

October 4, 2016 Ventura County Board of
Supervisors

Verizon Wireless Rincon Point Project
Case No. PL14-0128



**Resource Management Agency,
Planning Division
Kristina Boero, Associate
Planner**

Vicinity Map



Aerial Location Map



**Project Parcel:
10.05 acres**

**Proposed WCF
lease area:
1,225 square feet**



Land Use and Zoning Designations



Project Site

- Zoning: CA 40ac/sdf
- General Plan: Open Space
- Coastal Area Plan: Agricultural

Surrounding Area

- Open Space and Agriculture
- Residential development about 713 feet south of proposed lease area
- Adjacent to Santa Barbara County line
- Nearest residence about 397 feet northwest of proposed lease area

Existing Setting



On the project site looking south
towards Pacific Ocean



Looking North from Rincon
Point recreation area



Proposed CUP application



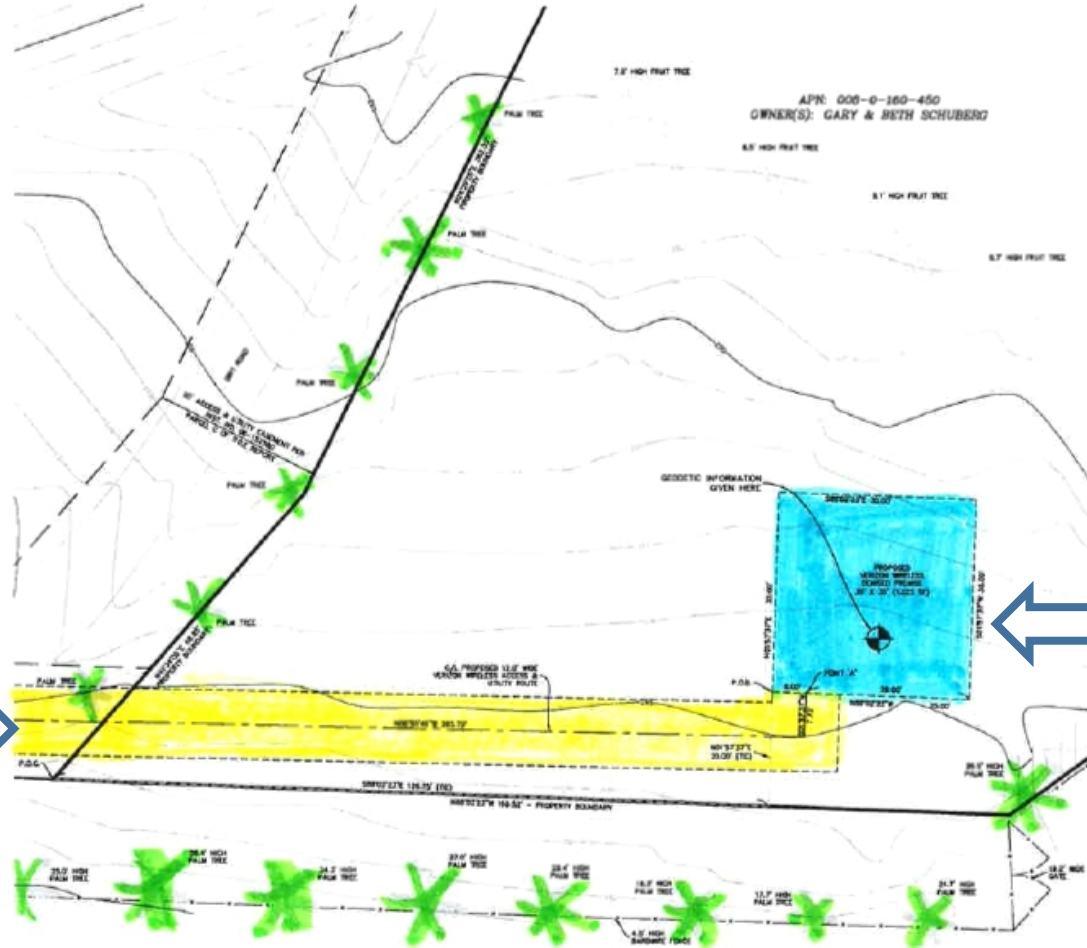
Request by applicant to construct, operate and maintain a wireless communications facility.

