Recommendations

The predicted noise levels on the order of 24 dBA are below the lowest level of environmental noise observed during the quietest times of the day, as these were measured to be approximately 30 dBA on average and as low as 28 dBA for short periods of time between 3am and 7am. Please see Figures 2 and 4. Hence, it is expected for mechanical noise due the proposed units to be virtually inaudible under most circumstances.

In order to minimize the level of noise produced, our recommendations are to:

- (A) Incorporate sound absorptive panels on 50% or more of the area of the retaining wall facing the proposed equipment. These panels should have a Noise Reduction Coefficient (NRC) of not less than 0.9 and be centered facing the condenser units. Acceptable products include:
 - a. Empire Acoustical *M-90* "backless" panel (www.empireacoustical.com)
 - b. Kinetics *Noiseblock* panels (www.kineticsnoise.com)
 - c. SoundFighter *LSE* (www.soundfighter.com)
 - d. AcoustiBlock *All Weather Sound Panels* (www.acoustiblock.com)
 - e. Industrial Noise Control *Panel-Sorb* panels (www.industrialnoisecontrol.com)
- (B) Build the proposed fence and gates with no gaps or openings, using tongue-and-groove lumber having a surface density of not less than 2 lbs/sq.ft.

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¹ Air-Conditioning, Heating and Refrigeration Institute (AHRI) Standard 275-2009 "Application of Sound Rating Levels of Outdoor Unitary Equipment"

² Carrier Corporation. Sound level data for "Performance Series" 38HDR Air Conditioner with PURON – 3 Ton Model

Please do not hesitate to contact us if you have any questions.

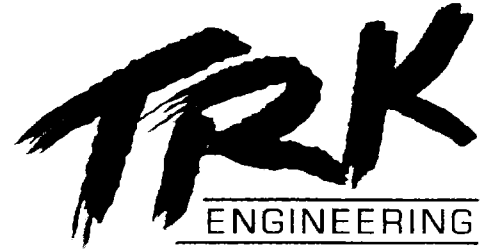
Very truly yours

WILSON, IHRIG & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Pablo A. Daroux', with a stylized flourish at the end.

Pablo A. Daroux, MS (Acoustics)
Principal

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**FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMPLIANCE STUDY ON
NON-IONIZING ELECTROMAGNETIC RADIATION (NIE)
EXPOSURE**

Prepared for:



**CNU3498
JACKSON OVERLAY
685 SKYWARD DRIVE
APTOS, CA
95003**

OCTOBER 20/10, REV. 0

SITE DESCRIPTION:

Carrier:	AT&T
Address:	685 Skyward Drive, Aptos, CA 95003
Type of Service:	i) 850 & 1900 MHz GSM/UMTS ii) LTE
Sectors:	2 (215°, 100°)
Antenna Type:	i) Kathrein 742 264, Decibel QBXLH-6565A-VTM ii) Kathrein 800 10764
Number of Antennas:	5 (3 + 2)
Maximum Power:	500 W (<i>Maximum ERP per technology per sector</i>)
Antenna Height:	10'±, 38'-5"±, 45'± (<i>Radiation center AGL</i>)

Table 1. AT&T RF summary

AT&T is proposing to deploy new LTE service in addition to the existing GSM and UMTS services provided at its wireless communication facility located at the above address (Figure 1). The facility will have antennas at two locations inside the property. An existing 40' wood pole with two panel antennas is located on the east side (sector C). Another three panel antennas will be installed on the existing building columns facing the south (sector B). Both locations are surrounded by fences. One new indoor equipment cabinet will be installed inside the existing equipment shelter near the wood pole. Access to the facility is restricted to authorized personnel.

