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October 3, 2012

VIA EMAIL AND FEDEX

Chair Doreen Farr
Vice Chair Salud Carbajal
Supervisors Janet Wolf,
Joni Gray and Steve Lavagnino
Board of Supervisors
Santa Barbara County
105 East Anapamu Street
Santa Barbara, California 93109

Re: Verizon Wireless Stealth Communications Facility
512 Santa Angela Lane, Montecito
Board of Supervisors Agenda October 9, 2012

Dear Chair Farr, Vice Chair Carbajal and Supervisors:

We write to you again on behalf of our client Verizon Wireless to encourage you to affirm the well-reasoned and unanimous decision by the Planning Commission to approve the above-captioned collocation facility (the "Approved Facility") and to reject the appeal by Mary Goolsby and Martha Kay (the "Appellants"). This letter supplements the legal letter that we sent to you on August 8, 2012 which sets forth in detail the legal reasons under federal and state law that compel you to reject the appeal and approve the Approved Facility.

On August 21, 2012, the Board of Supervisors continued Appellants' appeal in order for Verizon Wireless to carefully reevaluate all potential alternative site locations for the Approved Facility as well as those proposed by Appellants. Immediately following the Board hearing, Verizon Wireless met for several hours with Appellants in order to identify alternatives and establish a working relationship to accomplish a renewed alternatives review. Over the last several weeks, Verizon Wireless, working with Appellants, has evaluated and re-evaluated 18 alternative site locations for the Approved Facility, including the possibility of placing a treepole at the Approved Facility location. The updated Alternatives Analysis is attached as Exhibit A to this letter.

The Alternatives Analysis fully confirms that the design and location of the Approved Facility is the least intrusive feasible alternative. Thirteen of the alternatives are either infeasible or unavailable for a Verizon Wireless facility, as shown by correspondence from property owners or coverage maps. Verizon Wireless continues to pursue a final answer on three sites: The Montecito Water District board has shown a

continuing unwillingness to lease to Verizon Wireless, but as a result of Appellants' pressure is reevaluating Verizon Wireless's offer; the First Presbyterian Church, located on the same parcel as the El Montecito Early School, has been proposed by Appellants and awaits review of an RF emissions statement; and the landlord for the Gunner Property has indicated that it is unsuitable but has not yet confirmed this in writing. Verizon Wireless believes the viability of these three sites is unlikely and as of the present date must be deemed infeasible due to the lack of a willing landlord. The two remaining alternatives, the Approved Facility and the possibility of a treepole at the same location, remain the two feasible alternatives for the Approved Facility. The collocation on the existing Verizon switch building constitutes the only feasible alternative that qualifies as least intrusive under the Montecito Land Use and Development Code as it is the only feasible alternative that collocates and fully screens antennas within an existing structure.

As fully documented in our legal letter of August 8, 2012, federal law compels approval of the Approved Facility. Verizon Wireless has submitted substantial evidence for approval, including photos showing no aesthetic impact, a radio frequency emissions analysis confirming compliance with Federal Communications Commission ("FCC") guidelines, an acoustic report showing compliance with applicable noise standards, and text messages and emails from over 275 residents supporting the site and confirming the need to maintain reliable Verizon Wireless service.[1] In contrast, Appellants raise only procedural arguments in their appeal and fail to submit any evidence, let alone the substantial evidence required under 47 U.S.C. §332(c)(7)(B)(iii), to justify granting the appeal.

In addition to submitting substantial evidence for approval, Verizon Wireless has shown that granting of the appeal and prohibiting collocation on the existing Cingular facility location would plainly constitute unlawful discrimination against Verizon Wireless under 47 U.S.C. §332(c)(7)(B)(i)(I). Verizon Wireless has also submitted evidence in the form of the radio frequency emissions report confirming compliance with FCC guidelines that would make granting of the appeal based upon Appellants' stated health and property value concerns a clear violation of 47 U.S.C. §332(c)(7)(B)(iv). Finally, as detailed in our legal letter, the Alternatives Analysis and the Statement of the Verizon Wireless Radio Frequency Design Engineer (attached to the Alternatives Analysis) provide incontrovertible evidence that granting of the appeal would constitute a prohibition of service to a significant gap in Verizon Wireless's Montecito network, in clear violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

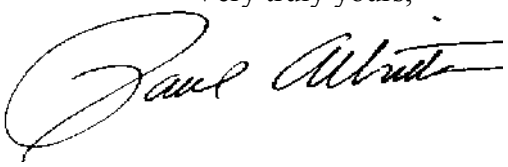
On November 19, 2012 Montecito faces the imminent threat of a loss of critical Verizon Wireless services to the thousands of customers who live and work in Montecito and travel through this active Highway 101 corridor. For the last five years, Verizon Wireless has worked diligently to prepare for the loss of its facility that has operated for the last quarter century on Ortega Hill Road. The Planning Commission's approval of this Facility over five months ago had avoided this emergency circumstance. However,

[1] These exhibits are re-attached to this letter for your reference, as well as our legal letter of August 8, 2012, as detailed in the Schedule of Exhibits at the end of this letter.

Appellants' subsequent appeal and Verizon Wireless's agreement to extend federally-mandated deadlines to accommodate this Board's thorough review of the appeal, including the thorough re-review of all available alternatives over the last several weeks, has led to the current emergency circumstances.

It is time for the County to take final action in order to comply with federal law and its own Code by approving the entirely screened collocation facility proposed by Verizon Wireless.

Very truly yours,



Paul B. Albritton

cc: Rachel Van Mullem, Esq., Chief Deputy County Counsel
Megan Lowery, Planner
Anne Almy, Supervising Planner

Schedule of Exhibits

Exhibit A:	Alternatives Analysis
Exhibit B:	Statement of Hammett & Edison, Inc., Consulting Engineers, Radio Frequency Study, August 10, 2012
Exhibit C:	Statement of Hammett & Edison, Inc., Consulting Engineers, Sound Levels Study, August 20, 2012
Exhibit D:	Letter from Verizon Wireless West Area Director of Customer Loyalty Ross Bennett, August 20, 2012 and Emails of Support
Exhibit E:	Mackenzie & Albritton Letter, August 8, 2012 (without attachments)

Exhibit A

Alternatives Analysis

Verizon Wireless
Montecito
512 Santa Angela Lane

October 3, 2012
REVISED

Summary of Site Evaluations
Conducted by SAC Wireless

Compiled by Mackenzie & Albritton LLP

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I. Executive Summary

In November 2012, Verizon Wireless must decommission its wireless facility on Ortega Hill Road that currently serves the Montecito area, which will result in a significant gap in coverage. The gap includes significant commercial and residential areas of Montecito as well as County roadways and two highways. Based on an extensive review of available sites as set forth in the following analysis, Verizon Wireless believes the proposed collocation of antennas on an existing Verizon switch building (the "Approved Facility") constitutes the least intrusive alternative to help fill the identified coverage gap based on the values expressed in the Montecito Land Use & Development Code (the "Code").

II. Coverage Gap

Verizon Wireless Performance Engineers have determined that there will be a significant gap in coverage in the Montecito area following decommissioning of the Ortega Hill Road Verizon Wireless site in November 2012. The gap would extend from Highway 101 on the south to Las Padres National Forest on the north, bordered on the east by Ortega Ridge Road and on the west by Sycamore Canyon Road (the "Coverage Gap"). The Coverage Gap is more fully described in the Statement of Verizon Wireless Radio Frequency Design Engineer Dewayne Bonham dated August 8, 2012 attached as **Attachment A**.

