



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

**From:** Community Development and Infrastructure

**Subject:** Public Hearing to Consider Appeal of the Planning Commission Action to Deny Development Permit Application 221049, Regarding a Proposed Wireless Communication Facility

**Meeting Date:** June 10, 2025

**Formal Title:** Hold “de novo” public hearing to consider the appeal of Development Permit Application 221049, regarding a proposed wireless communication facility located at 186 Summit Drive (Assessor’s Parcel Number 080-062-02), adopt the Mitigated Negative Declaration pursuant to the California Environmental Quality Act, and take related actions

**Recommended Actions**

1. Hold “de novo” public hearing to consider the appeal of Application Number 221049, a proposed wireless communication facility;
2. Reverse the decision of the Planning Commission denying Application 221049 and approve Application 221049, thereby upholding the Zoning Administrator’s approval of the project, pursuant to the project plans, recommended fence plan, findings, and conditions of approval; and
3. Adopt the Mitigated Negative Declaration pursuant to the California Environmental Quality Act.

**Executive Summary**

This item is an appeal of the Planning Commission's February 12, 2025 decision to reverse the Zoning Administrator’s approval of Application 221049. The is proposal to remove an existing 70.6-foot-tall wireless communication facility and related equipment and to construct a 151.1-foot tall Wireless Communications Facility (“WCF”) camouflaged as a monopine tree, including nine panel antennas and associated equipment, landscape screening and miscellaneous improvements on RR-zoned land, Assessor’s Parcel Number (APN) 080-062-02.

The Planning Commission's action was appealed to the Board of Supervisors and filed by Travis Brooks, Miller, Starr, Regalia (the “Brooks Appeal”), representative for CTI Towers (Applicant). Pursuant to Santa Cruz County Code (SCCC) Section 18.10.340, the Board was requested to determine whether to accept jurisdiction and schedule a public hearing of the appeal or allow the Planning Commission denial determination to stand.

The Board considered the jurisdictional hearing on May 6, 2025 and took jurisdiction of the appeal in a 4/1 vote, with Board member Cummings dissenting. Board member discussion was notable due to the project opponent’s submission of additional propagation maps that they allege demonstrate no gap in coverage in this area. These maps were used by AT&T to support elimination of AT&T land lines known as “carrier of last resort.” These conflicts with the propagation maps certified by the AT&T wireless communication facility application which show a gap in coverage, supporting the proposed wireless facility. At the time this staff report was drafted, Staff had not

conducted a full evaluation of the new information provided at the hearing, however, an evaluation will be provided at hearing. Santa Cruz County Code Section 13.10.660(B)(18) defines a “significant gap” as a gap in a wireless provider’s own service that is deemed significant by certification from the carrier. This definition requires that a gap in coverage be substantiated by information provided and certified by the wireless carrier. Notwithstanding, all propagation information and correspondence provided to the Board of Supervisors related to the jurisdiction item is attached for consideration of the “de novo” public hearing.

## **Discussion**

### ***Project Background***

On February 23, 2022, CTI submitted Application 221049, requesting to replace an existing wireless telecommunications facility and construct a replacement facility on the east side of Summit Drive (186 Summit Drive), approximately 700 feet northeast of Empire Grade and three miles north of the intersection of Felton Empire Road and Empire Grade Road. The proposal includes modifications to an existing wireless communication facility, including the removal of the existing 70-foot-6-inch-tall guyed lattice tower and related equipment, satellite dish, shed, 12-foot-6-inch-tall lattice tower, and chain-link fencing, and its replacement with an approximately 151.1-foot-tall wireless communication facility camouflaged as a monopine, with nine panel antennas and associated wireless equipment, a generator within an existing equipment building, an outdoor propane tank, a repainted equipment building, landscape screening, and other miscellaneous improvements located within the existing building and site enclosure, surrounded by a new six-foot chain-link fence with green slats and barbed wire above.

The request required approval of a Commercial Development Permit, a height exception, and a determination that the project is exempt from further review under the California Environmental Quality Act (CEQA).

On October 20, 2023, the project was considered by the Zoning Administrator and continued to allow for the submission of additional information including an updated alternative analysis to evaluate Patrick Road, wireless propagation mapping at various facility heights to establish the minimum height required to fill the gap in coverage, and revisions to the facility's branching pattern design to further minimize visual impacts to the Summit Drive private neighborhood. The link to meeting agenda materials and late mail are attached below.

<https://www2.santacruzcountyca.gov/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=10/20/2023&MeetingType=2>

On January 19, 2024, the Zoning Administrator considered revised project plans and an updated alternative analysis, excluding Patrick Road as an alternative site, a landscape screening plan, and a recommended facility fence plan, along with a revised CEQA exemption, findings, and conditions of approval. The link to meeting agenda materials and late mail are attached below.

