

From: [Paul Albritton](#)
To: [Julia Krog](#); [Matthew Kiedrowski](#)
Cc: [Charlotte Scott](#); [Shelby Miller](#); [Rob Fitzsimmons](#); [Marco Rodriguez](#); [Jamie Henry](#); [Liam Crowley](#); [Jessie Waldman](#)
Subject: Verizon Wireless Collocation Applications – Zoning Administrator Agenda, December 17 [Mendocino County]
Date: Friday, December 12, 2025 2:38:33 PM
Attachments: [Verizon Wireless Letter 12.12.25.pdf](#)

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Julia: Attached please find our letter prepared on behalf of Verizon Wireless proposing revisions to certain conditions of approval of the six collocation applications. These will be heard at the December 16 Zoning Administrator meeting.

Our suggested revisions would allow for approval of these eligible facilities requests with conditions consistent with federal law.

Thank you.

Paul Albritton
Mackenzie & Albritton LLP
155 Sansome Street, Suite 620
San Francisco, California 94104
(415) 288-4000
pa@mallp.com

MACKENZIE & ALBRITTON LLP

155 SANSOME STREET, SUITE 620
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

December 12, 2025

Julia Krog
Director, Planning & Building Services
County of Mendocino
860 North Bush Street
Ukiah, California 95482

Re: Verizon Wireless Eligible Facilities Requests, Conditions of Approval
Administrative Permit Applications AP_2025-0026, AP_2025-0028,
AP_2025-0029, AP_2025-0030, AP_2025-0031, AP_2025-0032
Zoning Administrator Agenda, December 17, 2025

Dear Julia:

We write on behalf of Verizon Wireless to suggest revisions to certain proposed conditions of approval for its six collocation applications in order to ensure consistency with federal law. Verizon Wireless appreciates the County's diligent processing of these administrative permit applications on an expedited basis, which will ensure continued reliable service for network users in 2026. As you know, the collocations qualify as eligible facilities requests, which must be approved according to Section 6409 of the federal Spectrum Act and Federal Communications Commission ("FCC") regulations because they will cause no "substantial change." 47 U.S.C. § 1455(a), 47 C.F.R. § 1.6100.

Verizon Wireless is concerned that certain conditions of approval proposed for the administrative permits exceed the scope of conditions that the FCC allows for eligible facilities requests. The FCC ruled that a local government may only impose conditions of approval that are related to generally applicable building and safety codes and other laws codifying objective standards reasonably related to health and safety. *See In Re: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Etc.*, Report and Order, 29 FCC Rcd 12865, 12944-45, ¶ 188, 12951, ¶ 202 (FCC October 17, 2014) (the "2014 Order").

Verizon Wireless proposes a compromise to allow the Zoning Administrator to approve the collocations with permit conditions that are consistent with federal law. Below, we list some of the conditions that are unrelated to health and safety codes, with some preempted for additional reasons. We also attach proposed redlined revisions to the conditions and a chart showing the condition numbers where they appear in the various applications' conditions of approval.

Renew prior use permit upon expiration. A condition for four of the applications requires renewal of prior tower permits when terms may have expired. Notably, for AP2025-0029, applicant must renew a 2014 use permit before the County will issue the building permit for the collocation. However, permit term limits such as 10 years are arbitrary and bear no relation to health and safety codes. The County's authority to impose such permit term limits was based on state law, Government Code Section 65964(b), which was adopted due to "public safety reasons or substantial land use reasons." However, an eligible facilities request to modify an existing tower poses no land use impact because it does not cause a "substantial change." 47 C.F.R. §§ 1.6100(b)(7), (c). It poses no negative public safety impact because the permit can be conditioned based on health and safety codes. Federal law preempts the California Government Code, so the County could not prohibit construction of the proposed collocations based on a permit term limit imposed by state law. *Verizon Wireless is not responsible to obtain renewal of any prior tower permits. For AP2025-0029 in particular, we propose a revision requiring filing of a renewal application prior to final inspection for the building permit.*

Subject to prior permit conditions. Any conditions of prior permits for the existing towers that are unrelated to current health or safety codes are preempted by FCC regulations, and cannot apply to Verizon Wireless's eligible facilities requests. *We propose a revision specifying that only prior conditions based on health and safety codes still in effect would apply.*