III. Methodology

Once a coverage gap has been determined, Verizon Wireless seeks to identify a proposal that will provide coverage through the "least intrusive means" based upon the values expressed by local regulation. In addition to seeking the "least intrusive" alternative, sites proposed by Verizon Wireless must be feasible. In this regard, Verizon Wireless reviews the topography, radio frequency propagation, elevation, height, available electrical and telephone utilities, access, and other critical factors such as a willing landlord in completing its site analysis. There must also be a landlord willing to host a wireless facility on the property. Wherever feasible, Verizon Wireless seeks to identify collocation opportunities that allow placement of wireless facilities with minimal impacts.

The Code establishes the priority for wireless facility design and location in Montecito. Under the development standards, collocation on existing structures is required where available with only certain exceptions. See Code §35.44.010(D)(2)(c). The Code places the highest priority on certain temporary facilities, small facilities or hub sites and facilities in nonresidential zones through administrative procedures. A Conditional Use Permit is required to place new facilities in non-residential zones, except where collocated, or where height limits and a 300 foot residential setback are met. See generally Code §§35.44.010(C)(1) through (3). The Code specifically provides for facilities in residential zones with a Conditional Use Permit under Code §35.44.010(C)(4)(a) subject to development standards provided under Code §35.444.010(D). Additional development standards clearly favor sites that do not disrupt

scenic view corridors and that minimize aesthetic impacts through screening and camouflage.

IV. Analysis

For the last five years, Verizon Wireless has sought to identify a suitable location for its wireless facility to serve Montecito. As collocation of facilities is generally required where available under Code §35.444.010(D)(2)(c), Verizon Wireless sought collocation sites which could provide radio frequency propagation to the Coverage Gap. In addition to the existing site at QAD Inc., three such collocation sites were found, two located in public utilities zoning district and another located on a residentially-zoned parcel with a long-established telecommunications use where two designs have been considered. Additionally, while they are not collocations, 13 additional sites were considered that are located in both residential and non-residential areas which could potentially provide radio frequency propagation to the Coverage Gap.

Collocation Sites

Except in very unique circumstances, such as temporary facilities or hub sites, the Code first requires collocation on existing structures. Verizon Wireless identified five collocation options which could serve the Coverage Gap, only one of which creates no visual impacts, as detailed below.

1. Verizon Building (Approved Facility)
512 Santa Angela Lane
Elevation: 215 feet
Zoning: 20-R-1

This Verizon building has been used as a telephone switch serving Montecito customers since 1965 and has supported a Cingular wireless facility since 2004. Verizon Wireless selected this site for its facility because it is the only collocation opportunity on an existing structure which can serve the Coverage Gap once the Ortega Hill Road facility is decommissioned and also creates no visual impacts. The Verizon building already supports architectural features that will fully screen Verizon Wireless's antennas. An RF-transparent parapet that has long hidden the existing Cingular antennas will also conceal Verizon Wireless's antennas from any public view. Similarly, a concrete block wall that surrounds the building's parking lot (and is also covered with mature vegetation) will screen the new Verizon Wireless radio equipment shelter from view from Santa Angela Lane. This collocation opportunity does not create any new antenna structure. Because the placement of the facility on the Verizon building accords with the Code preference for collocation facilities on existing structures and is fully screened from any public view, it is the least intrusive means to provide continued service to this area of Montecito under the Code.

2. Verizon Building (Treepole)
512 Santa Angela Lane
Elevation: 215 feet
Zoning: 20-R-1

Potential location for Verizon Wireless treepole at Verizon switch

In an effort to accommodate community concerns, Verizon Wireless has investigated placement of a 75 foot treepole at the rear of the Verizon switch site. A 75 foot treepole would accommodate an antenna centerline of approximately 60 feet. Additionally, existing AT&T antennas on the switch building could be relocated to the treepole. The benefit of such a design will be that, overall, radio frequency emissions from the facility will be reduced at ground level nearby. A radio frequency emissions report for such a theoretical treepole was prepared by Hammett & Edison, Inc., Consulting Engineers (the "H&E Treepole Report") and is attached to this Alternatives Analysis as **Attachment B**. According to the H&E Treepole Report, radio frequency emissions at ground level would be 0.65% of the applicable public limit. Though antennas would be camouflaged, a 75 treepole at this location would present some additional visual impact as they are not a collocation on an existing structure. In contrast, the Approved Facility antennas, which are fully screened by existing architectural features on the Verizon building, do qualify under the Code as a preferred collocation on an existing structure and present no visual impact.

3. QAD Inc.
Ortega Hill Road
Elevation: 215 Feet
Zoning: M-RP

In correspondence received from QAD Inc. on August 20, 2012, QAD fully rejected Verizon Wireless's request to extend their lease for a nominal 36 months. In its letter, attached as **Attachment C**, QAD Administrative Services Director Kent Harris stated that "Verizon's request to further extend the cell tower lease for up to thirty-six months is unreasonable and will not be entertained by QAD." Instead, QAD agreed to extend Verizon Wireless's lease for two months subject to certain conditions. In extending the lease for two months, QAD confirmed that the lease would not be further extended and that Verizon Wireless would be subject to penalties commencing January 1, 2013. Based on this correspondence, Verizon Wireless has confirmed that the QAD Ortega Hill Road site location cannot serve as a permanent site for Verizon Wireless's facility serving Montecito.

4. Montecito Water District
583 San Ysidro Road
Elevation: 230 feet
Zoning: PU

The Montecito Water District office is located on a three acre parcel one-tenth of a mile northeast of the Approved Facility and 15 feet higher in elevation, and it is the site of a small antenna mast which hosts Montecito Water District and Montecito Fire Protection District antennas. Collocation of Verizon Wireless antennas at this site will require replacement of the existing slender mast with a monopole capable of holding Verizon Wireless panel antennas and tall enough to create necessary radio frequency separation to avoid interference with existing antennas. In addition, a 250 square foot radio equipment shelter would have to be located on the property. Because collocation of the Verizon Wireless facility at the Montecito Water District office would create visual impacts from a new monopole and equipment structure, it is a less preferred alternative to the Approved Facility which is collocated on the existing Verizon switch building and creates no visual impacts.

Notwithstanding the need for a new antennas structure at this location, Verizon Wireless entered into lease negotiations with the Montecito Water District in 2007. Ultimately, the Water District was not a willing landlord at that time. On Thursday, August 16, 2012, Verizon Wireless representative David Mebane met with representatives of the Montecito Water District, including two members of the Water District Board, to revisit the possibility of a Verizon Wireless facility at this location. This meeting seemed to confirm that Verizon Wireless and the Water District were at an impasse on both legal and financial terms for a lease on Water District property. On September 18, 2012, the Water District Board of Directors reviewed Verizon Wireless's lease proposal in public session. Based upon substantial public testimony in support of a

facility at the Water District location, the Water District has indicated a willingness to revisit Verizon Wireless's lease proposal. As of September 27, 2012, Verizon Wireless has submitted specific responses to inquiries presented by the Water District in an effort to break the apparent impasse in lease negotiations. As part of this response, Verizon Wireless has prepared radio frequency specifications for a hypothetical tower at this location which it has provided to Hammett & Edison, Inc., Consulting Engineers for their evaluation of radio frequency emissions from the site. Verizon Wireless is currently awaiting a response from the Water District regarding its willingness to make Water District property available for a Verizon Wireless facility. After five years of on-and-off negotiations, Verizon Wireless must consider the Water District property to be unavailable due to an unwilling landlord until such time as the Water District is able to agree to terms with Verizon Wireless.

