

ATTACHMENT 5: CONDITIONS OF APPROVAL

- 1. Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

Request of Sharon James, agent for the applicant, Crown Castle NG West Inc., for a Major Conditional Use Permit to allow installation and operation of a Distributed Antenna System network for Verizon Wireless service in the Montecito area consisting of telecommunication facilities, or “node sites,” on existing utility poles in public right-of-ways and connected by a network of aerial/underground fiber-optic cable.

Crown Castle has an existing fiber-optic network in the Montecito area that was installed for similar facilities in the area. The existing fiber-optic cabling that is already installed is capable of carrying signals for multiple carriers. As such, the applicant is proposing to utilize the existing fiber-optic network where it already exists. However for areas where fiber-optic lines do not currently exist, Crown proposes to install aerial cabling. However, new fiber-optic cable would need to be needed underground for six (6) segments in the proposed network due to physical constraints (e.g. lacking pole line). The applicant is proposing to underground these six (6) new segments of fiber optic cable via a combination of trenching and boring along the road right-of-way. The segments range from approximately 480-930 feet in length (locations specified below). Trenching associated for these segments would be approximately 3 feet in depth and one foot in width. Handholes would be installed at the termination of these segments, measuring approximately 30” x 17” x 18”.

Sixteen (16) of the node locations would be located in the inland areas of Montecito (locations specified below). Each node would have three components: 1) antennas, to propagate the wireless service, 2) radio equipment that supports the antennas, and 3) an electric meter to provide power for the facility. Additionally, minor trenching would be required at most locations to connect power and fiber-optic cabling to the equipment. These components vary in design depending on the site location; however each of the design configurations would include a combination of one of each of the following:

(1 or 2) Antennas:

- Omni-whip antenna (cylindrical, 2.5”x22”)
- Omni antenna (cylindrical, 32”x20”x19”)
- Directional panel antenna (rectangular, 29”x11”x6”)

(1) Radio Equipment:

- Pole-mounted equipment (rectangular box, 48” x 14” x9”)
- Underground equipment vault (rectangular box, 13’ x 6’ x 3’)
- *Underground equipment vault (rectangular box, 14’ x 7’ x 4’)*

- Combined equipment and electric meter pedestal (see category below)
- (1) Electric Meter:
- Pole-mounted BBU (rectangular box, 36" x 24" x 14")
 - Low Volt Conversion (rectangular box, 12" x 12" x 6")
 - Ground-mounted combined electric meter pedestal (rectangular box, 54" x 30" x 25")
 - Ground-mounted combined electric meter pedestal ("L" shaped box, height 60", footprint 23" x 31")
 - Ground-mounted combined equipment and electric meter pedestal ("L" shaped box, height 48", footprint 39" x 27")

This application includes 16 individual utility poles to mount antennas ("nodes") and six (6) fiber segments in the inland areas of Montecito, First Supervisorial District. All of the proposed nodes and fiber segments are within the road rights-of-way. Roads and road right-of-ways do not have assigned parcel numbers or addresses; however for clarity, the adjacent property addresses and Assessor Parcel Numbers are used as reference.

Site No. **MON01** Right-of-way of Sheffield Drive

Adjacent to 007-480-016 addressed as 565 Sheffield Drive

(1) Directional panel antenna (rectangular, 23.3"x 11"x 6")

(1) Underground equipment vault (rectangular box and vents, area 14' x 7' x 4') w/internal ION and ancillary equipment (fans, pumps) and internal Low Volt Conversion (rectangular box, 12"x 12"x 6") and internal BBU (rectangular box, 36" x 24" x 14") Power pedestal no longer proposed at this location

Site No. **MON02** Right-of-way of Lilac Drive

Adjacent to 007-070-020, addressed as 846 Lilac Drive

(2) Omni-whip antennas (cylindrical, 2.4"x 25.6")

(1) Ground-mounted combined electric meter and equipment pedestal ("L" shaped box, height 48", footprint 39" x 27") with internal ION and internal BBU

(1) Low Volt Conversion (rectangular box, 12" x 12"x 6")

Site No. **MON03** Right-of-way of Sheffield Drive

Adjacent to 007-460-001, addressed as 2165 Birnam Wood Drive

(2) Omni-whip antennas (cylindrical, 2.4"x 25.6") Colocated with existing carrier with

