

# ATTACHMENT 3

## STATEMENT OF APPEAL OF THE NEIGHBORS OF CHRIST THE KING EPISCOPAL CHURCH

AT&T CELLISTE @5073 HOLLISTER AVENUE, SANTA BARBARA, CA 93111/CASE # 13CUP-00000-00014  
APN#065-110-004

We, the listed below, and a growing coalition of concerned neighbors, appeal the decision of the Santa Barbara County Planning Commission in approving a MAJOR Conditional Use Permit for a 50' tall, metal legged, high powered cellsite, proposed as a for profit partnership between AT&T and the Episcopal Diocese of Los Angeles, specifically the site of Christ the King Episcopal Church on Hollister, for the following reasons:

- 1) As a Tier 4 site, residential zoned district, the County Land Use Code has acknowledged the highest level of sensitivity of such a location and provided precautions for aesthetic design and safety. The SBAR prelim review on June 6, 2014 and the Planning Commission on 9/24, by approving the Major CUP, failed in their due diligence to address major issues brought up in previous sessions. Commissioners admitted they did not all visit the site, and none viewed the site from the perspective of the most sensitive existing mountain views from San Domingo Drive. Also, in their presentation, AT&T did not provide a rendering perspective from this most impactful angle for neighbors to review. This 50' steel tower will be squarely centered and blocking forevermore the mountain-San Marcos Pass view we have enjoyed for 6 decades. The Planning Commission did nothing to address 'good neighbor' policies to protect our mountain views. As a result our property values are already being impacted by having to disclose the tower in any possible future real estate sales.
- 2) The Planning Commission and AT&T failed to properly address the Federal policies and AT&T's own internal policies on site specific rf radiation reports. In fact, as testified by Barry Colwell at the 9/24 CUP hearing, Barry spoke directly to the Radio Frequency (rf) radiation report preparer, Lindsey Dutton, and she stated clearly that: a) she never went to the site, b) she was unaware of very nearby 2 story homes, and c) the report provided was based on 'general ground level exposures' and did not take into account very nearby residences with 2<sup>nd</sup> story bedrooms up higher in perfect alignment with the highest level of radiation emissions. Despite testimony in person on 9/24 from Barry Colwell of speaking directly to the third party provider of the report on the above, the commission accepted the AT&T agent's simple response statement that 'it was within design safety standards'. This is irresponsible, and at a minimum, a site specific (and equipment specific) rf report needs to be prepared taking into consideration all of the 2 story homes located in very nearby adjacencies of a cellsite of this power magnitude.
- 3) The Commission abused it's discretion, under duress from the 'Shot Clock' time threat of legal action from AT&T and the Church, and did not provide sufficient information and community outreach needed for a MAJOR Conditional Use Permit such as this large cellsite located in extreme close (Tier4) proximity to residential rural family homes. The property value impacts, aesthetics and views, and safety issues were not vetted with neighbors appropriately, nor taken into consideration in any of the documents or statements by the Planning Commission, and thus neighbors were denied the full facts and sufficient comment on impending negative impacts on views, property values, and potentially health from this mega cell site.



**PLANNING & DEVELOPMENT  
APPEAL FORM**

SITE ADDRESS: 5073 Hollister Ave., Goleta, CA 93111

ASSESSOR PARCEL NUMBER: 065-110-004

Are there previous permits/applications?  no  yes numbers: 13CUP-14  
(include permit# & lot # if tract)

Are there previous environmental (CEQA) documents?  no  yes numbers: \_\_\_\_\_

1. Appellant: Jamye Hanrahan Phone: (805)450-4930 FAX: \_\_\_\_\_

Mailing Address: 5045 Via Lara Ln SB CA 93111 E-mail: hanrahanz@cox.net  
Street City State Zip

2. Owner: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Street City State Zip

3. Agent: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Street City State Zip

4. Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail \_\_\_\_\_  
Street City State Zip

COUNTY OF SANTA BARBARA  
 CLERK OF THE  
 COURT OF APPEALS  
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**COUNTY USE ONLY**

Case Number: _____	Companion Case Number: _____
Supervisory District: _____	Submittal Date: _____
Applicable Zoning Ordinance: _____	Receipt Number: _____
Project Planner: _____	Accepted for Processing _____
Zoning Designation: _____	Comp. Plan Designation _____

**Please include any other information you feel is relevant to this application.**

**CERTIFICATION OF ACCURACY AND COMPLETENESS** Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

**Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.**

*I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.*

Jamye Hanrahan 10/3/2014

Print name and sign - Firm

Date

Jamye Hanrahan 10/3/2014

Print name and sign - Preparer of this form

Date

\_\_\_\_\_  
Print name and sign - Applicant Date

\_\_\_\_\_  
Print name and sign - Agent Date

\_\_\_\_\_  
Print name and sign - Landowner Date

# COUNTY OF SANTA BARBARA APPEAL TO THE :

BOARD OF SUPERVISORS

PLANNING COMMISSION:  COUNTY  MONTECITO

RE: Project Title AT&T New Telecommunications Facility at Hollister Ave

Case No. BCUP-14 Christ of the King Episcopal Church

Date of Action 9/24/2014

I hereby appeal the  approval  approval w/conditions  denial of the:

Board of Architectural Review – Which Board? \_\_\_\_\_

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? SB County

Planning & Development Director decision

Zoning Administrator decision

### Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

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Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See attached.

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Specific conditions imposed which I wish to appeal are (if applicable):

a. See attached

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_