

ATTACHMENT 1

BOARD OF SUPERVISORS FINDINGS

Verizon at Mora Project (Case No. 14CUP-00000-00024)

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 and 15304. Please see Attachment 3, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit, the review authority shall first make all of the following findings, as applicable:

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 4.79-acre parcel is zoned Agriculture (AG-I-10) and is located within the Santa Ynez Community Plan Community Plan Rural Area of the County. Adjacent parcels are zoned AG-I-10 and AG-I-20 (Agriculture, 10- and 20-acre minimum parcel sizes). Surrounding development consists of parcels developed with low-density residential uses and agriculture. The subject parcel is developed with a single family dwelling, guest house, and agricultural accessory structures, as well as fenced pastures used for horse boarding.

The proposed facility consists of one 50 ft tall antenna support structure designed to resemble a faux broadleaf tree, and a 94 sq ft pre-fabricated equipment storage building with a maximum height of 10.5 feet. Antennas will be concealed within the crown of the tree. A backup generator on a 78 sq ft concrete slab will also be located within the approximately 1,125 sq ft lease area. The lease area will be fenced with corral board or

other BAR-approved fencing. The facility will be accessed by an existing driveway.

The proposed lease area and monopole will be set back approximately 566 feet from Mora Avenue and 805 feet from Baseline Avenue. The design of the antenna support structure as a faux broadleaf tree effectively utilizes the existing onsite and surrounding trees so that the site blends into the surrounding natural environment. As a result, the proposed 50 ft tall antenna support structure will be partially visible from Mora Avenue, Baseline Avenue, and surrounding adjacent properties. The shelter will not be visible from public viewing areas, but will be partially visible from the adjacent parcels to the north and west. The Central Board of Architectural Review (CBAR) conceptually reviewed the proposed design and determined that the proposed design of the facility would be compatible with the existing visual character of the surrounding area. The project is conditioned to require 1) the antennas to be painted in a non-reflective color to blend into the existing natural setting and reduce their visibility; 2) the project to receive preliminary and final CBAR approval prior to issuance of the Zoning Clearance; 3) that the only exterior lighting is a security light that will be Dark Sky compliant and approved by the CBAR; and 4) that all onsite vegetation as well as project landscaping be maintained for the life of the project (Conditions 3, 4, 11, 12, and 13).

Therefore, the project site is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

2.1.2 Within the inland area, significant environmental impacts will be mitigated to the maximum extent feasible.

No significant environmental impacts will result from the project. The project is exempt from environmental review pursuant to Sections 15303 and 15304 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).

The proposed project consists of the construction and use of an unstaffed telecommunications facility within an approximately 1,125 sq ft lease area with ground disturbance on slopes of less than 10 percent, landscaping, and trenching where the surface is restored. A 50 ft high antenna support structure, 194 sq ft prefabricated equipment shelter, and 78 sq ft concrete slab with a diesel emergency generator and fuel tank will be located inside of the fenced lease area. The 50-foot tall antenna support structure will be designed to look like a broadleaf tree. This design will blend the facility in with the existing mature trees in the surrounding rural, agricultural area to the maximum extent feasible. The 1,125 sq ft lease area will be located on flat

ground in a pasture. No trees are located within the footprint of the facility or utility trench.

To ensure that the project operates within FCC limits, the County required the applicant to submit a report prepared by a qualified third party that estimates the proposed project's radio frequency emissions and determines whether or not they comply with the Federal requirements. As discussed in Section 4.2 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, the applicant provided a Radio Frequency Electromagnetic (RF-EME) Compliance report prepared by Sitesafe Inc. dated June 19, 2014. The report concludes that "The Max MPE (maximum permissible exposure) predicted is 0.2% Occupational at Verizon Wireless Alpha sector on top of the barn roof to the northeast." The barn is located approximately 190 ft from the telecommunications facility. The closest residences to the proposed telecommunications facility are located approximately 288 ft to the south (on an adjacent parcel); 496 ft to the southwest (on the subject parcel); and 454 ft to the east (a guesthouse, also on the subject parcel). The report verifies that the facility would operate in compliance with the applicable FCC limits. Additional conditions include the requirement for final CBAR approval to ensure that the project is visually compatible with the surrounding area, and the requirement for monitoring of radiofrequency emissions to ensure compliance with FCC standards.