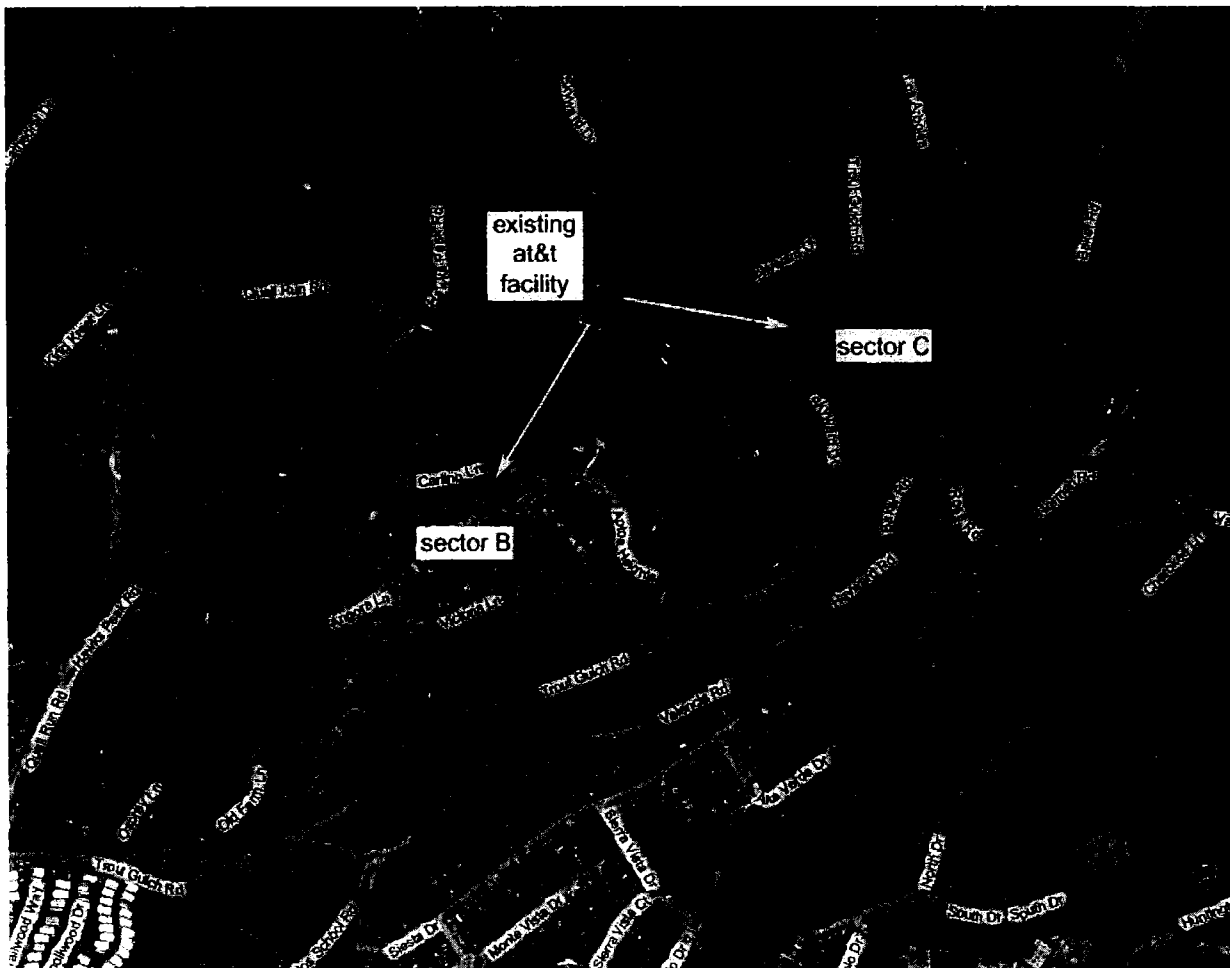


Figure 1. Aerial view of existing facility

EXHIBIT J

PROTOCOL:

This study, and the calculations performed therein, is based on OET Bulletin 65¹ which adopts ANSI C95.1-1992 and NCRP standards. In particular, equation 10 from section 2 of the guideline is used as a model (in conjunction with known antenna radiation patterns) for calculating the power density at different points of interest. This information will be used to judge the RF exposure level incident upon the general population, and any employee present in the area. It should be noted that ground reflection of RF waves has been taken into account.