5. Montecito Fire Protection District
595 San Ysidro Road
Elevation: 240 feet
Zoning: PU

In 2007, Verizon Wireless investigated placement of its wireless facility on the Montecito Fire Protection District headquarters, located 0.2 miles northeast of the Approved Facility and 25 higher in elevation. In early communications with Verizon Wireless representatives, the Fire Protection District firmly confirmed through communications from Operations Chief Terry McElwee that there was no interest in placing a Verizon Wireless facility on the headquarters building and that the Fire Protection District would be an unwilling landlord. In its current effort to revisit alternatives, Verizon Wireless representative Jay Higgins spoke with Fire Chief Chip Hickman and Operations Chief McElwee on August 14, 2012, both of whom reconfirmed the Fire Protection District's lack of interest in leasing to Verizon Wireless. Correspondence from Fire Chief Hickman received on October 2, 2012 and shown on the following page confirmed that the Fire Protection District is not interested in leasing space for Verizon Wireless's facility. The Montecito Fire Protection District headquarters remains an infeasible alternative due to an unwilling landlord. Note that while this location may qualify as a collocation on an existing structure under the Code, Verizon Wireless has been unable to confirm that antennas could be mounted on the existing structure on the site due to lack of access.

From: Chip Hickman
Sent: Tuesday, October 02, 2012 3:37 PM
To: Jay Higgins
Subject: RE: verizon wireless upper village

Jay,
You are correct, the district is not interested in leasing space for the reasons you have stated.
Sincerely,

Chip Hickman
Fire Chief
Montecito Fire Protection District

Non-Collocation Sites

Notwithstanding Code requirements that prefer collocation of facilities, Verizon Wireless investigated 13 non-collocation sites which could provide sufficient radio frequency propagation to the Coverage Gap.

6. Montecito Village Shopping Center
East Valley Road
Elevation: 210 feet
Zoning: CN

The Montecito Village Shopping Center is located due east of the Approved Facility and five feet less in elevation. The 3.3 acre shopping center is composed of numerous buildings designed in the Spanish Colonial Revival architectural style with distinctive tiled and sloping rooftops. Installation of antennas on these buildings would require alterations to accommodate antennas at a sufficient height for radio frequency propagation, disrupting the uniform style adopted for Montecito's commercial development. Recent correspondence from the property owner, Valley Improvement Company, indicated a complete lack of interest in pursing an agreement for a wireless facility on this property (see fax on following page). Lacking a willing landlord, this is an infeasible alternative location for Verizon Wireless's facility.

VALLEY IMPROVEMENT COMPANY
POBOX 5670, Santa Barbara, CA 93150
1482 East Valley Road, Studios No. 19 & 20
Phone 805 969-3711 |
Fax 805 969-9002
E-mail: valley.improvement@verizon.net

fax

TO: David Mebane

FROM: C. Norman Borgatello, President
Valley Improvement Co.

FAX: 805 456-2096

PAGES: 2 (including cover sheet)

PHONE 805 962-6562

DATE: 4/8/2011

RE: Verizon Wireless

☐ Urgent For Review Please Comment ☐ Please Reply X For Information

Mr. Mebane:

At this time Valley Improvement Company is not interested in pursuing a site.

Respectfully,

By

C. Norman Borgatello, President

7. Commercial Office / Retail Center
1485 East Valley Road
Elevation: 200 Feet
Zoning: CN

This commercial development is located 450 feet east of the Approved Facility and five feet less in elevation. Similar to the nearby shopping center, the buildings are designed in a distinctive architectural style with a parking lot and landscape features. Installation of antennas on these buildings would require alterations to accommodate antennas at a sufficient height for radio frequency propagation. Recent correspondence from the property owner, Valley Improvement Company, indicated a complete lack of interest in pursing an agreement for a wireless facility on this property (see fax on Page 13). Lacking a willing landlord, this is an infeasible alternative location for Verizon Wireless's facility.

8. Valley Improvement Company Parking Lot
East Valley Road
Elevation: 225 Feet
Zoning: CN

This commercial property is located 500 feet northeast of the Approved Facility and 10 feet higher in elevation. This property, owned by Valley Improvement Company, serves as a parking lot for the company's adjacent commercial development. Installation of a wireless facility at this location would require a monopole and equipment shelter that would necessitate elimination of parking spaces which cannot be relinquished. Recent correspondence from the property owner, Valley Improvement Company, indicated a complete lack of interest in pursing an agreement for a wireless facility on this property (see fax on Page 13). Lacking a willing landlord, this is an infeasible alternative location for Verizon Wireless's facility.

9. The Old Firehouse
1486 East Valley Road
Elevation: 200 feet
Zoning: CN

This historic landmark is situated some 15 feet lower in elevation and 400 feet east of the Approved Facility and recently underwent historic renovation as a bank. The building's most prominent feature is a tower that was originally used for drying cloth-covered fire hoses. While the top of the tower structure might provide sufficient height for Verizon Wireless's antennas, it would not be possible to place the antennas in the tower without obstructing the open air arches and altering the tower's historical character. In addition, Verizon Wireless review of this site revealed a lack of available space to accommodate Verizon Wireless radio equipment. This lack of available space was recently confirmed by the owner representative for the property, indicating that inadequate space was available for Verizon Wireless to lease for its facility. A copy of the owner representative correspondence is set forth on the following page. Lacking a willing landlord, this is an infeasible alternative location for Verizon Wireless's facility.

From: Katie Hay
Sent: Thursday, August 23, 2012 4:49 PM
To: Jay Higgins
Cc: Rebecca Ingram; David Hay
Subject: Re: 1486 east valley road

Hi Mr. Higgins -
Given your requirements outlined below, we do not have sufficient space to accommodate such equipment at this property.

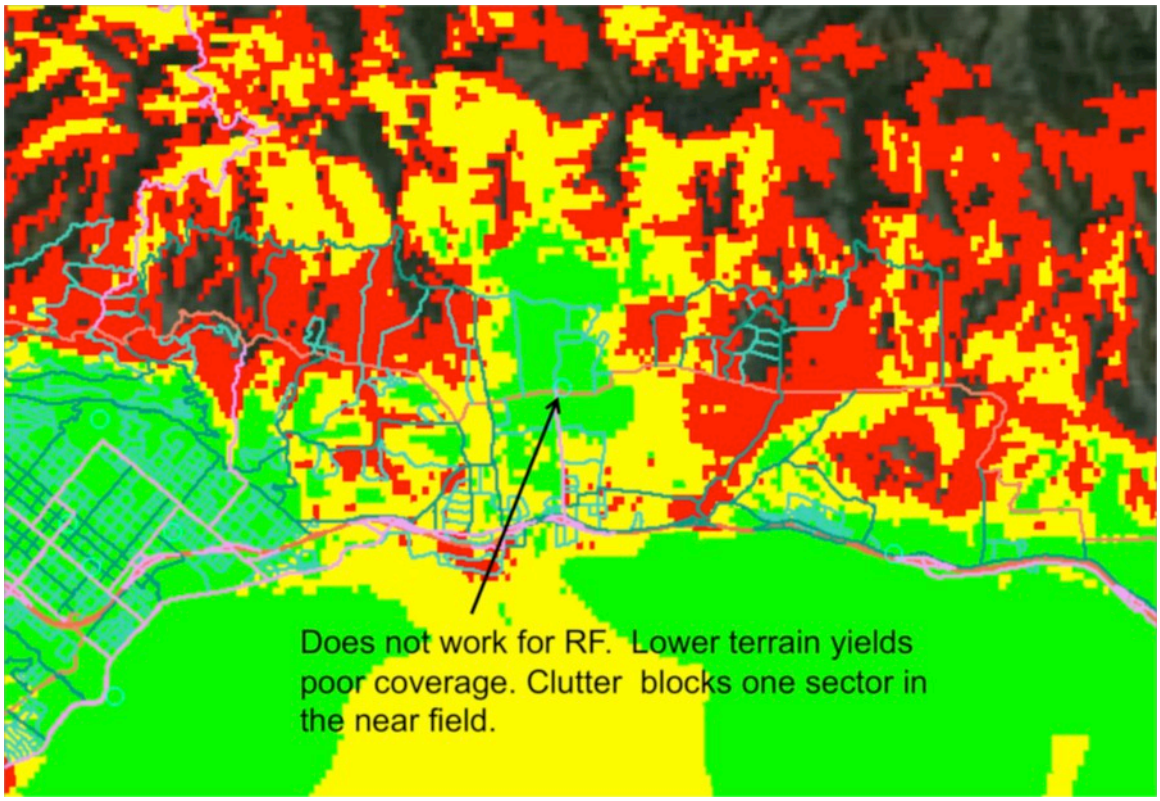
If I come across another suitable property, I will be sure to forward it to your attention.

