

#7  
5/6/25

## **CTI is in Violation of Permit Conditions — County Must Revoke the Original Permit per Condition #8.**

**PROPERTY:** 186 Summit Dr, Santa Cruz County

**ISSUE:** CTI Towers is seeking approval for a new 150-foot cell tower while actively violating the conditions of their existing permit. Based on Santa Cruz County Code and Condition #1, 7 and #8 of their original permit, we urge the County to initiate revocation proceedings.

### **CTI's Ongoing Violations Justify Permit Revocation**

#### **1. Permit Conditions Are Binding Upon New Owners**

##### **SCCC 18.10.111 – Binding Nature of Permits**

*"Any permit or approval granted... shall be binding upon the applicant and the applicant's successors in interest."*

 **CTI acquired the property in 2016** and has since failed to:

- Permanently maintain required landscape plan (Condition #1)
- Promptly remove obsolete equipment (Condition #7)
- Agrees not to construct any future additions to the facility, with the exception of those that would reduce the number, height, or area of the existing antenna. (Condition #7)

#### **2. Violations Disqualify CTI from Seeking New Permits**

##### **SCCC 18.10.123 – No New Applications While in Violation**

*"No application... shall be accepted or approved if the property... is in violation of County Code or any conditions of a previously approved permit..."*

 CTI's new application is procedurally **ineligible** for consideration.

#### **3. The County Has Authority & Obligation to Revoke Their Permit**

##### **Original Permit – Condition #8**

*"8. Any violation to the conditions of this permit shall be grounds for revocation."*

 **This clause empowers and obligates the County to revoke the permit** due to CTI's persistent noncompliance over nearly a decade of ownership & management.

## ◆ ACTION REQUESTED

We respectfully urge the Board of Supervisors to:

- ✓ **Initiate revocation** of CTI's original permit under Condition #8
- ✓ **Reject CTI's appeal** for a new tower due to active violations and procedural ineligibility under SCCC 18.10.123
- ✓ Alternatively, if need be, invoke **SCCC 18.10.340(D)(2)** and refer the matter back to the Planning Commission to review significant new evidence—including original permit conditions, photos, staff reports, and testimony from Planning staff regarding noncompliance.

**The County must not reward a known violator with expanded privileges. Uphold the law. Protect our community. Revoke the permit.**

 *Prepared by Concerned Neighbors of Summit Drive | Contact: Julie Cahill, 120 Summit Dr, Santa Cruz, CA*

## REFERENCES/ EVIDENCE

### Transcription of Use Permit No. 4581-U

Use Permit to amend Use Permit No. 4581-U APPROVED, subject to the following nine (9) conditions:

1. All landscaping shall conform to submitted drawings by Roy Rydell, revised April 2, 1976. **All landscaping must be permanently maintained.**
2. The proposed antenna shall be recessed fifteen feet below grade level per submitted grading plan by Bowman and Williams, dated April, 1976. An earth berm shall be developed from fill material covered with a minimum of six inches of top soil, and located per above submitted drawing. The earth berm shall be planted to maintain its stability and reinforce its screening effect. The combination earth berm, plantings and a fence shall be equal in height to the top lip of the proposed antenna, which may not extend more than 20 feet above the level natural grade. This screening combination shall extend as close as possible to the present dish antenna without interfering with their line of sight. All grading, filling and drainage shall be subject to the grading permit
3. The generator and air conditioner units shall be equipped with a sound muffling devise. The proposed antenna shall not increase the noise level on site.
4. The entire facility shall be painted as completely as technologically possible with a muted earth tone to blend with the natural area.
5. Conditions 1 through 4 shall be fully accomplished to the satisfaction of the County Planning Department with consultation of the Rural Bonny Doon Association, prior to electrical connection to the proposed antenna operation, required testing excepted. Any other landscaping, in addition to that contained in the submitted drawings and previous Use Permit requirements, which may be required by the County Planning Department after consultation with the Rural Bonny Doon Association, shall be completed by Teleprompter within thirty days.
6. The proposed antenna shall not interfere with local reception, emit harmful radiation, or otherwise be a detriment to the health, safety, and welfare of the neighborhood.
7. **By accepting this Use Permit, Teleprompter agrees not to construct any future additions to the facility, with the exception of those that would reduce the number, height, or area of the existing antenna, Normal maintenance and repairs are permitted. All antennae/towers/buildings not in use shall be promptly removed from the site.**
8. **Any violation to the conditions of this permit shall be grounds for revocation.**
9. This permit shall be reviewed by the Zoning Administrator 18 → months after the final approval date to insure faithful compliance.