Additionally, after the Planning Commission hearing of March 11, 2015, the County requested a peer review of the Sitesafe Inc. RF-EME report and other supporting documents provided by the applicant. As described in this Board Letter and incorporated herein by reference, the peer review report (Attachment 7) concludes that 1) the proposed project's design is considered reasonable and consistent with best industry practices to provide 4th generation high-speed services in similar areas; 2) that additional supporting data provided by the applicant shows overload at the Santa Ynez Peak site that will be reduced by implementation of the proposed project; and 3) that the proposed installation will meet FCC guidelines pertaining to radio frequency emissions exposure to the general public. However, the report also indicates that the Sitesafe RF-EME report did not analyze the emissions from the "future microwave dish" that is shown on project plans, and recommends that prior to installation of the microwave dish or any other additions or modifications to the antennas, a new RF report is submitted that demonstrates the facility's continued compliance with FCC requirements. Because the microwave dish would be installed at a later time than the rest of the project, and the RF report did not include an analysis of the microwave's RF emissions, the microwave dish has been removed from the project description.

As discussed in Section 4.3 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, an Environmental Noise Analysis was performed for the project by Bollard Acoustical Consultants Inc. dated July 30, 2014. Based on the results of the analysis, the noise generated by the project will be less than the County's threshold of 65dBA at the nearest property line.

Therefore, this finding can be made.

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

The unstaffed facility will not generate traffic other than during installation and for periodic maintenance required on an as-needed basis. Access to the project site will be provided from Mora Avenue, a public road. The existing roadway infrastructure is adequate to serve the facility. Therefore, the existing streets are sufficient to serve the 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.

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, the facility will be unstaffed and will not require any public services such as water, sewage, police or fire. Power and telephone service currently exist at the site and will be sufficient to serve the 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.

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, the facility complies with the Federal health and safety standards and therefore will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. Additionally, the antennas support structure is designed to resemble a broadleaf tree, which blends the facility in with the surrounding natural environment. The faux tree support structure will reduce the visibility of the antennas. The facility has been carefully sited and designed to be visually compatible with the surrounding

area. 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 any applicable community or area plan.

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, the project will be in conformance with all applicable provisions of the LUDC, and the Comprehensive Plan, including the Santa Ynez Valley Community Plan. Therefore, this finding can be made.

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

The project site is located within the Rural area of the Santa Ynez Community Planning area. The 50 foot tall antenna support structure, which will be partially visible from public viewing areas, will resemble a broadleaf tree, with the antennas concealed inside the crown. The equipment shelter will be finished with an earth-toned non-reflective coating, and will not be visible from public viewing areas. The 1,125 sq ft lease area will be surrounded by corral board or other CBAR-approved fencing to blend with the surrounding horse pastures and agricultural use. As discussed in Sections 4.1 and 6.2 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, the Central Board of Architectural Review conceptually reviewed the project and determined that the 50 ft tall faux broadleaf tree antennas support structure would be the most appropriate support structure to visually blend the facility in to the existing rural, agricultural setting, which includes mature trees on the subject parcel and surrounding area; and to lessen its impact on public views. Therefore, this finding can be made.