Best regards,
Katie Hay
Central Coast Real Estate, LLC

10. Pierre Lafond
516 San Ysidro Road
Elevation: 200 Feet
Zoning: CN

This two-story commercial building is located east of the Approved Facility at 15 feet less in elevation. As a result of the location of this alternative with respect to the Coverage Gap area and its lower elevation, this site does not provide line-of-sight signal propagation to the western and southern portions of the Coverage Gap. Most importantly, this location will not provide service to a significant section of Highway 101 to the south. A propagation map showing the coverage deficiencies of this location appears on the next page.

Coverage Map: Pierre Lafond



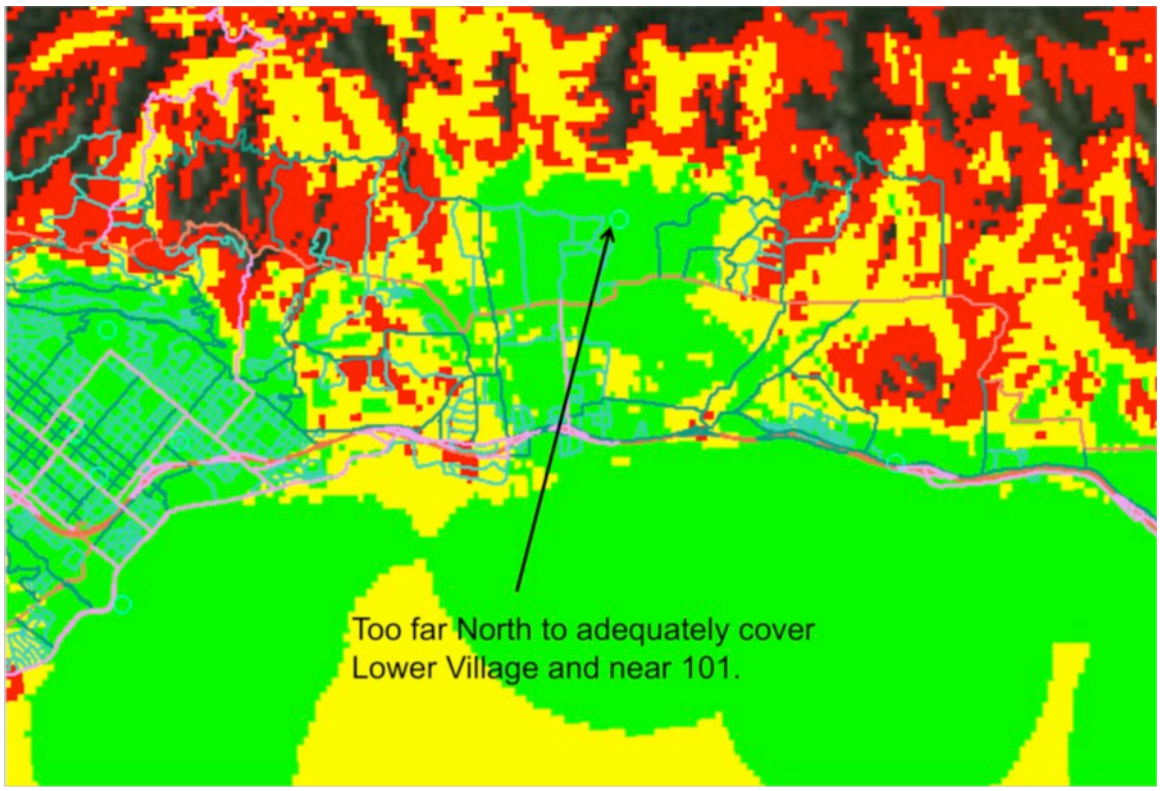
11. Gunner Property
527 San Ysidro Road
Elevation: 200 feet
Zoning: CN

This commercial property is located some 15 feet lower in elevation and 500 feet east of the Approved Facility. A wireless facility at this location would require the addition of a cupola or chimney-like structure to elevate antennas and cannot rely on placement of antennas on the existing structure. In discussions with the property owner, Verizon Wireless was unable to secure interest in placement of a wireless facility at this location. Leasing terms for this new development favor commercial and retail enterprises and are not favorable for wireless facilities. Lacking a willing landlord, this is not a suitable alternative location for Verizon Wireless's facility.

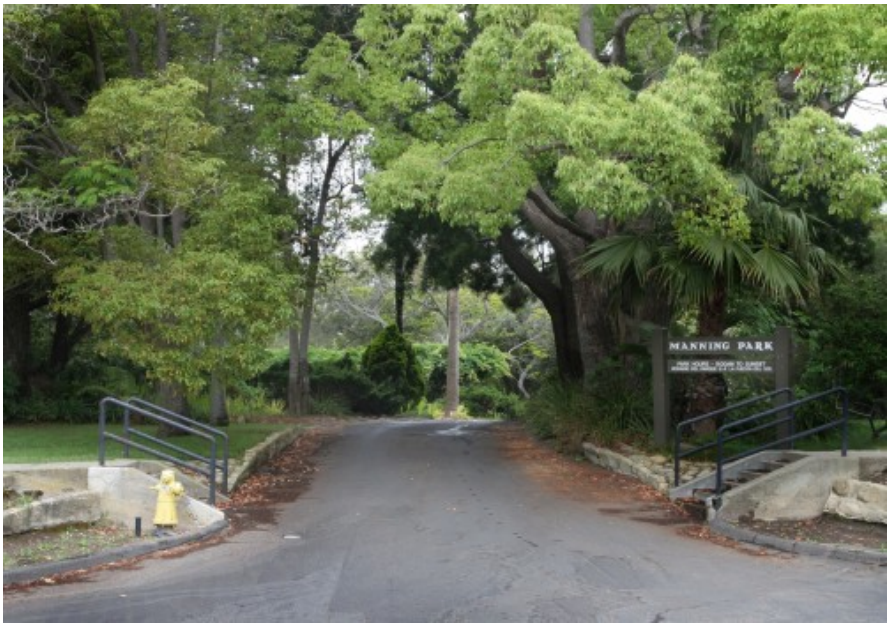
12. San Ysidro Ranch
900 San Ysidro Lane
Elevation: 500 feet
Zoning: C-V

This luxury hotel facility is located one mile northeast of the Approved Facility at the mouth of small canyon. The large property has considerable elevation gain that places it approximately 250 to 350 higher than the Approved Facility. Considering its distance well north of the Approved Facility and key coverage areas of Montecito, a facility at San Ysidro Ranch would not meet the coverage needs of Verizon Wireless, including important stretches of Highway 101 as shown on the following map. Lacking adequate signal propagation, this is not a suitable alternative for Verizon Wireless's facility.

