

RECOMMENDATION: Approve a Coastal Permit with conditions for a freestanding 180-foot lattice telecommunications tower and associated equipment.

EXECUTIVE SUMMARY: The proposed project is a major freestanding 180-foot high lattice telecommunications facility on a 332 acre parcel zoned Public Facility within the Coastal Zone located at 25050 Highway 1, Salt Point State Park. Permit Sonoma recommends approval based on: 1) the tower is consistent with the Local Coastal Plan and Coastal Zoning Code, 2) the tower design is compatible with surrounding landscape features, and 3) the project site is within a Scenic Resource (SR) combining district and complies with the recommended mitigation measures contained in the County's Visual Assessment Guidelines.

An alternatives analysis, photo simulations, radio frequency report, and biological assessment were prepared to assess potential impacts of the project (Attachments C through G). Potential impacts have been addressed in the project Conditions of Approval.

Due to federal regulations, telecommunication projects are subject to a processing deadline known as the "shot clock." Failure to make a final decision within the shot clock time frames can result in deemed approval of a project. The deadline for this project is October 27, 2019.

ANALYSIS

Project Description: Request for a Coastal Permit and Use Permit for a Major Freestanding Commercial Telecommunication Facility, including an 180-foot high monopole lattice tower in a galvanized steel, nine panel type antennas with six remote radio units, two microwave dishes, one surge protector and two GPS antennas mounted to the ground equipment. The facility includes a standby 30KW generator with a 132 gallon diesel tank for emergency power. The facility is located on a 1,200 square foot leased area and enclosed by a 6 foot chain link. The facility will have the potential to support up to three commercial operators and State of California equipment.

Site Characteristics: The parcel consists of predominately wooded state park land, known as Salt Point State Park. The project will be located at the refueling station and maintenance yard utilized by State Park staff for the Woodside Campground. The cumulative area of the maintenance yard is 52,000 square feet and not accessible to the public, primarily paved, and located approximately 500 feet west of the main park entrance and approximately 2,500 feet west of the Woodside campground, east of Highway 1. The site is 375 feet above mean sea level. The site is predominately flat with a moderate slope to the southwest. The Woodside Campground Corporation yard is currently supporting an existing 120 foot lattice tower owned by the State of California, two maintenance buildings, several ancillary sheds and storage structures. The existing 120 foot lattice tower currently supports State and County equipment and will remain in place until antennas are relocated; because this is not a Verizon owned facility a plan for decommissioning is

not included as a part of this application. The site is located within the Scenic Resource area, as Highway 1 is designated as a Scenic Corridor per the Sonoma County General Plan. The proposed facility will be located outside of the Scenic Corridor of Highway 1 and is set back an approximate 575 feet from Highway 1.

Surrounding Land Use and Zoning:

North: PF CC (Public Facility; Coastal Combining), Salt Point State Park

East: PF CC (Public Facility; Coastal Combining), Salt Point State Park

South: LEA (Land Extensive Agriculture; Coastal Combining) 160/640 (160 acres per dwelling unit), RR CC (Rural Residential, Coastal Combining) B7 (Frozen Lot Size), CT CC (Commercial Tourist, Coastal Combining) Zoning with single family residences and visitor serving uses such as Ocean Cove Lodge and General Store

West: PF CC (Public Facility; Coastal Zone) Zoning, Salt Point State Park

DISCUSSION OF ISSUES

Issue #1: Federal Law and Local Coastal Plan Consistency

Federal Law:

Federal and state law pre-empts and limits local government on telecommunication facility siting based on exposure to radio frequency emissions. The Telecommunications Act of 1996 allows local government limited authority to regulate telecom facilities' design and location, specifically the Act states:

"No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

If an applicant demonstrates compliance with the federal Radio Frequency (RF) Standards, the County cannot deny the project based on "environmental effects of radio frequency emissions."

The applicant has submitted an RF emissions report prepared by Verizon Wireless which analyzes the project's RF emissions. Provided that RF emissions meet federal standards set by the FCC pursuant to the federal Telecommunications Act of 1996, the county may not deny or regulate wireless telecommunication facilities based on RF emissions. For this facility, the RF emissions report found that a person at ground level would receive a worst case maximum exposure of 0.1277% of the Federal RF emissions limit. This is well below allowable exposure under the Act.