(1) existing Amp Omni)

(1) Pole-mounted BBU (rectangular box, 36" x 24" x 14")

(1) Underground equipment vault (rectangular box and vents, area 13' x 6' x 3') w/internal ION and ancillary equipment (fans, pumps)

(1) Low Volt Conversion (rectangular box, 12"x 12"x 6")

Power pedestal no longer proposed at this location

Site No. **MON05** Right-of-way of Park Lane

Adjacent to 007-020-044, addressed as 985 Park Lane

(1) Omni antenna (cylindrical, 24"x 16")

- (1) Ground-mounted combined electric meter and equipment pedestal (“L” shaped box, height 48”, footprint 39” x 27”) w/ internal ION and internal BBU
- (1) *Low Volt Conversion (rectangular box, 12” x 12”x 6”)*

Site No. **MON06** Right-of-way of Lilac Drive

Adjacent to 007-110-067, addressed as 730 Lilac Drive

- (2) Omni-whip antennas (cylindrical, 2.4”x 25.6”)
- (1) Pole-mounted equipment (rectangular box, 48” x 14” x 9”) w/internal ION
- (1) *Pole-mounted BBU (rectangular box, 36” x 24” x 14”)*
- (1) Low Volt Conversion (rectangular box, 12”x 12”x 6”)
- Power pedestal no longer proposed at this location*

Site No. **MON07** Right-of-way of Bella Vista Drive

Adjacent to 007-040-005, addressed as 2395 Bella Vista Drive

- (2) Omni-whip antennas (cylindrical, 2.4” x 25.6”)
- (1) Pole-mounted equipment (rectangular box, 48” x 14” x 9”) w/internal ION
- (1) Low Volt Conversion (rectangular box, 12” x 12”x 6”)
- (1) Pole-mounted BBU (rectangular box, 36” x 24” x 14”)

Site No. **MON08** Right-of-way of Sheffield Drive

Adjacent to 005-550-005, addressed as 336 Sheffield Drive

- (2) Omni-whip antennas (cylindrical, 2.4”x 25.6”)
- (1) Pole-mounted equipment (rectangular box, 48” x 14” x 9”) w/internal ION
- (1) *Low Volt Conversion (rectangular box, 12” x 12”x 6”)*
- (1) *Pole-mounted BBU (rectangular box, 36” x 24” x 14”)*
- Power pedestal no longer proposed at this location*

Site No. **MON11** Right-of-way of Lilac Drive

Adjacent to 007-110-038, addressed as 755 Romero Canyon Road

- (2) Omni-whip antennas (cylindrical, 2.4”x 25.6”)
- (1) Pole-mounted equipment (rectangular box, 48” x 14” x 9”) w/internal ION
- (1) Low Volt Conversion (rectangular box, 12”x 12”x 6”)
- (1) Pole-mounted BBU (rectangular box, 36” x 24” x 14”)

Site No. **MON16** Right-of-way of Buena Vista Drive

Adjacent to 007-060-090, addressed as 900 Buena Vista Drive

- (2) Omni-whip antennas (cylindrical, 2.4”x 25.6”)
- (1) Pole-mounted equipment (rectangular box, 48” x 14” x 9”) w/internal ION
- (1) Low Volt Conversion (rectangular box, 12”x 12”x 6”)
- (1) Pole-mounted BBU (rectangular box, 36” x 24” x 14”)

Site No. **MON18** Right-of-way of Bella Vista Drive

Adjacent to 007-040-003 addressed as 2299 Bella Vista Drive

- (2) Omni-whip antennas (cylindrical, 2.4” x 25.6”)
- (1) Pole-mounted equipment (rectangular box, 48” x 14” x 9”) w/internal ION
- (1) Low Volt Conversion (rectangular box, 12”x 12”x 6”)

*(1) Pole-mounted BBU (rectangular box, 36" x 24" x 14")
Power pedestal no longer proposed at this location*

Site No. **MON19** Right-of-way of Romero Canyon Road
Adjacent to 155-030-044, addressed as 969 Romero Canyon Road

- (2) Omni-whip antennas (cylindrical, 2.4"x 25.6")
- (1) Pole-mounted equipment (rectangular box, 48" x 14" x 9") w/internal ION
- (1) Low Volt Conversion (rectangular box, 12"x 12"x 6")
- (1) Pole-mounted BBU (rectangular box, 36" x 24" x 14")

