

Wireless Communication Facility Use Permit Findings

(A) That either:

- (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
- (2) 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 cannot be made based on the information in the record. The propagation maps of Summit Drive and Patrick Road indicate equal coverage at 150 feet. While Summit Drive provides more coverage to the south, Patrick Road provides more coverage to the north. And the County Code requires co-location if there is an existing facility with the potential to be utilized for co-location.

(B) For sites located in one of the prohibited and/or restricted areas set forth in SCCC [13.10.660](#)(C), that the applicant has provided documentation to enable the decision-making body to make the findings in SCCC [13.10.660](#)(C)(4)(a) and (b).

(C) That the subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this title and that all zoning violation abatement costs, if any, have been paid.

A maximum of 75-foot maximum height is allowed in the residential zone district unless a Height Exception is sought, including written justification providing the need for a facility of that height.

Required Height Exception findings cannot be made in that:

- (a) The proposed facility eliminates or substantially reduces one or more significant gaps in the applicant carrier's network; and

As part of the record, the appellant has provided pictures and maps of the carriers, the proposed tenants (AT&T's), own commercial maps of coverage indicating 4G, 5G and 5G plus coverage. That is certainly purported by the AT&T carrier themselves and part of the record. The screen

shots and narrative are contained in the record and publicly available. Therefore, this finding cannot be made.

- (b) The proposed facility is located on the least visually obtrusive site and least visually obtrusive portion of the site, where the applicant provides substantial evidence that it chose the best solution for the community after a meaningful comparison of alternative sites and designs, including but not limited to considering less sensitive sites, alternative system designs, alternative tower designs, placement of antennas on existing structures, and other viable, technically feasible, and environmentally (i.e., visually) equivalent or superior potential alternatives.

This finding cannot be made, the facility is located in the middle of an active neighborhood. All the homes can see it and residents can see it everyday. This is not in the middle of nowhere, it is in a neighborhood with kids, with older folks, with folks walking. It is not visually appealing, and it is visually disruptive to the neighborhood. These facts are contained in the record.

- (E) That the proposed wireless communication facility, as conditioned, will not create a hazard for aircraft in flight.