



Staff Report to the Zoning Administrator

Application Number: **121271**

Applicant: Robert Alford, Crown Castle, LLC **Agenda Date:** June 14, 2013
Owners: Caltrans and County of Santa Cruz **Agenda Item #:** 4
APN: N/A (in public right-of-way) **Time:** After 9:00 a.m.

Project Description: Proposal by Crown Castle, LLC to retroactively recognize the unpermitted installation of an overhead fiber optic cable along an existing utility pole line parallel to Highway 1 and a portion of Swanton Road, to serve a previously approved 7 microcell (1 in City, 6 in unincorporated area) Distributed Antenna System (DAS) providing improved cellular service to Verizon customers (with capacity to handle other carriers to be potentially added in the future). Due to structural the weakness of 21 existing utility poles along the pole line, 21 new temporary poles were installed directly adjacent or close to the failing poles, so as to safely support the weight of the existing power lines, cable TV lines and telephone land lines plus the new fiber optic cable line. The applicant has arranged with the owner of the 21 failing poles, Pacific Gas and Electric Company (P.G. & E.) to have those poles removed and replaced with new structurally sound poles before the end of calendar year 2015, at which time the 21 temporary poles shall be removed as well (see correspondence in Exhibit F).

Location: Along an approximately 10.25 mile stretch of Highway 1, in Caltrans right-of-way, from Santa Cruz City limits northwest to the southernmost intersection of Hwy. 1 and Swanton Rd., and an approximately 1.25 mile stretch north/northeast along Swanton Rd., in County right-of-way, to a location on Swanton Road approximately 4,700 lineal feet from its southernmost intersection with Highway 1.

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

Permits Required: Requires a Coastal Development Permit.

Technical Reviews: N/A

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121271, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|--|----|---------------------------|
| A. | Categorical Exemption (CEQA determination) | E. | General Plan Maps |
| B. | Findings | F. | Comments & Correspondence |
| C. | Conditions | | Project Plans |
| D. | Assessor's, Location, Zoning and | | |

Parcel Information

Parcel Size:	N/A (in public right-of-way)
Existing Land Use - Parcel:	State Highway (Hwy. 1) and roadway (Swanton Rd.), lined with utility poles and associated equipment
Existing Land Use - Surrounding:	State Highway, Roadway, agriculture, residential
Project Access:	Highway 1 and Swanton Rd.
Planning Area:	North Coast
Land Use Designation:	Parks, Recreation & Open Space (O-R), Agricultural (AG), Mountain Residential (R-M)
Zone District:	Special Use (SU), Commercial Agricultural (CA)
Coastal Zone:	<u>X</u> Inside ___ Outside
Appealable to Calif. Coastal Comm.	<u>X</u> Yes ___ No

Environmental Information

Geologic Hazards:	Portions of pole line within Liquifaction Zone "D" and within a mapped County Fault Zone
Soils:	N/A
Fire Hazard:	Portions of pole line on Swanton Rd. lie within a mapped Fire Hazard Area
Slopes:	N/A
Env. Sen. Habitat:	Portions of pole line are within mapped Biotic Resource Areas and within the mapped Special Grasslands area.
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	The entire pole line is in a mapped Scenic Area (i.e., within the viewsheds of Hwy. 1 and/or Swanton Rd., both of which are designated Scenic Roads)
Drainage:	Existing drainage adequate
Archeology:	Portions of pole line are within mapped potential Archeological Resource Areas.

Services Information

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

History

The applicant, Crown Castle LLC, has installed (and seeks retroactive approval for) a new fiber optic cable along Highway 1 between the Santa Cruz city limits and southernmost intersection of Hwy. 1 and Swanton Rd., and from that point north along Swanton Rd. to a point approximately 4,700 feet north/northeast of that intersection. The approximately 0.5" diameter fiber optic cable has already been placed on the existing Northern California Joint Pole Association (JPA) utility poles, and applicant seeks retroactive approval. The cable is part of a larger project to install a previously approved a 7-node Distributed Antenna System (DAS) to provide cellular service for Verizon (and other potential future carriers) to the North Coast, and it provides the required connectivity for the 7 antenna locations.

During installation of the fiber optic cable, multiple JPA poles that comprise the existing pole line were identified as being overloaded and in an unsafe condition, such that it would not be safe to add additional facilities to the poles. Twenty-one (21) new temporary poles were placed so that the installation of the fiber optic cable would not cause an unsafe condition. The owner of the existing failing poles, Pacific Gas and Electric (PG&E), was notified of the unsafe poles and staff from PG&E's Public Safety and Regulatory Analysis department conducted further analysis of the subject poles and confirmed that replacement is required. PG&E staff further stated that the poles will be replaced on a 1-year maintenance cycle (i.e., by the end of 2015). The applicant, Crown Castle, has proposed that they will transfer the fiber optic cable to the new poles no later than 60 days after PG&E has completed the replacement. PG&E has sent a letter to the applicant with exact replacement information. A copy of the letter is included in Exhibit E.

Project Setting

The project is located along an approximately 10.25 mile stretch of Highway 1, in Caltrans right-of-way, from Santa Cruz City limits northwest to the southernmost intersection of Hwy. 1 and Swanton Rd., and an approximately 1.25 mile stretch north/northeast along Swanton Rd., in County right-of-way, to a location on Swanton Road approximately 4,700 lineal feet from its southernmost intersection with Highway 1. The entire pole line is within a mapped Scenic Area, within the viewsheds of Hwy. 1 and/or Swanton Rd., both of which are designated Scenic Roads.

The North Coast area is one of the most scenic areas of the County and lies entirely within the Coastal Zone. Due to their uncommon aesthetic beauty, the scenic resources of this area are afforded a higher level of protection than most other areas of the County. The utility pole line along the Caltrans Hwy. 1 and County rights-of-way has a backdrop of Coastal scrub habitat, backed by low hills.

Zoning & General Plan Consistency

General Plan/LCP Land Use Designations: The southernmost stretch of the utility pole line (i.e., adjacent to microcell sites DAV01 & DAV02) is on Caltrans right-of-way (ROW) land that is designated Parks, Recreation & Open Space (O-R). The stretch to the north along Hwy. 1 and Swanton Rd. (adjacent to sites DAV03, DAV04 and DAV05) are proposed on Caltrans ROW along Hwy. 1, and County ROW along Swanton Rd., both of which are areas designated Agricultural (AG). Installation of the fiber optic line is consistent with the allowed uses in the respective General Plan/LCP land use categories.

Zoning Districts: The entire stretch of the utility pole line along Hwy. 1 is in ROW areas that are zoned Special Use (SU). The stretch along Swanton Rd. is in a ROW area that is zoned Commercial Agricultural (CA). Installation of the fiber optic line is consistent with the allowed uses in the respective zone districts.

Local Coastal Program Consistency

The installation of a fiber optic cable along the existing utility pole line, as conditioned, is in conformance with the County's certified Local Coastal Program, in that the new cable is only approx. 0.5 inches in diameter and therefore is similar in diameter to other cables that are strung along the pole line and is visually compatible, in scale with, and integrated with the character of the surroundings. The new cable will not interfere with public access to the beach, ocean, or other nearby bodies of water.

Design Review

The installation of a fiber optic cable along the existing utility pole line, as conditioned, complies with the requirements of the County Design Review Ordinance, in that it is relatively inconspicuous and thus will have negligible visual impact.

Environmental Review

Staff has determined that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) because it qualifies as "Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services" (Class 1, Sec. 15301[b]). The CEQA Categorical Exemption form is attached as Exhibit D.

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 **121271**, 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

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are available online at: www.co.santa-cruz.ca.us

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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: 121271

Assessor Parcel Number: N/A (on public right-of-way)

Project Location: No Situs – in Caltrans and County right-of-way along Hwy. 1 and Swanton Rd.

Project Description: Recognize the installation of an overhead fiber optic cable along an existing utility pole line parallel to Highway 1 and a portion of Swanton Road, to serve a previously approved 7 microcell Distributed Antenna System (DAS)

Person or Agency Proposing Project: Robert Alford, Crown Castle LLC

Contact Phone Number: (209) 275-0339

- 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. **X** **Categorical Exemption**

Specify type: 15301 - Existing Facilities

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

Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services (Class 1, Sec. 15301[b]).