FCC'S MAXIMUM PERMISSIBLE EXPOSURE (MPE) LIMIT:

In order to evaluate the RF exposure level, the power densities at different locations of interest have been examined. Equation 10 from Bulletin 65 is reproduced here as equation 1:

$$S = \frac{33.4F^2ERP}{R^2} \quad (1)$$

Where: S = Power density [$\mu\text{W}/\text{cm}^2$]
 ERP = Effective radiated power [W]
 R = Distance [m]
 F = Relative field factor (relative numeric gain)

Scenario 1: Maximum Exposure near facility

The RF exposure level for a six-foot tall person standing near the AT&T facility is analyzed. For the worst-case scenario, we assume that the facility will radiate the maximum number of channels for all the technologies at the same time, with each channel at its maximum power level. Please refer to scenario 1 in appendix A for the complete geometry and analysis. The highest exposure location is found to be on the slope south of the facility near the existing chain-link fence, which is approximately 5' from the antennas. The calculations of the maximum cumulative RF power densities are shown in Table 2.

Service	Max. ERP	F ²	R (m)	S ($\mu\text{W}/\text{cm}^2$) (from eq. 1)	MPE %
AT&T 1900	1000 W	-20 dB (0.0100)	2.4	57.9861	5.7986
AT&T 850	1000 W	-25 dB (0.0032)	2.4	18.5556	3.1992
AT&T LTE	500 W	-20 dB (0.0100)	2.4	28.9931	5.9291
Total					14.9269

Table 2. Worst-case predicted power density values for scenario 1.

The Maximum Permissible Exposure (MPE) limit for 1900 MHz PCS facility for general population/uncontrolled exposure is $1000 \mu\text{W}/\text{cm}^2$, $580 \mu\text{W}/\text{cm}^2$ for 850 MHz facility² and $512 \mu\text{W}/\text{cm}^2$ for 704 MHz facilities³. At this location, the power density from the facility is calculated to be 15% of the MPE limit.

¹ Cleveland, Robert F, et al. Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields. OET Bulletin 65, Edition 97-01, August 1997.

² Ibid., page 67.

³ Ibid., page 67.

Scenario 2: Maximum Exposure on nearby buildings

There are residential houses in the surrounding areas. The RF exposure levels on the nearby buildings are evaluated. Please refer to scenario 2 in appendix A for the complete geometry and analysis. Again, we assume all antennas are transmitting with maximum power level at the same time. The maximum exposure is found to be on the rooftop of the nearest building approximately 350' from the sector C antennas. The maximum power density is calculated to be 0.23% of the MPE limit.

Service	Max. ERP	F ²	R (m)	S (μW/cm ²) (from eq. 1)	MPE %
AT&T 1900	1000 W	-14 dB (0.0398)	108.8	0.1123	0.0112
AT&T 850	1000 W	-6 dB (0.2512)	108.8	0.7088	0.1222
AT&T LTE	500 W	-5 dB (0.3162)	108.4	0.4494	0.0919
Total					0.2253

Table 3. Worst-case predicted power density values for scenario 2.

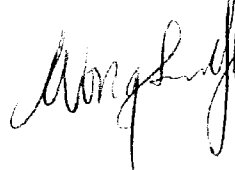
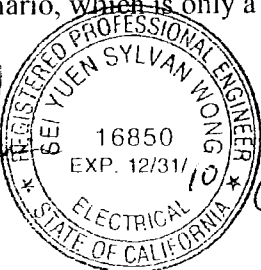
Conclusion:

There is a relatively low level of RF energy directed either above or below the horizontal plane of the antennas. Under "worst-case" conditions, the calculations shown above predict that the maximum possible RF exposure is 15% of the MPE limit. There will be less RF exposure at other locations near or away from the facility. Therefore, the proposed modifications to AT&T wireless communications facility will comply with the general population/uncontrolled limit.

FCC COMPLIANCE:

Only trained persons will be permitted to access the facility and the antennas. They will be made fully aware of the potential for RF exposure and can choose to exercise control over their exposure that is within the occupational/controlled limits which is 5 times higher than the uncontrolled limits.

The general population/uncontrolled exposure near the facility, including persons on the ground level, in nearby open areas, and inside or on existing nearby buildings will have RF exposure much lower than the "worst-case" scenario, which is only a small percentage of the MPE limit.