The Act also provides that any decision to deny a facility "*shall be in writing and supported by substantial evidence contained in a written record.*"

Additionally, the Act provides that local government regulation "*shall not prohibit or have the effect of prohibiting the provision of personal wireless services.*" The project proponent must establish that there is a coverage gap in service and provide an adequate visual and alternatives analysis of the type required by county code.

Local Coastal Plan Consistency:

The Sonoma County Local Coastal Program is comprised of three parts, including the Administrative Manual, Coastal Zoning Code (County Code Chapter 26C), and Local Coastal Plan. The Local Coastal Program is certified by the California Coastal Commission and guides development and land use decisions on the Sonoma County Coast in accordance with the provisions and regulations of the Coastal Act of 1976. The site's Public Quasi Public-Institutional Local Coastal Plan Land Use designation allows for uses which accommodate institutional or public uses. The proposed tower is considered to be a Major facility pursuant to Chapter 26C, Coastal Zoning Code Section 26C-12:

Major Facility: *Such facility which involves a combination of towers and antennas greater than one hundred thirty feet (130') in height.*

The Local Coastal Plan was amended to be consistent with the Sonoma County General Plan and certified by the California Coastal Commission on December 12, 2001. Therefore Appendix E of the Local Coastal Plan contains General Plan policies which are applicable to the Coastal Zone of unincorporated Sonoma County.

Therefore, the following General Plan policy is applicable to the project:

Policy PF-2s: *Public utility facilities other than transmission line corridors may be designated as "Public Quasi-Public" on the land use map. Allow consideration of minor facilities in any land use category where they are compatible with neighborhood character and preservation of natural and scenic resources.*

Although the facility proposed is defined as a major facility pursuant to Chapter 26C of the Coastal Zoning Code, Section 26C-12, the design of the proposed facility has been demonstrated to have a minimal impact on Coastal Visual Resources.

The project was referred to the California Coastal Commission. To minimize visual impacts the Commission recommended redesigning the facility to be more compatible with natural features; specifically to implement a monopine design. A lattice tower is proposed as the structural integrity is better able to withstand the structural stresses caused by the required equipment loading and high speed winds along the coast. The applicant contends that achieving the necessary structural resilience with a monopine design, which uses a singular caisson foundation, is not a feasible or practical option for the setting. Considering the applicant's response, the Commission revised its recommendation to support approval of the project on the basis that visual impact details have been carefully considered and that visual impacts will be avoided to the extent possible.

Specifically the Coastal Commission found that the project is consistent with the Local Coastal Plan, Chapter 7, which requires, “new development should respect the natural setting... construction materials, colors, and architectural features should be carefully chosen to blend with landscape features of the site so that structures and nature complement one another and development has a minimum impact on the site,” in that the projects location achieves minimal grading, fill, vegetation removal and ground disturbance consistent with this LCP Policy.

Issue 2: Zoning Consistency

The site’s Public Facility zoning designation allows for Major Freestanding Telecommunication facilities with a Use Permit, Coastal Permit, and compliance with development standards in the Coastal Telecommunications Ordinance (Sonoma County Zoning Regulations, Section 26C-325.7.)

The applicant has met the requirements of this section by submitting an alternative sites analysis, photo simulations, biological assessment, and radio frequency report which indicate that the project meets all County standards as well as the intent of the applicable zoning designations.

Alternative Sites Analysis

The applicant has provided an alternatives site and coverage analysis showing a gap in service for cellular phone users that are traveling (in transit) and indoors (Exhibit E). The gap is along Highway 1 covering an area 3 miles north and 2.5 miles south of the project site. Along this area of Highway 1 there are no lands which are zoned for commercial or industrial use. The applicant examined the target area for coverage and found that there are no sites which can provide less ground disturbance. Due to the general lack of existing infrastructure in the Coastal Zone, alternative sites would require an equipment pad, access roads, and utility rights of way for the facility. The proposed site already provides this infrastructure and the proposed service plan provides for the least ground disturbance to construct the facility.

Staff finds that the alternative analysis evaluated appropriate sites and adequately demonstrated that a reasonable alternative site is not available within the applicable service gap area. This site is appropriate for the proposed facility and will address a wireless service gap for residents of the area as well as the general public.

