ATTACHMENT A-1: FINDINGS FOR POLE MOUNT DESIGN

1.0 CEQA

1.1 CEQA Guidelines Exemption Findings

1.1.1 The proposed project was found to be exempt from environmental review pursuant to Sections 15061(b)(3), 15301(b), 15301(c), 15302(c), and 15304(f) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA) by the California Public Utilities Commission (CPUC). Please see the Notice of Exemption, prepared by the CPUC on July 20, 2009 included as Attachment B-2.

2.0 ARTICLE II ZONING ORDINANCE

2.1 Coastal Development Permit Findings (Sec. 35-169.5)

2.1.1 ***The proposed development conforms: (1) To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan; and (2) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).***

The proposed project would include mounting a single 26-inch omni whip antenna directly on the cabling attached to the existing utility pole and mounting a 32"x6"x6" equipment cabinet on the pole itself facing away from the public roadway (on the west side of the pole). The facility would be entirely mounted on the pole and therefore would not require any ground disturbance or vegetation removal. Additionally, all components of the facility are located outside of designated sensitive resource areas. This design would reduce the visibility of the facility by the public by utilizing existing infrastructure for the antenna support, utilizing equipment that meets the "very small facility" criteria and locating the equipment on the pole opposite the roadway, out of public view. The minimalistic design preserves the existing semirural character of the roadway and surrounding area. Lastly, the facility would operate well within the Federal health and safety standards established by the Federal Communications Commission. With these features, the proposed project would be in conformance with all applicable provisions of Article II, Comprehensive Plan and the Coastal Land Use Plan. Therefore this finding can be made.

2.1.2 ***The proposed development is located on a legally created lot.***

The proposed project is located within the public right-of-way therefore this finding can be made.

2.1.3 ***The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).***

The utility pole upon which the antenna and equipment would be mounted was legally erected and does not constitute a zoning violation. Therefore this finding can be made.

2.2 Commercial Telecommunication Facility Findings (Sec. 35-144F.7)

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

The facility is designed to retain the visual character of the area by utilizing the existing utility pole and utilizing equipment that conforms to the Tier 1 "very small facilities" requirements. Furthermore, the antenna and equipment would be painted brown to blend with the pole. Therefore the proposed project preserves the existing streetscape character of the area and this finding can be made.

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

The facility would be mounted on an existing operational utility pole facing away from the public roadway (on the west side of the pole) and would blend with the existing infrastructure. Furthermore, since all of the facility components would be mounted on the pole, the project design does not require any ground disturbance, including vegetation removal or the use of retaining walls. Therefore the facility has been located so as to minimize its visibility from public view and this finding can be made.

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

The proposed antenna design uses a 26-inch omni whip antenna that would be painted brown and mounted on a bracket attached to the existing utility pole and an equipment cabinet that meets the "very small facility" criteria mounted on the side of the pole away from the public roadway. Mounting the equipment and antenna on the existing pole would effectively blend the facility with the existing utility infrastructure. Therefore this finding can be made.

2.2.4 The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Section 35-144F.4.

Exemption provision Section 35-144F.4.2 states an exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access; or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility; or (c) would avoid or reduce the potential for environmental impacts, and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.

Development Standard 2.c (Article II Section 35-144F.4.2.c): *Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).*

The telecommunications facility development standards require facilities be designed to protect the public safety; utilize existing infrastructure; reduce visibility from public viewing areas; preserve ridgelines, existing vegetation, historic structures, environmentally sensitive habitats, prime agricultural soils, etc. As discussed above, the proposed facility would be collocated on an existing operational utility pole in the road right of way. This design is consistent with the development standards since the facility is collocated, no sensitive resources (including biological habitats, historic structures, prime agricultural soils, etc.) are impacted, and the facility would be secured from public tampering and would operate within the FCC public health and safety standards.

Lastly, the project qualifies for an exemption from Development standard 2.c, above, which requires support facilities (i.e. cabinets and shelters) be undergrounded, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas). Undergrounding the equipment is technologically feasible at this location, but it would require the installation of a retaining wall that would add a new large and visible linear feature in the road right of way which would be more visually intrusive than the equipment mounted on the inside of the pole. Therefore, the project qualifies for an exemption from the Telecommunications Development Standard 2.c and this finding can be made.