  October 25, 2010

Sei Yuen Sylvan Wong, PE
California PE Reg. No. E 16850

III

*Duane C. Watters
665 Skyward Dr.
Aptos, California 95003*

March 23, 2011

*Samantha Haschert
Development Review Planner
Santa Cruz County Planning Department
701 Ocean St., 4th Floor
Santa Cruz, CA 95060*


Subject: App # 101099

Dear Ms. Haschert:

We wish to advise you that we object to the subject recognition application currently under consideration by your office. We will appreciate the notice of hearing and suggest that you provide that notice to all Skyward Drive Road Association members.

Your file dealing with the AT&T cellular phone station on Skyward Drive has many previous complaints and there have been others recently addressed to AT&T about noise and late night maintenance that disrupts our residential peace and security. AT&T has not been an acceptable neighbor and we would like to see the facility removed from our hill or moved to another location.

I have reviewed the situation with Ellen Pirie, 2nd District Supervisor and she tells me she will contact you for an assessment of the problems we have submitted to the Planning Department previously.

Sincerely,

Duane C. Watters

IRENE & WARREN E. ERAUT
645 Skyward Drive
Aptos, Ca. 95003
(831) 688-8481
Email: erautlaw@yahoo.com

March 21, 2011

COUNTY OF SANTA CRUZ
ZONING ADMINISTRATOR
Planning Department
701 Ocean Street,
Santa Cruz, Ca. 95060

Attn: Samantha Hashert – Project Planner

Re: Application No: 101099
APN 040-271-62

Dear Ms. Hashert:

Enclosed are copies of my earlier correspondence to Sheila McDaniel regarding our continuing objections to the above project.

A T & T or its successors continues to use the private Skyward Drive road for access to the cellular tower facility without no concern about contributing towards road maintenance nor about any intrusion such use might have for the neighbors affected by the tower and adjoining facilities.

Access to and use of the facility involves 675 Skyward Drive as well.

It came as a surprise at the hearing on the matter on February 06, 2009 that some or all of this use had been the subject of prior permit processes. Had the neighbors received notice of such an application for a permit, some form of formal objection would have been lodged with the County since the proposed use seems to be nonconforming and incompatible with the character and use of the neighborhood.

The initial preparation of our response to the proposal involved a cross-reference to the applicable County Zoning Ordinances and related Building Codes. The common theme emphasized in the zoning ordinances is that any proposed use be harmonious with and compatible with the uses and character of the neighborhood.

The uses of 675 and/or 685 Skyward Drive as a location for a cellular tower and related service facility is and remains inconsistent with the character of the neighborhood in which we reside.

In addition to this inconsistency, the affected neighbors must disclose this use (and any related claimed health issues) when and if the decision is made to sell a particular property. There seems to be some evidence to suggest that the presence of a cellular

telephone tower constitutes a health hazard.

Therefore, we continue to object to the A T & T tower facility remaining in our neighborhood.

Our objections include problems with noise; the character of such commercial use in the neighborhood; the failure of A T & T, or its predecessor-in-interest to contribute towards the maintenance of both the main road and the branch road that provides access to our homes from that main road; the affect such a facility will have on property values as well as the obligation of any of us to disclose the presence of the facility.

The current application, as understood by us, is to "recognize a 48 foot monopole with antenna, existing equipment building with exterior air conditioning" which was previously un-permitted.

In our opinion, this use should be disallowed as being commercial in nature and inconsistent with the nature of the neighborhood in which it is located. There's a multitude of ordinances which apply to "non-conforming" use.

If allowed, the air conditioning unit should have a sound barrier. The building shed itself could be a sound barrier because A T & T could reasonably relocate the air conditioning unit to the west or NW side of the building. In its present location, the air conditioning unit emits noise which is an irritant at night. Zoning Ordinance 13.10.130 © provides this agency with the authority to regulate the "location, height, bulk, number of stories and size of buildings and structures". It is consistent with the authority granted this agency under the Zoning Ordinances to require a relocation of the building so as to preserve and protect the integrity of the neighborhood. If the building and access to it is to be allowed, then A T & T need only relocate the entire structure to 685 Skyward Drive.