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

Frank Barron, Project Planner

Date: _____

Coastal Development Permit Findings

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

This finding can be made in that right-of-way (ROW) areas along which the utility pole line exists is zoned Special Use (SU) and Commercial Agricultural (CA). The SU zone district allows all uses in all of the basic zone districts at the highest level of review specified in the use charts when those uses are consistent with the General Plan (GP) Land Use Designation. Here the land use designations are O-R (Parks, Recreation and Open Space), AG (Agriculture), and R-M (Mountain Residential). WCFs are allowed in all the basic zone districts and corresponding GP Land Use Designation. With ZA approval, the proposed use is consistent with the SU district and the CA zone district.

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

This finding can be made, in that no such easements or restrictions are known to encumber the project ROW areas.

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

This finding can be made, in that the installation of the new fiber optic cable along the existing pole line (upon removal of the 21 temporary poles) has little visual impact and is compatible with its surroundings. The new cable will likely be indistinguishable to most passersby from the various other types of phone, power and cable TV lines/cables/wires that exist along the utility pole line along Hwy. 1 and Swanton Road. The pole line is not located on a prominent ridge, beach, or bluff top.

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

This finding can be made because the nature of the project (installation of an overhead fiber optic cable along an existing utility pole line) will not interfere with public access to the beach, ocean, or any nearby body of water (upon removal of the 21 temporary poles). Further, none of the project area is identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the installation of a new overhead fiber optic cable along an

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existing utility pole line is by its nature visually unobtrusive and will be visually compatible, in scale with, and integrated with the character of the surrounding areas (upon removal of the 21 temporary poles). Additionally, this type of development is an allowed use in the respective zone districts of each site, as well as the General Plan and Local Coastal Program land use designations for each site. The new fiber optic line is not visually inconsistent or incompatible with the existing phone, cable TV and power lines found on the utility poles in this area.

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 fiber optic line installation is located on utility poles in public right-of-way areas designated for telecommunications and other utility uses. The poles have room for the new fiber optic lines and are not encumbered by physical constraints to their addition. The fiber optic cable installation does not deprive adjacent properties or their neighborhood of light, air, or open space, in that the existing utility poles are all located far away from other structures.

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

This finding can be made, in that the location of the new fiber optic line and the conditions under which it would be maintained, will be consistent with all pertinent County ordinances (upon removal of the 21 temporary poles) and the purpose of the zone districts, as the primary uses of the subject public right-of-way areas will meet all current site standards for the pertinent zone districts.

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 installation of the fiber optic cable is consistent with the use and density requirements specified for the General Plan/LCP land use designations of the subject public right-of-way areas. The proposed project will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone districts, as specified in the General Plan/LCP, in that the project will not adversely shade adjacent properties, and will meet current setbacks for the zone districts that ensure access to light, air, and open space in the surrounding vicinity.

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 fiber optic cable project does not require any additional utility use. There is no additional traffic expected to be generated by the project.

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

This finding can be made, in that the fiber optic cable installation is compatible with the existing utility poles and cables.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the fiber optic cable installation project is of an appropriate scale and type of design (upon removal of the 21 temporary poles) that will not diminish the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Revised project plans, 12 sheets, prepared by K&B Engineering, dated 3/11/13.

- I. This permit retroactively authorizes the unpermitted installation of an overhead fiber optic cable along an existing utility pole line parallel to Highway 1 and a portion of Swanton Road, to serve a previously approved 7 microcell (1 in City of Santa Cruz, 6 in unincorporated area) Distributed Antenna System (DAS) providing improved cellular service to Verizon customers (with capacity to handle other carriers to be potentially added in the future). This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. All construction shall be performed according to the approved plans. The applicant must meet the following conditions:
 - A. All site improvements shown on the final approved plans shall be installed.
 - B. All 21 temporary poles as designated in project plans shall be removed no later than December 31, 2015 and the fiber optic cable placed on new or existing PG&E poles.
 - C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- III. Operational Conditions
 - A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the

County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- IV. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Application #: 121271
APN: N/A (in public right-of-way)
Owners: Caltrans and County of Santa Cruz

Approval Date: _____

Effective Date: _____

Expiration Date: _____

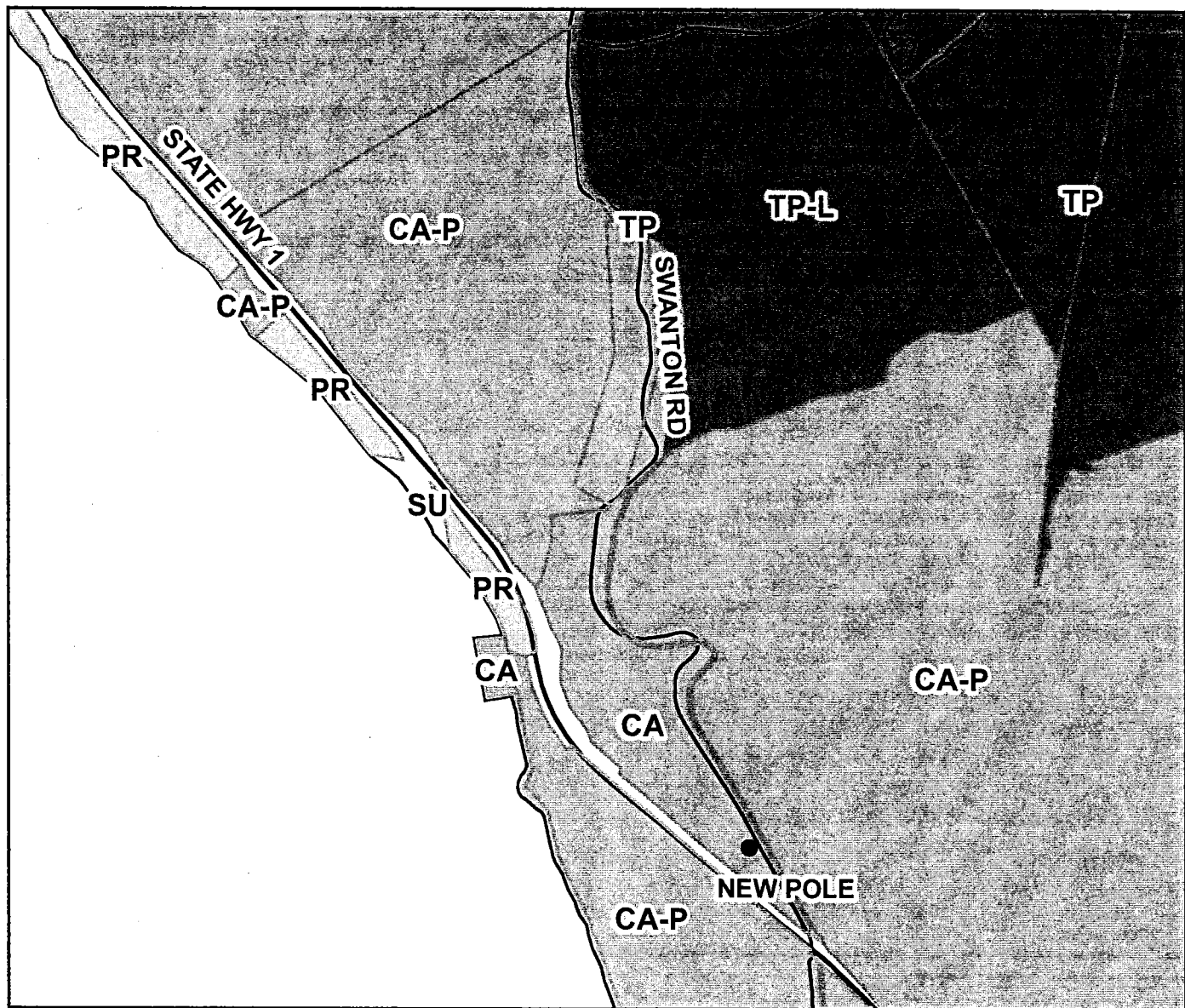
Wanda Williams
Deputy Zoning Administrator