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

The applicant submitted a projected emission report by Jerrold Bushberg, Ph.D., dated April 29, 2009, as a part of the project application for 09CDP-00000-00053.[2] The report concludes that RF exposure from the proposed telecommunications facility would be less than 0.3% of the applicable FCC public exposure limit at ground level (approximately 26 feet) and therefore the facility is well within the FCC's health and safety limits. Therefore this finding can be made.

2.3 Montecito Community Plan Overlay District Findings (Sec. 35-215)

2.3.1 ***In addition to the findings that are required for approval of a development project (as development is defined in the Santa Barbara County Coastal Plan), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.***

The project has been designed to retain the semi-rural character of the Montecito Community by utilizing existing infrastructure, utilizing equipment that meets the "very small facility" criteria and reducing the need for additional infrastructure (such as retaining walls). Additionally, the facility also complies with the Federal health and safety standards required and therefore the location of the facility does not require any additional setbacks or buffers. Therefore the proposed project would be in conformance with all applicable provisions of the Montecito Community Plan of the Coastal Land Use Plan and this finding can be made.

2.3.2 ***For projects subject to discretionary review, a finding shall be made that the development will not adversely impact recreational facilities and uses.***

The proposed project is located in the public right-of-way on N. Jameson Lane at its intersection with Olive Mill Road, which is zoned residential (7-R-1). No parks or recreational

[2] See Attachment E.

facilities exist within the immediate vicinity of the proposed project, although designated trail easements are located on Olive Mill Road and N. Jameson Lane. The proposed project has been designed to be minimally invasive by utilizing existing infrastructure and utilizing equipment that meets the "very small facility" criteria. Therefore this finding can be made.

2.4 Water and Other Public Services Findings (Sec. 35-60)

2.4.1 ***Prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.***

The proposed project consists of an unmanned wireless telecommunications facility. Construction and operation of the proposed facility would not require any water or sewer services. The facility would be mounted on an existing operational utility pole in the public right of way along Olive Mill Road, to which access will be provided. Therefore this finding can be made.

ATTACHMENT A-2: FINDINGS FOR RETAINING WALL DESIGN

1.0 CEQA

1.1 CEQA Guidelines Exemption Findings

1.1.1 The proposed project was found to be exempt from environmental review pursuant to Sections 15061(b)(3), 15301(b), 15301(c), 15302(c), 15303 and 15304(f) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA) by the California Public Utilities Commission (CPUC). Please see the Notices of Exemption, prepared by the CPUC on July 20, 2009 and August 19, 2010 included as Attachment B-1 and B-2.

2.0 ARTICLE II ZONING ORDINANCE

2.1 Coastal Development Permit Findings (Sec. 35-169.5)

2.1.1 ***The proposed development conforms: (1) To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan; and (2) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).***

The proposed project would include mounting a single 26-inch omni whip antenna directly on the cabling attached to the existing utility pole and vaulting the support equipment. The vault would be approximately 3 ft. x 5 ft. and would have two 2 ft. x 4 ft. vents on either side, installed at grade in the right-of-way. Due to the existing grade a retaining wall behind the equipment vault would be required, and would be approximately 4 ft. tall and 14 ft. long clad in sandstone. The construction of the facility and retaining wall would require minor grading and vegetation removal of non-native plants. Additionally, all components of the facility are located outside of designated sensitive resource areas. This design would reduce the visibility of the facility by the public to the maximum extent feasible by utilizing existing infrastructure for the antenna support and eliminating the support equipment from view by placing it underground. The top of the underground vault would be painted brown to blend in with the existing ground plane. The minimalistic design preserves the existing semirural character of the roadway and surrounding area. Lastly, the facility would operate well within the Federal health and safety standards established by the Federal Communications Commission. With these features, the proposed project would be in conformance with all applicable provisions of Article II, Comprehensive Plan and the Coastal Land Use Plan. Therefore this finding can be made.

2.1.2 ***The proposed development is located on a legally created lot.***

The proposed project is located within the public right-of-way therefore this finding can be made.

2.1.3 ***The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).***

The utility pole upon which the antenna would be mounted was legally erected and does not constitute a zoning violation. Additionally, the provisions for telecommunications facilities in Section 35-144F.4.1.a.2 of Article II specifically states that "underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress." The proposed vault would be installed flush with grade and therefore would not obstruct access at this location. Therefore this finding can be made.

