

## STAFF REPORT

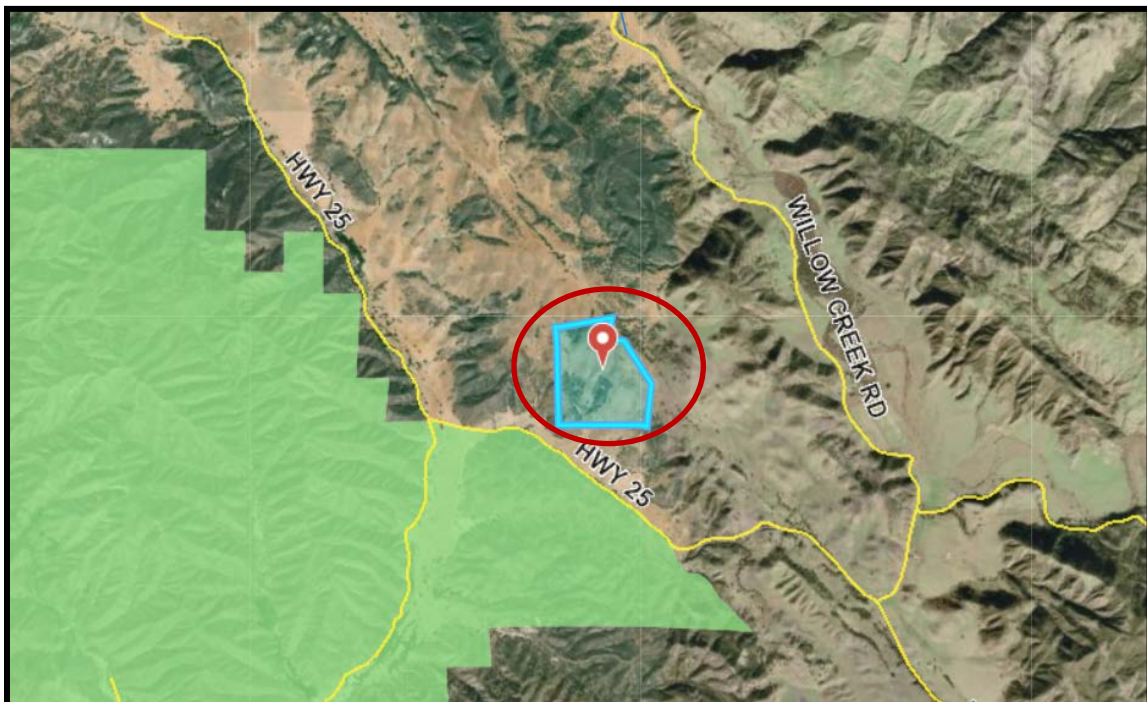
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### PROJECT DATA:

Application: PLN190052 / Use Permit / Cingular Wireless  
Public Hearing: July 15, 2020  
Applicant/Owner: New Cingular Wireless PCS dba AT&T Mobility/Sara King  
Location: 32005 Airline Highway Paicines, CA 95043  
APN: 028-130-026 and 028-150-024  
General Plan: Rangeland (RG)  
Zoning: Agricultural Rangeland (AR)  
Planner: Arielle Goodspeed

### PROJECT DESCRIPTION:

The applicants propose to install a new unmanned telecommunication facility consisting of a 30' x 40' AT&T lease area with twelve panel antennas (three sets of four antennas) and 24 remote radio heads or units installed on a proposed 100' tall monopole tower. In addition, the proposed project will be installing an eight foot by eight foot by 10 foot high modular building walk-in communication equipment closet and backup generator within the proposed AT&T lease area.



**Figure 1. Project Site within Broader Region**

### SITE DESCRIPTION:

The subject property consists of 203 acres of mostly hilly terrain. The parcel is located to the east of the Airline Highway (HWY 25) and north of Pinnacles National Park. The frontage road for

the start of the access road is along Hwy 25, and rangeland parcels abut all sides of the property. The property is a large pasture parcel currently used for cattle grazing located approximately one mile northeast from the Highway 25 and Highway 146 interchange.