Frank Barron, AICP
Project Planner

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

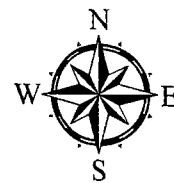


Zoning Map



LEGEND

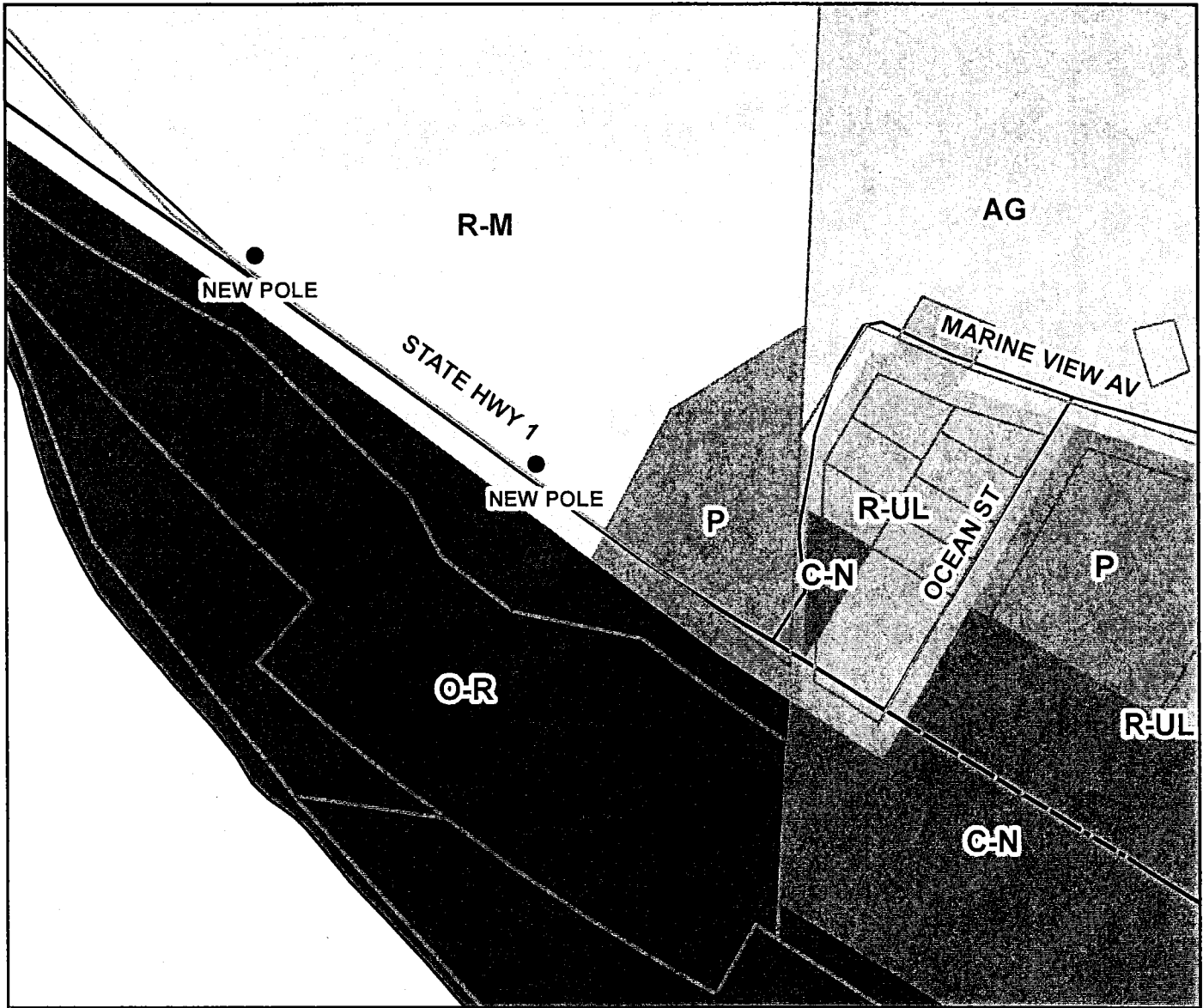
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- Streets
- State Highways
- County Boundary
- PARK
- AGRICULTURE COMMERCIAL
- SPECIAL USE
- TIMBER PRODUCTION



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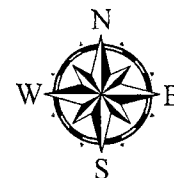
General Plan Designation Map



LEGEND

New Poles (appx locations)

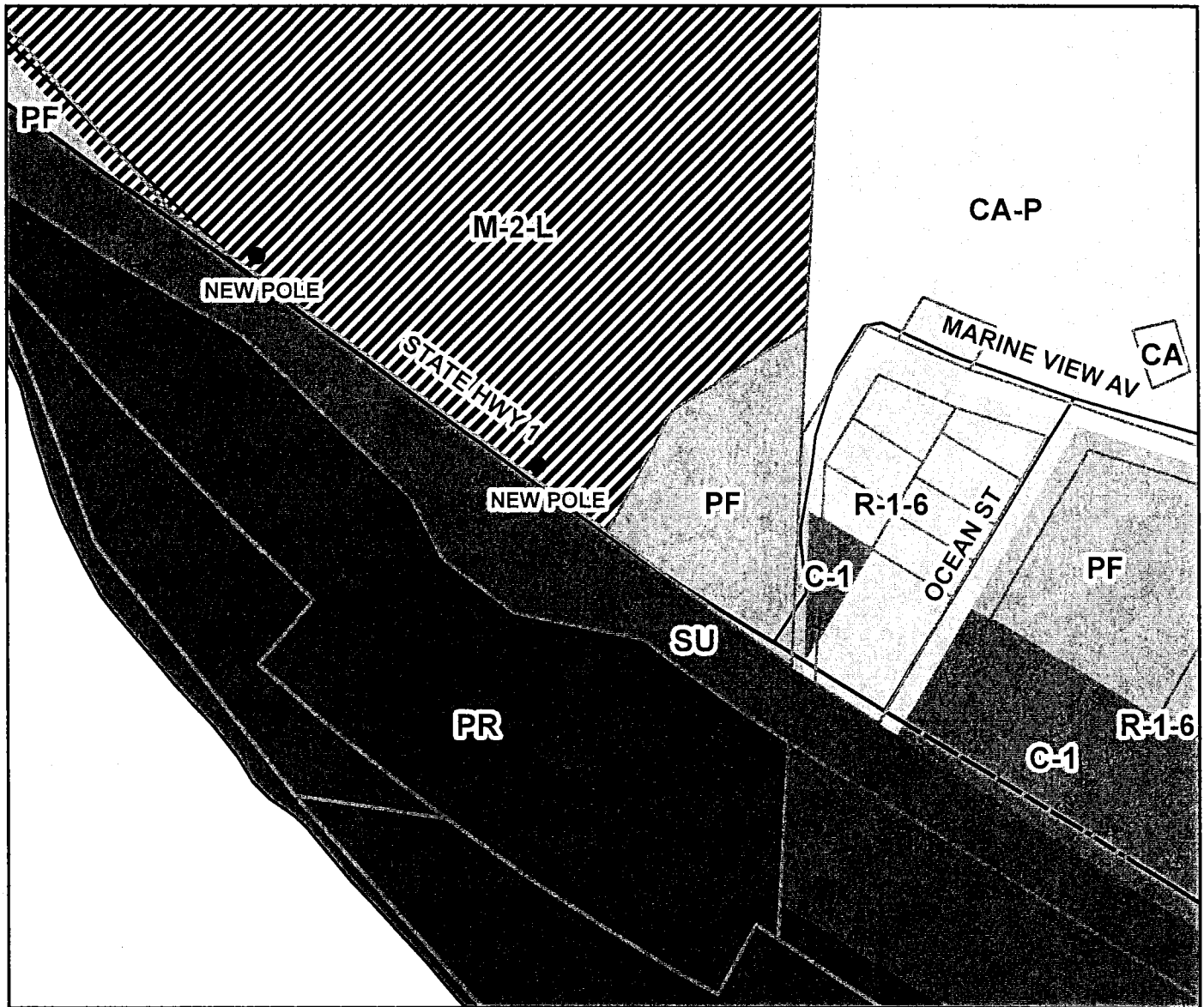
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- Streets
- State Highways
- County Boundary
- Residential-Mountain
- Agriculture
- Residential - Urban Low Density
- Public Facilities
- Commercial-Neighborhood
- Parks and Recreation



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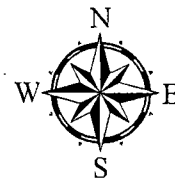
Zoning Map