<https://www2.santacruzcountyca.gov/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=1/19/2024&MeetingType=2>

The project was approved with conditions reducing the height of the WCF from a maximum of 150 feet to 140 feet—the minimum required to substantially fill the gap in coverage as determined by the applicant's radio frequency engineer. This reduction also minimizes private visual impacts to the Summit Drive neighborhood to the maximum extent feasible. The project was further conditioned to incorporate darker faux foliage and a taller faux tree trunk to match the color and massing of the surrounding tree foliage more closely, a wood fence enclosure, post-construction noise and radio frequency reports to reconfirm compliance with technical thresholds, and the maintenance of existing vegetation and trees to ensure private views of the proposed facility would be minimized for Summit Drive neighbors for the duration of the use.

On January 31, 2024, an appeal of the Zoning Administrator's approval was filed by Bonny Doon Residents for Responsible Cell Coverage. The appeal letter raised concerns about erroneous CEQA exemptions, an unenforceable road improvement condition of approval, the potential for increased future height allowances on the site, failure to erect a mock-up, an insufficient alternative analysis to disqualify Patrick Road as a facility site, and the failure to evaluate 333 Robles Drive.

On March 27, 2024, the Planning Commission considered the project appeal and settled many of the identified appeal issues, with the exception of concerns regarding potential environmental impacts of the proposed project and additional evaluation of Patrick Road as a potential alternative site. The Commission continued the project to allow for the preparation of an Initial Study to evaluate environmental impacts. The Commission also requested that the applicant provide a detailed comparison between Patrick Road and Summit Drive to fully evaluate and, if warranted, exclude Patrick Road as an alternative site. The comparison was directed to include wireless propagation maps, facility heights required to address the coverage gap, public visual impact simulations, and private neighborhood visual impact assessments to ensure a balanced evaluation of these factors. The link to meeting agenda materials and late mail are attached below.

<https://www2.santacruzcountyca.gov/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=3/27/2024&MeetingType=1>

On February 12, 2025, the Planning Commission considered the Initial Study/Mitigated Negative Declaration determination by the Environmental Coordinator and the updated alternative analysis materials. The link to meeting agenda materials and late mail are attached below.

<https://www2.santacruzcountyca.gov/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=2/12/2025&MeetingType=1>

After a properly noticed public hearing, including public testimony, the Commission denied the project based on the following determination:

- That there was no gap in coverage per AT&T's online wireless service coverage maps;
- That the Patrick Road alternative site, at 150 feet in height, would be capable of providing wireless coverage equal to that of the proposed facility at Summit Drive and is therefore a viable alternative to the proposed project location; and
- The proposed facility does not represent the least visually obtrusive feasible site, given its visual impacts on the Summit Drive neighborhood.

The attached Planning Commission findings for denial reflect the attached Planning Commission meeting minutes, noting a 3/2 vote for denial. Findings for denial did not include the McDermitt Fire Station, as mentioned during the jurisdictional hearing. The applicant previously identified that the fire station, located at the intersection of Empire Grade Road, Felton Empire Grade Road, and Ice Cream Grade Road was too far away from the identified coverage area and would not fill the gap in coverage.

Following the project's denial, on February 25, 2025, the applicant filed an appeal of the Planning Commission's decision. On May 6, 2025, your Board took jurisdiction of this matter with direction to conduct a "de novo" review of the project, in which your Board makes your decision on the matter based solely on the record before you. The link to meeting agenda materials and late mail attached below.

<https://santacruzcountyca.primegov.com/Portal/Meeting?meetingTemplateId=318>

### ***Project Compliance***

According to County Code Section 13.10.660 (C)(4), a new wireless communication facility outside of a public right-of-way is prohibited unless the applicant provides documentation prepared by a qualified professional engineer to enable the County to find:

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

### **Gap in Mobile Wireless Coverage**

According to County Code Section 13.10.660(B), a "significant gap" in wireless coverage is defined as the absence of service in a provider's network, as certified by the carrier.

The alternative analysis certified by AT&T's engineer identified that there is a gap in 4G LTE mobile wireless coverage, as corroborated by the FCC National Broadband Map. The applicant's alternative analysis provides clear evidence of a significant gap in the form of a certified statement by the wireless engineer, including propagation mapping and test drive data.