This use to be "recognized" also involves continued use of our private road; i.e., not only the main road to which all of the members of the association contribute dues and maintenance expense, but the subsidiary or secondary road over which the A T & T equipment will travel for access to the facilities. As it relates to 675 and 685 Skyward, the access to those properties is presumably covered under the terms of the lease agreement negotiated between the predecessors-in-interest. However, no such use was permitted or agreed to by either the membership as a whole, or the members or our section in particular. There is no evidence of an easement granted A T & T to allow continued use of Skyward Drive.

The road association will have to seek an injunction against continued use if your agency is unwilling or unable to control the use. The ideal of course would be for removal.

Thus, in addition to the presence of this unharmonious facility in our nice neighborhood, we are also "blessed" with the presence of A T & T service equipment on a frequent and regular basis.

County Zoning Ordinance 12.01.010 has, as one of its purposes, the purpose to "protect the public health, safety and welfare". This requires consistent and harmonious use compatible with the neighborhood in which the use is located. The continued presence

and use of the properties by A T & T is inconsistent with the stated and avowed purpose as stated in this Zoning Ordinance. It is not healthy; it is not safe; and it certainly provides us with nothing in the form of welfare.

County Zoning Ordinance 12.10.110 provides for "minimum standards to safeguard life or limb, health, property and public welfare by controlling the ...moving ...of all buildings, structures, and or property service equipment..." If this agency determines that the balancing of the hardships justifies the continued presence of the A T & T facility, it certainly seems that the neighbors at 645, 655, and 665, and possibly 675 would be less impacted if the entire facility was moved up and directly onto the applicants' property at 685. This would ensure that the presence and any noise or other nuisance would be isolated from the neighbors. This would require the removal of the equipment shed and re-installing it on any appropriate section of the main yard at 685; in other words, have it relocated further up the hill.

County Ordinance 13.10.280 provides this agency with the duty to ensure that permits or licenses are in conformity with the provisions of this chapter. When such use is "in conflict with the provisions, then such use shall be null and void". We, therefore, contend that this use, *ab initio*, has been in conflict with certain provisions of the zoning ordinances and therefore is "null and void". Your agency does not have to sanction continued use; it is respectfully contended that your agency has both the discretion and the duty to disallow use that is not harmonious and is incompatible with the character of the neighborhood in which it is located. A hardship to A T & T does not justify the hardship imposed upon the neighbors.

County Ordinance 12.10.310 requires the issuance of permits. No permits were initially issued. One wonders how it is a large business like A T & T can violate the intent and purpose of the permit process without consequences. The fact that the cellular telephone tower was placed on site and operational does not necessarily mean it should continue.

County Ordinance 12.10.430 lists certain violations, some of which are present here. First, it shall be "unlawful for any person, firm or corporation to erect, construct, enlarge, ...unless a building permit has first been obtained for each building or structure..." The purpose is the obvious: it allows both the agency and the affected neighbors to determine if the proposed use is both appropriate and harmonious, and it allows alternative proposals to be submitted for consideration. This was apparently not done in this case. This does not mean that this use need be continued or condoned.

County Ordinance 13.10.120 provides for implementation of a general plan by providing specific regulations. It also requires that this agency implement this statutory purpose and "promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare; to protect that character, stability, and satisfactory interrelationship of residential, commercial industrial ...areas within the County".

The proposed "recognition" of prior use is in complete contradiction of the terms and the intent of the statutory purpose; there is nothing in the proposed presence of a cellular transmitting tower and facility that "protects health, safety, comfort" nor does it maintain the unique character of this residential neighborhood. There's a reason why this statute speaks

to the "interrelationship" of various uses; it refers to the well-understood fact that certain uses belong in certain areas. Somehow, this commercial use was transplanted into a residential neighborhood and allowed to continue. Under County Ordinance 13.10.140, this agency is charged with the responsibility to disallow and prevent enlargement or relocations of a building, or expand or intensify an existing use unless it is in conformity with the uses allowed within the district.

The proposed "recognition" of use by A T & T is to allow and to expand use that is inconsistent with and which lacks harmony with the neighborhood itself. This is in violation of County Ordinance 13.10.170 – that "allowable uses ...are in harmony with and compatible with the County General Plan". Ordinance 13.10.265 emphasizes that the use must "complement and harmonize with the existing land use in the vicinity and will be compatible with the physical design aspects of the neighborhood". This proposed use is inconsistent and incompatible in the extreme. At a minimum, all of the structure and use needs to be relocated as stated.