 **Attachments – Supporting Evidence. Photos taken 5/5/2025**

1. Photo A: 6-8 foot-high fuel load. Note neighbors properties fuel load is mowed and maintained down the road. \*8' surfboard for scale. At the March 2024 meeting, Scott of CTI states (Timestamp 1:31:50): *“We have put it on a regular maintenance plan... We cleared out all the brush that would be consumable for a fire.”*



2. Photo B: Obsolete, inactive equipment still on site: metal base & guyed tower. (Condition #7)



3. Photo C: Missing or degraded landscape screening photo (Condition #1)



4. Photo D: Original landscape plan had a massive wood slated screen that came down in a storm. Never replaced or fully cleaned up. Current site condition with steel beams, down logs & dirt bike jumps. Original mess left for over 10+ months thru 3 red flag warnings.



5. Statement of noncompliance that can be found in Lizanne Jeff's Consultation Letter, August 12, 2020 shown below. Sheila McDaniel's notes similar observation in her staff report as well as Jocelyn Drake and Trina Barton upon personal site visits noted on record of past meetings.

The project site is currently developed with an existing television booster station that, in street level views, is poorly screened from the surrounding roads due to a lack of shrubby vegetation. The existing buildings, lower portion of the lattice towers and some of the other associated equipment, all of which are surrounded by a chain-link fence, are clearly visible beneath the canopies of the surrounding trees. The only screen is a brown-toned cyclone fence which partially obscures some of the ground level equipment, that includes a satellite dish. Screening vegetation that was required by earlier Permit approvals appears largely to have not survived and/or has been removed\*.

6. Additional emails or photos are available upon request to further demonstrate their lack of attention to this property and failure to maintain it as required by their current permit such as this email from our neighbor Judith who was held up in her rebuild process by over two months as phone calls and emails had to make their way to the right person and then schedule and problems scheduling.

Furthermore, They did not "promptly" remove white satellite dish upon purchase that was no longer in use per the permit requirement. It remained from 2016-2023.

Begin forwarded message:

**From:** <[howsertj@comcast.net](mailto:howsertj@comcast.net)>  
**Subject:** Tree Damage on 186 Summit Drive, Santa Cruz CA  
**Date:** March 12, 2022 at 1:37:47 AM PST  
**To:** <[mhenry@ctitowers.com](mailto:mhenry@ctitowers.com)>  
**Cc:** "Julie Cahill" <[jul9cahill@gmail.com](mailto:jul9cahill@gmail.com)>

Julie copied us on the email concerning the fallen oak. This is very frustrating to all of us on Summit Drive. Many of your neighbors on Summit lost their homes, and most have worked hard to clear the debris of their homes as well as the destroyed trees. The major exception? Your property at 186 Summit Drive. There are MANY burned trees hovering over your south property line. This is our north property line!!!

PLEASE – be a responsible neighbor – Remove the downed oak, clear your burned trees, plant a screen, REMOVE THE DISH, etc.

We will be at Summit Drive to see the damage this weekend.