Before the Planning Commission, the project opponent presented information from AT&T's website which they claim is evidence of no gap in coverage. However, AT&T's website coverage viewer mapping states that it displays "approximate coverage." The website also notes that "actual coverage in an area may differ from the website map graphics, and it may be affected by such things as terrain, weather, network changes, foliage, buildings, construction, high-usage periods, customer equipment, and other

factors.” (See [AT&T Maps - Wireless Coverage Map for Voice and Data Coverage from AT&T.](#))

Propagation mapping information, i.e., outdoor coverage as mapped by the FCC National Broadband Map, identified by public testimony during the jurisdictional hearing related to AT&T’s attempt to withdraw as “carrier of last resort” and eliminate landlines, ultimately denied by the CPUC on June 20, 2024, purported that a coverage gap may not exist in the area. However, for purposes of new wireless applications, the wireless ordinance relies on information certified by the carrier. Furthermore, information available on the FCC National Broadband Map, link below, clearly indicates that AT&T has gaps in “mobile broadband” wireless coverage and satellite coverage in this area. AT&T maintained during the series of public hearings their objective to fill the gap in mobile wireless coverage, not outdoor coverage. Moreover, these maps indicate significant gaps in both 4G and 5G coverage. (See [FCC National Broadband Map.](#))

### Alternative Analysis

The alternatives analysis demonstrates that the proposed facility is located on the least visually obtrusive site and least visually obtrusive portion of the site. The applicant has provided substantial evidence that it chose the best solution for the community, and the alternatives analysis demonstrates a meaningful comparison of alternative sites and designs.

The alternative analysis evaluated all available means to fill the gap in coverage, including small cell wireless communications (DAS) proposed on power poles, satellite services, and land based wireless facilities. The analysis concluded that small cell wireless communications do not provide an adequate line of sight required to provide necessary signal to fill the gap in coverage and otherwise if signal could be achieved, which is unlikely given trees located between power poles in this heavily forested area, would require a multitude of projects on power poles throughout this area. This is not a superior method to provide broad wireless coverage in the rural area, especially as empire grade is a scenic viewshed protected by the General Plan and small cell wireless facilities every hundred to 500 feet or so, depending on line of sight.

Satellite systems, while an attractive and technically viable alternative to DAS or land based wireless systems because they are not visible, are not currently available in the AT&T network in this area, hence the request for a land-based option.

All existing land-based alternatives were also thoroughly explored as well. Three existing land-based co-location facilities were evaluated and determined to not fill the gap in coverage because they are too far from the identified significant gap in coverage. These locations include the Crest Ranch Christmas Tree Farm located at 12200 Empire Grade Road (existing 79’ Pole) the Ben Lomond Conservation Camp located at 13575 Empire Grade Road (a proposed 150-foot pole), and the Bonny Doon Fire and Rescue Station located at 7276 Empire Grade Road (temporary AT& T facility, proposed 150-foot pole). In addition, the PG&E site located at Robles Drive was also evaluated. The applicant reached out to PG&E and PG&E representatives indicated that they would not allow a cell tower at Robles location. Thus, Robles Drive is a non-viable site and whether the site fills the gap in coverage or creates more significant visual impacts is irrelevant because this site is not available to the applicant. Lastly, Patrick Road was also fully evaluated as a potential alternative site. However, the propagation coverage maps that the applicant provided to the Planning Commission demonstrate that the proposed Summit Drive facility would substantially fill the gap in coverage at 150 feet in

height, while the alternative site at Patrick Road would only achieve similar or equal coverage at approximately 210 feet in height. Therefore, the Patrick Road site at 150 feet in height would not provide equal coverage. The proposed facility at Summit Drive has been shown to substantially fill the gap at 140 feet in height and has been conditioned to that height to meet other regulatory requirements.

### Visual Impact Analysis

Of all of these alternative sites, the applicant has demonstrated that the proposed site is the least visually obtrusive. A detailed comparison of public visual resource impacts between the proposed project and the Patrick Road alternative site from Empire Grade Road exclusively—evaluated at the request of the Planning Commission—clearly indicates that the Patrick Road alternative site would be visible from Empire Grade Road, resulting in visual impacts on a mapped designated public visual resource, which would conflict with the required wireless findings, as noted below.

Lastly, both the Patrick Road alternative site and the proposed project site would have generalized visual impacts on private neighborhoods, albeit affecting different sections of the neighborhoods. The project opponent claims that private aesthetic impacts are grounds to deny the project. Even when private viewsheds are taken into account, the proposed project is less visually obtrusive than any alternate location, including Patrick Road. Considering the 210-foot height required for the Patrick Road alternative site to substantially fill the identified gap in coverage, a facility at Patrick Road would result in greater visual impacts to private neighborhoods.

Regardless, any application for the Patrick location would be subject to a commercial development permit and a height exception, increasing the required height an additional 70 feet above the approved 140-foot height of the Summit Drive location. Since there is no actual application - with required public notice - required for consideration of Patrick Road as an alternative site to the Summit Drive project, the Board should be aware that the public hearing process for consideration as a wireless facility would most likely be a similarly contentious public process as that of the Summit Drive project. Thus, it would be premature to conclude that the Patrick Road site would be an easier site to permit given that it would be substantially taller than the approved Summit Drive location. Thus, the Board should be cautious before concluding that Patrick Road would meet the required findings as a feasible alternative site as noted below.