- 45-foot mono-palm tree
- 186 square foot equipment area
- Six panel antennas
 - three antennas at 38 foot level of tree
 - three antennas at 28 foot level of tree
- Two GPS units on roof of shelter
- A 30 kilowatt emergency generator

Site Plan

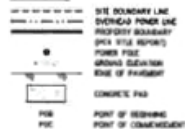


Access
from utility
easement



Proposed
lease area

LEGEND

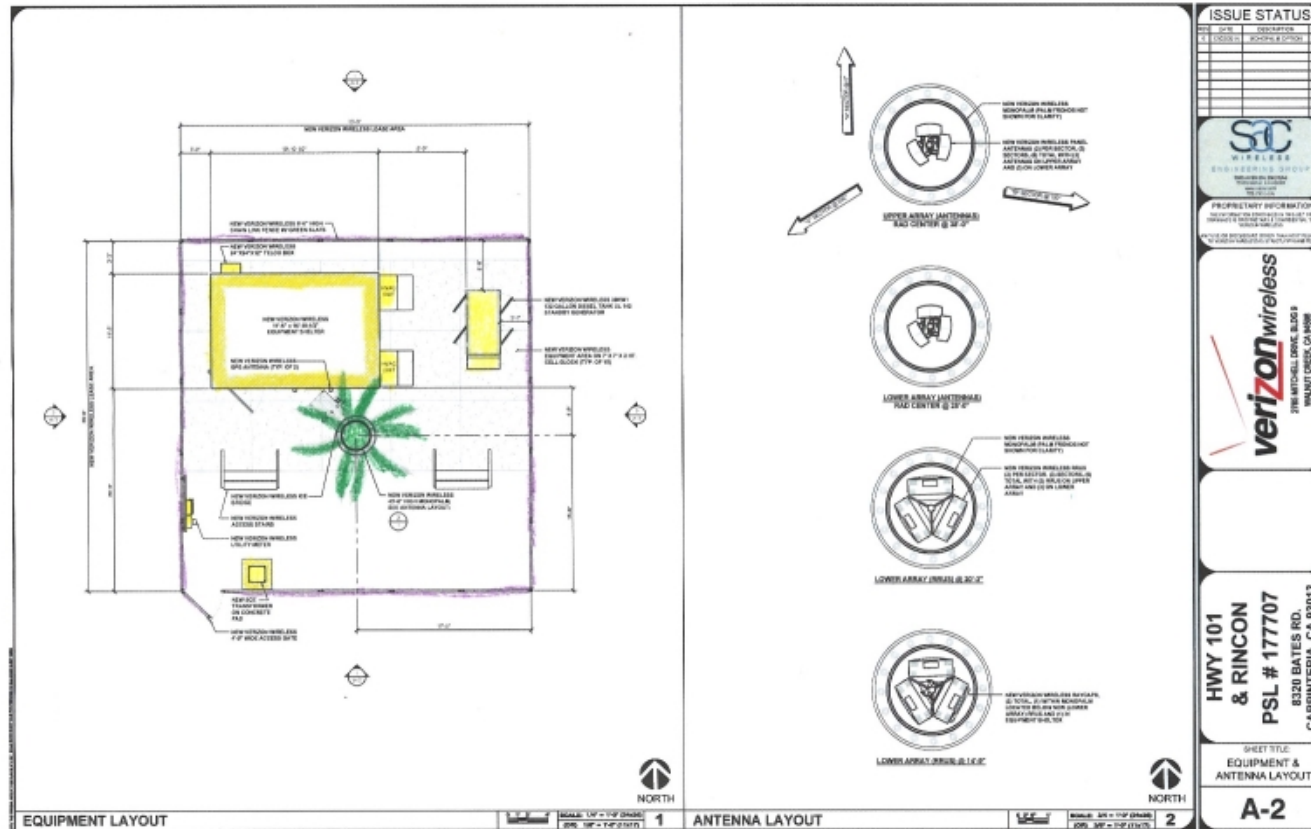


ENLARGED SITE MAP
1" = 10'