Visual Analysis

The applicant has submitted photo simulations (Exhibit D) to meet County Zoning Code Section 26C-325.7(c)(2) which requires that “Facility towers, antennas and other structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.”

Staff finds that the overall visual sensitivity of the site is “Maximum” pursuant to the County Visual Assessment Guidelines (Table 1, Site Sensitivity) because the project is located within the Coastal

Zone, designated as a Scenic Resource Area per the General Plan and the site is not within a Community Separator. The project parcel is located within the Scenic Corridor of Highway 1, however the project site is located outside of the Scenic Corridor and setback an approximate 575 feet from the site's access off Highway 1.

Staff finds the project is Subordinate (Table 2, Visual Dominance) in comparison to its surroundings because project elements will be minimally visible from public view, while element contrasts are weak and can be seen but will not attract attention. Presently, the site is developed with a 120 foot lattice tower which is minimally visible from public view as it is screened by intervening natural landforms and vegetation. The existing 120 foot facility is not visible from Highway 1. The lattice tower may be prominent from certain views due to its height, however the framework of metal cross-stripped bars, utilizing galvanized steel in regards to material will allow the facility to blend in with the tree line and sky as its design elements will not be abrasive or attract attention in regards to color and lighting.

Based on the County's Visual Assessment Guidelines, a project with Maximum sensitivity and Subordinate visual appearance has a significant visual impact (Table 3, Thresholds of Significance), due to its location within the Coastal Zone. Highway 1 is designated as a Scenic Corridor per the Sonoma County General Plan. The proposed facility will be located outside of the Scenic Corridor and setback an approximate 575 feet from the adjacent Highway 1 corridor. Although demonstrated as posing a significant impact, the facility is believed to be the least intrusive alternative to provide coverage within the proposed service area.

The applicant has met the policies of the Local Coastal Plan and requirements of the Coastal Zoning Ordinance by submitting a complete application, including a coverage analysis, meeting Federal RF standards, locating and designing the project using a lattice tower in a location which is presently developed, and submitting an alternatives analysis and photo simulations.

Issue #2A: Design Review Compliance

The proposed project was heard by the Design Review Committee on August 7, 2019. The Design Review Committee recommended preliminary approval to the Board of Zoning Adjustments on the basis that the project is consistent with DRC Design Guidelines by maintaining and preserving the natural topography, vegetation, trees, streams and other natural features by minimizing cut and fill. At the time of the DRC Hearing, colors of the proposed facility were presented and discussed. For the purpose of the DRC Hearing, the applicant prepared photo simulations of the lattice tower in both a green and brown color. It was determined that painting the lattice tower is not a viable option as paint would not sustain the coastal environment, and therefore a galvanized steel tower is proposed. DRC Record of Action is included as Exhibit H.

Issue #3: Environmental Determination

Staff has determined that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303, New Construction or Conversion of Small Structures as development will be limited to within a 1200 square foot leased area. There are no facts or circumstances specific to this project that would support an exception to the categorical exemption. LSA Associates, Inc. conducted a biological assessment (LSA, 2015) for the proposed project to demonstrate that the project will not have an adverse effect on any sensitive species that may be present in the area due to the project sites current lack of native vegetation.

Special Status Plants:

According to the California Natural Diversity Database (CNDDDB), ten special status plants are known to occur within 1.5 miles of the project site. The special status plants evaluated for the proposed project are unlikely to occur in the area around the project and thus the project would have no effect on these species.

Special-status Wildlife:

According to the California Natural Diversity Database (CNDDDB) search provided occurrence record for on species of special status animal, the Sonoma tree vole (*Arborimus pomus*), within 1.5 miles of the project site. The Spotted Owl Observations Database provided one occurrence of the northern spotted owl (*Strix occidentalis caurina*) approximately 1.9 miles northeast of the project site. In addition, two special-status bird species, olive-sided flycatcher (*Contopus cooperi*) and purple martin (*Progne subis*) are known from the area and could potentially nest in areas adjacent to the project site. The relatively open Bishop pine forest adjacent to the project site does not provide suitable nesting habitat for the northern spotted owl and the sparse occurrence of Douglas fir and lack of old growth forest in the project area make it unlikely that the Sonoma tree vole would be present adjacent to the project site. Potential habitat for olive-sided flycatcher and purple martin occurs in the forest adjacent to the project site; however, even though the field survey was conducted during the nesting season of these two species, they were not observed or heard vocalizing in the project area.