Coverage Map: San Ysidro Ranch



13. Manning Park
449 San Ysidro Road
Elevation: 150-175 feet
Zoning: REC



In 2007, Verizon Wireless contacted the Santa Barbara County Parks Department to investigate the potential placement of a Verizon Wireless facility on an elevated portion of Manning Park. There are no tall structures or collocation opportunities for a wireless facility at Manning Park, and due to heavy tree cover at the park, a facility of at least 50 feet in height would be required to allow for radio frequency propagation. Through discussions with Deputy Director Eric Axelson, it was determined that the Parks Department would not support a Verizon Wireless facility at those locations that would provide adequate radio frequency propagation to the Coverage Gap, nor the antenna height required to achieve necessary signal coverage. Recent correspondence from park officials received Septemebr 21, 2012 and shown on the following page confirmed "that County would not entertain a cell site at Manning Park". This alternative was deemed infeasible by Verizon Wireless due to lack of a willing landlord.

From: Langlands, Paddy
Sent: Friday, September 21, 2012 2:05 PM
To: Jay Higgins
Cc: Garciacelay, Claude; Parker, Herman; Bozarth, Jeff
Subject: RE: manning park cell tower

Jay, thank you for the information. I have discussed this with the Director of the Department and he has confirmed that County would not entertain a cell site at Manning Park.

If you any further questions, please let me know.
Yours sincerely,
Paddy Langlands
Interim Deputy, Parks Division
Community Services Department.

805-698-4465

14. Hosmer Adobe
461 San Ysidro Road
Elevation: 2-E-1
Zoning: 195 Feet

This historic building abuts Manning Park on its north side and is some 800 feet southeast and 20 feet lower in elevation from the Approved Facility. When contacted about the possibility of placing a wireless facility on the property, ownership showed a lack of interest as indicated by correspondence on the following page. Lacking a willing landlord, this is not a feasible location for Verizon Wireless's facility.

From: Katie Hay
Sent: Thursday, August 23, 2012 5:02 PM
To: Jay Higgins
Cc: Rebecca Ingram; David Hay
Subject: Re: 461 San Ysidro Rd (hosmer adobe)

Hi Mr. Higgins -

Thank you for your inquiry into this property. We are not interested at this time in entering into a lease arrangement such as you have outlined below. Should our position change in the future...I will be sure to get in contact with you.

Best regards,
Katie Hay
Central Coast Real Estate, LLC

15. Casa Dorinda
300 Hot Springs Road
Elevation: 140 feet
Zoning: 5-E-1

Casa Dorinda is an affluent retirement home located 0.6 miles southwest of the Approved Facility and 75 feet lower in elevation. In late 2011, Casa Dorinda approached Verizon Wireless to locate equipment on their property to provide service to this portion of Montecito to help enhance their service. Verizon Wireless began discussions with the personnel at the facility in December 2011. The plan was to install antennas behind RF-transparent material in the tower and match the architecture, with equipment being located inside the main building. Verizon Wireless prepared drawings, photo-simulations and a survey for the project, and discussions continued through May of 2012. Unfortunately, once the proposal reached the Board level, opposition evidently arose to the proposed facility from certain Board members and residents. As shown in correspondence on the following page, on August 17, 2012, Verizon Wireless received an email from the Senior Director of Operations for Casa Dorinda, indicating that Casa Dorinda was no longer interested in a Verizon Wireless facility at this location. This position was restated in a follow-up email from the Senior Director of Operations on September 26, 2012 which was prompted by press reports that Casa Dorinda is a feasible alternative. In this correspondence, the Senior Director of Operations states, "As for our position, I don't think it has changed". Lacking a willing landlord, this is not a suitable alternative for placement of Verizon Wireless's facility.

From: Tim Gallagher
Sent: Friday, August 17, 2012 8:58 AM
To: David Mebane
Subject: RE: Downtown Montecito LE

Good morning,

I think the feel from the Board and some of the Residents is that we don't get involved with a cell tower on the property.

Thanks,
Tim

Tim Gallagher
Senior Director, Operations
Casa Dorinda
300 Hot Springs Road
Montecito, CA, 93108

16. La Casa De Maria
800 El Bosque Road
Elevation: 375
Zoning: E-1

This religious retreat center is located in a quasi-commercial area three-quarters of a mile northeast of the Approved Facility and nearly 160 feet higher in elevation. The property is composed of facility buildings and wooded open space. When approached about placement of a wireless facility on the property, Casa de Maria representatives declined the opportunity, as is shown in correspondence from the director of Casa de Maria on the following page. Lacking a willing landlord, this is not a feasible alternative for placement of Verizon Wireless's facility.

From: "Stephanie Glatt"
Date: Wed, 12 Sep 2012 15:10:17
Subject: RE: case de maria cell tower

As you can imagine, I'd love the extra $24,000/year. However, we went through that over at Ladera, and there was a great hue and cry from the neighbors, who objected to the sight of it as well as to the possible health hazards. We had group leaders tell us that they would no longer come to La Casa, because they did not want to endanger the health of their participants. One, in fact, even canceled her ongoing programs at El Bosque in protest. People feel safe here, and the sight of a cell tower at close range makes them very uncomfortable.

So, both from the viewpoint of good relations all around, and from the concern about possible health issues, I think we'll need to decline the offer.

Thank you for thinking of us, however.

Steph

17. Knowlwood Tennis Club
1675 East Valley Road
Elevation: 255 Feet
Zoning: 2-E-1

This recreational facility is located six-tenths of a mile east of the Approved Facility and approximately 40 feet higher in elevation. When approached about locating a wireless facility on the property, Knowlwood Tennis Club representatives indicated that placement of a Verizon Wireless facility would not fit into the property owner's use and plans for the site, as shown in correspondence on the following page. Lacking a willing landlord, this is not a feasible alternative for placement of Verizon Wireless's facility.

From: Kathy Abby
To: David Mebane
Sent: Sun, Sep 30, 2012 20:14:02 GMT+00:00
Subject: Cell tower

David
The board of directors at Knowlwood tennis club found that a Verizon cell tower at Knowlwood would not be a good fit for the club. Thanks for your cooperation.