SMITHCO
SURVIVING ENGINEERING

100 BURNINGWOOD AVENUE SUITE 100
VENTURA, CALIFORNIA 93003-1000

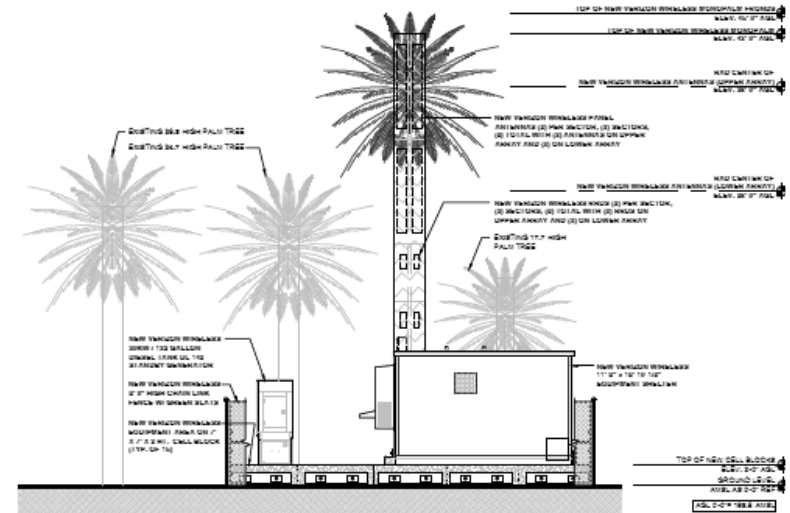
Proposed Equipment Plan





South Elevation
45 foot mono-palm

North Elevation
45 foot mono-palm



NORTH ELEVATION

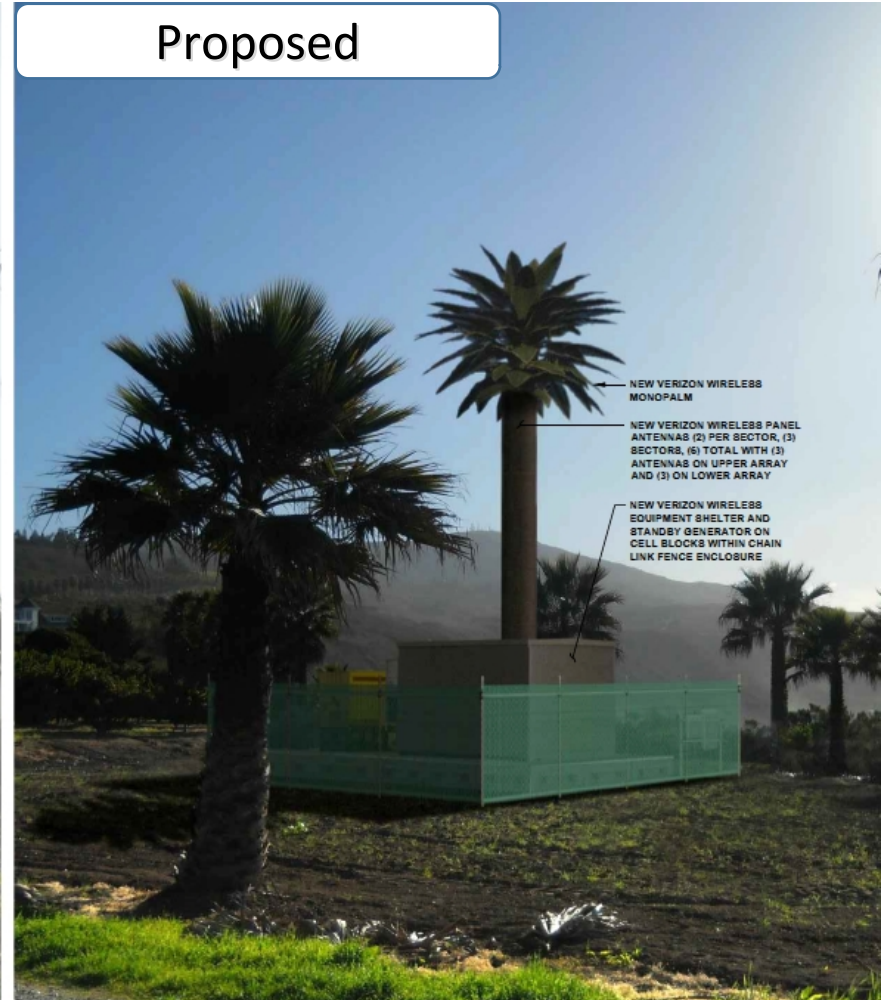
Facility Simulation



Existing



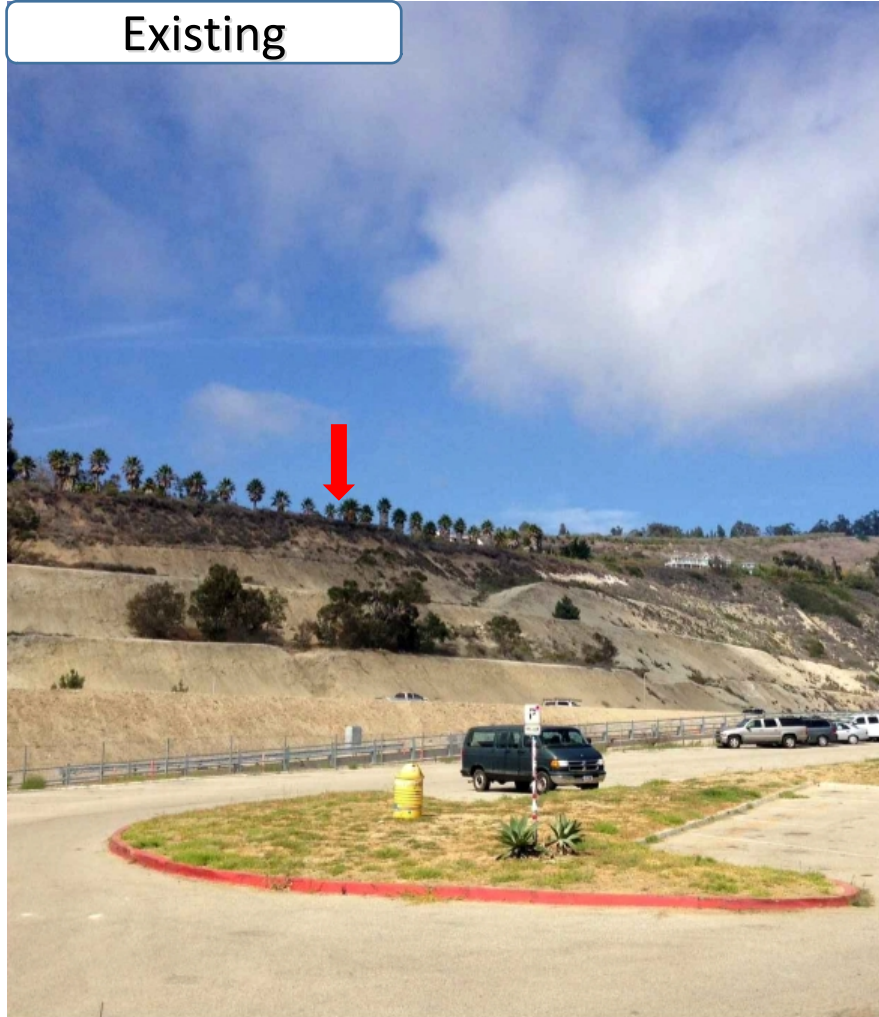
Proposed



View from Rincon Point



Existing



Proposed



Public Viewshed



Coverage Gap



- **Project Goal:**
 - ✓ Improve gap in coverage along Highway 101.
 - ✓ Establish overlap of coverage between Southern and Northern California network. Santa Barbara and Ventura County line is border between the networks.
- Caltrans (2014) Vehicle Traffic: 65,000 AADT