2.2 ADDITIONAL FINDINGS PER LUDC SECTION 35.44.010.G

In addition to the findings required to be adopted by the review authority in compliance with Section 35.82.050 (Coastal Development Permits), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permit), Section 35.82.080 (Development Plans) and Section 35.82.110 (Land Use Permits) in order to approve an application to develop a telecommunication facility, the review authority shall also

make the following findings:

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

The project site is located within the Rural area of the Santa Ynez Community Planning area. The 50 foot tall antenna support structure, which will be visible from public viewing areas, will be designed to resemble a broadleaf tree, with the antennas concealed inside the crown. The equipment shelter will be finished with an earth-toned non-reflective coating, and will not be visible from public viewing areas. The 1,125 sq ft lease area will be surrounded by corral board or other CBAR-approved fencing to blend with the surrounding horse pastures and agricultural use. As discussed in Sections 4.1 and 6.2 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, the Central Board of Architectural Review conceptually reviewed the project and determined that the 50 ft tall faux broadleaf tree antennas support structure would be the most appropriate support structure to visually blend the facility in to the existing rural, agricultural setting, which includes mature trees on the subject parcel and surrounding area; and to lessen its impact on public views. Therefore, this finding can be made.

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

The lease area and monopole will be set back approximately 566 feet from Mora Avenue and 805 feet from Baseline Avenue. The design of the antenna support structure as a faux broadleaf tree effectively utilizes the existing onsite and surrounding trees so that the facility blends into the surrounding natural environment. As a result, the antenna support structure will not be substantially visible from public viewing areas.

The support facilities will be enclosed within a pre-fabricated equipment storage building located within a pasture, and will not be visible from public viewing areas. The pre-fabricated equipment storage building is designed with a non-reflective finish. The antenna support structure will be coated with non-reflective material resembling tree bark. The leased premises will remain unlit except for a manually operated switch light which limits lighting to the area of the equipment in the immediate vicinity of the antennas support structure. The project is designed to minimize its visibility from public views. Therefore, this finding can be made.

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

The lease area and monopole will be set back approximately 566 feet from Mora Avenue and 805 feet from Baseline Avenue. The antenna support structure will not be substantially visible from public viewing areas as it is camouflaged as a faux broadleaf tree to blend in and integrate with the natural environment. This design will maximize the structure's compatibility with the surrounding area, and effectively utilizes the existing surrounding vegetation so that the site blends into the surrounding rural, agricultural area. The antennas and equipment storage shelter will be finished and/or painted in a non-reflective colors and textures to blend them into the existing natural setting and further reduce their visibility to the maximum extent feasible. 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).

- 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 discussed in Section 6.3 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, the project complies with all required development standards. Therefore, this finding can be made.

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.

As discussed in Section 4.2 of the Planning Commission Staff Report dated February

19, 2015 (Attachment 6), and incorporated herein by reference, a radiofrequency emissions report (Sitesafe Inc., June 19, 2014) concluded that the predicted Maximum Permissible Exposure (MPE) generated due to the proposed cell site operation would be 0.2% FCC's occupational limit on top of the barn roof located approximately 190 ft to the northeast. The closest residence to the facility is located 288 ft away. As a part of the project conditions (condition no. 15, "FCC Compliance"), a verification measurement report will be required within 30 days of final building clearance to confirm adherence to these requirements.

Additionally, as discussed above (Finding 2.1.2), the County requested a peer review of the Sitesafe Inc. RF-EME report and other supporting documents provided by the applicant. As described in this Board Letter and incorporated herein by reference, the peer review report (Attachment 7) concludes that the proposed installation will meet FCC guidelines pertaining to radio frequency emissions exposure to the general public. However, the report also indicates that the Sitesafe RF-EME report did not analyze the emissions from the "future microwave dish" that is shown on project plans, and recommends that prior to installation of the microwave dish or any other additions or modifications to the antennas, a new RF report is submitted that demonstrates the facility's continued compliance with FCC requirements. Because the microwave dish would be installed at a later time than the rest of the project, and the RF report did not include an analysis of RF emissions, the microwave dish has been removed from the project description.

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.