Kathy Abby
Club manager

18. First Presbyterian Church
1455 East Valley Road
Elevation: 210 Feet
Zoning: 1-E-1

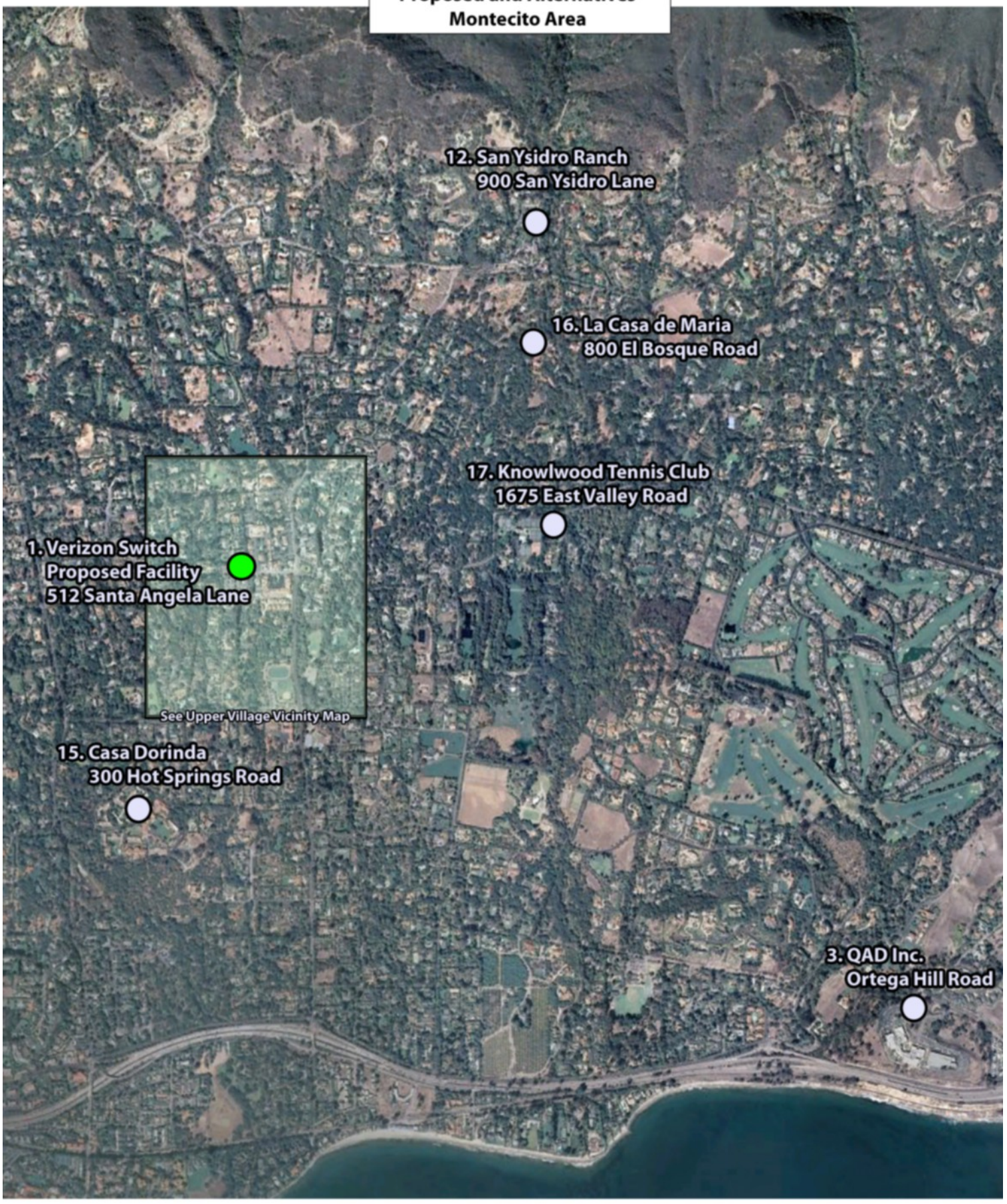
This church is located across East Valley Road from the Verizon switch building on which the Approved Facility is located at a similar elevation. The church also hosts a preschool. Verizon Wireless was asked to explore the potential for use of an existing tower on church property for its wireless facility by legal counsel to the parties who have appealed the Approved Facility to the Board of Supervisors. Church representatives have requested a radio frequency emission study prior to entertaining the possibility of placement of the Verizon Wireless facility at this location, and this report is being prepared. While willing to cooperate with the community, Verizon Wireless is not optimistic that placement of its facility on the church on the same property as the El Monte School will be widely accepted by the church and school community. Pending receipt of the radio frequency emissions study and further interest from church representatives, Verizon Wireless has not evaluated the construction feasibility of placing antennas on the existing tower and until such time does not consider this site to be a viable alternative.

Conclusion

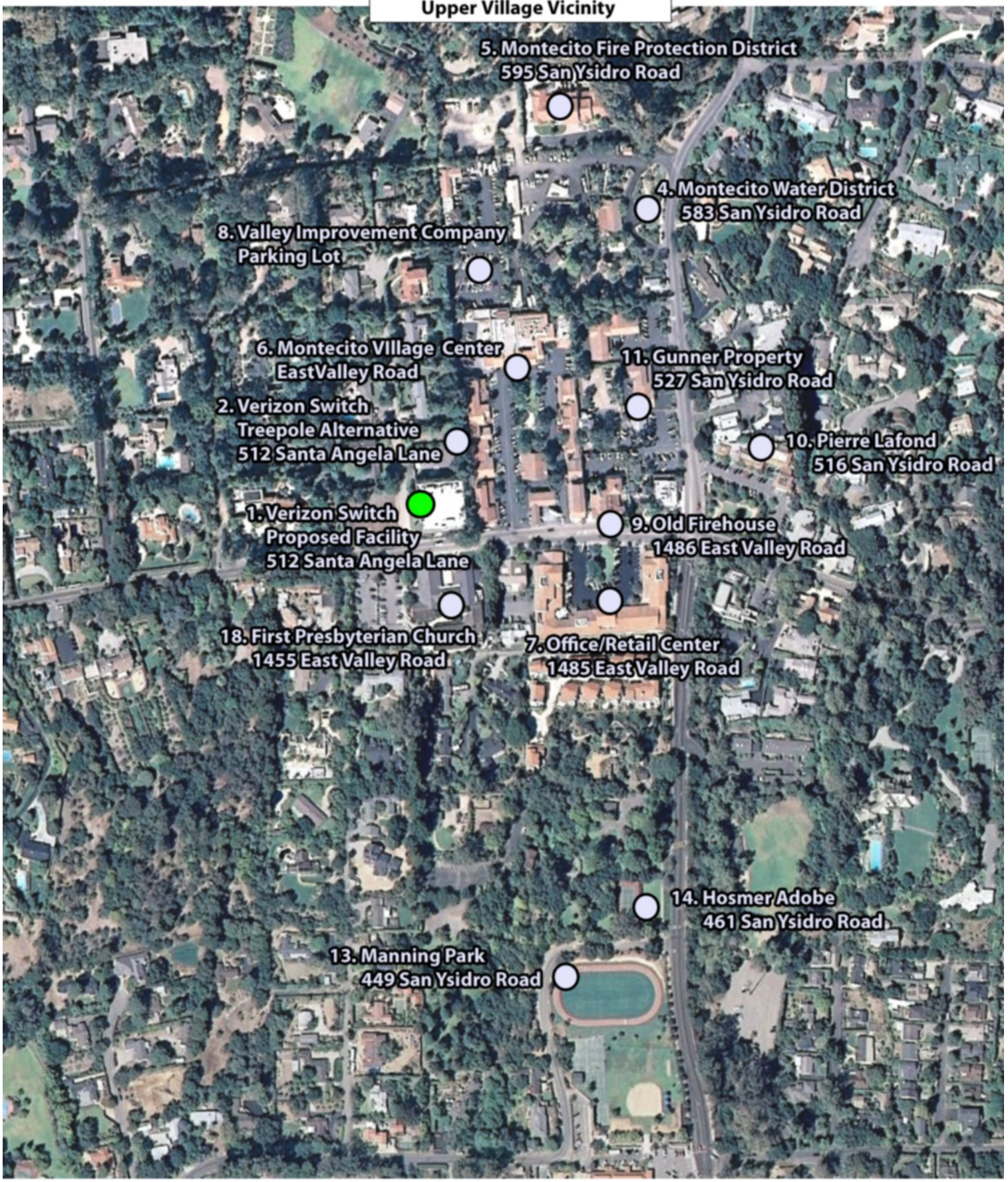
Verizon Wireless evaluated 18 site alternatives within the Coverage Gap. Based on the foregoing analysis, Verizon Wireless concludes that the proposed fully-screened collocation facility at the existing Verizon switch building is the least intrusive means to provide continued Verizon Wireless service to critical areas of Montecito where service will not be available following the decommissioning of the existing Verizon Wireless site on Ortega Hill Road. This conclusion arises primarily from the fact the Approved Facility is the only location where antennas can be collocated on an existing structure with absolutely no visual impact and is therefore preferred under the Code.

Based on the request of the Board of Supervisors, Verizon Wireless has made every effort to reevaluate all of the previously investigated and certain new alternatives to the Approved Facility. All but three of the 18 alternatives investigated have been conclusively determined to be infeasible or unavailable. While placement of a facility at the Montecito Water District, Gunner Property or the First Presbyterian Church may be theoretically feasible, the possibility of placing Verizon Wireless's facility at any of these three locations is at most tenuous. In any case, none of these sites can be considered less intrusive under the Code than the Approved Facility and must be dismissed.