Thomas & Judith Howser  
426 Summit Drive  
Santa Cruz CA 95060-9666

Temporary Address [until house is rebuilt]:  
290 Hacienda Drive  
Scotts Valley CA 95066-3231

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# Supplemental Evidence

- 1) **There is no coverage gap:** Here is the FCC propagation map<sup>1</sup> data that AT&T used with the California Public Utilities Commission to try to get out of its Carrier of Last Resort duties showing 100% mobile broadband coverage throughout the area the proposed tower is purported to provide missing coverage:

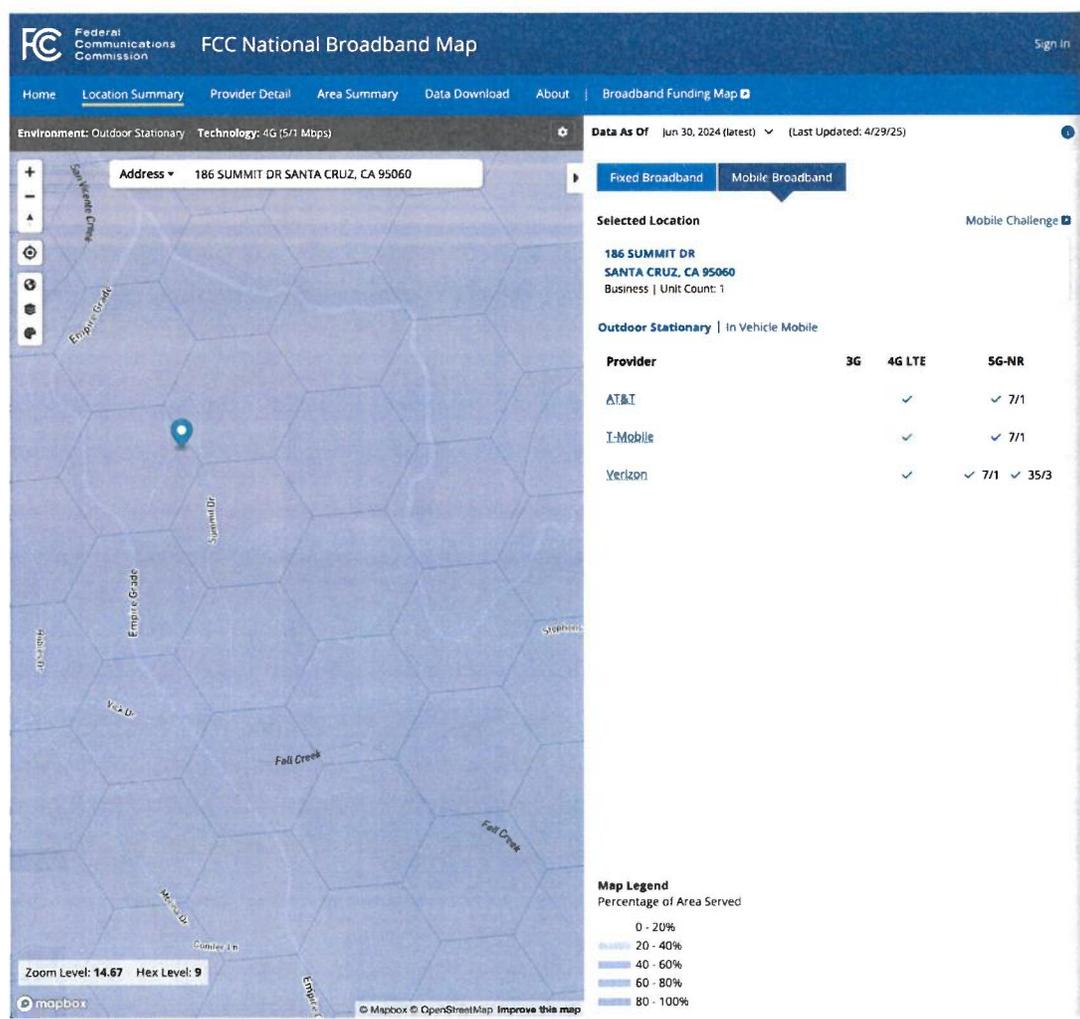


Fig 1

This independent third-party governmental data invalidates AT&T's contrasting propagation maps submitted for this CTI Towers application 221049 purporting to show no wireless coverage in our area. This accords with the experience of neighbors who have AT&T cell service.

