

July 24, 2023

Department of Planning and Building Services
Commission Staff
120 W. First St.
Fort Bragg, CA 95437

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PLANNING & BUILDING SERV
FORT BRAGG CA

RE: CDP_2021-0051

To: Mendocino County Coastal Permit Administrator

I believe the referenced CDP is based on flawed premises and misinformation and the permit needs to be revoked or modified as stated below in the staff report.

Recommended condition # 6:

a. (The permit was obtained and extended by fraud).

I saw the public hearing conducted in 2019 for the cell tower site, and it did not include presentation or discussion of the encroachment permit, which AT&T subsequently obtained without public knowledge. Furthermore, the affected residents (myself included) along Navarro Ridge road were not notified of the impending installation of the aerial fiber optic cable. The effect of this cumulative failure to notify the public was deceiving and the permit was then used by AT&T to gain unfair advantage. After construction began I called on Mendocino County Planning and Building Services to issue the stop work order, which they did- further proof that the permit/ process or action of AT&T was illegal. I also contacted the Coastal Commission Executive Director, who later determined "... the aerial fiber optic line wasn't authorized " as part of the cell tower permit.

b. (One or more conditions upon which the permit was granted have been violated).

Section 30251 of the Coastal Act states that new development in highly scenic areas " shall be subordinate to the character of its setting". I believe the LCP has not been properly updated to reassess critical views and scenic landscapes. There is scenic landscape to the north of Navarro Ridge road which should also be protected under the Coastal Act. Furthermore, the aerial fiber optic cable is in fact degrading scenic views looking south and west, from my property adjacent to the Whitesboro Grange. This portion of the cable is supported by poles on the north side of the road; simply moving additional poles from the south side to the north will not mitigate this.

Local Coastal Program Consistency (1. Land Use/Zoning).

The staff report says "The subject lands are presently developed with an existing two-lane travel way with appurtenant roadway support infrastructure." This statement implies that the road is stable and in good condition, when in fact portions of the 3 mile stretch of roadway haven't been properly maintained or paved for decades. In some areas the patchwork and edges of the road are crumbling and caving in, there is no proper shoulder and the driveable portion is barely 15 feet wide. Under Section 30253 of the Coastal Act (Minimization of adverse impacts),

development should (b) "Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area...." Construction involved digging holes with heavy trucks and equipment next to the edge of the crumbling road, where tree roots have already degraded the road surface. This has obviously contributed to the road erosion. Where is the mitigation for this?

c. (The use for which the permit is granted is conducted so as to be detrimental to public health, welfare or safety, or to be a nuisance.)

The aerial fiber optic cable and 43 poles are a nuisance. Scenic views are obstructed for recreational visitors and residents walking/ biking along the road. Furthermore the cables often make a loud snapping sound in the wind that echoes along the road.

I call on the Coastal Permit Administrator and Coastal Commission to correct this CDP and to execute their authority now. It's wrong to allow AT&T to extend this flawed process, whether using the threat of litigation, the appearance of "legality" over time, or by using the "utility exemption" as a cover for illegal Coastal Zone development. AT&T already has the infrastructure to run the entire length of the cable underground. I believe they haven't done this because they have chosen profit over preservation of this scenic area. No one comes here to look at cabling and poles.

Sincerely,

Victor Simon
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