### **PROJECT BACKGROUND:**

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") has a significant gap in its service coverage near the interchange of Highway 25 and Highway 146 in Paicines, California. The primary objective of the project is to improve Firstnet emergency service coverage both for the local rural residences as well as for tourists and passing motorists traveling through the area along both nearby highways. The project will also provide improved cellular coverage and Wi-Fi services to the area. This location was selected after determining that there was no currently existing towers in the area upon which to collocate and that this property has the highest available elevation and would provide the best coverage to the region. The proposed facility is the least intrusive means to fill the significant gap of coverage in the area.



**Figure 2. Project Site and Vicinity Map**





### Figure 3. Project Site and Vicinity Map

### USE PERMIT ELEMENTS and SITE CONFIGURATION:

The proposed project consists of installing a new unmanned telecommunication facility consisting of a 30' x 40' AT&T lease area with twelve panel antennas (three sets of four antennas) and 24 remote radio heads or units installed on a proposed 100' tall monopole tower. In addition, the proposed project will be installing an eight foot by eight foot by 10 foot high modular building walk-in communication equipment closet and backup generator within the proposed AT&T lease area. The monopole with the related equipment will be enclosed by a six foot tall chain link fence. The operation of the telecommunications project will occur 12 months a year, seven days a week, 24 hours a day, which is consistent with continuous wireless coverage. The facility is unmanned and will be visited on an as-needed basis only. No more than two service vehicles, being either a van or a four-wheel drive vehicle, will visit the facility. The equipment located in the shelter will be used for telephone operations. There will be no supplies or materials stored at the site or within the equipment closet. The facility will not generate any noise, glare, dust, or odors with the exception of an emergency generator which will operate in the event of a commercial power failure. The proposed monopole incorporates two co-location areas on the pole at heights of 63' and 78', for other carriers to attach to in order to reduce the need for additional poles or towers. The proposed operation will not expose members of the General Public to hazardous levels of RF energy and will not contribute to existing cumulative MPE levels on walkable surfaces at ground or in adjacent buildings by 5 percent of the general population limits.

**See Attachment 1: Site Plan** for full layout.

### **Ongoing/Continuous Operations**

**Signage:** Any signage proposed will be subject to County, state, or federal codes.

**Exterior Color:** Any color applied to the exterior of the equipment shelter shall be non-reflective. The exterior appearance of the equipment cabinets shall be maintained at all times.

**Lighting:** Any exterior equipment lighting shall be installed with a manual on/off switch and shall only be lighted while maintenance personnel are working at the site. Exterior lights shall be shielded to direct light downward and comply with the County Dark Skies Code. The applicant is to provide letter of FAA requirements for tower lighting or special visibility paint.

**Equipment Removal:** Applicant shall remove the equipment and equipment shelter no later than six (6) months after operation of the communication facility ceases.

**PLANNING AND ZONING:** The County General Plan indicates the property and the surrounding rural landscape carry the Rangeland (RG) land use designation. Under the County Zoning Ordinance the subject parcel is zoned Agricultural Rangeland (AR).

- The proposed project is consistent with the area's Rangeland (RG) land use designation in the General Plan in that it meets or fulfills, LU-3.6 Agricultural Support Services, and LU-3.7 Visitor Serving Uses in Agricultural Areas as the cell tower facility will maintain open space and grazing and allow support service for agricultural operation and those traveling to and within the area by providing wireless telecommunications service connection to emergency services providers in this rural area near Pinnacles National Park.
- The proposed use conforms to the General Plan in that it implements a series of key objectives identified under Section 7.11 Wireless Communications Facilities including PFS-9.1 Telecommunication Service, PFS-9.2 Telecommunications Access, PFS-9.4 siting of Telecommunication Facilities, and; in that the new addition of a telecommunication service in a remote area where the next closest telecommunication facility is 24.72 miles away and the addition of the telecommunication facility will improve wireless coverage to the area and will also increase the network capacity. In addition, it fulfills PFS-9.6 Facility Co-location; as the site is designed to accommodate two other wireless service provider antenna arrays on the same monopole structure, with room for ground equipment in or near the lease area.
- The proposed use may be considered consistent with the conditional use permit provisions of Agricultural Rangeland (AR) designation under the County's zoning ordinance, Section §25.07.005 conditional uses (H) Microwave, radio and television transmission and/or relay structures.

### **ENVIRONMENTAL EVALUATION:**

**Finding:** In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15074, the Planning Commission considered the comments received during the public review process prior to approving the project, and finds, on the basis of the whole record before

it, that the proposed project is Categorically Exempt under CEQA Guidelines Sections 14 C.C.R. §15303(d).

