

Appeal Application

County Use Only Appeal Case No.:

OTED		CUDIECT	
SIEP	1:	SORIFCI	PROPERTY

ASSESSOR'S PARCEL NUMBER(S)

PROPERTY ADDRESS (IF APPLICABLE)

BUSINESS/ESTABLISHMENT NAME (IF APPLICABLE)

STEP 2: PROJECT DETAILS

PROJECT TITLE		
CASE NO(S).		
DECISION MAKER	DATE OF A	ACTION
Is the appeal related to cannabis activities?	🗌 Yes	□ No

STEP 3: APPEAL CONTACTS

APPELLANT

NAME (if LLC or other legal entity, must provide documentation)

STREET ADDRESS CITY, STATE ZIP

PHONE

EMAIL

AGENT

NAME (if LLC or other legal entity, must provide documentation)				
STREET ADDRESS				
CITY,	STATE	ZIP		
PHONE	EMAIL			
ATTORNEY				
NAME (if LLC or othe	er legal entity, must provide docume	ntation)		
STREET ADDRESS				
CITY,	STATE	ZIP		
PHONE	EMAIL			

STEP 4: APPEAL DETAILS

Is the Appellant the project Applicant?
Ves No

If not, please provide an explanation of how you are an "aggrieved party", as defined in Step 5 on page 2 of this application form:

Please provide a clear, complete, and concise statement of the reasons or ground for appeal:

- Why the decision or determination is consistent/inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law;
- There was error or abuse of discretion;
- The decision is not supported by the evidence presented for consideration;
- There was a lack of a fair and impartial hearing; or
- There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
- Coastal Zone Accessory Dwelling Unit appeals: Appellant must demonstrate that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act.

STEP 5: APPELLANT, AGENT, AND ATTORNEY ACKNOWLEDGEMENTS

I hereby certify under penalty of perjury that I have read the information below and that:

- 1. I have carefully reviewed and prepared the appeal application in accordance with the instructions; and
- 2. I provided information in this appeal application, including all attachments, which are accurate and correct; and
- 3. I understand that the submittal of inaccurate or incomplete information or plans, or failure to comply with the instructions may result in processing delays and/or denial of my application; and
- 4. I understand that it is the responsibility of the applicant/appellant to substantiate the request through the requirements of the appeal application; and
- I understand that upon further evaluation, additional information/documents/reports/entitlements may be required; and
- 6. I understand that all materials submitted in connection with this appeal application shall become public record subject to inspection by the public. I acknowledge and understand that the public may inspect these materials and that some or all of the materials may be posted on the Department's website; and
- 7. I understand that denials will result in no refunds; and
- 8. I understand that Department staff is not permitted to assist the applicant, appellant, or proponents and opponents of a project in preparing arguments for or against the project; and
- 9. I understand that there is no guarantee expressed or implied that an approval will be granted. I understand that such application must be carefully evaluated and after the evaluation has been conducted, that staff's recommendation or decision may change during the course of the review based on the information presented; and
- 10. I understand an aggrieved party is defined as any person who in

person, or through a representative, appears at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either; and

- 11. Pursuant to California Civil Code Section 1633.5(b), the parties hereby agree that where this Agreement requires a party signature, an electronic signature, as that term is defined at California Civil Code Section 1633.2(h), shall have the full force and effect of an original ("wet") signature. A responsible officer of each party has read and understands the contents of this Agreement and is empowered and duly authorized on behalf of that party to execute it; and
- 12. I understand that applicants, appellants, contractors, agents or any financially interested participant who actively oppose this project who have made campaign contributions totaling more than \$250 to a member of the Planning Commission or Board of Supervisors since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount and date of the campaign contribution and identify the recipient Board member and may be made either in writing as part of this appeal, in writing to the Clerk of the legislative body before the hearing, or by verbal disclosure at the time of the hearing; and
- 13. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the applicant shall identify:
 - How the Land Use Permit is inconsistent with the previously approved discretionary permit;
- How the discretionary permit's conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed;
- How the approval is inconsistent with Section 35.106 (Noticing).