Confirm compliance with prior conditions within 30 days. Here again, Verizon Wireless need only comply with prior conditions related to current health and safety codes. *We propose a revision asking for a letter confirming compliance with prior conditions based on health and safety codes still in effect.*

Future modifications considered cumulative for substantial change. This is preempted by FCC rules, and the County risks conflict by imposing its own contradictory requirements. For example, the FCC ruled that the limit of four new cabinets is counted for each eligible facilities request, not as a cumulative total over time. *See In Re: Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a), Declaratory Ruling, 35 FCC Rcd 5977, 5992-93, ¶ 30 (FCC June 9, 2020).* The FCC also specified limits on cumulative height increases, setting a baseline of the original tower height plus any modifications approved before Congress passed the Spectrum Act. *See 2014 Order, 29 FCC Rcd at 12948-49, ¶¶ 196-97; see also 47 C.F.R. § 1.6100(b)(7)(i)(A).* *We suggest deleting this condition.*

Submit color/material samples before issuance of building permit. This is not based on health or safety codes. None of the existing towers are concealed or camouflaged. *We suggest deleting this condition.*


Julia Krog
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Submit evaluation of stealth capability within one year. This also is not based on objective health or safety codes, and again, none of the facilities are concealed or of stealth design. *We suggest deleting this condition.*

Provide tower space for public emergency service provider. This is an unlawful exaction preempted by federal law, which requires that a local government establish both an “essential nexus” between a permit condition and project impacts (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825) and “rough proportionality” between the magnitude of the exaction and the effect of the proposed development (*Dolan v. City of Tigard* (1994) 512 U.S. 374). A collocation poses no public safety impact that would warrant special emergency antennas on the tower. *We suggest deleting this condition.*

If parcel number/shape/size is found to be different than permit requires, then permit is void. This is also unrelated to health or safety. *We suggest deleting the second sentence allowing the County to void the permit.*

Verizon Wireless appreciates the County’s thorough, expedited review of the applications, and urges staff to revise the conditions of approval to ensure consistency with federal law and FCC regulations.

Very truly yours,

Paul B. Albritton

Attachments

cc: Charlotte Scott, Esq.
Matthew Kiedrowski, Esq.
Shelby Miller
Rob Fitzsimmons
Marco Rodriguez
Jamie Henry
Liam Crowley
Jessie Waldman

Verizon Wireless Administrative Permit Conditions Suggested Revisions

Renew prior use permit upon expiration (see application AP2025-0029, Stornetta)

Prior to final inspection issuance of the building permit to install permanent equipment (as outlined in this Staff Report), the applicants ~~applicant~~ or landowner shall apply for ~~obtain~~ a Use Permit renewal for the use of the existing wireless tower facility previously approved as UM_2014-0008.

Subject to prior permit conditions

This Administrative Permit, AP_2025-XXXX, is subject to the conditions of approval based on applicable health and safety codes still in effect set forth in previous governing Use Permit XXXX ...

The Applicant shall adhere to previous conditions of approval based on applicable health and safety codes still in effect as required in Use Permit Modification XXX

Confirm compliance with prior conditions within 30 days

The Applicant shall submit to Planning and Building Services within 30 days of the approval a signed letter of acknowledgement stating that they have read all Conditions of Approval for previously approved Use and Administrative Permits and that the project will be consistent with all conditions based on applicable health and safety codes still in effect.

If parcel number/shape/size is found to be different than permit requires, then permit is void

This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. ~~Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.~~

Condition	Suggestion	Comptche	Mtn Road	Signal Rdg	Stornetta	Road 207	Redwing Tr
		AP2025-0031	AP2025-0032	AP2025-0030	AP2025-0029	AP2025-0028	AP2025-0026
Renew prior use permit upon expiration (* for Stornetta, prior to issuance of BP)	Revise	3	24	3	13*		
Subject to prior permit conditions	Revise	5		12			15
Confirm compliance with prior conditions within 30 days	Revise	6				10	
Future modifications considered cumulative for substantial change	Delete	15	26	13			7
Submit color/material samples before issuance of building permit	Delete		1				
Submit evaluation of stealth capability within one year	Delete		4				
Provide tower space for public emergency service provider	Delete		12				
If parcel number/shape/size is found to be different than permit requires, then permit is void	Revise	11	23	9	7	7	12