### Discretionary Findings

In order to grant the permit, either of the following findings must be made:

- (i) The development of the proposed wireless communications facility, as conditioned, will not significantly affect any designated visual resources, environmentally sensitive habitat (as defined in the Santa Cruz County General Plan/LCP Sections 5.1, 5.10, and 8.6.6), and/or other significant designated or protected County natural, cultural, or historic resources, including but not limited to agricultural and open space resources; or
- (ii) There is no alternative to the proposed wireless communication facility, as conditioned, that is technically feasible and environmentally equivalent or superior to the proposed wireless communication facility, including 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.

Both of these findings can be made. The visual impact analysis of the proposed facility demonstrates that there are no visual impacts on mapped protected public visual resources, such as Empire Grade Road or other mapped public roads identified by the General Plan. As discussed above, there is no alternative that is technically feasible and environmentally equivalent or superior to the proposed project.

### General Wireless Development Standards

Overall, these below factors contribute to a WCF project that is visually unobtrusive and compliant with the wireless regulations, demonstrating a comprehensive approach to mitigating visual impacts while ensuring adherence to regulatory standards. The project meets the current wireless ordinance standards as follows:

#### *Height*

Conditions of approval require the reduction of the facility to a maximum height of 140 feet while ensuring that it still effectively fills the coverage gap, minimizing views across the top of the facility as much as feasible.

#### *Design*

The facility includes a faux monopine, designed to blend into the forest setting to maximize screening. This includes considerations such as branching location on the trunk, foliage color matching surrounding foliage, landscaping screening, and wood fencing to suit the forest setting.

#### *Tree Replacement and Maintenance*

Project conditions of approval require maintenance of excising trees, and replacement of trees (should they die), surrounding the facility throughout its operation to ensure continued screening.

#### *Post Construction Studies*

The project meets the noise standards of the General Plan and the FCC Radio Frequency emission thresholds as contained in a noise and RF report. Project conditions of approval include requirements for post-construction noise and radio frequency (RF) studies to re-confirm compliance.

### ***Appeal Issues***

The appellant asserts that the Planning Commission made a number of errors in its decision supporting the denial of the application, including the findings that there is no gap in coverage, that the Patrick Road alternative site would adequately fill the carrier's identified coverage gap, and that the facility was not situated in the least visually obtrusive location as it was visible to a private neighborhood.

Based on the information in the record, the Planning Commission made an error in determining that no gap in coverage exists by relying on AT&T's less accurate public website wireless service coverage maps, rather than the more sophisticated and widely accepted radio frequency propagation analysis provided by the project's radio frequency engineer and supported by the FCC National Broadband Map. According to County Code Section 13.10.660(B), a "significant gap" in wireless coverage is defined as a gap

in a provider's own services, as certified by the carrier.

The Planning Commission also erred in finding that there is a co-location alternative to the proposed project at Patrick Road, based on an incorrect determination that both the Summit Drive site and the Patrick Road site could provide equal wireless coverage at 150 feet in height.

Lastly, in denying the project based on generalized aesthetic impacts to a private neighborhood (Summit Drive) rather than on identified significant impacts to designated visual resources mapped in the General Plan, as required by wireless findings enumerated in Santa Cruz County Code 13.10.661(D)(1), the Planning Commission erred in determining that the proposed facility was not located at the least visually obtrusive site.

### **Conclusion**

Following analysis under all applicable federal, state, and local wireless regulations, as well as the California Environmental Quality Act (CEQA), staff concludes that the proposed Summit Drive site constitutes the superior technically feasible alternative, with reduced visual impacts on mapped public visual resources protected by the General Plan and on the surrounding private neighborhood, at a maximum height of only 140 feet. Furthermore, AT&T has provided a certified alternative analysis prepared by the Radio Frequency engineer that concludes that there is a gap in coverage in this area and that the 140-foot height is the minimum required to fill the gap in coverage.

Staff will be prepared to present a comprehensive project overview consistent with a “de novo” public hearing and to respond to any issues raised during the hearing process. The Planning Commission Report for the February 12, 2025, public hearing and late mail associated with the Planning Commission decision are attached to your Board letter. Attachments to this report include the prior Planning Commission Report and both Zoning Administrator reports and associated correspondence. Late mail associated with each meeting is included in agenda links as well. A combined opposition statement by Tim Richards and Witwer Parkin for the Bonny Doon Residents for Responsible Cell Coverage is attached for ease of review.

### **Financial Impact**

There is no financial impact.

### **Strategic Initiatives**

N/A

### **Submitted By:**

Matt Machado, Deputy CEO / Director of Community Development and Infrastructure

### **Recommended By:**

Carlos J. Palacios, County Executive Officer

### **Artificial Intelligence Acknowledgment:**

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.