Verizon Wireless
Montecito
Locations of Sites
Proposed and Alternatives
Montecito Area



Verizon Wireless
Montecito
Locations of Sites
Proposed and Alternatives
Upper Village Vicinity



Alternatives Analysis
Attachment A

Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

August 8, 2012

To: **Santa Barbara County Board of Supervisors**

From: **Dewane Bonham, RF Design Engineer**, **Verizon Wireless**

Subject: **Statement in Support of Verizon Wireless's Proposed Telecommunications Facility at 512 Santa Angela Lane, Santa Barbara County**

Summary

Verizon Wireless must decommission its existing Montecito cell site on Ortega Ridge Road by October 20th of this year. The resulting loss of coverage would make the Verizon Wireless network inaccessible to 1,473 people and 13 square miles of Santa Barbara County. The coverage gap would also impact two state highways (traveled by over 80,000 vehicles per day) and E911 call locator service for 20,428 residents. To address this gap in service, a new facility is required to allow Verizon Wireless to provide uninterrupted reliable wireless coverage within this coverage gap area. A completely concealed co-location facility on an existing Verizon Building at 512 Santa Angela Lane received the unanimous approval of the Montecito Planning Commission on May 23, 2012 (the "Approved Facility").

Coverage Gap

The coverage gap is located between several existing Verizon Wireless sites. The closest site to the east lies along Route 101 three miles distant from the Approved Facility in Summerland. To the west, several sites cover the city of Santa Barbara. The closest of these sites to the Approved facility lies three miles away at the intersection of Montecito Street and Quarantina Street. Once the Ortega Ridge Road site is decommissioned, Verizon Wireless service will be impacted between the 101 and Los Padres National Forest over a large area bordered on the east by Ortega Ridge Road and west by Sycamore Canyon Road. A lack of service in this area would constitute a significant gap in the Verizon Wireless network. Exhibit A is a detailed prediction of coverage in the area once the Ortega Ridge site has been decommissioned. Green-shaded areas indicate areas where the signal is strong enough for reliable indoor coverage, yellow-shaded areas indicate areas where the signal is strong enough for in-transit service but in-building service is unreliable, and red-shaded areas indicate areas where the signal would be usable outdoors but not reliable in vehicles and unreliable or unavailable in buildings. Unshaded areas indicate

where little or no usable signal will exist. The Proposed Facility location is marked in blue. The approved Verizon Wireless site is designed to address the gap in service that will result from the required decommissioning of the Ortega Ridge site.

Vehicular Coverage Gap

Without the Ortega Ridge site, signal levels along most roadways within the gap area will be insufficient to provide reliable in-vehicle cellular communications. In addition to county roads, two highways will be impacted by the gap: 192 and 1/101. Highway 192 is a California State highway which links Santa Barbara, California to State Route 150. The two lane road experiences a daily traffic volume of about 2,600 vehicles.[1] Also, a key area of heavily traveled route 1 / 101 near the intersection of Sheffield Road will also be without reliable mobile service absent the Approved Facility. Between 76,000 and 80,000 vehicles per day use this section of highway.[2] The Approved Facility is vital to maintaining network reliability along roads in the gap area.

E911 Service Gap

As a telecommunications carrier licensed by the Federal Communications Commission and as one of the two largest carriers serving California, Verizon Wireless is committed to providing reliable emergency services to the public. The anticipated coverage gap to be served by the approved site affects not only the ability to reliably make emergency calls within the gap area, but also the ability of the network to relay the geographic location of the calling device to assist public safety professionals in locating callers in distress ("E-911 Service"). The Approved Facility will provide the area with E-911 Service and enhance E-911 Service for an estimated 20,428 residents within the gap area. Furthermore, The Santa Barbara County Sheriff's Office and Montecito Fire Protection District both use Verizon Wireless service in carrying out their official duties. In fact, the area served by the Approved Facility contains a large swath of steep and wooded residential and open space areas classified by CalFire as a "Very High" fire hazard severity zone.[3] In the event of a wildfire, cellular communications have proven vital to rescue and firefighting efforts.[4] In the event of a fire emergency, the proposed facility will provide emergency services personnel with potentially lifesaving communications capability.

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[1] www.montecitofire.com/resources/pdf/Station_3/Recirc_Draft_EIR_Components/2.0_Project%20Description.pdf

[2] www.sbcag.org/Meetings/SCSPC/2012/03%20March/Item%207%20FSP.pdf

[3] http://frap.cdf.ca.gov/webdata/maps/santa_barbara/fhszs_map.42.pdf

[4] "Cell phones proved to be valuable backups." Jeff Frazier, operations chief for the San Diego Fire-Rescue Department (after 2,200 homes were lost in the Cedar Fire).