REQUIRED SIGNATURES: All aggrieved parties must sign the appeal application prior to the appeal deadline in order to be considered an aggrieved party. Please attach additional signature pages, as needed.

SIGNATURE – APPELLENT	PRINT NAME	DATE
	PRINT NAME	DATE
	PRINT NAME	DATE

South County projects: <u>front@countyofsb.org</u> or (805) 568-2090 North County projects: <u>nczoning@countyofsb.org</u> or (805) 934-6251

Appeals to the Board of Supervisors. Appeals to the Board of Supervisors must be filed with the Clerk of the Board and must be filed no later than 10 days following the date of the decision, along with the appropriate fees. Appeal instructions are located online at the Clerk of the Board website: https://www.countyofsb.org/2837/Filing-Land-Use-Appeals-Claims

Appeal Issues

#1)

There has been an abuse of discretion. Verizon initially told the community the purpose of this facility was to primarily provide enhanced service for UCSB faculty housing. At the Planning Commission meeting, an engineer said the signal for the facility will not reach UCSB faculty housing and said there is sufficient reception on the west end of Isla Vista. The propagation maps indicate the facility will enhance service for UCSB faculty housing. There are inconsistencies in what Verizon has stated the purpose is for this facility. There have been no dropped calls by Verizon customers in this area. The alternative analysis has errors and inaccuracies in it. The staff report has inaccuracies.

#2)

There was a lack of a fair and impartial hearing. The planners have given favorable treatment towards Verizon. They encouraged Verizon to apply at this location despite prior rejection of this location. They have inaccurately stated that this is the only location that is the least intrusive. The term less intrusive is not legally defined and is subjective. They have not questioned inaccuracies in Verizon's studies of alternative locations. They allowed Verizon to postpone a hearing date, but would not postpone when we had asked a month before Verizon asked. Verizon told us they postponed so they could build a stronger case and bring their attorneys. Planning Commissioner Bridley met with Verizon before the meeting and made her decision before the hearing occurred. When she spoke with us before the meeting, it was clear she had not read our emails and she did not take the time to listen to our perspective. It also was clear she had already made up her mind as she indicated she could not support us. When we expressed disappointment, she became hostile.

#3)

Inconsistency with the Coastal Plan Policy 4-4. The new structure will not be in conformance with the scale and character of the existing community. There are multiple locations with less visible impact that the overwhelming majority of residents would support, but Verizon has not focused their time on these locations. This location is on the path to recreational areas in between several parks, open spaces, and reserves. The facilities already installed are substantially visible and an eyesore. The design for this facility is similar. These eyesores are not in scale and character with the surrounding parks and recreational areas. Visitors line along the eucalyptus trees every weekend to access the beach.

#4)

Inconsistency with Article II section 35-144F.D.3.c. The facility is in very close proximity to two other substantially visible facilities. A cluster of these facilities are forming. If the goal of cell providers is to turn all areas green on their propagation maps, then there will be many more of these facilities installed.

#5)

Inconsistency with Article II Section 35-144F.C.2.a and Article II Section 35-144.F.C.2.a (2). Antennas shall not protrude more than two feet horizontally. CEQA exemption notice states exemptions for "limited numbers of new, small facilities". This is now the third small facility in less than 250 feet.

#6)

Inconsistency with Article II Section 35-144F.3.4.a.3 and Article Section 35-144F.8 If facility is in a residential zone, the Planning Commission, must also find that the area proposed to be served would otherwise not be served by the carrier. If an applicant claims they have a significant gap in a specific area, planners have jurisdiction to request proof. The Director shall establish and maintain a list of information that must accompany every application for installation of a telecommunications facility...to include: Lists of other nearby telecommunications facilities. This has not been created.