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November 27, 2024

VIA EMAIL

Chair Wendy Thomas
First Vice Chair John Hidahl
Second Vice Chair George Turnboo
Supervisors Lori Parlin and Brooke Laine
Board of Supervisors
El Dorado County
330 Fair Lane
Placerville, California 95667

Re: Verizon Wireless Comments on Proposed Ordinance
Amendments to Zoning Code § 130.40.130, Communications Facilities
Board of Supervisors Agenda, December 3, 2024

Dear Chair Thomas and Supervisors:

We write on behalf of Verizon Wireless to provide comment on the draft wireless facilities ordinance (the “Draft Ordinance”). Verizon Wireless appreciates revisions in response to our prior comments to staff and the Planning Commission. However, there remain several provisions that should be revised to provide clear standards for approval. Facilities allowed with an administrative permit due to minimal impact should not be subject to setback requirements or location preferences. For other facilities, review of alternatives in any more-preferred locations should be limited to a reasonable distance, to provide a clear scope of review for applicants and decision-makers. We urge the Board to incorporate our suggested revisions prior to adoption of the Draft Ordinance.

Section 130.40.130 – Communication Facilities

F(2). Setbacks. The proposed setback of 1.5 times tower height to the property line would be excessive. Given large lot sizes in much of the County, an offsite residence on an adjacent property may be distant from a proposed facility. This setback would constrain siting choices and increase the need for setback waivers. The highly subjective waiver standard (“best reduces the visual impact”) could lead to a late-stage change or denial by the Planning Commission. *The County should reconsider the proposed setback requirement, for example, requiring a 1:1 setback from any existing offsite residence.*

F(4). Location preferences. These preferences should not apply to facilities allowed with an administrative permit, which pose little visual impact (e.g., rooftop facilities). The location preferences would benefit from a reasonable search distance for any more-preferred options.

This would provide clear direction to applicants, staff, and decision-makers, and avoid steering a proposed facility too far from its target service area, which would constitute a prohibition of service in violation of the federal Telecommunications Act. 47 U.S.C. § 332(c)(7)(B)(i)(II). See our comment on Section K below regarding alternatives analyses. *Location preferences should only apply to facilities requiring a discretionary permit. In that case, applicants should be allowed to use a less-preferred location if there is no feasible preferred option within 500 feet (small cells) or ¼ mile (macro facilities).*

F(13). Aesthetics. This broad standard “to consider aesthetic impacts, including the location, height, and design” is vague, and could lead to unfounded denials not based on substantial evidence. Generalized concerns about aesthetics do not constitute substantial evidence upon which a local government can deny a wireless facility permit. *See City of Rancho Palos Verdes v. Abrams*, 101 Cal. App. 4th 367, 381 (2002). *We suggest that the Draft Ordinance instead encourage applicants to avoid designs that would “materially and adversely impact significant scenic resources.”*

J. Public notice. A notice radius of 1,500 to 2,000 feet would be three to four times the 500-foot notice radius for any other uses in the County, and would capture faraway properties that experience little to no impact from a proposed wireless facility. *At most, the notice radius should be 1,000 feet.*

K. Additional Sites and Needs Analysis. An alternatives analysis should be required only for a new tower in a less-preferred location, as listed in Section 130.40.130(F)(4), not for facilities on existing structures allowed with an administrative permit.

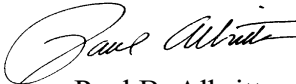
There are many reasons that an alternative site location may not work, and any valid reason discounts an alternative. Accordingly, there is no reason to approach a property owner if their property is otherwise infeasible.

A requirement to install multiple small sites would at least double the cost for a wireless carrier to fill a service gap. Shorter towers would be less attractive to potential future collocators, whose antennas would be installed below the original permittee’s antennas. For lack of suitable available height, those companies may instead need to install their own towers.

This submittal requirement should be fully revised: “For a tower in a less-preferred location, applicant must submit an alternatives analysis that discounts any preferred locations based on factors including, but not limited to: inability to serve a significant gap in service, technical infeasibility, lack of access or utilities, unwilling property owner, or increased aesthetic impact.”

Verizon Wireless appreciates the opportunity to provide comment on the Draft Ordinance. We urge the Board to direct staff to incorporate our suggested revisions prior to adoption.

Very truly yours,



Paul B. Albritton

El Dorado County Board of Supervisors
November 27, 2024
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cc: David Livingston, Esq.
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Verizon Wireless