Site No. **MON20** Right-of-way of Romero Canyon Road
Adjacent to 155-050-004, addressed as 850 Romero Canyon Road

- (2) Omni-whip antennas (cylindrical, 2.4"x 25.6")
- (1) Ground-mounted combined electric meter and equipment pedestal ("L" shaped box, height 60", footprint 23" x 31") w/internal ION and internal BBU
- (1) Low Volt Conversion (rectangular box, 12" x 12" x 6")*

Site No. **MON21** Right-of-way of Camino del Rosario
Adjacent to 155-211-001, addressed as 2245 Camino del Rosario

- (2) Omni-whip antennas (cylindrical, 2.4"x 25.6")
- (1) Pole-mounted equipment (rectangular box, 48" x 14" x 9") w/internal ION
- (1) Low Volt Conversion (rectangular box, 12"x 12"x 6")
- (1) Pole-mounted BBU (rectangular box, 36" x 24" x 14")

Power pedestal no longer proposed at this location

Site No. **MON23** Right-of-way of Romero Canyon Road
Adjacent to 155-030-055 addressed as 1000 Romero Canyon Road

- (2) Omni-whip antennas (cylindrical, 2.4"x 25.6")
- (1) Pole-mounted equipment (rectangular box, 48" x 14" x 9") w/internal ION
- (1) Low Volt Conversion (rectangular box, 12"x 12"x 6")
- (1) Pole-mounted BBU (rectangular box, 36" x 24" x 14")
- (1) Ground-mounted combined electric meter pedestal (rectangular box, 54" x 30" x 25")

Site No. **MON29** Right-of-way of Lilac Drive
Adjacent to 007-140-002, addressed as 663 Lilac Drive

- (2) Omni-whip antennas (cylindrical, 2.4"x 25.6")
- (1) Pole-mounted equipment (rectangular box, 48" x 14" x 9") w/internal ION
- (1) Pole-mounted BBU (rectangular box, 36" x 24" x 14")*

Power pedestal no longer proposed at this location

Site No. **MON31** Right-of-way of Tollis Avenue
Adjacent to 007-130-017, addressed as 695 Olive Avenue

- (2) Omni-whip antennas (cylindrical, 2.4"x 25.6")
- (1) Pole-mounted equipment (rectangular box, 48" x 14" x 9") w/internal ION
- (1) Ground-mounted combined electric meter and equipment pedestal ("L" shaped box, height 48", footprint 39" x 27") w/ internal ION and internal BBU

(1) *Low Volt Conversion (rectangular box, 12" x 12"x 6")*

Fiber segments:

Segment No. **FL04** Right-of-way of Bella Vista Drive, approximately 664 feet
Adjacent to 007-020-060, addressed as 945 Park Lane

Segment No. **FL05** Right-of-way of Bella Vista Drive, approximately 929 feet
Adjacent to 007-040-018, addressed as 2332 Bella Vista Drive

Segment No. **FL06** Right-of-way of Lilac Drive, approximately 828 feet
Adjacent to 007-140-002, addressed as 663 Lilac Drive

Segment No. **FL07** Right-of-way of Lilac Drive, approximately 482 feet
Adjacent to 007-140-005, addressed as 2030 East Valley Road

Segment No. **FL08** Right-of-way of Bella Vista Drive, approximately 878 feet
Adjacent to 007-040-022, addressed as 2480 Bella Vista Drive

Segment No. **FL10** Right-of-way of Lilac Drive, approximately 483 feet
Adjacent to 007-110-064, addressed as 799 Lilac Drive

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

3. **Aest-04 BAR Required (Mitigation Nos. 1 and 2).** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to BAR approved plans (Case No. 13BAR-00000-0019). All exposed equipment and facilities (i.e., antennas, support structure, equipment cabinets, etc.) shall be finished in non-reflective materials and shall be painted to match the utility pole and/or existing vegetation (if applicable). **PLAN REQUIREMENTS:** Color specifications shall be identified on final zoning plans

submitted by the Permittee to the County prior to issuance of Land Use Permit, as well as on final building plans. **TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of the Land Use Permit. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