Environmental Review



- Mitigated Negative Declaration (MND)
- Public Review Period: April 1, 2016 to May 2, 2016
- Mitigation Measures:

Issue Area	Mitigation Measure	Condition of Approval No.
Biological Resources	Monarch Butterfly Winter Roost Sites	21
Biological Resources	Pre-construction Surveys for Nesting Birds	22
Biological Resources	Fuel Modification Plan	23
Cultural Resources	Fencing for Protection of Archeological Resources	24

Public Notification



- Notice of the MND Public Review Period and Public Hearing:
 - Ventura County Star
 - Property owners within 300 feet and residents within 100 feet of project area
 - Rincon Point residents and property owners
- MND: One Public Comment
- Sixteen Public Comments regarding project
 1. Proposed facility would cause adverse impacts on public health to surrounding residents.
 2. Concerns regarding the location and need for the facility.

Issues Raised by Appellant



- Anthony Brown, Appellant
- 5 Appeal Grounds

Appeal Issue Areas

1. Alternative site analysis was not considered
2. Impacts on agriculture
3. Impacts on surrounding neighbors
4. Site maintenance and facility abandonment not addressed

Appeal Ground No. 1

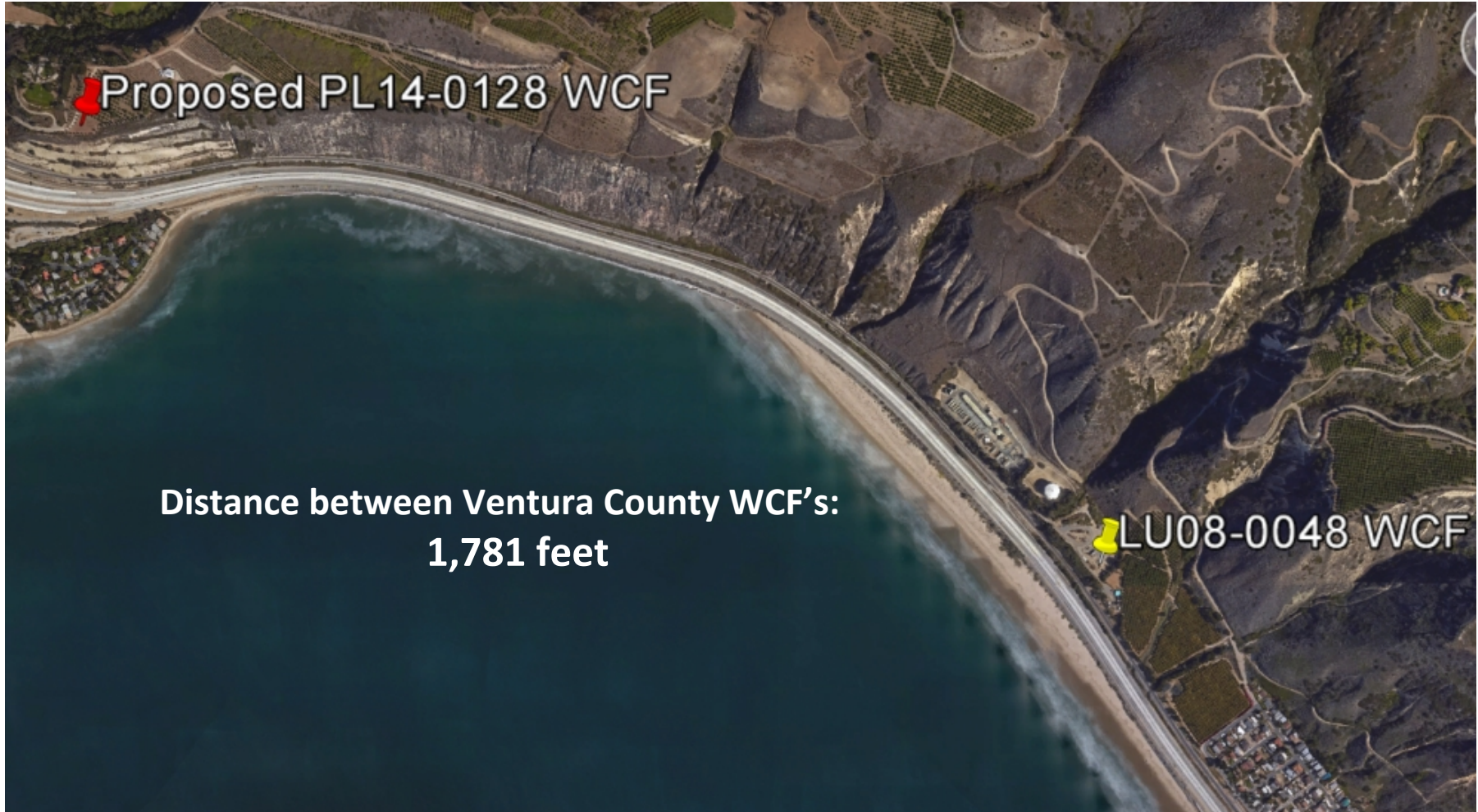


*At no point in the public record, or the staff report to the Planning Commission, was an analysis done to **consider alternative sites for this project**, as required under CEQA section 21001.*

