



COUNTY OF SANTA BARBARA CALIFORNIA

MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
PHONE: (805) 568-2000
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May 29, 2012

Jay Higgins, SAC Wireless
10 E. Yananoli Street, Suite 2B
Santa Barbara, CA 93101

MONTECITO PLANNING COMMISSION
HEARING OF MAY 23, 2012

**RE: *Verizon Telecommunications Facility Relocation to the Montecito Switch Station;
12CUP-00000-00007***

Hearing on the request of Jay Higgins of SAC Wireless, agent for applicant, Verizon Wireless, to consider Case No. 12CUP-00000-00007, [application filed on March 29, 2012] for a Conditional Use Permit allowing the construction and operation of a new collocated wireless telecommunications facility in compliance with Section 35.472.060 of the Montecito Land Use and Development Code, on property zoned 20-R-1; and to determine that the project is exempt from CEQA pursuant to Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 011-200-015 and -016, located at 512 Santa Angela Lane, in the Montecito area, First Supervisorial District.

Dear Mr. Higgins:

At the Montecito Planning Commission hearing of May 23, 2012, Commissioner Gottsdanker moved, seconded by Commissioner Phillips and carried by a vote of 4 to 0 (Overall absent) to:

1. Make the required findings for approval of the project specified in Attachment A of the staff report, dated May 4, 2012, including CEQA findings.
2. Determine the project is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Sections 15301 and 15303, included as Attachment C of the staff report, dated May 4, 2012.
3. Approve the project 12CUP-00000-00007 subject to the conditions included as Attachment B of the staff report, dated May 4, 2012.

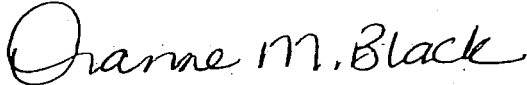
The attached findings and conditions reflect the Montecito Planning Commission's actions of May 23, 2012.

The action of the Montecito Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Montecito Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Montecito Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, June 4, 2012 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$643 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Dianne M. Black
Secretary to the Montecito Planning Commission

cc: Case File: 12CUP-00000-00007
Montecito Planning Commission File
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Owner: Lorenzo Zilioto, 580 Santa Angela Lane, Santa Barbara, CA 93108
Owner: Verizon California Inc., 15505 Sand Canyon Ave. Bldg. C, Irvine, CA 92618, Attn: Windolph A. Wallace
Architect: SAC Wireless, LLC, Nestor Popowych, 5865 Avenida Encinas Suite 142-B, Carlsbad, CA 92008
Applicant: Verizon Wireless, Ed Godfrey, 2785 Mitchell Drive, Walnut Creek, CA 94598
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Supervisor Carbajal, First District
Commissioner Eidelson
Commissioner Burrows
Commissioner Phillips
Commissioner Overall
Commissioner Gottsdanker
Rachel Van Mullem, Senior Deputy County Counsel
Megan Lowery, Planner

**Attachments: Attachment A – Findings
Attachment B – Conditions of Approval**

DMB/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA

1.1 CEQA Guidelines Exemption Findings

- 1.1.1 The proposed project is exempt from environmental review pursuant to Sections 15301 and 15303 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see the Notice of Exemption included in Attachment C.

2.0 MONTECITO LAND USE DEVELOPMENT CODE

2.1 Conditional Use Permit Findings (Sec. 35.472.060.E)

- 2.1.1 *The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.*

The subject property is ideal for siting an additional carrier, since it already has an existing facility on the building. There is already infrastructure in place to screen antennas on the rooftop of the building and there is adequate space to add the proposed equipment. In addition, power and telephone utility connections already exist at the site and are sufficient to serve the proposed facility. Therefore this finding can be made.

- 2.1.2 *Environmental impacts. (1) Within the Coastal Zone, adverse environmental impacts will be mitigated to the maximum extent feasible. (2) Within the Inland area, significant environmental impacts will be mitigated to the maximum extent feasible.*

No significant environmental impacts were identified to result from the project. The project qualifies for exemption from environmental review under CEQA Sections 15301 and 15303.

- 2.1.3 *Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The proposed project would not result in a significant traffic increase. At its maximum the facility would require one maintenance trip per month, and therefore the existing roads are adequate to support the proposed project and this finding can be made.

- 2.1.4 *There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.*

The proposed facility would be unstaffed and would not require public or private resources aside from power and telephone service to power the site. These utilities currently exist at the site and would be sufficient to serve the proposed project. Therefore this finding can be made.