4. **Condition 4 has been incorporated into Condition 3, above.**
5. **SpecTel-07 Vegetation Protection (Mitigation No. 3).** Protection measures recommended by a County-qualified arborist shall be implemented to protect native (oak) and specimen trees during all construction activities. No native or specimen trees shall be removed. Existing vegetation in the right-of-way (including ornamental, non-natives and shrubs) shall also be preserved the maximum extent feasible throughout construction activities and for the life of the project. Non-native vegetation that is feasible to be retained, as confirmed by a County-qualified arborist, shall be flagged prior to construction and protected during construction. Underground lines serving the facility shall be routed to avoid damage to tree root systems and any trenching required within the dripline or sensitive root zone of any native or specimen tree shall be done by hand. Should trees or shrubs to be retained become significantly damaged or subsequently die as a result of construction activities they shall be replaced with those of a comparable size, species and density as approved by P&D staff. Graded areas, including trench routes, shall be reseeded with matching plant composition. **PLAN REQUIREMENTS:** The Permittee shall restate the requirement for vegetation protection on the construction plans. **TIMING:** Arborist-recommended protection measures and flagging of trees/vegetation to be preserved shall be installed prior the pre-construction meeting, and shall be in place during all ground disturbance and construction activities. **MONITORING:** P&D compliance monitoring staff shall confirm implementation of protective measures and flagging installation at the pre-construction meeting.
6. **Bio-03a Onsite Arborist/Biologist (Mitigation No. 5).** The Owner/Applicant shall designate a P&D-approved arborist/biologist to be onsite throughout all grading and construction activities which may impact oak trees at Site Nos. MON01, MON02, MON03, MON05, MON06, MON07, MON08, MON11, MON18, MON29, MON31, FL04, FL05, FL06, FL07, FL08, and FL10. No tree removal or damage is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 (15:1 for Valley or Blue Oaks) ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall implemented under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance until the trees become established. **MONITORING:** The Owner/Applicant shall submit to P&D compliance monitoring staff the name and contact information for the approved arborist/biologist prior to commencement of construction /

pre-construction meeting. P&D compliance monitoring staff shall site inspect as appropriate.

- 7. SpecBio-01 No Ground Disturbance Permitted at MON15 & MON30 (Mitigation No. 6).** No ground disturbance is permitted at sites MON15 and MON30. The facility designs shall remain absent of ground-mounted equipment components; and installation and maintenance methods shall be conducted to avoid ground disturbance. **PLAN REQUIREMENTS:** The construction elements necessary to eliminate all ground-disturbing components shall be incorporated in structure design and depicted on zoning and building plans. **TIMING:** P&D permit processing planner shall review and approve plans prior to approval of Land Use Permit. **MONITORING:** P&D compliance monitoring staff shall site inspect to ensure no ground disturbance occurs during construction.
- 8. CulRes-07 Cultural Resource Monitor (Mitigation No. 7).** The Owner/Applicant shall have all earth disturbances including scarification and placement of fill at work locations MON01, MON03, MON08, MON09, MON12, MON13, MON19, and FL07 monitored by a P&D-approved archaeologist and a Native American consultant in compliance with the provisions of the County Archaeological Guidelines. **TIMING:** Prior to Zoning Clearance approval, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract. **MONITORING:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check field work.
- 9. CulRes-09 Stop Work at Encounter (Mitigation No. 8).** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans. **MONITORING:** P&D permit processing planner shall check plans prior to approval of Zoning Clearance and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
- 10. SpecNoise-01 Equipment Shielding (Mitigation No. 9).** Fans or air-cooling systems incorporated into the project equipment must operate at less than 65 dBA at all times. In the event a complaint is received, the Owner/Applicant shall conduct an as-built noise study to measure the noise output. If the study finds that the noise output exceeds the

65dBA standard, the applicant shall repair the equipment or otherwise shield the equipment as necessary to ensure the operation of the facility does not exceed 65 dBA.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for compliance on all building plans. **MONITORING:** Permit compliance staff shall spot check and respond to complaints.