LEGEND

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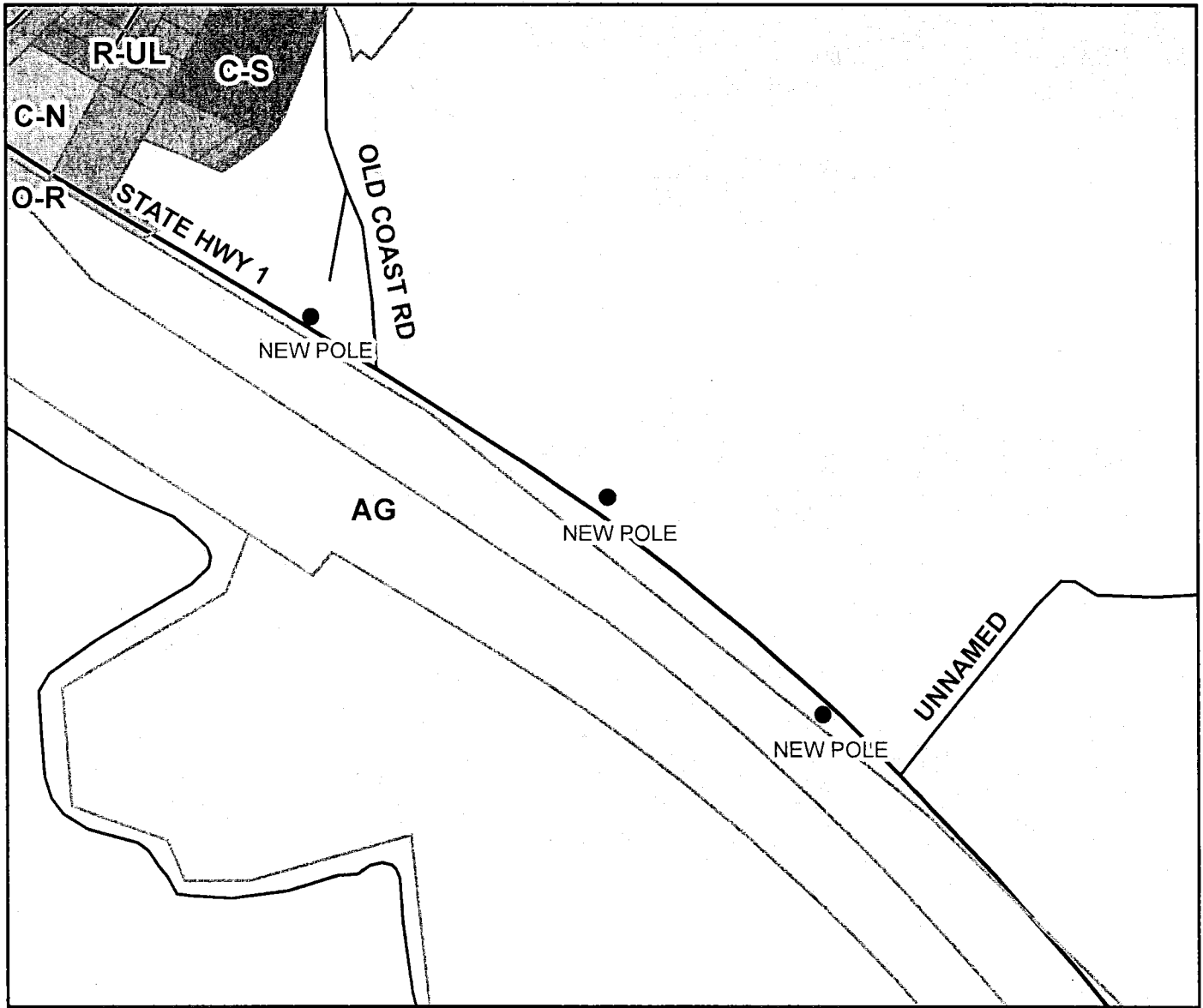
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- Streets
- State Highways
- County Boundary
- HEAVY INDUSTRIAL
- AGRICULTURE COMMERCIAL
- RESIDENTIAL-SINGLE FAMILY
- PUBLIC FACILITY
- COMMERCIAL-NEIGHBORHOOD
- SPECIAL USE
- PARK



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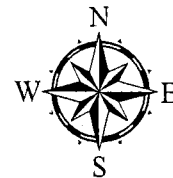
General Plan Designation Map



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New Poles (appx locations)

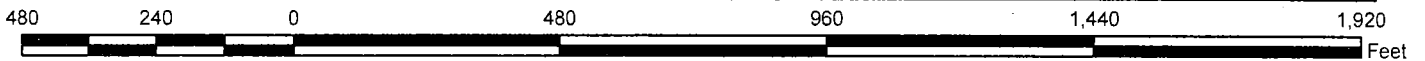
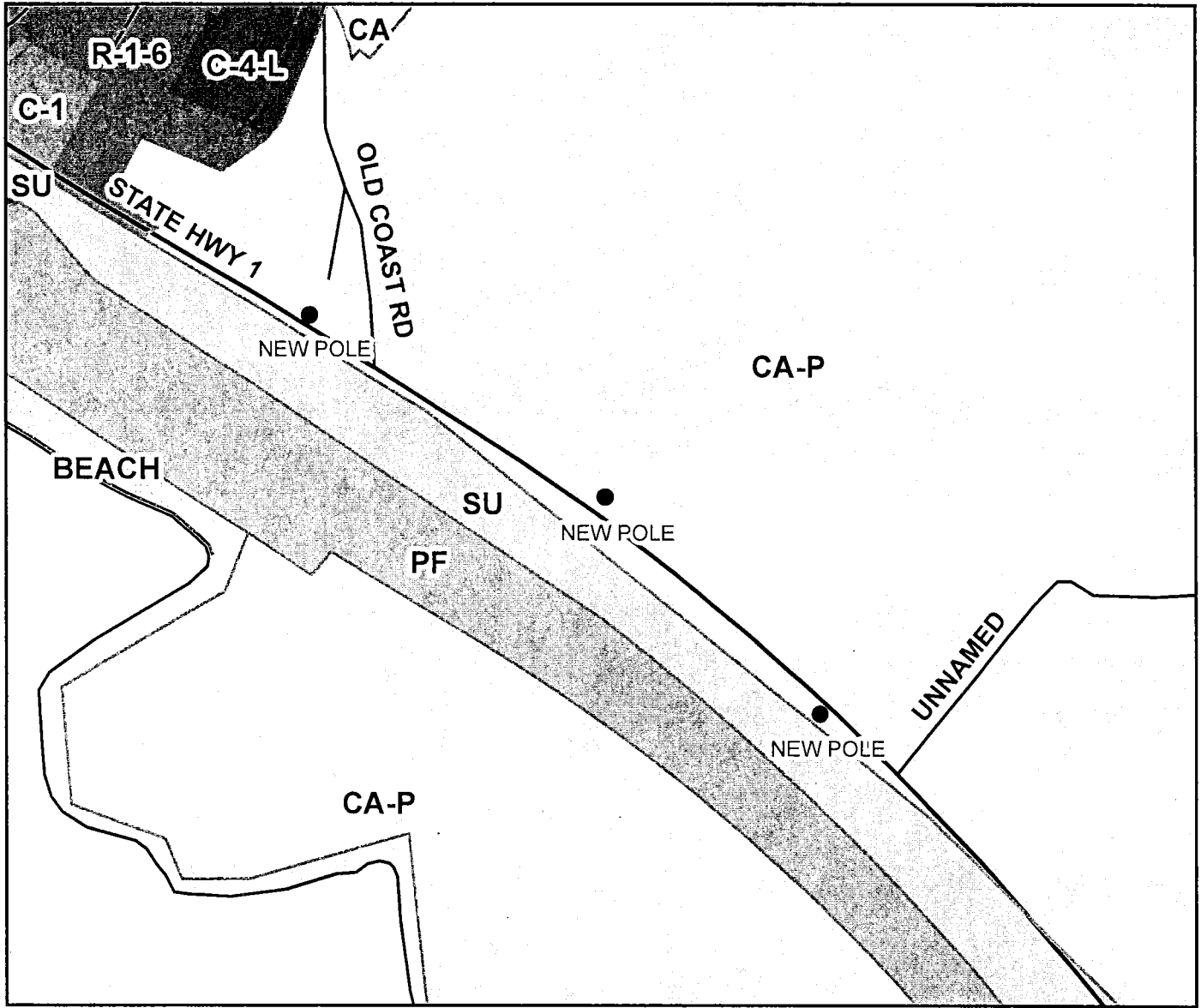
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- Streets
- State Highways
- County Boundary
- Agriculture
- Parks and Recreation
- Commercial-Neighborhood
- Residential - Urban Low Density
- Commercial-Service



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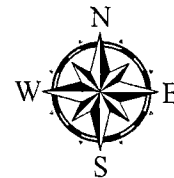