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[https://broadbandmap.fcc.gov/location-summary/mobile?version=jun2024&location\\_id=8838ad4a-be03-41fd-a4eb-a553fae9d6fb&addr1=186+SUMMIT+DR&addr2=SANTA+CRUZ%2C+CA+95060&zoom=14.67&vlon=-122.135868&vlat=37.094416&env=0&tech=tech4g](https://broadbandmap.fcc.gov/location-summary/mobile?version=jun2024&location_id=8838ad4a-be03-41fd-a4eb-a553fae9d6fb&addr1=186+SUMMIT+DR&addr2=SANTA+CRUZ%2C+CA+95060&zoom=14.67&vlon=-122.135868&vlat=37.094416&env=0&tech=tech4g)

## Other Coverage Evidence: From AT&T's website

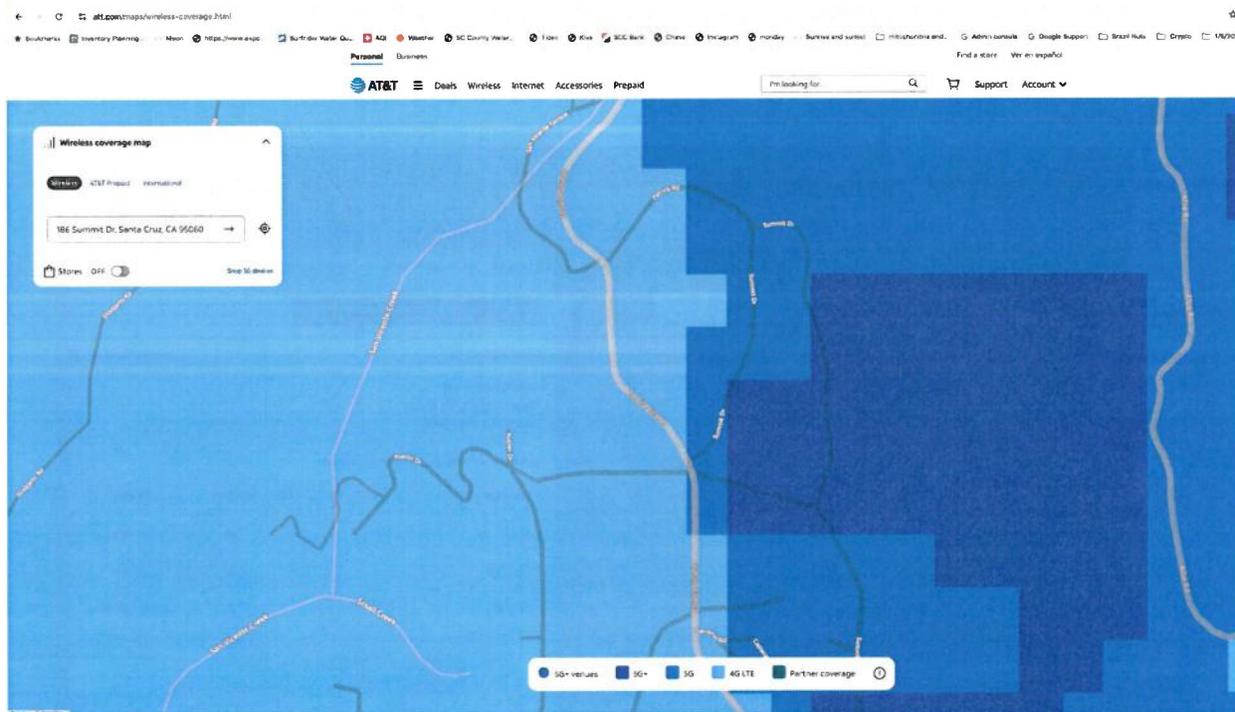


Fig 2

Coverage comparison for co-locating on Existing Tower at 125 Patrick Rd - this propagation map is biased because it was generated by AT&T and not by an independent third party, so it should be rejected by the county as illegitimate evidence, but even still, shows negligible differences in coverage if the county were to extend the existing 150 ft tower to 210 ft:

CTI Tower CL @ 140' LTE 700 Coverage

Patrick Rd CL @ 210' LTE 700 Coverage

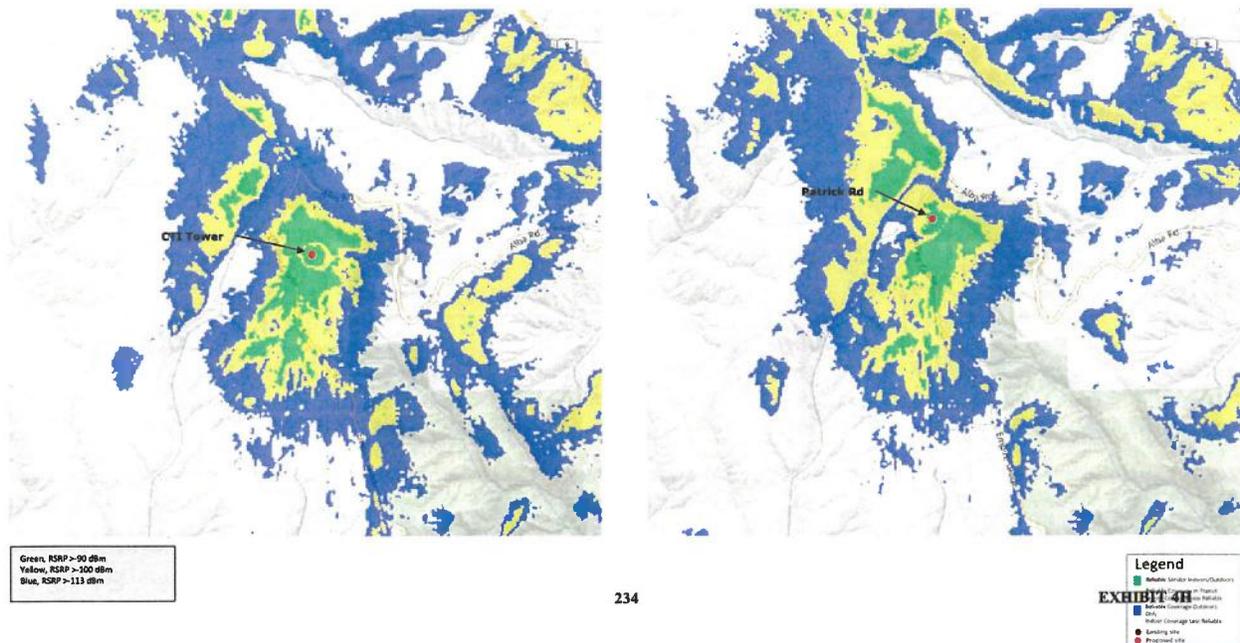


Fig 3

## 2) Alternatives

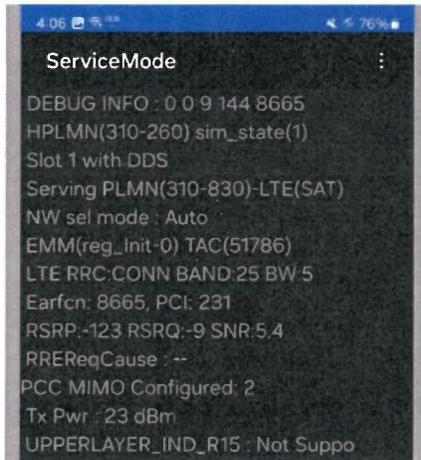
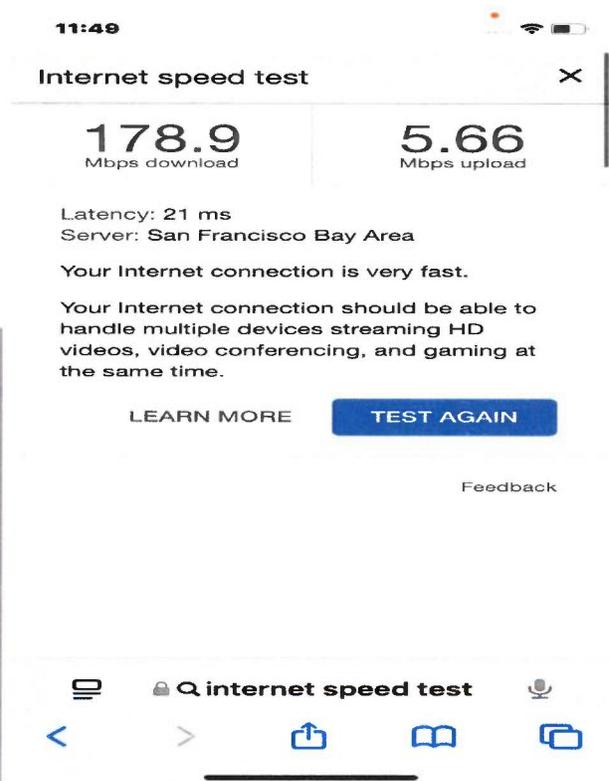
**Low Earth Orbit Satellite** (e.g. Starlink, One Web, AST SpaceMobile). AT&T customers with Apple iPhone 12 and later are already operational for texting over satellite thanks to partnership with AST SpaceMobile.