In point of fact, County Ordinance 13.10.230 discusses variances and restricts variances when the granting of same will not be in harmony with the general intent and purpose of zoning and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements within the vicinity. The proposed recognition of existing use and expansion of same violates the intent and purpose of this ordinance; it condones use which is injurious to property because it becomes a use that must be disclosed upon sale of the affected properties.

Upon a proposed sale of the affected properties, some of which have significant values, the seller must disclose the presence of any material nuisance or use or anything that is material to the decision of a buyer. There were comments at the hearing that this type of use involves radiation of sorts which is detrimental to one's health. This same use also generates a noise that is persistent and pervasive emanating from the building into the homes affected, especially at night. Since it must be disclosed, one would suggest that relocating the facility to the applicant's yard minimizes the impact of the disclosure and certainly removes the continued, persistent noise. A sound barrier is insufficient; the entire building across from 675 needs to be relocated to 685 unless, of course, this agency determines, pursuant to County Ordinance 13.10.260 that such use is an imminent threat to health or safety and should be terminated.

As stated previously, there are those who stand to benefit from this permit process and the continued use; namely, A T & T will be allowed to expand its noxious presence in the neighborhood; the applicants will continue to benefit financially while the neighbors downhill deal with the irritant of such use; and the neighbors, especially those at 645, 655, and 665 will be burdened with the continued use of the facility.

In addition to the general zoning requirements as mentioned, there are specific requirements for the siting (sic), design and construction of wireless communication facilities. See: County Ordinance 13.10.660 et seq. The entire text of this ordinance speaks to the issue of protection of the "integrity and nature of residential ...areas"; that the proposed use be such that "minimize(s) negative impacts" to the community and that it does not interfere with the "quality of life of the community".

In subsection (5), it is stated: "Commercial wireless communications facilities are commercial uses and as such are generally incompatible with the character of residential zones ... and therefore should not be located on residentially zoned parcels" (without prove that there are no other alternative locations). Such use requires a Level V Use Approval. (Ordinance 13.10.655).

The best alternative locations are elsewhere within the general semi-commercial environs of mid-county. If allowed at all, the entire operation should be relocated to be onto the property which benefits from its use and presence. This would effectively minimize the intrusion on to the other neighbors while allowing A T & T to continue with its operation.

The continued use by A T & T violates the use purposes for residential districts as set forth in Ordinance 13.10.321: (2) "to preserve areas for primarily residential uses in locations protected from the incompatible effects of non-residential land uses."

Also, subsection (9) applies: "To protect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt, smoke, traffic congestion and hazards..."

Ordinance 13.10.661 has certain requirements which have not been met here. This ordinance prohibits wireless facilities in certain zoning districts including R-1 districts unless the applicant wireless company can prove it can and will comply with all of the requirements of Ordinance sections 13.10.660 to and including 13.10.668 and it shall be "co-located"; if not co-located, then the applicant wireless company shall meet the proof requirements as set forth in this section. This includes the proof that there are no viable and technically feasible alternative sites. The best alternative site would be out of the neighborhood entirely; absent that, the next alternative site would be the applicant site at 685.

The list of requirements mandated by 13.10.661 et seg are substantial and important. It is certainly problematical as to whether A T & T complied with those requirements or can do so at this time.

Finally, the continued use by A T & T was gained by permission from the prior owners of 675 and 685 Skyward Drive. This may have been through the mechanism of an easement onto those properties, although we have not been able to locate such an easement. These owners did not have the legal authority to grant an easement for the use of the road commonly referred to as Skyward Drive nor certainly the branch road that connects to Skyward Drive. There are some 600 + feet of travel over our branch road in order for AT & T to have access to their facility. In our opinion, the use by A T & T has been and continues to be a trespass for which there is no statute of limitations; such trespasses can and should be the subject of an injunction regardless of the alleged "permission" by the prior owners of 675 and 685 Skyward.