As discussed in Sections 4.1 and 6.3 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, the purpose of the proposed facility to offload capacity from an existing Verizon cell site in the hills south of Lake Cachuma (as opposed to improving the cellular coverage area). The existing facility, identified by Verizon as the "Santa Ynez gamma sector", is currently at or near its maximum capacity as a result of its use by of network users other than Verizon. Verizon's assessment of need for additional capacity is based on their monitoring of device performance on its network, and information from user complaints about service. Additionally, as discussed in the Peer Review section of the

Board Letter dated June 2, 2015, incorporated herein by reference, and above (Finding 2.1.2), the applicant provided additional information about the need for capacity (Attachment 8 of the Board Letter dated June 2, 2015, incorporated herein by reference). A peer review (Attachment 7, incorporated herein by reference) of the supporting data confirms a condition of overload at the Santa Ynez Peak site that will be reduced by implementation of the proposed project. As discussed in Section 4.1 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, The proposed Verizon at Mora facility would boost the capacity available on the network, so Verizon devices in that area would have full operational abilities. The target area to be covered by this improvement is a low, wide area of the valley floor located along the west side of Highway 154. This is in contrast to a tower designed to improve coverage, which would target a concentrated area immediately surrounding the facility. As such, light-of-sight requirements for transmission of radio waves require antennas to be of a sufficient height for radio signals to reach the target area. The applicant and project engineer have stated that 50 ft is the shortest antenna support structure that would meet the project's objectives (see e-mails dated 2/27/15 and 3/2/15 included in Attachment I of the Planning Commission Staff Report dated February 19, 2015 [Attachment 6 of this Board Letter] and incorporated herein by reference). A 50 ft tower would allow a 42 ft antenna centerline, which is necessary to reach all of the area that is affected by decreased capacity. A lower tower (and thus lower antenna centerline) would require more towers to achieve the same objective. Moreover, a lower centerline would increase the electromagnetic emissions (EME) on the ground, potentially above the safe public exposure threshold. A 42 ft centerline accommodates a 35 ft limit for the bottom of antennas, resulting in a site where EME is below the public exposure limits. This height also allows room for future growth. 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.

As discussed in Section 6.3 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, collocating on an existing facility would not meet the objective for the project, which is to offload capacity from an existing telecommunications facility that is currently at or near maximum capacity. A search area was identified that would allow the proposed tower to meet the project objectives. As discussed in the Peer Review section of the Board Letter, and incorporated herein by reference, the proposed project site was preferred

and selected over the available alternative sites studied by Verizon because it is closest to the target population, and thus would provide the best coverage. The peer reviewer has indicated that absent additional data regarding alternative sites 3 and 4, this approach seems reasonable from a technical standpoint. The two closest available alternative sites (3 and 4), are located at 2100 Mora Avenue (APN 141-070-022, Site 3) and 1880 Mora Avenue (APN 141-070-017, Site 4). From an aesthetic perspective, staff notes that based on a site visit and analysis of aerial photographs, towers placed on these sites in the specific locations allowed by the prospective landlords would be substantially more visible from public viewing areas, and thus more visually intrusive, than a tower in the proposed location, due to the absence of intervening screening vegetation.

Also as discussed in Section 6.3 of the Planning Commission Staff Report, there are six existing or proposed towers within approximately two miles of the search area. These are owned by GTE Mobilnet (31 ft high); Sprint (65 ft high); Cingular Wireless (65 ft high); Radio Representatives, Inc (298 ft high); AT&T (65 ft); and the Santa Ynez Valley Airport (36 ft). These sites are located between 1.61 and 2.29 miles from the search area, but none are within the radius required to offload capacity from the existing facility that is at its maximum capacity. As discussed in Section 4.1 of the Planning Commission Staff Report dated February 19, 2015 (Attachment 6), and incorporated herein by reference, and as described in Finding 2.2.6 above, 50 ft is the shortest tower height that would meet the project objectives. The 50 ft support structure is designed as a faux broadleaf tree. This design maximizes the structure's compatibility with the surrounding rural, agricultural area so that the site blends into the surrounding natural environment. The antennas and equipment storage building will be finished and painted in non-reflective colors and textures to blend them into the existing natural setting and further reduce their visibility to the maximum extent feasible. Therefore the applicant has demonstrated that the facility design and location is the least intrusive means feasible to provide the needed coverage and this finding can be made.