Starlink coverage is already available and working in Bonny Doon. This technology is already [used today for First Net](#) (sold by AT&T with their minicrd product)<sup>2</sup>:

<sup>2</sup> <https://www.firstnet.com/content/dam/firstnet/white-papers/minicrd-product-overview.pdf>



Tests show 180 Mbps download and 5 Mbps upload in areas deemed having no coverage (near Conifer) using mobile LEO (Starlink) satellite devices. Evidence:



AT&T is also partnering with **AST SpaceMobile** and **FirstNet** to bring **direct-to-cell satellite service** to residents and first responders<sup>3</sup>.

**Distributed Antenna systems** (eg from AT&T, Verizon, and/or SurfNet). Available now. Provides coverage in conjunction with fiber optic. Fiber Optic coverage available from both Comcast and AT&T all over Bonny Doon now. Distributed Antenna systems used on Highway 1. Fiber optic from SurfNet [being deployed soon](#)<sup>4</sup> throughout Bonny Doon.

**Shared wifi connections for wifi calling.** Already available (eg on Patrick Road). Obviates the need for cell service indoors and around homes.

**The existing 150 ft tower at 125 Patrick Rd** - this will offer equal coverage to the proposed tower at 186 Summit Drive. In fact, once the tower at McDermott Station is built and covers the small southern portion that may not have been covered by 125 Patrick Rd, there will be more total coverage in Bonny Doon if the tower would be located at 125 Patrick Rd instead of 186 Summit Drive.

**3) Legal precedents:** the Chair of the Planning Commission incorrectly asserted during the February 12, 2025 hearing that the county could not make their decision based on protecting private viewsheds. However, as we submitted in our October 13, 2023 testimony:

- Federal courts around the country, including the United States Court of Appeals for the Ninth Circuit, have held that significant or unnecessary adverse aesthetic impacts are proper legal grounds upon which a local government may deny a zoning application seeking approval for the construction of a wireless telecommunication facility.
- For example, the United States Court of Appeals for the Ninth Circuit determined that “California law, as predicted by the district court, does not prohibit local governments from taking into account aesthetic considerations in deciding whether to permit the development of wireless telecommunications facilities (WCFs) within their jurisdictions.” *Sprint PCS Assets, L.L.C. v. City of Palos Verdes Ests.*, 583 F.3d 716 (9th Cir. 2009).
- In *Palos Verdes Ests.*, the Court reasoned “that the proposed WCFs would adversely affect its aesthetic makeup was supported by ‘substantial evidence’ under the Telecommunications Act, where the city council reviewed propagation maps and mock-ups of the proposed WCFs and a report that detailed the aesthetic values at stake, and had the benefit of public comments and an oral presentation from the provider’s personnel.” *Id.*

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<https://about.att.com/story/2025/firstnet-satellite-connectivity.html#:~:text=Satellite%2Dto%2Dcellular%20connectivity%20will,messaging%20and%20emergency%20satellite%20services.&text=To%20learn%20more%20about%20FirstNet,on%20the%20AT&T%20commercial%20network.&text=For%20more%20information%20on%20availability,iPhone%20and%20here%20for%20Pixel>