- 11. Noise-02 Construction Hours (Mitigation No. 10).** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. **PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.
- 12. CIRC-1 Construction Traffic Control Plan (Mitigation No. 11).** A Construction Traffic Control Plan (CTCP) shall be prepared and implemented, which shall be approved by Public Works. The CTCP shall include, but not be limited to the following:

 - a. Provide traffic controls (e.g., flaggers, signs, and orange cones) when any lane is closed due to construction;
 - b. Close any trench segments for the non-work hours with approved plating, and surround the trench with safety barriers, if necessary; and
 - c. Notify residents or owners of any properties within 1,000 feet and/or properties adjacent to the trench segment of the construction schedule at least one week before construction in their vicinity;
 - d. Provide access to the affected properties during construction; and
 - e. No construction parking will occur in public parking lots.

PLAN REQUIREMENTS: The applicant shall integrate Construction Traffic Control Plan measures into the Construction Traffic Plan. Flaggers, signs, and cones shall be provided by the applicant and posted at the project site. **TIMING:** The Construction Traffic Control Plan shall be approved prior to Zoning Clearance issuance. Construction Traffic Control Plan components shall be in place prior to beginning of and throughout construction activities. Violations may result in suspension of permits. **MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.
- 13. CIRC-2 Road Encroachment Permit (Mitigation No. 12).** The applicant shall obtain all necessary roadway encroachment permits from the County Public Works Department

for construction of the sewer pipeline in the rights-of-way of Padaro Lane. **TIMING:** The road encroachment permit shall be obtained from the County Public Works Department, with evidence provided to County P&D, prior to commencement of construction activities. The road encroachment permit shall include/define the specific measures to be included as part of Traffic Control Plan for the project.

- 14. Tel-05 Exterior Lighting.** Except as otherwise noted in the Project Description and development plans, the antenna support structure shall not be lighted. The leased premises shall likewise be unlit except for a manually operated light which limits lighting to the area of the equipment in the immediate vicinity of the antenna support structure. The light fixture shall be fully shielded, full cut off and downcast so as to avoid spillage onto adjacent areas and shall be kept off except when maintenance personnel are actually present at night. **PLAN REQUIREMENTS:** The Permittee shall restate the lighting limitations on the construction plans. Plans for exterior lighting, if any are provided, shall be submitted to the County for review and approval. **TIMING:** This condition shall be satisfied prior to issuance of Zoning Clearance. **MONITORING:** P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance and respond to any complaints.
- 15. Tel-08 FCC Compliance.** The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission (“FCC”), including but not limited to, safety signage, Maximum Permissible Exposure (“MPE”) Limits, and any other similar requirements to ensure public protection or (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction. Compliance shall be governed by the following:

 - a. Permittee shall hire a qualified professional acceptable to the County (wholly independent of Permittee), to perform radio frequency (“RF”) field test that measures actual RF electromagnetic exposure at the site. This RF field-testing shall measure all ambient sources of RF energy at the site & report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole. Measurements shall be made by the responsible professional who will author the report to the County. Report of the results and the author's/professional's findings with respect to compliance with federally established MPE standards shall be submitted to the County within 30 days of installation and initial operation. Permittee shall pay for the cost of the field measurements and preparing the report. The facility shall cease & desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
 - b. Every 5 years, Permittee shall hire a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards. In the event the adopted RF standards change, Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards, w/in 90 days of the date the change becomes effective. If calculated

levels exceed 80% of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site. Permittee shall pay for the cost of preparing the reports. For joint-carrier sites, cumulative reporting may be delegated to one carrier upon the agreement of all carriers at the site. Procedures, penalties & remedies for non-compliance with these reporting requirements shall be governed by the provisions of the Telecom Ordinance & FCC regulations.

- c. Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is w/in the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated in “a” above.

PLAN REQUIREMENTS: All building plans shall include provisions for MPE compliance. **TIMING:** Initial verification of compliance with RF public MPE standards shall be accomplished no later than 30 days following Final Building Clearance.

Continued verification of compliance with MPE requirements shall be accomplished by RF field test reports submitted every 5 years following initial verification.

MONITORING: P&D planner shall review all RF field test reports and estimated maximum cumulative RF exposure reports providing calculations of predicted compliance with the public MPE standard. P&D planner shall monitor changes in RF standards, as well as equipment modifications, additions & RF exposures at the site as reported by the Owner/Applicant that might trigger the requirement for field-testing at intervening times between regular test periods.