Therefore, it is respectfully contended on our part that the A T & T permit should be denied and the facility removed. If, in your opinion, the proposed use meets the code requirements for nonconforming use, then the facility should be relocated to be more directly connected to 685 since that property gains the benefit of being paid for the use. If,

in your opinion, the permit should be issued, then A T & T should not only contribute to the main road (Skyward Drive) but also to the maintenance of our branch road; and, A T & T should relocate its facility as suggested. At a minimum, the pumps and air compressors, and other equipment, should be moved to the opposite side of the equipment shed and facility across from 675 Skyward.

Thank you for taking the time to consider our position in this regard.

Very truly yours,

Warren & Irene Eraut

IRENE & WARREN E. ERAUT
645 Skyward Drive
Aptos, Ca. 95003
(831) 688-8481
Email: erautlaw@yahoo.com

COUNTY OF SANTA CRUZ
ZONING ADMINISTRATOR
Planning Department
701 Ocean Street,
Santa Cruz, Ca. 95060

Attn: Sheila McDaniel – Project Planner

Re: Application No: 08-0256
APN 040-271-62

Dear Ms. McDaniel:

Thank you for your efforts to evaluate the pending permit application and the proposal to continue with the use of a cellular telephone transmitting station on the property at 685 Skyward Drive.

We have the impression that the use of a portion of the facility involves 675 Skyward Drive as well.

It came as a surprise at the hearing on the matter on February 06, 2009 that some or all of this use had been the subject of prior permit processes. As was stated, had the neighbors received notice of such an application for a permit, some form of formal objection would have been lodged with the County since the proposed use seems to be nonconforming and incompatible with the character and use of the neighborhood.

The initial preparation of our response to the proposal involved a cross-reference to the applicable County Zoning Ordinances and related Building Codes. The common theme emphasized in the zoning ordinances is that any proposed use be harmonious with and compatible with the uses and character of the neighborhood.

The uses of 675 and/or 685 Skyward Drive as a location for a cellular tower and related service facility is and remains inconsistent with the character of the neighborhood in which we reside.

In addition to this inconsistency, the affected neighbors must disclose this use (and any related claimed health issues) when and if the decision is made to sell a particular property. There seems to be some evidence to suggest that the presence of a cellular telephone tower constitutes a health hazard.

Therefore, we object to the A T & T tower facility remaining in our neighborhood.

The objections include problems with noise; the character of such commercial use in the neighborhood; the failure of A T & T, or its predecessor-in-interest to contribute towards the maintenance of both the main road and the branch road that provides access to our homes from that main road; the affect such a facility will have on property values as well as the obligation of any of us to disclose the presence of the facility.

The initial application, as understood by us, was to "recognize a 48 foot monopole with antenna,...existing equipment building with exterior air conditioning"

This language leads one to conclude that the prior use was use that was not permitted. Why else would your agency be called upon to "recognize" such prior use? At the hearing, it was apparent that your agency was relying upon prior permits in order to determine if the proposed expanded use should be "recognized".

In our opinion, this use should be disallowed as being commercial in nature and inconsistent with the nature of the neighborhood in which it is located. There's a multitude of ordinances which apply to "non-conforming" use.

If allowed, the air conditioning unit should have a sound barrier. The building shed itself could be a sound barrier because A T & T could reasonably relocate the air conditioning unit to the west or NW side of the building. In its present location, the air conditioning unit emits noise which is an irritant at night. Zoning Ordinance 13.10.130 © provides this agency with the authority to regulate the "location, height, bulk, number of stories and size of buildings and structures". It is consistent with the authority granted this agency under the Zoning Ordinances to require a relocation of the building so as to preserve and protect the integrity of the neighborhood. If the building and access to it is to be allowed, then A T & T need only relocate the entire structure to 685 Skyward Drive.

This use to be "recognized" also involves continued use of our private road; i.e., not only the main road to which all of the members of the association contribute dues and maintenance expense, but the subsidiary or secondary road over which the A T & T equipment will travel for access to the facilities. As it relates to 675 and 685 Skyward, the access to those properties is presumably covered under the terms of the lease agreement negotiated between the predecessors-in-interest. However, no such use was permitted or agreed to by either the membership as a whole, or the members or our section in particular. There is no evidence of an easement granted A T & T to allow continued use of the branch road.