- 2.1.5 *The proposed project will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will be compatible with the surrounding area.*

The proposed facility utilizes existing infrastructure to eliminate the need for new development and blend the facility with the existing community. Wireless telecommunications facilities are required to comply with the Federal Communications Commission health and safety standards at all times. The applicant submitted a projected emission report by Hammett & Edison, dated May 2, 2012, as a part of the project application.¹ The report concludes that RF exposure from

¹ On file with P&D and available upon request.

the proposed telecommunications facility in combination with the existing Cingular facilities would be approximately 9.5% of the FCC public exposure limit. Therefore the facility is well within the FCC's health and safety limits and this finding can be made.

2.1.6 *The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.*

As discussed in Sections 6.2 and 6.3 of the staff report dated May 4, 2012, and incorporated herein by reference, the proposed project was found to comply with applicable requirements of the Montecito Land Use Development Code and Comprehensive Plan, including the Montecito Community Plan. Therefore this finding can be made.

2.1.7 *The proposed project will not potentially result in traffic levels higher than those anticipated for the lot by the Montecito Community Plan and its associated environmental documents; or if the project would result in higher traffic levels, the increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or road improvements included as part of the project description are consistent with the provisions of the Montecito Community Plan and are adequate to fully offset the identified potential increase in traffic.*

The proposed facility would be unstaffed and would not require public or private resources aside from power and telephone service to power the site. These utilities currently exist at the site and would be sufficient to serve the proposed project. Therefore this finding can be made.

2.1.8 *The proposed project will not adversely impact recreational facilities and uses.*

The proposed facility would be located on the rooftop of an existing building on privately-owned land. No recreational uses or facilities exist on site or nearby, nor would any impacts be anticipated. Therefore this finding can be made.

2.1.9 *Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the rural and scenic character of the area.*

The project is not located within a designated Rural area.

2.2 *Commercial Telecommunication Facility Findings (Sec. 35.444.010.G)*

2.2.1 *The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.*

As discussed in Sections 6.2 and 6.3 of the staff report dated May 4, 2012, and incorporated herein by reference, the facility is designed to retain the visual character of the area by utilizing existing infrastructure. Moreover, the antennas or equipment would not be visible to the public. Therefore this finding can be made.

2.2.2 *The facility is located to minimize its visibility from public view.*

The facility is designed to blend with the existing building infrastructure and therefore eliminate its appearance as a telecommunications facility. Therefore this finding can be made.

2.2.3 *The facility is designed to blend into the surrounding environment to the greatest extent feasible.*

As discussed in Sections 6.2 and 6.3 of the staff report dated May 4, 2012, and incorporated herein by reference, collocating on the switch station building and utilizing the existing screening infrastructure blends the facility with the existing visual character of the area. Therefore this finding can be made.

- 2.2.4** *The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D. (Additional development standards for telecommunication facilities) above. (a). An exemption to one or more of the required development standards may be granted if the review authority additionally finds that in the specific instance that the granting of the exemption: (1) Would not increase the visibility of the facility or decrease public safety, or (2) Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (3) Would avoid or reduce the potential for environmental impacts.*

As analyzed in Sections 6.2 and 6.3 of the staff report dated May 4, 2012, and incorporated herein by reference, the proposed project complies with all required development standards of the telecommunication ordinance.

- 2.2.5** *The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.*

The applicant submitted a projected emission report by Hammett & Edison, dated May 2, 2012, as a part of the project application.² The report concludes that RF exposure from the proposed telecommunications facility in combination with the existing Cingular antennas would be 9.5% of the applicable FCC public exposure limit; therefore this finding can be made.

- 2.2.6** *The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.*

The proposed roof-mounted facility would serve to replace an existing Verizon Wireless telecommunications facility that is now being decommissioned because their lease has expired. Coverage maps submitted by the applicant as part of the permit application indicate that with the loss of the facility that is being decommissioned, there will be a substantial lack of coverage of the Montecito area by Verizon Wireless. The proposed project would off-set that loss and provide coverage for a large portion of the Montecito area. Therefore this finding can be made.

- 2.2.7** *The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.*

The proposed project design utilizes existing infrastructure to provide the height necessary to achieve the coverage objective, as well as existing infrastructure to screen the facility. No visual changes would result as a part of the proposed project. Therefore the proposed project location and design is the least intrusive means for a new facility to serve the majority of the Montecito area.

² On file with P&D and available upon request.