- **Evidence:** Section §15303(d) New Construction or Conversion of Small Structures exemptions consists of “water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction”. The site has minimal construction of only 1,200 square feet lease area and an access road that consists mostly of use of an existing ranch road with approximately 850 feet or so diversion to be downslope of a stock-pond to lease site that is minimally used for maintenance. In both *Aptos Residents Association v. County of Santa Cruz* and *Don’t Cell Our Parks v. City of San Diego* the use of categorical exemption Section §15303(d) was sustained by the court for cell towers as the projects did not pose cumulative impacts, and unusual circumstances did not apply.

**STAFF ANALYSIS:** In making its findings, staff found development standards will be met.

The use, as presented, conforms to the General Plan in that it supports, and protects rangeland in the county, by keeping with open spaces and conforms to Wireless Communication Facilities key objectives. The proposed use is consistent with Agricultural Productive (AP) zoning.

There were a few sensitive land use items that were evaluated and found to not be impacted. One is the parcel’s location near a scenic corridor, Hwy 146. Hwy 146 is located completely within Pinnacles National Park and the telecommunications facility is over a mile away, and the intervening slopes mean it is not visible from ground level at the Hwy 25 and Hwy 146 intersection, concluded the visual impact to be minimal. The second was the parcel being within a designated high archeological sensitive area. A cultural resources assessment was conducted that performed an archival records search, Native American coordination, and a pedestrian survey of the proposed project area and identified no prehistoric or historic-era resources. The resolution includes recommended conditions in the event that there are inadvertent discoveries or discoveries of human remains.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission review the staff report and review the attached draft resolution, which includes findings and conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve Use Permit PLN190052, subject to the conditions of approval found in the resolution.

### **Exhibits and Attachments**

Exhibit A. Project Data Sheet PLN190052

Exhibit B. Resolution for approval, with conditions of approval, and with attachments:

Attachment 1-7. Project Site Plan

**Exhibit A: Project Data Sheet PLN190052**  
**Cingular Wireless / 32005 Airline Highway, Paicines**

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**Project proposal:** To install a new unmanned telecommunication facility consisting of a 30' x 40' AT&T lease area with twelve panel antennas (three sets of four antennas) and 24 remote radio heads or units installed on a proposed 100' tall monopole tower.

**Assessor Parcel Number:** APN 028-130-026 and APN 028-150-024

**Legal Lot of Record:** This parcel was established as a legal lot of record per instrument 108528 filed February 26, 1971 in Book 365 Page 779 of Parcel Maps, Official County Records.

**Permit Requirement:** Use Permit

**Zoning:** (AR) Agricultural Rangeland

**General Plan:** (RG) Rangeland

**Land Use:** Telecommunications facility under zoning code Section §25.07.005 conditional uses (H) Microwave, radio and television transmission and/or relay structures.

**Minimum Building Site Allowed:** 40 Acres

**Lot Sizes:** 203 acres at APN 028-130-026 (parcel with telecommunication facility and most of access road) and 128 acres at APN 028-150-024 (parcel with partial access road)

**Sewage Disposal:** The use permit does not require septic disposal.

**Water:** The use permit does not require water use, but is required to have water storage on site in case for fire.

**CEQA Determination:** Exempt per CEQA Sections §15303(d).

**FEMA Flood Zone:** Not within a 100-year floodplain.

**Fire Severity:** High/Very High Fire Hazard Severity Zone.

**Within earthquake fault zone:** Within an Alquist-Priolo Earthquake Fault Zone.

**Endangered Species:** Big-eared kangaroo rat

**Archeological Sensitivity:** High sensitivity

**Williamson Act Contract Area:** As these properties fall under the Williamson Act, a resolution of the San Benito County Board of Supervisors approved the compatible use request of an agricultural preserve under contract number 70-828 for a telecommunication facility (Callan-Kreiger Family Trust) on June 11, 2019 and finalized by Resolution Number 2019-80 (containing written findings) on September 10, 2019 and was forwarded to Planning on October 2, 2019 to proceed with use permit submittal.

**Is the proposal consistent with the General Plan Designation and Zoning?** The proposed telecommunications facility conforms to the General Plan Rangeland land use designation and is consistent with Agricultural Rangeland zoning, subject to approval by the Planning Commission.