16. **Tel-09 Project Review.** Five years after issuance of the Zoning Clearance for the project and no more frequently than every five years thereafter, the Director of P&D may undertake inspection of the project and require the Permittee to modify its facilities subject to the following parameters:

- a. **Modification Criteria.** Modifications may be required if, at the time of inspection it is determined that: (i) the Project fails to achieve the intended purposes of the development standards listed in the Telecommunications Ordinance for reasons attributable to design or changes in environmental setting; or (ii) more effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstance from the time the Project was initially approved.
- b. **Modification Limits.** The Director’s decision shall take into account the availability of new technology, capacity and coverage requirements of the Permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna

size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the Permittee shall not be required to undertake changes that exceed ten percent (10%) of the total cost of facility construction. The decision of the Director as to modifications required herein shall be deemed final unless appealed in compliance with the provisions of the County Code.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for emissions compliance on all building plans. **TIMING:** Building permit valuation data shall be used for the purpose establishing the estimated cost of installing the facility. At the time of subsequent inspection and upon reasonable notice, the Permittee shall furnish supplemental documentation as necessary to evaluate new technology, capacity and coverage requirements of the Permittee. **MONITORING:** P&D compliance monitoring staff shall conduct periodic inspections and ascertain whether more effective mitigation is available with regard to design and technology. In the event of violation, the permit shall be referred to Zoning Enforcement for abatement.

- 17. Tel-10 Collocation.** The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters: (i) the party seeking the collocation shall be responsible for all facility modifications, environmental review, Mitigation Measures, associated costs and permit processing; (ii) the Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk; (iii) the Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis; and (iv) the County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.
- 18. Tel-11 Transfer of Ownership.** In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility. **PLAN REQUIREMENTS:** The Permittee shall notify the County of changes in ownership to any or all of the telecommunications facility. **TIMING:** Notification of changes in facility ownership shall be given by the Permittee and/or succeeding carrier to the County within 30 days of such change.
- 19. Tel-12 Site Identification.** The Permittee shall clearly identify each piece of equipment installed at a site with the Permittee's name and site number to distinguish from other telecommunication carriers' equipment, including but not limited to: antennas, microwave dishes, equipment shelters, support poles, and cabinetry. The Permittee shall be responsible for clearly marking with permanent paint, tags, or other suitable identification all facility equipment belonging to the Permittee as stated on the site plans.

TIMING: This condition shall be satisfied prior to Final Building Inspection Clearance.

MONITORING: P&D permit processing planner shall check plans and P&D compliance monitoring staff shall conduct compliance inspections as needed to ensure permit compliance.

- 20. Tel-13 Facility Maintenance.** The facility shall be maintained in a state of good condition at all times. This includes, but is not limited to: painting; landscaping; site identification; equipment repair; and keeping the facility clear of debris, trash, and graffiti.
- 21. Tel-15 Agreement to Comply.** The facility owner and property owner shall sign and record an agreement to comply with the project description and all conditions of approval on a form acceptable to P&D. Such form may be obtained from the P&D office prior to issuance of zoning clearance. The Owner/Applicant shall provide evidence that he/she has recorded the Agreement to Comply with Conditions.
- 22. Tel-16 Abandonment-Revocation.** The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension. In the event the Owner requests that the facility or structures remain, the Owner must apply for necessary permits for those structures within one year of discontinued use. Compliance shall be governed by the following provisions:

 - a. Prior to issuance of Zoning Clearance, the Permittee shall post a performance security. The security shall equal 10 percent of the installation value of the facility as determined at the time of granting the building permit. The performance security shall be retained until this condition is fully satisfied.
 - b. Prior to demolition of the facility, the Permittee shall submit a restoration plan of proposed abandonment to be reviewed and approved by a County approved biologist.
 - c. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.
- 23. Rules-01 Effective Date-Not Appealable to CCC.** This Conditional Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020].

- 24. Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
- 25. Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 26. Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearances within 18 months following the effective date of this Conditional Use Permit. If a required Zoning Clearance is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.474.030 of the Montecito Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
- 27. Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.82.060 of the Montecito Land Use and Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [LUDC §35.82.060].
- 28. Rules-22 Leased Facilities.** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
- 29. Rules-23 Processing Fees Required.** Prior to issuance of Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 30. Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

- 31. Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Pay fees prior to approval of Zoning Clearance as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;
 - c. Note the following on each page of grading and building plans “This project is subject to Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval”;
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
- 32. Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
- 33. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 34. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The

review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.