ATTACHMENT B: CONDITIONS OF APPROVAL

1. **Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-Plans dated March 22, 2012, B-Photosimulations, 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:

The project is a request by the agent, Jay Higgins of SAC Wireless, for the applicant, Verizon Wireless, for a Major Conditional Use Permit to allow construction and use of an unstaffed telecommunications facility under provisions of County code zoning requirements for property zoned 20-R-1. The facility would be located in a 500-square foot lease area at 512 Santa Angela Lane, Assessor Parcel Nos. 011-200-015 and -016.

The applicant is proposing to construct a collocated wireless facility on the existing switch station building, which currently holds antennas for Cingular's wireless telecommunications facility on the rooftop behind a parapet wall. The Verizon Wireless facility would include nine panel antennas, three antennas for three sectors at 120, 220 and 310 degrees (from north). The antennas would be operating in the cellular, PCS and LTE bandwidths. The proposed facility would cover most of Montecito.

All support equipment for the facility would be located in a new 11'8" x 16' 0" x 12' prefabricated equipment shelter located near the western property line. The equipment shelter would be placed on a concrete slab with a new electrical pedestal and would have two GPS antennas mounted on its side. The equipment would be cooled by two HVAC air-conditioning units located on the shelter operating intermittently as needed. The equipment shelter would be painted to match the existing switch station building but would be screened by the existing concrete retaining wall and mature vegetation along the western property line. The facility would be serviced by Southern California Edison and Verizon California Inc. via underground connection to existing utilities onsite. The proposed facility would not require grading other than trenching associated with the utility connections. In the event of a power failure, a generator would be brought from off-site and temporarily installed to maintain power to the facility.

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. **Noise-02 Construction Hours.** 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 two signs stating these restrictions at 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.

4. **Parking-02 Onsite Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction.

PLAN REQUIREMENTS: Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for Zoning Clearance.

TIMING: A copy of the written notice shall be submitted to P&D permit processing staff prior to issuance of Zoning Clearance. This restriction shall be maintained throughout construction.

MONITORING: P&D permit compliance and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.

5. **EM-01 Emergency Generator.** In the event of a power failure, a generator may be used on the site to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a monthly basis for a period not to exceed 30 minutes. The exercise period shall be limited to the hours between 7:30 a.m. and 4:30 p.m., Monday-Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 30 minutes per month shall be prohibited. Additionally, Air Pollution Control District (APCD) permits are required for diesel-powered emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for compliance on all building plans.

TIMING: Permittee shall obtain an APCD Authority to Construct permit prior to engine installation, and an APCD Permit to Operate prior to engine operation. All necessary APCD permits shall be obtained prior to Final Building Inspection Clearance.

6. **Tel-03 Colors and Painting.** All exposed equipment and facilities (i.e., antennas, support structure, equipment cabinets, etc.) shall be finished in non-reflective materials (including painted surfaces) and shall be painted and finished to match the existing switch station building.

PLAN REQUIREMENTS: Color specifications shall be identified on final zoning plans submitted by the Permittee to the County prior to issuance of Zoning Clearance, as well as on final building plans.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance.

7. **Tel-05 Exterior Lighting.** Except as previously permitted on the switch station building, 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.

8. **Tel-06 Underground Utilities.** Except as otherwise noted in the Project Description and development plans, all utilities necessary for facility operation, including coaxial cable, shall be placed underground. Conduit shall be sized so as provide additional capacity to accommodate utilities for other telecommunication carriers should collocation be pursued in the future.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for utility undergrounding on all building and grading plans.

TIMING: This condition shall be satisfied prior to issuance of Zoning Clearance.

MONITORING: P&D staff shall check plans prior to issuance of Zoning Clearance.

9. **Tel-07 Vegetation Protection.** Existing vegetation should be preserved and protected to the maximum extent feasible throughout construction activities. 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 specimen tree shall be done by hand. Trees or shrubs which are significantly damaged or subsequently die as a result of construction activities 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: Fencing 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 fencing installation at the pre-construction meeting.

10. **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 w/in 30 days of Final Building Clearance. 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.

11. **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.

12. **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.

13. **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.

14. **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.

15. **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.

16. **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.

17. **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.

18. **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. [MLUDC §35.472.020].

19. **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.
20. **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.
21. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within 18 months following the effective date of this Conditional Use Permit. If the 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.
22. **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 35.474.030 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. [MLUDC §35.472.060 & 35.474.060].
23. **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.
24. **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.
25. **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.
26. **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.
27. **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.
28. **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.
29. **Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.
30. **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.