



Appeal Application

County Use Only	Appeal Case No.:
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STEP 1: SUBJECT 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 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 other legal entity, must provide documentation)

STREET ADDRESS

CITY, STATE ZIP

PHONE EMAIL

STEP 4: APPEAL DETAILS

Is the Appellant the project Applicant? Yes 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.

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.