Thus, in addition to the presence of this unharmonious facility in our nice neighborhood, we are also "blessed" with the presence of A T & T service equipment on a frequent and regular basis.

County Zoning Ordinance 12.01.010 has, as one of its purposes, the purpose to "protect the public health, safety and welfare". This requires consistent and harmonious use compatible with the neighborhood in which the use is located. The continued presence and use of the properties by A T & T is inconsistent with the stated and avowed purpose as stated in this Zoning Ordinance. It is not healthy; it is not safe; and it certainly provides us with nothing in the form of welfare.



Drainage Review

Routing No: 1 | Review Date: 11/29/2010

GERARDO VARGAS (GVARGAS) : Complete

Application has been approved for the discretionary stage in regards to drainage.

Miscellaneous Comments:

A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$1.07 per square foot, and are assessed upon permit issuance. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

Please call the Dept. of Public Works, Stormwater Management

Section, from 8:00 am to 12:00 noon if you have questions.

Routing No: 2 | Review Date: 02/28/2011

SAMANTHA HASCHERT (SHASCHERT) : Not Required

Environmental Planning

Routing No: 1 | Review Date: 11/22/2010

ROBERT LOVELAND (RLOVELAND) : Complete

Conditions of Approval:

1. Submit a soils report completed by a California licensed geotechnical engineer for review and approval.
2. Submit grading information for the project area.
3. Obtain a grading permit if required.

NOTE TO PLANNER: The mapped resource was not detected in the project area.

Routing No: 2 | Review Date: 02/28/2011

SAMANTHA HASCHERT (SHASCHERT) : Not Required

Fire Review

Routing No: 1 | Review Date: 11/16/2010

ERIN COLLINS (ECOLLINS) : Complete

a 100-foot clearance shall be maintained around and adjacent to the building or structure to provide additional fire protection or fire break by removing all brush, flammable vegetation, or combustible growth.

EXCEPTION: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure.

EXHIBIT K



Fire Review

Routing No: 2 | Review Date: 02/28/2011

SAMANTHA HASCHERT (SHASCHERT) : Not Required

Project Review

Routing No: 1 | Review Date: 12/02/2010

SAMANTHA HASCHERT (SHASCHERT) : Incomplete

see incomplete letter in file

Routing No: 2 | Review Date: 03/03/2011

SAMANTHA HASCHERT (SHASCHERT) : Incomplete

Incomplete for signage

Routing No: 3 | Review Date: 04/28/2011

SAMANTHA HASCHERT (SHASCHERT) : Complete

Urban Designer Review

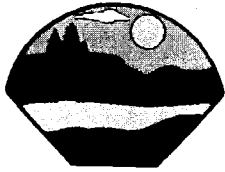
Routing No: 1 | Review Date: 12/02/2010

SAMANTHA HASCHERT (SHASCHERT) : No Response

Routing No: 2 | Review Date: 02/28/2011

SAMANTHA HASCHERT (SHASCHERT) : Not Required

EXHIBIT K



Aptos/La Selva Fire Protection District

6934 Soquel Drive • Aptos, CA 95003
Phone # 831-685-6690 • Fax # 831-685-6699

November 16, 2010

Planning Department
County of Santa Cruz
Attention: Samantha Haschert
701 Ocean Street
Santa Cruz, CA 95060

Subject: APN: 040-271-62/ Appl #101099
685 Skyward Drive

Dear Ms. Haschert:

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented.

A plan review fee of **\$50.00** is due and payable to the Aptos/La Selva Fire Department **PRIOR TO APPROVAL** of building application. **Reminder:** the enclosed Permit/Service Fees form must be submitted to the Aptos/La Selva Fire Department at time of payment.

NOTE on the plans "a 100-foot clearance shall be maintained around and adjacent to the building or structure to provide additional fire protection or fire break by removing all brush, flammable vegetation, or combustible growth.

EXCEPTION: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure."

Sincerely,


Jim Dias, Fire Marshal
Fire Prevention Division
Aptos/La Selva Fire Protection District

Cc: Timothy & Camille Washowich
685 Skyward Drive
Aptos, CA 95003

Cc: Leah Hernikl
410 Clubhouse Drive
Aptos, CA 95003