

ATTACHMENT 2: 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 of the Montecito Planning Commission Staff Report dated May 4, 2012, included as Attachment 3 of this Board Letter, incorporated herein by reference.

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; therefore this finding can be made.

- 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. The report concludes that RF exposure from the proposed telecommunications facility in combination with the existing Cingular facilities would be approximately 9.5% of the FCC public exposure limit. Therefore 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.

2.1.10 *In compliance with Subsection 35.472.060.I.1 of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit that includes a modification to the zone development standards the review authority shall first find that such modification is justified and*

consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.

The project is requesting a modification to the zone district setbacks for the property to allow the proposed equipment shelter to be located immediately behind the existing perimeter wall at 35 feet from the centerline of Santa Angela Lane. The perimeter wall has existing mature vegetation that exceeds the height of the wall itself. Locating the shelter against the existing perimeter wall would take advantage of this screening and would make the shelter invisible to the public. Additionally, this location would place the shelter directly behind the existing Cingular shelter, and therefore would hide it from view even from the driveway off Santa Angela Lane. Therefore a modification to the setbacks is appropriate in this instance, and this finding can be made.

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 eliminate its appearance as a telecommunications facility. The antennas would be concealed behind the existing parapet wall and the equipment shelter would be screened by the existing perimeter wall and mature vegetation. As such, the facility would not be visible to the public and 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. 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, included as Attachment 6 to this Board letter, 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 applicant analyzed eighteen alternative locations/designs in the Montecito area. Of these eighteen alternatives, there were two options that were found to be feasible: 1) a tree-pole on the switch station property, 2) a tree-pole in the right-of-way of Hot Springs Road. However both of these options would require installation of new support structures and would be visible to the public. The proposed project design utilizes existing infrastructure to support and screen the antennas, and the facility would be completely invisible to the public. Therefore the proposed project location and design is the least intrusive means for a new facility to serve the majority of the Montecito area.