Nesting Migratory Birds:

In addition to the special-status species discussed in Table 3, most of the resident, nesting, and migratory bird species that occur in the project area (e.g., all the species observed during the field survey) are protected under the California Fish and Game Code (CFG) and under the federal Migratory Bird Treaty Act (MBTA). For construction projects, the main concern in regards to birds protected under CFGC and MBTA is the disturbance of active nests during the nesting season (generally February through mid-September). Because project construction activities would occur within developed areas (i.e., access road and maintenance yard) with regularly occurring human activity where birds are unlikely to nest, the project is unlikely to result in adverse effects to nesting birds. Additionally, birds nesting in areas of natural habitat adjacent to the project site are

expected to be habituated to the ambient levels of vehicle traffic and maintenance activities in the project area and would not likely be disturbed by project construction activities.

Nocturnal Migrating Birds:

The United States Fish and Wildlife Service (USFWS) has become increasingly concerned about the adverse effects of wireless communications towers to nocturnal migrating birds (protected by the MBTA and CFGC) and has issued guidelines to minimize or avoid impacts to migrating birds from such towers (USFWS 1014). The proposed project would be in general compliance with this guidance; specifically the proposed Verizon wireless tower would be 180 feet high and without guy-wires, which complies with the USFWS guidance that, if feasible, towers should be less than 199 feet and not have guy-wires. The proposed project also complies with this guidance by being situated to minimize habitat loss (i.e. in a developed area where no natural habitat would be disturbed).

Construction activities of the proposed project is to be contained within previously disturbed areas which don't contain suitable habitat able to support the above mentioned species. Impacts to biological resources will be minimal as the project is not anticipated to result in a significant change to surface features. While there are no Environmentally Sensitive Habitat Areas (ESHA) within the proposed project site.

Issue #3: Noise

As designed, the project will not produce significant noise during normal operation. However, emergency power is provided by a backup battery-powered generator to keep cell transmissions operating during outages. A noise study was prepared by Verizon Wireless demonstrating that the generator noise levels are compliant with county standards. The backup generator would result in 34.94 dBA at a distance to the nearest property line which is over 580 feet from the proposed site (50 dBA during daytime and 45 dBA during nighttime hours at 30 minute intervals in any hour). As conditioned the generator must meet the County's General Plan noise standards. Staff has determined the project, as conditioned, will not generate noise impacts.

Issue #4: Community Compatibility

Neighbors to the proposed telecommunication facility were noticed by Permit Sonoma at the time of application submittal. The project site is entirely surrounded by dense wooded areas and tree cover, limiting the extent of visibility of the existing 120 foot lattice tower. A site visit was conducted on June 20, 2019 by Permit Sonoma Staff. While on site, staff determined the visibility of the existing tower from trailheads in the area. Due to site topography and dense vegetation the 120 foot tower was not visible from surrounding trails at Salt Point State Park. The proposed facility is designed and intended to improve coverage 2.5 miles south and 3 miles north of the project site and also provides for an opportunity for future co-location, further improving coverage in the area. The Coastal Commission recommended approval of the project on the basis that *'the project is a*

critical infrastructure project that will greatly improve communications and emergency services for the communities surrounding Salt Point State Park.'

Public comment regarding the facility has included a letter of support from the Coast Life Support District on May 29, 2019. The Coast Life Support District is responsible for providing 911-dispatched ambulance services along 65 miles of the rural coastal areas of northwest Sonoma County and southwest Mendocino County. David Caley, the District Administrator of Coast Life Support strongly supports the proposed facility as it would close a significant gap in coverage and allows for a needed safety net piece of communication technology to First Responders in northwest Sonoma County. Two additional letters of support have been received from the Disaster Preparedness Task Force of the Timber Cove Fire Protection District and from Bert Rangel a proprietor of Rivers End Restaurant and Inn; both of which expressing support of the proposed facility in regards to safety of the public and residents in the area. One letter of concern has been received expressing concerns of visibility of the tower from adjacent campsites and its environmental impact on coastal and biological resources.