2.2 Commercial Telecommunication Facility Findings (Sec. 35-144F.7)

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

The facility is designed to retain the visual character of the area by utilizing the existing utility pole and utilizing an antenna that conforms to the Tier 1 "very small facilities" requirements. Furthermore, the antenna would be painted brown to blend with the pole, and the equipment box would not be visible since it would be vaulted underground. Therefore the proposed project preserves the existing streetscape character of the area and this finding can be made.

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

The facility support equipment would be placed underground in a vault, and therefore would not be visible to the public. The top of the vault would be painted brown to blend in with the ground plane. The proposed antenna would be mounted on an existing operational utility pole and would blend with the existing infrastructure. Therefore the facility has been located so as to minimize its visibility from public view and this finding can be made.

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

The proposed antenna design uses a 26-inch omni whip antenna that would be painted brown and mounted directly on the cabling attached to the existing utility pole. Mounting the antenna on the existing pole would effectively blend the antenna with the existing utility infrastructure. Furthermore, the support equipment would be placed in an underground vault and would therefore not be visible in the existing environment. The top of the vault would be painted brown to blend in with the ground plane. Therefore this finding can be made.

2.2.4 The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Section 35-144F.4.

The telecommunications facility development standards require facilities be designed to protect the public safety; utilize existing infrastructure; reduce visibility from public viewing areas; preserve ridgelines, existing vegetation, historic structures, environmentally sensitive habitats, prime agricultural soils, etc. As discussed above, the proposed antenna would be collocated on an existing operational utility pole in the road right of way and the equipment would be placed in an underground vault. This design is consistent with the development standards since the facility is collocated, the support equipment is undergrounded, no sensitive resources (including biological habitats, historic structures, prime agricultural soils, etc.) are impacted, and the facility would be secured from public tampering and would operate within the FCC public health and safety standards. Lastly, conditions of approval have been included to minimize vegetation removal associated with installation of the equipment vault and require

protection and replacement of surrounding vegetation in the event that the ground disturbance causes surrounding vegetation to subsequently die. As such, the project meets all of the development standard requirements and therefore no exemption is required from the review decision-maker and this finding can be made.

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

The applicant submitted a projected emission report by Jerrold Bushberg, Ph.D., dated April 29, 2009, as a part of the project application for 09CDP-00000-00053.[3] The report concludes that RF exposure from the proposed telecommunications facility would be less than 0.3% of the applicable FCC public exposure limit at ground level (approximately 26 feet) and therefore the facility is well within the FCC's health and safety limits. Therefore this finding can be made.

2.3 Montecito Community Plan Overlay District Findings (Sec. 35-215)

2.3.1 ***In addition to the findings that are required for approval of a development project (as development is defined in the Santa Barbara County Coastal Plan), as identified in each section of Division 11 - Permit Procedures of Article II, a finding shall also be made that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.***

The project has been designed to retain the semi-rural character of the Montecito Community by utilizing existing infrastructure and eliminating major components from public view by placing them in an underground vault. Additionally, the facility also complies with the Federal health and safety standards required and therefore the location of the facility does not require any additional setbacks or buffers. Therefore the proposed project would be in conformance with all applicable provisions of the Montecito Community Plan of the Coastal Land Use Plan and this finding can be made.

2.3.2 ***For projects subject to discretionary review, a finding shall be made that the development will not adversely impact recreational facilities and uses.***

The proposed project is located in the public right-of-way on Olive Mill Road at its intersection with N. Jameson Lane, which is zoned residential (7-R-1). No parks or recreational facilities exist within the immediate vicinity of the proposed project, although designated trail easements are located on Olive Mill Road and N. Jameson Lane. The proposed project has been designed to be minimally invasive by utilizing existing infrastructure and removing major components from public view by placing them in an underground vault. The vault would be installed flush with+ grade and the retaining wall would not protrude into the pedestrian, bike or car traffic areas. Therefore this finding can be made.

[3] See Attachment E.

2.4 Water and Other Public Services Findings (Sec. 35-60)

2.4.1 Prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

The proposed project consists of an unmanned wireless telecommunications facility. Construction and operation of the proposed facility would not require any water or sewer services. The antenna would be mounted on an existing operational utility pole in the public right of way along Olive Mill Road, to which access will be provided. Therefore this finding can be made.