Zoning Map



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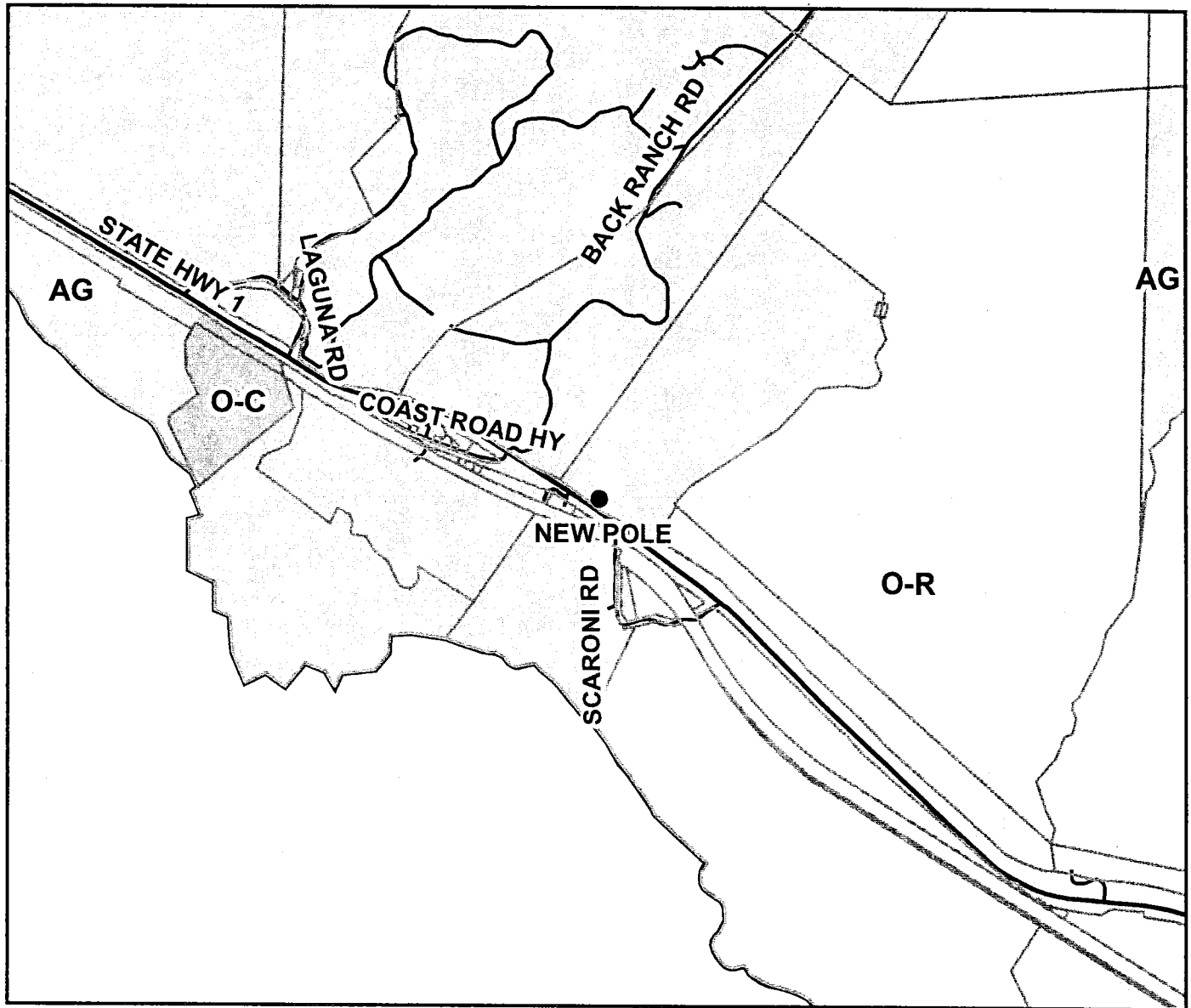
- New Poles (appx locations)
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- AGRICULTURE COMMERCIAL
- SPECIAL USE
- PUBLIC FACILITY
- BEACH
- COMMERCIAL-NEIGHBORHOOD
- RESIDENTIAL-SINGLE FAMILY
- COMMERCIAL-SERVICE



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December 2012



General Plan Designation Map



LEGEND

Assessors Parcels

Streets

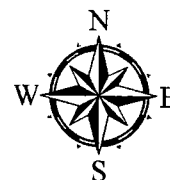
State Highways

County Boundary

Agriculture

Commercial-Office

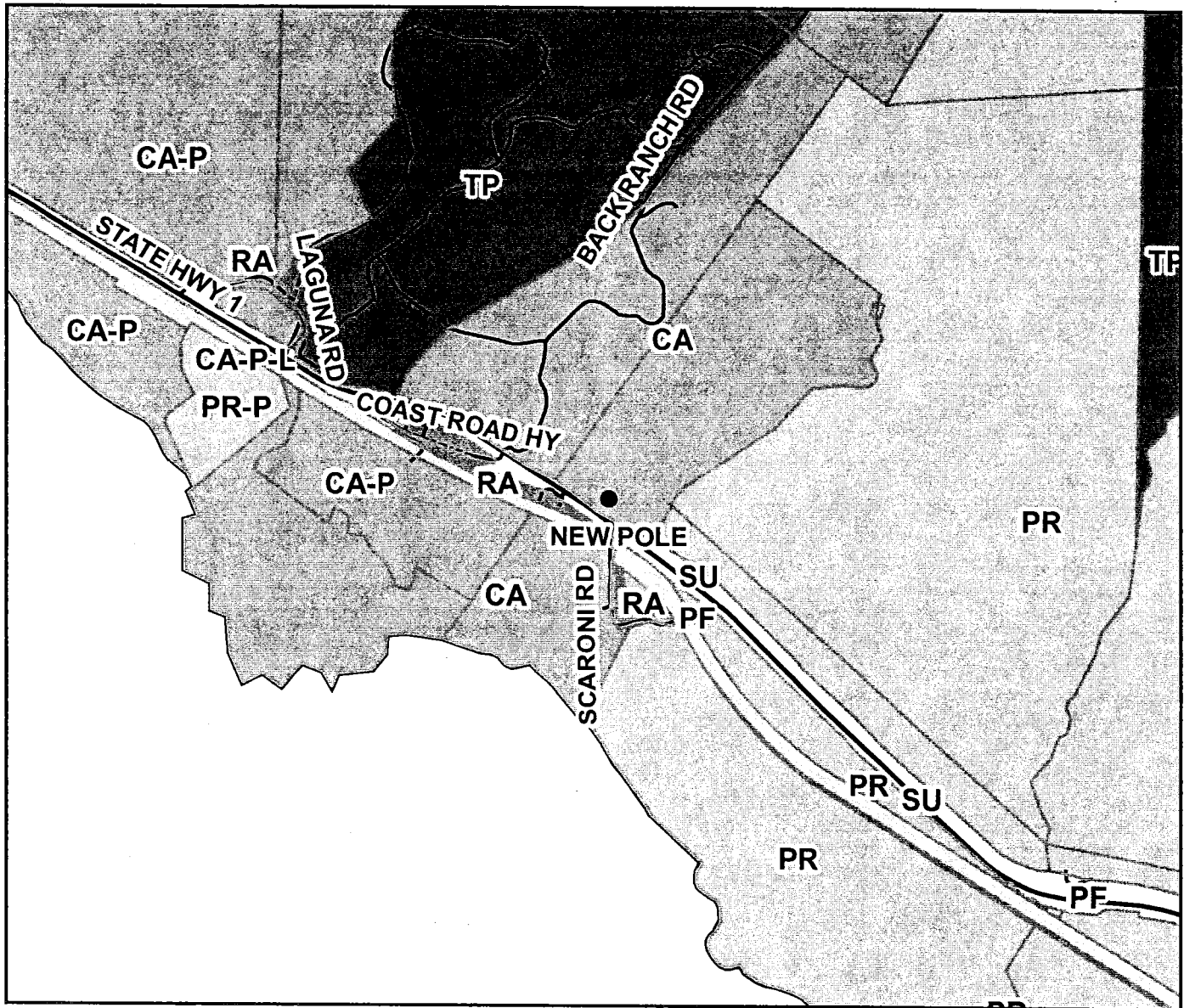
Parks and Recreation



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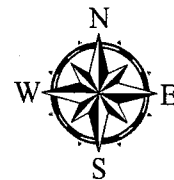