*An **alternate site already exists nearby**, that voice coverage maps show, greatly reduce this "gap in coverage". According to Federal Law, section **6409A**, local governments are required to approve modification to existing wireless towers or base stations. For this reason, the proposed site is unnecessary.*

- Site noted by the Appellant is in Santa Barbara County.
- Section 6409(a) allows for non-substantial changes to an existing facility. Not mandated to modify facility.
- MND concluded no significant impacts would result from the project.

Appeal Ground No. 1 (continued)



Ground of Appeal No. 2



This parcel, 008-0-160-450, is actually prime agriculture, if not unique. The proposed cell site has been intensively farmed until the last few years, and is subject to Land Conservation Act Contract LCA 12-4.10. This contract requires that 90% of the parcel be in agricultural production. At no point in the public record, or the Staff report to the Planning Commission, is there an analysis by the AG Preserve Committee, to ensure that this project will not invalidate this contract.

- Proposed WCF Lease area is 1,225 square feet (0.03 acre).
- About 0.29 acre of brush clearing required.
- No agricultural crops will be affected.
- The County Planning Division is working with the property owner to bring the site into compliance with the terms of the contract.

Ground of Appeal No. 3



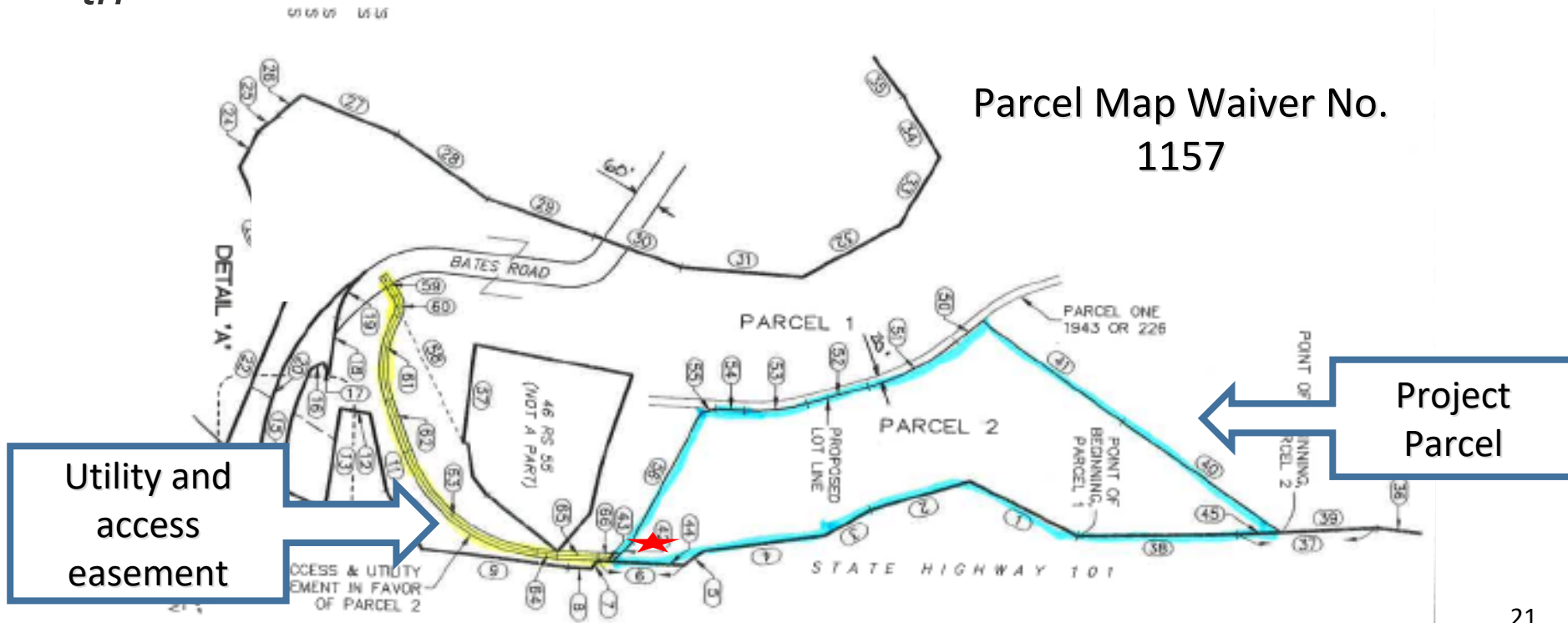
*The **Staff Report** shows efforts to consider the potential impacts to the public, even at great distances. However, it shows little concern for the immediate neighbors who will be impacted daily by this new commercial use, in a beautiful agricultural setting.*

