



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: September 15, 2022
TO: Planning Commission
FROM: Julia Krog, Director
SUBJECT: U_2017-0036 (AT&T) Resolution for Denial

At the September 1, 2022 Planning Commission hearing, the Planning Commission continued the subject project to the September 15, 2022 agenda with direction for staff to prepare an alternate resolution for denial of the project based upon inconsistency with visual resource policies of the County's Local Coastal Program. An alternate resolution for denial is attached to this memorandum for the consideration of the Planning Commission.

Attachment:
Resolution for Denial

Resolution Number PC_2022-_____

County of Mendocino
Ukiah, California

SEPTEMBER 15, 2022

U_2017-0036 - AT&T CORPORATION

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, DENYING A COASTAL
DEVELOPMENT USE PERMIT FOR A 76-FOOT TALL WIRELESS
COMMUNICATIONS TOWER

WHEREAS, the applicant, AT&T Mobility, filed an application for a Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services to construct an 80-foot tall monopine wireless communication facility, which was revised in 2019 to a 76-foot tall faux water tank wireless communication facility and associated improvements, in the Coastal Zone, 1± miles north of the community of Manchester, on the north side of Kinney Road (CR 512), 1± miles west of its intersection with Highway 1, at 44601 Kinney Road (APN 133-010-04); General Plan PF; Zoning PF; Supervisorial District 5; (the "Project"); and

WHEREAS, pursuant to Public Resources Code section 21080(b)(5), the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; "CEQA") does not apply to projects which a public agency rejects or disapproves and CEQA Guidelines section 15270 provides that the projects which are disapproved are Statutorily Exempt; and

WHEREAS, regardless of the Statutory Exemption, an Initial Study and draft Mitigated Negative Declaration (SCH No. 2022040364) was prepared for the Project and noticed and made available for agency and public review on April 18, 2022 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on May 19, 2022, at which time the Planning Commission continued said hearing to June 16, 2022; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on June 16, 2022, at which time the Planning Commission continued said hearing to August 18, 2022; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on August 18, 2022, at which time the Planning Commission continued said hearing to September 1, 2022; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 1, 2022, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Planning Commission continued this matter to September 15, 2022 with direction to staff to prepare an alternate resolution for denial for their consideration; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based upon the evidence in the record before it, makes the following findings and determinations:

1. The Planning Commission hereby determines that the Project is not in conformity with the certified local coastal program as it relates to visual resources. The location is a highly visible area of the coast with Manchester State Park bordering the site to the east, west and north. The entire area west of State Route 1 in this area of the coast is designated as a Highly Scenic Area. Coastal views are highly protected especially from public vantage areas including roads, coastal trails and parks and given that there is State Park property bordering three sides of the parcel any additional development on the subject parcel will be highly impactful upon the visual character of the area. Individuals utilizing Manchester State Park would initially see the Project to the south from the parking area and if they look eastward from the beach.

Coastal Element Policies 3.5-1 and 3.5-3 require that new development be sited and designed to protect coastal views to and along the ocean and in scenic coastal areas, be visually compatible with the character of the surrounding areas and in designated Highly Scenic Areas be subordinate to the character of its setting. Mendocino County Code section 20.504.015(C) provides development criteria for projects located within designated Highly Scenic Areas and echoes the noted Coastal Element Policies in requiring that new development be subordinate to the natural setting and provide for the protection of coastal views from public areas including beaches, parks and waters used for recreational purposes. The Planning Commission finds that the proposed faux water tower is incompatible with the character of the surrounding area and not subordinate to the character of its setting. As was discussed during the Public Hearing on September 1, 2022, adjacent properties to the project site do not contain water towers nor development of the height that is proposed (76 feet). Water towers located elsewhere on the coast are significantly smaller in overall height as well as tank size. Typical water towers within the County, which are primarily located in the Town of Mendocino, have an overall tower height of no more than 35 feet and water tank dimensions of approximately 8 feet in diameter and 12 feet in height (accommodating a 5,000-gallon tank). The Project proposes a water tower of 76 feet in height with water tank dimensions of 18-19 feet in diameter and 30 feet in height, which will make the tower stand out instead of blending in with the surrounding area, and as a result the Planning Commission finds that the design measures to conceal the tower will be ineffective. As a result, the project will not be visually compatible with, nor subordinate to the surrounding largely open park and agricultural area. Mendocino County Code section 20.504.015(C)(2) requires that new development shall be limited to eighteen (18) feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Based upon Planning Commission knowledge of the area, typical development surrounding the proposed project site is limited to one-story (above natural grade) and the proposed 76-foot tall faux water tower is incompatible with the development upon surrounding lands and would affect public views to the ocean as noted above.

Due to the above noted inconsistencies with the visual resource policies of the Coastal Element and Mendocino County Code, the proposed development cannot be found to be in conformity with the certified local coastal program. As such, the Planning Commission is unable to make findings that establish that the proposed development is in conformity with the certified local coastal program pursuant to Mendocino County Code section 20.532.095(A)(1).

2. Pursuant to Mendocino County Code section 20.532.050(C), the requested coastal development use permit may be denied as it does not conform with the certified local coastal program.

BE IT FURTHER RESOLVED that the Planning Commission hereby denies the requested Coastal Development Use Permit without prejudice.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material, which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino

County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: BROOKE LARSEN
Commission Services Supervisor

By: _____

BY: JULIA KROG
Director

ALISON PERNELL, Chair
Mendocino County Planning Commission