Zoning Map



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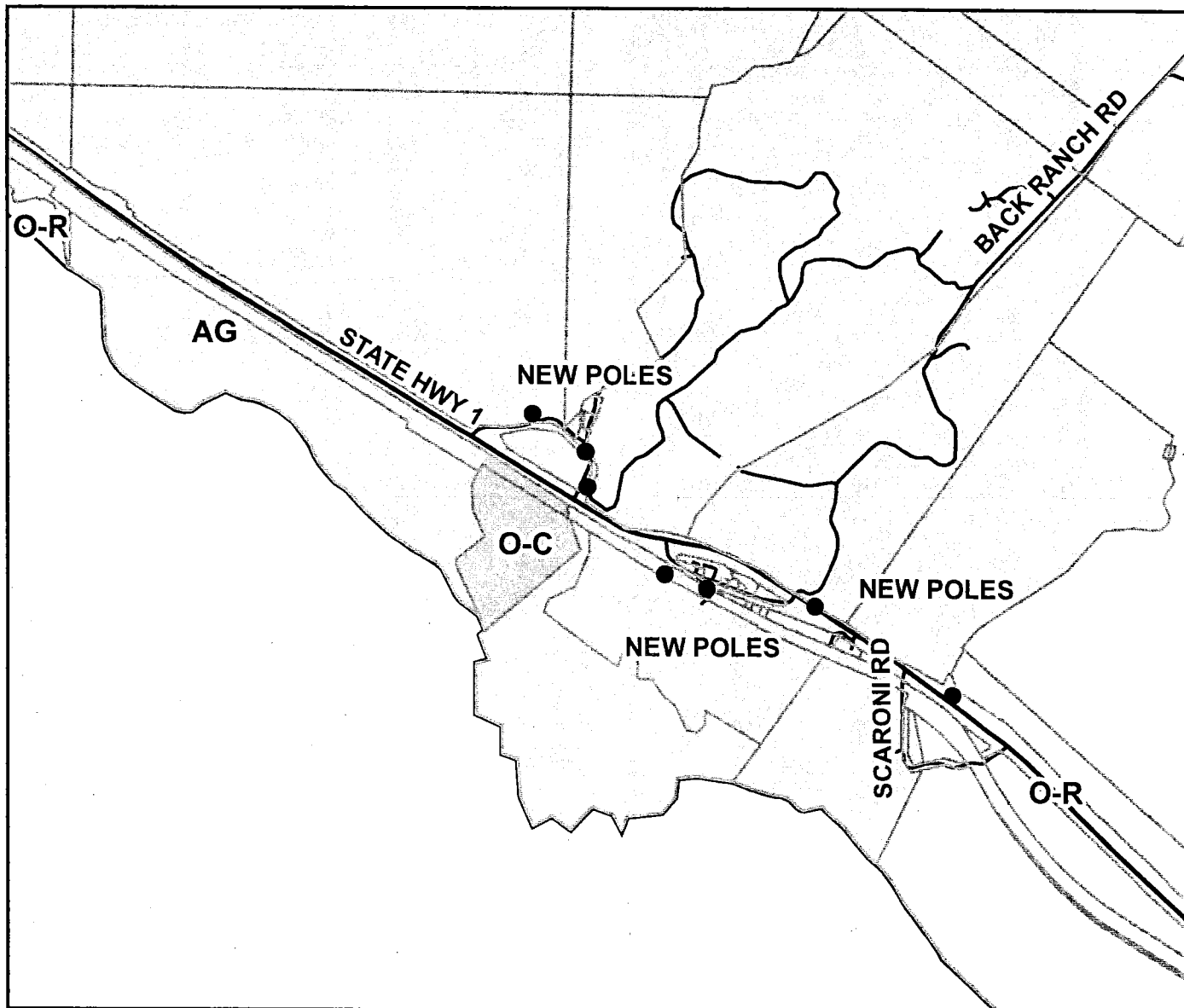
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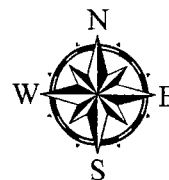


General Plan Designation Map



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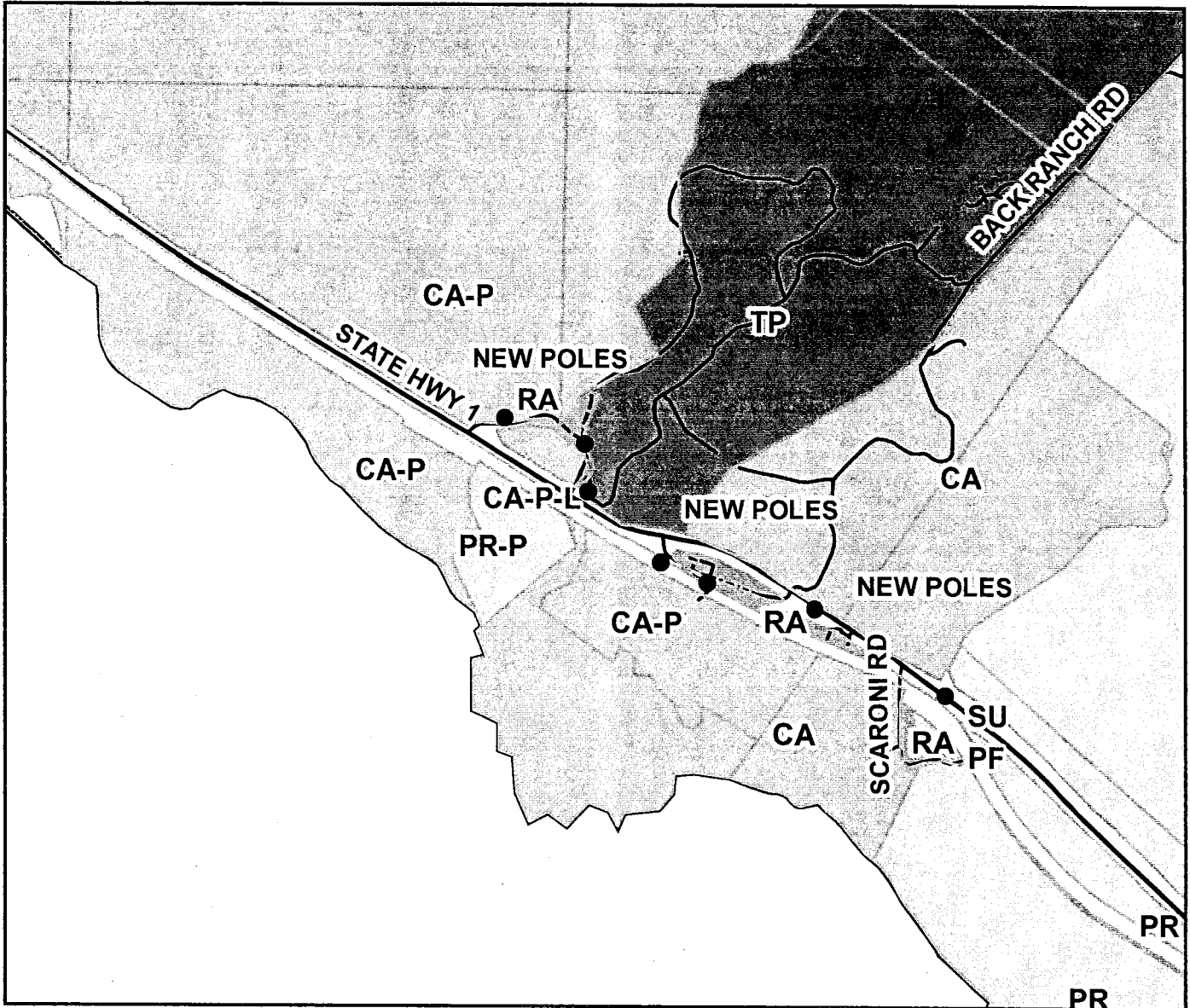
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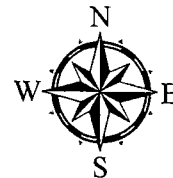