- The MND concluded that there would be no significant impacts resulting from the proposed project.
- No public comments from property owners and residents of the four adjacent properties.

Ground of Appeal No. 4



*The **project** as proposed, **encroaches onto other parcels** in order **to meet Fire Department conditions**. The public record **does not** show any **contact to affected property of the encroachment***



Ground of Appeal No. 5



*The Planning Commission made **no condition for minimum maintenance standards**, nor are there any conditions as to the eventual **dismantling of this site**.*

- **Condition No. 19:**

- ✓ Removal of Facility upon CUP expiration or abandonment.

- **Condition No. 1:**

- ✓ Applicant is required to maintain the wireless communication facility lease area, in conformance with the project description.

- Private Road maintenance not a County issue.

Issue Summary



- No significant impact on the environment.
- Compliant with NCZO requirements.

Additional Comments Received:

- Paul Albritton letter, dated September 22, 2016
 - ✓ Need for the proposed facility
 - ✓ Alternative Site Analysis

Recommended Actions



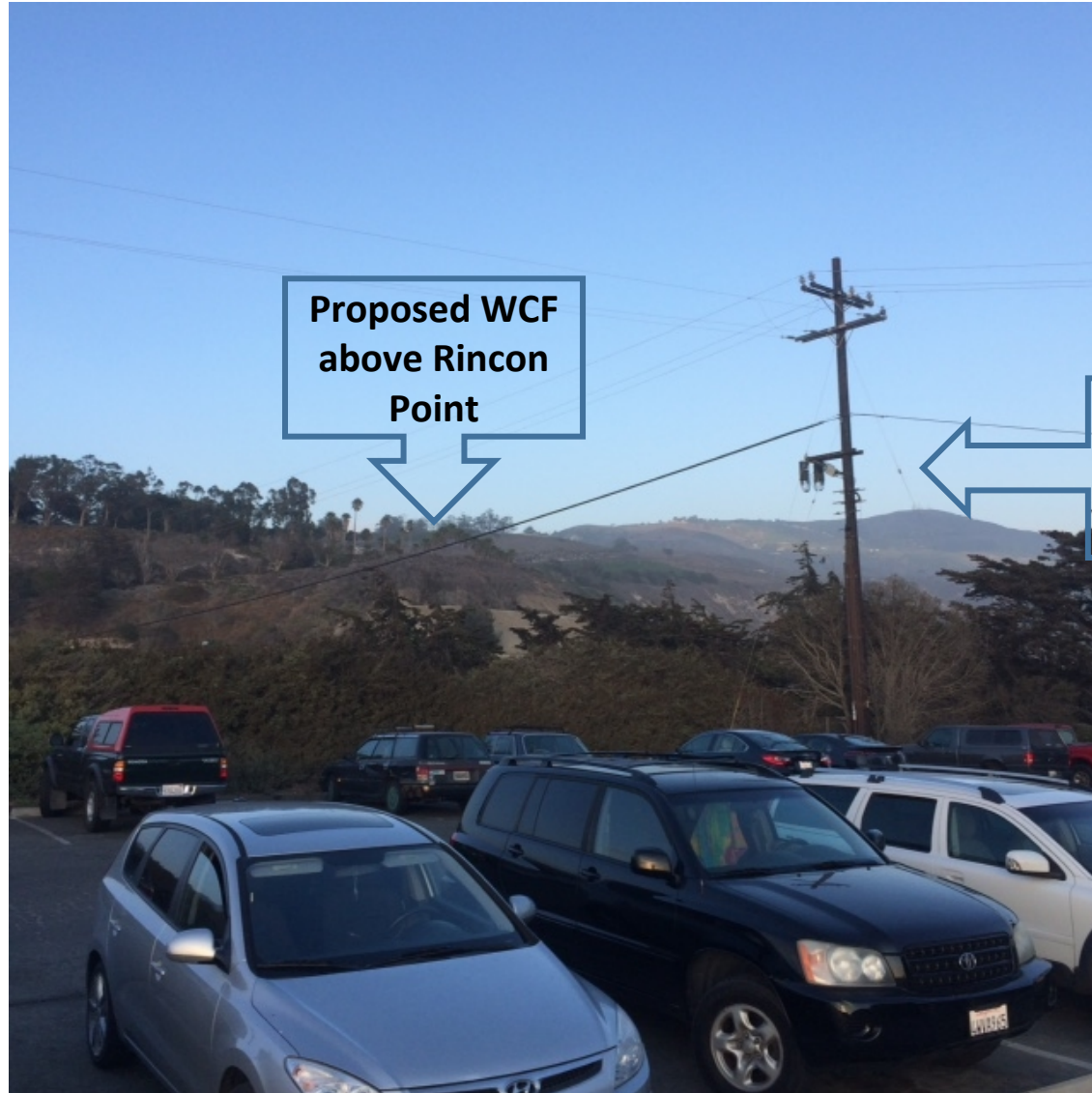
1. **CERTIFY** that the Board of Supervisors has reviewed and considered this letter and all exhibits hereto, including the proposed Mitigated Negative Declaration (MND) [Exhibit 4], and the Mitigation Monitoring and Reporting Program (Exhibit 5, Condition of Approval Nos. 21 to 24), and has considered all comments received during the public comment and hearing processes regarding this proposed project;
2. **FIND** based on the whole of the record before the Board of Supervisors that the MND (Exhibit 4):
 - a. Has been completed in compliance with the California Environmental Quality Act (CEQA);
 - b. Was presented to the Board of Supervisors and that the Board of Supervisors reviewed and considered the information contained therein prior to approving the project; and,
 - c. Reflects the Board of Supervisors' independent judgment and analysis;
3. **APPROVE** and **ADOPT** the MND (Exhibit 4), and the Mitigation Monitoring and Reporting Program included in the project's Conditions of Approval (Exhibit 5);

Recommended Actions



4. **MAKE** the required findings to grant Conditional Use Permit (CUP) No. PL14-0128 pursuant to Section 8181-3.5 of the Ventura County Coastal Zoning Ordinance (CZO);
5. **GRANT** CUP No. PL14-0128, subject to the conditions of approval (Exhibit 5);
6. **DENY** the appeal submitted by Anthony Brown in its entirety, and decline to refund any appeal fees;
7. **SPECIFY** that the Clerk of the Board of Supervisors is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the administrative record of proceedings upon which the foregoing decisions are based.

Santa Barbara County Site



**Proposed WCF
above Rincon
Point**

**Existing ATT
WCF in Santa
Barbara County**