STAFF RECOMMENDATION

Approve a Coastal Permit and Use Permit, with proposed conditions, for a major freestanding 180 foot tall lattice telecommunications tower and associated equipment.

FINDINGS FOR RECOMMENDED ACTION

1. The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction or Conversion of Small Structures as development will be limited to within a 1200 square foot leased area. There are no facts or circumstances specific to this project that would support an exception to the categorical exemption.
2. The project is consistent with the Local Coastal Plan land use designation of Public Quasi Public-Institutional, and General Plan Policies including, Policy PF-2s: "Public utility facilities other than transmission line corridors may be designated as "Public Quasi-Public" on the land use map. Allow consideration of minor facilities in any land use category where they are compatible with neighborhood character and preservation of natural and scenic resources." Although, the proposed facility is a major facility the lattice tower design will help to screen the tower and antennas and blend in with existing trees and sky line within the project vicinity. Provision of a telecommunications tower in this site has been determined to be a critical piece of infrastructure to provide for safety and close the gaps in service along Highway 1, for both people in transit and indoors.

3. The proposed project is consistent with the requirement for siting a telecommunications tower within the PF (Public Facility) zoning designation, because the proposal has demonstrated through application submittals inclusive of an alternatives analysis which meets Section 26C-325.7 of the Coastal Zoning Ordinance, that there is no technically feasible site available and no technically feasible other method of providing the needed service on lands which are not zoned Industrial or Commercial. The applicant has prepared a visual analysis which identifies the potential visual impacts, at design capacity, of the proposed facility.
4. The proposed project is consistent with the requirements for siting a telecommunications tower with an SR (Scenic Resources) zoning designation because the proposal has presented a visual analysis that meet the requirements of Section 26C-325.7, based on the facts stated in findings 1 and 2 above.
5. The project is consistent with Section 26C-325.7(c)(2) (Telecommunication Facilities) of the Coastal Zoning Code in that the lattice tower design meets the requirement that “Facility towers, antennas, and other structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service” as the proposed siting of the facility is determined to be the least intrusive as it will be located within a presently developed State Park maintenance yard and the design of a galvanized steel lattice tower will blend in with vegetation in the area and will not be intrusive to the landscape, topography and coastal visual resources in the vicinity.
6. The establishment, maintenance or operation of the use for which application is made, as modified by and subject to the Conditions of Approval set forth in Exhibit “A” hereto, will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. The lattice tower will not exceed 180 feet in height;
 - b. The tower will operate 24 hours a day, 365 days a year and be beneficial to public safety by providing improved telecommunications service including during times of power outages;
 - c. Exterior lighting shall be motion-sensored, low-mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted.

All parking lot and street lights shall be full cut-off fixtures. Additionally, lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24, effective October 2005;

- d. The facility will operate below the maximum allowed exterior noise exposures of 50 dBA during daytime hours and 45 dBA during nighttime hours;
- e. The facility will be operated in compliance with the most current standard governing the limitation of human exposure to nonionizing electromagnetic radiation (NIER) used by the Federal Communications Commission applicable to the facility;
- f. The entire facility, including all equipment, towers, antennas, etc., must be removed and the site restored to its pre-construction condition or other authorized use on abandonment or termination of the use;
- g. The applicant's FCC license requirements require the applicant to mitigate any interference with local television or radio reception caused by the facility;
- h. The facility must provide adequate warning of potential hazards as well as location and operator identification and a telephone number for public contact.

LIST OF ATTACHMENTS

EXHIBIT A: Conditions of Approval

EXHIBIT B: Vicinity Maps

EXHIBIT C: Site Plan

EXHIBIT D: Photo Simulations

EXHIBIT E: Alternative Sites and Coverage Analysis

EXHIBIT F: Noise Study, prepared by Verizon Wireless dated May 20, 2019

EXHIBIT G: Biological Assessment, LSA 2015

EXHIBIT H: Public Comment

EXHIBIT I: Design Review Committee Record of Action, August 7, 2019

EXHIBIT J: Draft Resolution

Separate Attachment for Commissioners: 11x17 plans