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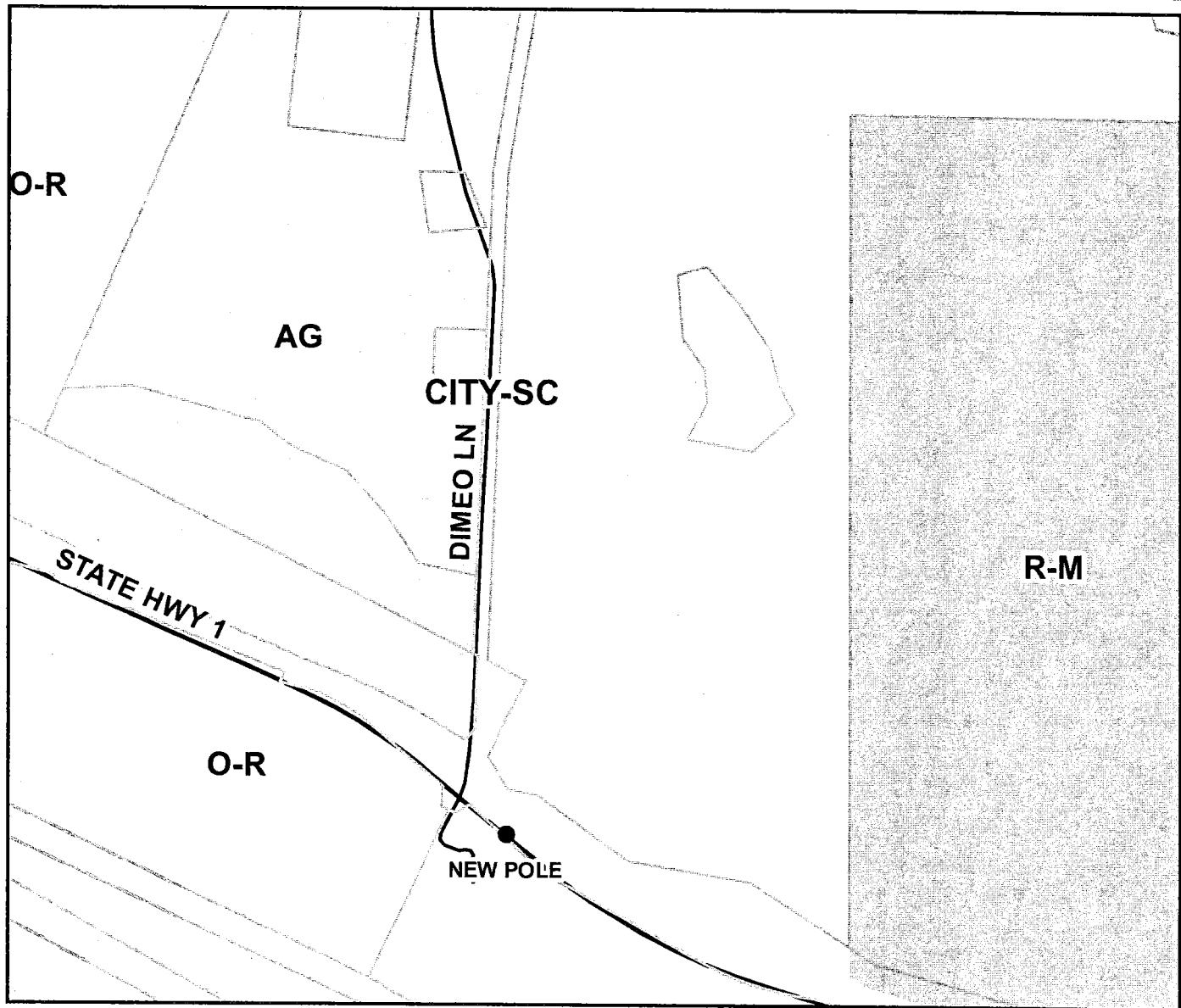
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December 2012

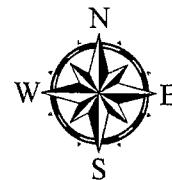


General Plan Designation Map



LEGEND

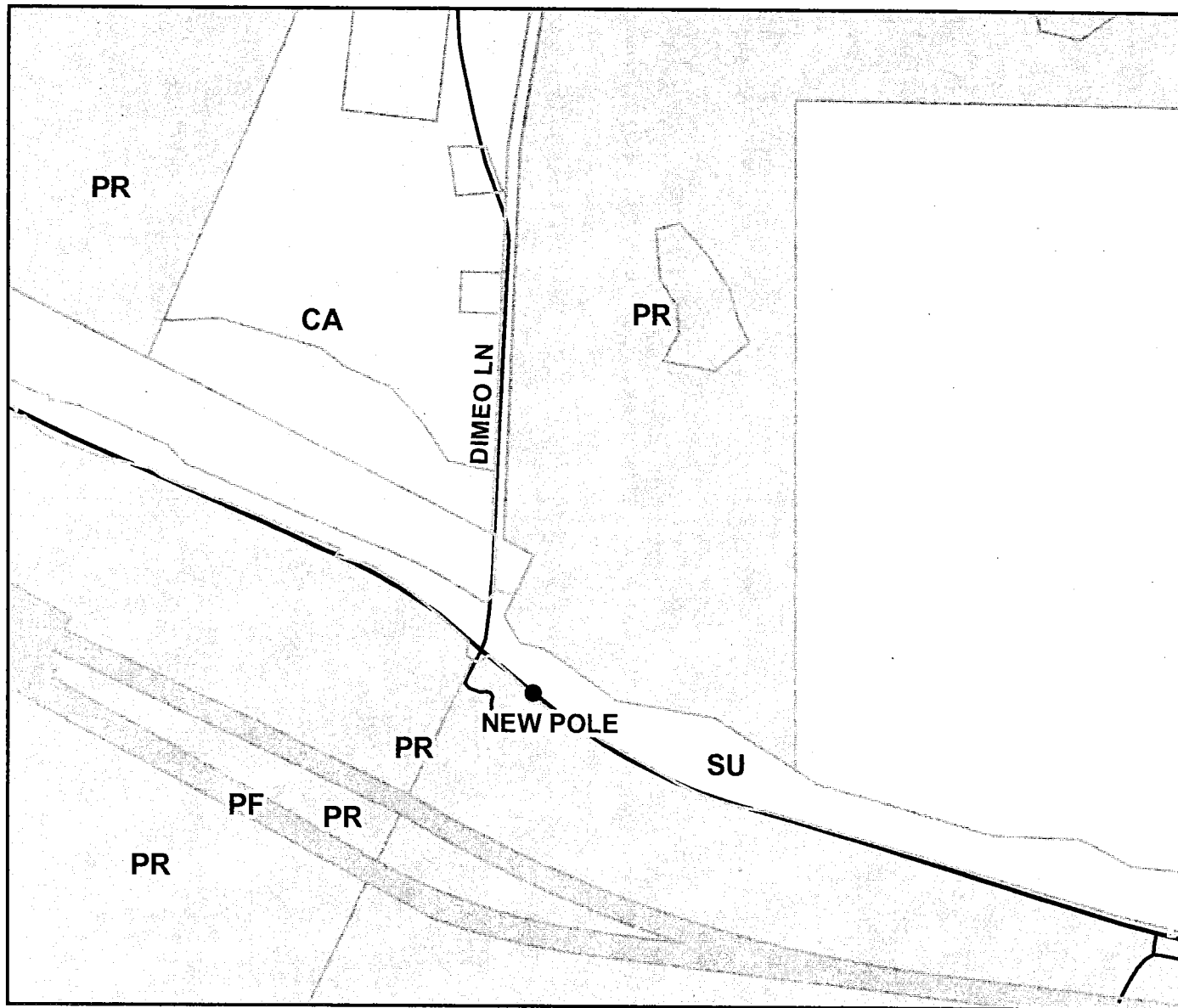
- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- Parks and Recreation
- Agriculture
- Residential-Mountain



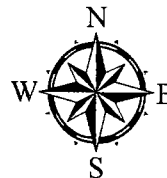
Map Created by
County of Santa Cruz
Planning Department
December 2012