<sup>4</sup> <https://slvpost.com/surfnet-announces-new-high-speed-fiber-internet-in-the-santa-cruz-mountains/>

- “[T]he City may consider a number of factors including the height of the proposed tower, the proximity of the tower to residential structures, the nature of uses on adjacent and nearby properties, the surrounding topography, and the surrounding tree coverage and foliage. We, and other courts, have held that these are legitimate concerns for a locality.” *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 994 (9th Cir. 2009) (emphasis added).
- See also, *Sprint Telephony PCS, L.P. v. Cty. of San Diego*, 543 F.3d 571, 580 (9th Cir. 2008) (stating that the zoning board may consider “other valid public goals such as safety and aesthetics”); *T-Mobile Cent., LLC v. Unified Gov’t of Wyandotte County, Kan.*, 546 F.3d 1299, 1312 (10th Cir.2008) (noting that “aesthetics can be a valid ground for local zoning decisions”); and *Cellular Tel. Co. v. Town of Oyster Bay*, 166 F.3d 490, 494 (2d Cir.1999) (recognizing that “aesthetic concerns can be a valid basis for zoning decisions”).
- We have presented ample evidence of significant and unnecessary adverse aesthetic impacts in our testimony.

**4) CTI’s Ongoing Violations Justify Permit Revocation & Disqualify CTI from Seeking New Permits According to the following Santa Cruz County Codes:**

**CODES:**

*SCCC 18.10.123 – “No application... shall be accepted or approved if the property... is in violation of County Code or any conditions of a previously approved permit...”*

*SCCC 13.10.661(D)(1)(c) – Requiring applicants to be in full compliance before new permits are issued.*

*SCCC 18.10.136(A) – “Permits may be revoked... if terms are not being complied with or are detrimental to public health and safety.”*

*SCCC 18.10.111 – Binding Nature of Permits  
“Any permit or approval granted... shall be binding upon the applicant and the applicant’s successors in interest.”*

**APPLICABLE PERMIT CONDITIONS:**

*1. All landscaping shall conform to submitted drawings by Roy Rydell, revised April 2, 1976. All landscaping must be permanently maintained.*

*7. By accepting this Use Permit, Teleprompter agrees not to construct any future additions to the facility, with the exception of those that would reduce the number, height, or area of the existing antenna, Normal maintenance and repairs are*

*permitted. All antennae/towers/buildings not in use shall be promptly removed from the site.*

**Please reference handout citing county code, the use permit conditions and photographic evidence showing the current state of the property that demonstrates their decade long failure to maintain the landscape, replace fences or promptly remove any obsolete equipment.**

1. **Maintenance:** CTI is obligated to permanently maintain the landscape per original use permit (Condition #1). This has not been done. The only two fences remain burnt & another completely destroyed from the storm.
2. **Promptly remove obsolete equipment** (Condition #7). Metal guyed tower, massive metal base remain on site. It took them 7 years to remove the obsolete satellite dish.
3. **Applying to construct future additions** to the facility that would not reduce the number, height, or area of the existing antenna. (Condition #7)

**✚ CTI's new application is procedurally ineligible for consideration.**

The County has authority & obligation to revoke their original use permit according to County Codes & Condition #8 of their use permit which states: *"Any violation to the conditions of this permit shall be grounds for revocation."*

**♦ ACTION REQUESTED**

**We respectfully urge the Board of Supervisors to:**

- ✓ **Initiate revocation of CTI's original permit under Condition #8**
- ✓ **Reject CTI's appeal for a new tower due to active violations and procedural ineligibility under SCCC 18.10.123**
- ✓ **Alternatively, invoke SCCC 18.10.340(D)(2) and refer the matter back to the Planning Commission to review significant new evidence—including original permit conditions, photos, additional coverage map data of the FCC, and testimony from Planning staff regarding noncompliance.**

**The County must not reward a known violator with expanded privileges. Uphold the law. Protect our community. Revoke the permit.**