Zoning Map



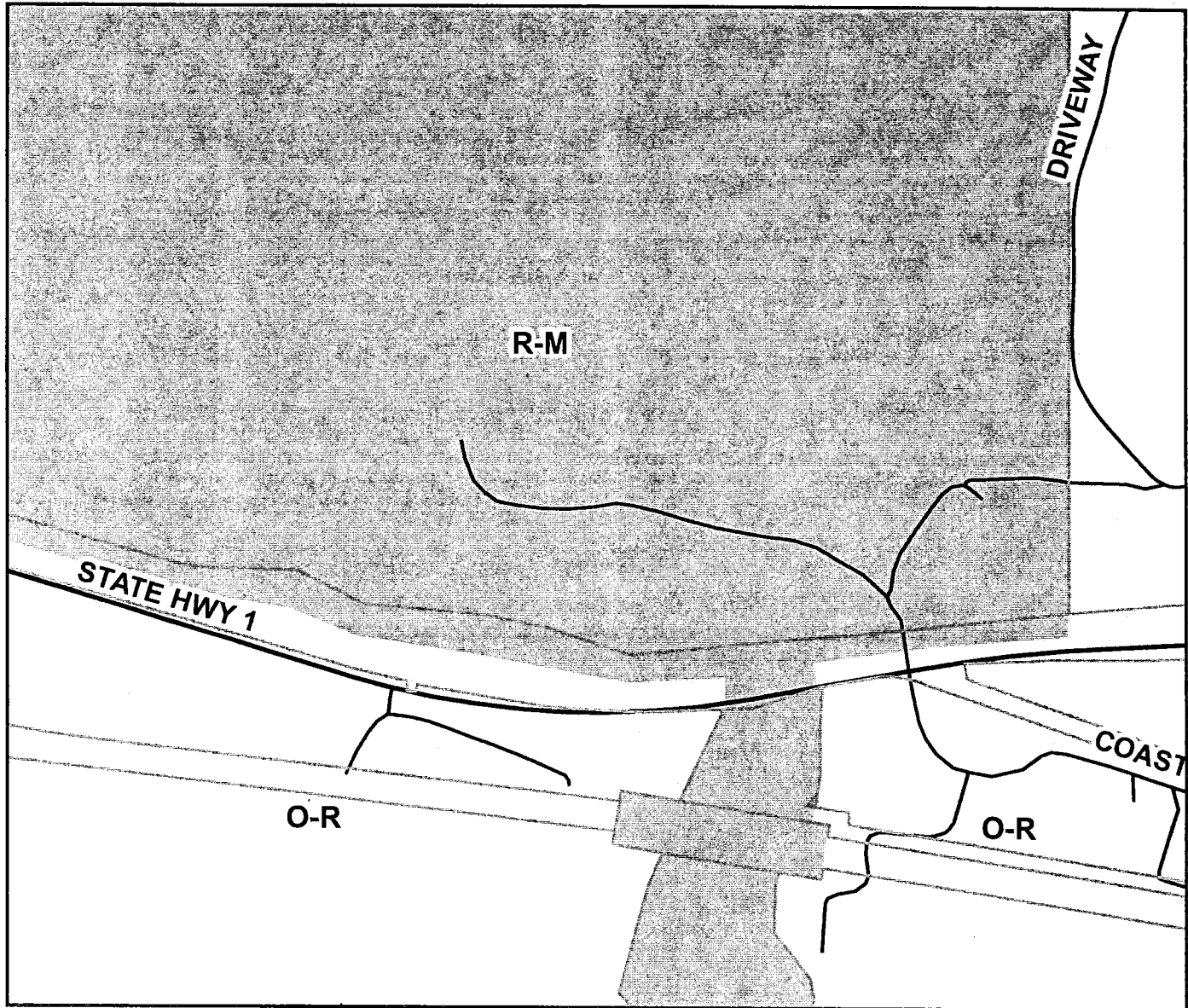
- LEGEND**
- Assessors Parcels
 - Streets
 - State Highways
 - SANTA CRUZ
 - SPECIAL USE
 - AGRICULTURE COMMERCIAL
 - PARK
 - PUBLIC FACILITY








Map Created by
County of Santa Cruz
Planning Department
December 2012

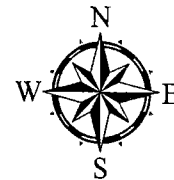


General Plan Designation Map



LEGEND

-  Assessors Parcels
-  Streets
-  State Highways
-  Parks and Recreation
-  Residential-Mountain

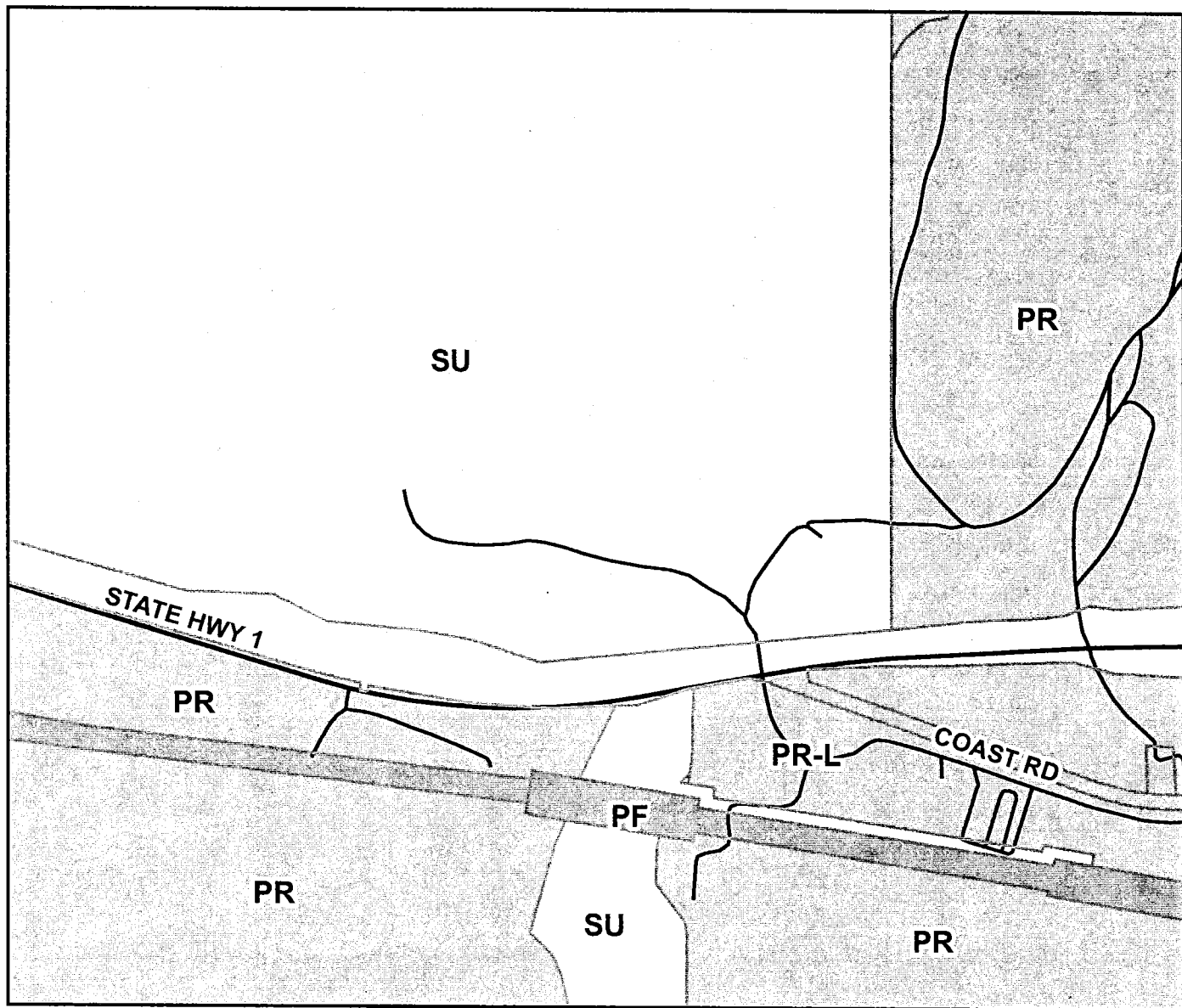


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Planning Department
December 2012



Zoning Map

EXHIBIT C



LEGEND

Assessors Parcels

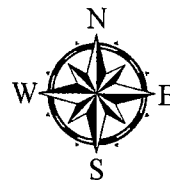
Streets

State Highways

SPECIAL USE

PARK

PUBLIC FACILITY



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Planning Department
December 2012



***Pacific Gas and
Electric Company***

Public Safety & Regulatory Department
356 E Alisal Street
Salinas, CA 93901

EXHIBIT E

Hi Robert,

This letter is to confirm that Pacific Gas & Electric has identified poles for replacement based on the location of the temporary poles installed on behalf of the phone company. In total we identified 22 poles to be replaced based on pole loading. These poles replacements will begin at the end of this year with the final replacements being completed in 2014 / 2015.

Thank you for your assistance.

Regards,

A handwritten signature in cursive script that reads "Jerry Sepulveda".

Jerry Sepulveda
Supervisor, Public Safety & Regulatory
Central Coast Division
(831) 784-3626