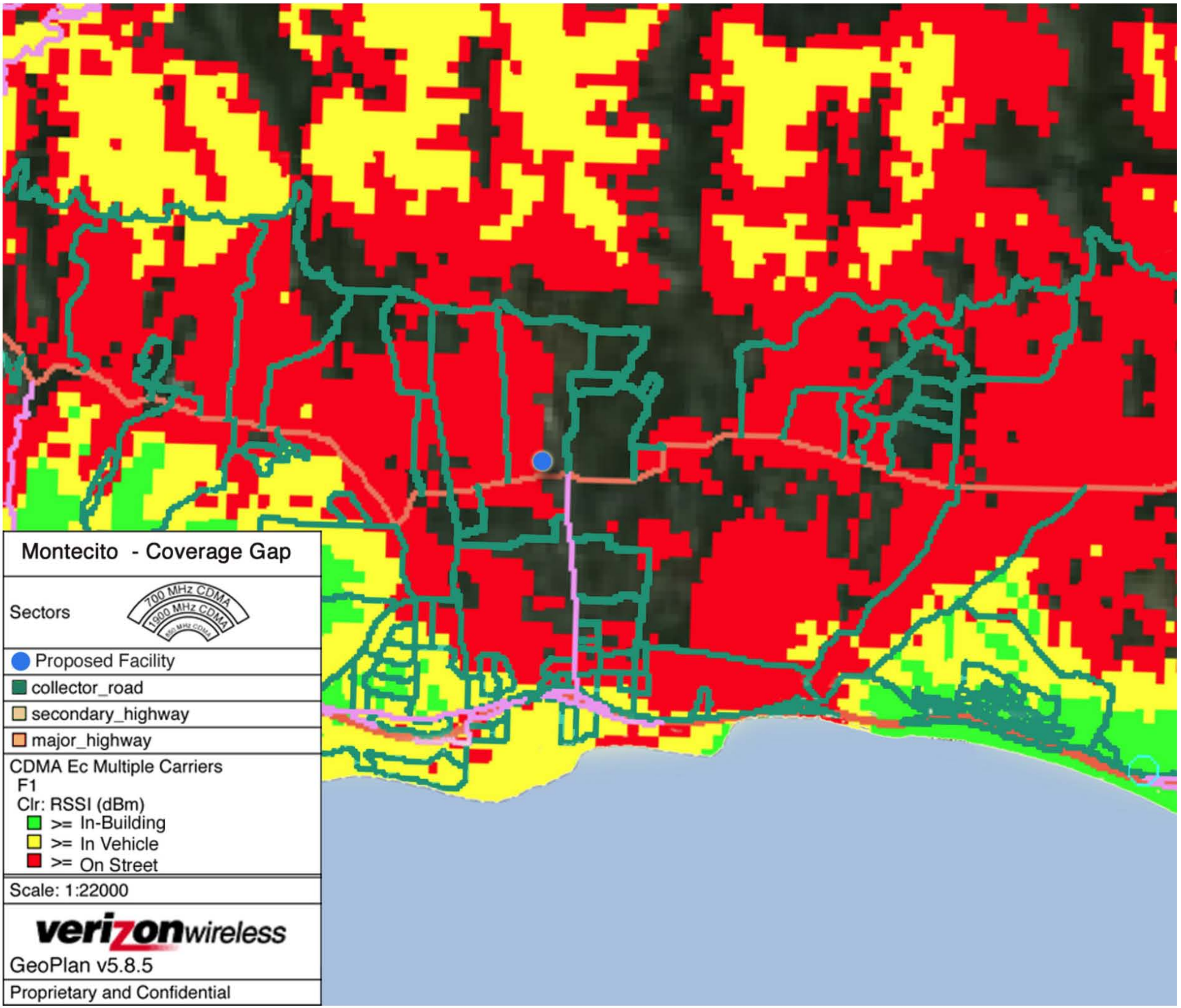
Conclusion

The required decommissioning of the Ortega Ridge site will remove coverage over a large portion of Montecito and Santa Barbara County. To prevent this unacceptable loss of service to our customers, Verizon Wireless has worked with Santa Barbara County to gain Planning Commission approval of this co-location site on an existing Verizon building. Completely screened with no impacts to the community, the Approved Facility will help Verizon Wireless continue to provide Montecito and Santa Barbara County with reliable wireless service.

Respectfully submitted,

Dewane Bonham 8/8/2012

Dewane Bonham
RF Design Engineer
RF Engineering Department - Verizon Wireless


Montecito - Coverage Gap
Sectors
700 MHz CDMA
1900 MHz CDMA
850 MHz CDMA
Proposed Facility
collector_road
secondary_highway
major_highway
CDMA Ec Multiple Carriers
F1
Clr: RSSI (dBm)
>= In-Building
>= In Vehicle
>= On Street
Scale: 1:22000
verizonwireless
GeoPlan v5.8.5
Proprietary and Confidential

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate the base station (Site No. 115535 "Montecito RELO") proposed to be located at 512 Santa Angela Lane in Montecito, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Executive Summary

Verizon proposes to install directional panel antennas on a tall steel pole, configured to resemble a pine tree, to be located at 512 Santa Angela Lane in Montecito. The proposed operation will, together with the existing base station at the site, comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission ("FCC") evaluate its actions for possible significant impact on the environment. A summary of the FCC's exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5,000–80,000 MHz	5.00 mW/cm^2	1.00 mW/cm^2
BRS (Broadband Radio)	2,600	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called "radios" or "channels") that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A

small antenna for reception of GPS signals is also required, mounted with a clear view of the sky. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by Verizon, it is proposed to install nine Andrew directional panel antennas – three Model HBX-6517DS-VTM and six Model LNX-6514DS-VTM – on a 75-foot steel pole, configured to resemble a pine tree, to be sited near the northeast corner of the parking lot behind the single-story Verizon telephone switch building located at 512 Santa Angela Lane in Montecito. The antennas would be mounted with no downtilt at an effective height of about 60 feet above ground and would be oriented in identical groups of three toward 0°T, 120°T, and 240°T, to provide service in all directions. The maximum effective radiated power in any direction would be 7,060 watts, representing simultaneous operation at 3,080 watts for PCS, 3,330 watts for cellular, and 650 watts for 700 MHz service.

It is also proposed to relocate existing AT&T antennas from the roof of the switch building to the new pole. For the purposes of this study, it is assumed AT&T would install six Andrew Model DBXLH-6565A0R2M directional panel antennas, mounted at an effective height of about 50 feet above ground and oriented with up to 4° downtilt toward 90°T, 270°T, and 330°T. The maximum effective radiated power in any direction would be 3,510 watts, representing simultaneous operation at 2,020 watts for PCS and 1,490 watts for cellular service.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation by itself is calculated to be 0.0051 mW/cm^2, which is 0.65% of the applicable public exposure limit. The maximum calculated cumulative level at ground, for the simultaneous operation of both carriers, is 1.1% of the public exposure limit. The maximum calculated cumulative level at the second-floor elevation of any nearby building would be 1.9% of the public limit. The location of this and other representative calculated cumulative exposure levels are shown in Figure 3. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels.

No Recommended Mitigation Measures

Due to their mounting locations, the Verizon antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that the two carriers will, as FCC licensees, take adequate steps to ensure that their employees or contractors comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the base station proposed by Verizon Wireless at 512 Santa Angela Lane in Montecito, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2013. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

William F. Hammett, P.E.
707/996-5200

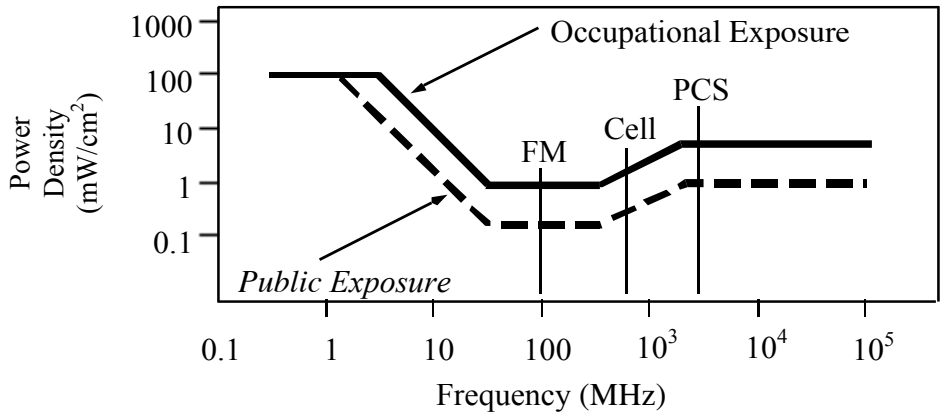
August 30, 2012

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency	Electromagnetic Fields (f is frequency of emission in MHz)					
Applicable Range (MHz)	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm^2)	
0.3 – 1.34	614	*614*	1.63	*1.63*	100	*100*
1.34 – 3.0	614	*823.8/ f*	1.63	*2.19/ f*	100	*180/ f^2*
3.0 – 30	1842/ f	*823.8/ f*	4.89/ f	*2.19/ f*	900/ f^2	*180/ f^2*
30 – 300	61.4	*27.5*	0.163	*0.0729*	1.0	*0.2*
300 – 1,500	$3.54\sqrt{f}$	*$1.59\sqrt{f}$*	$\sqrt{f}/106$	*$\sqrt{f}/238$*	f/300	*f/1500*
1,500 – 100,000	137	*61.4*	0.364	*0.163*	5.0	*1.0*



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm^2,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm^2,

where θ_{BW} = half-power beamwidth of the antenna, in degrees, and
P_{net} = net power input to the antenna, in watts,
D = distance from antenna, in meters,
h = aperture height of the antenna, in meters, and
η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm^2,

where ERP = total ERP (all polarizations), in kilowatts,
RFF = relative field factor at the direction to the actual point of calculation, and
D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.

Verizon Wireless • Proposed Base Station (Site No. 115535 "Montecito RELO")
512 Santa Angela Lane • Montecito, California
– Alternate Collocation Pole Design –

Representative Calculated Exposure Levels

Aerial photo from Google Maps

Calculated cumulative levels for proposed Verizon and AT&T operations on new pole; maximum is 1.1% of public limit (see text for details).

QAD Inc.
100 Innovation Place
Santa Barbara, CA
93108 USA
Tel +1 805 566 6000
Fax +1 805 566 4202
http://www.qad.com

Delivered Via Email

Alternatives Analysis
Attachment C

QAD

August 20, 2012

Sue Hardy
Real Estate Department
Verizon Wireless
2785 Mitchell Drive
Bldg. 9
Walnut Creek, CA 94598

RE: Cell Tower Lease

Dear Ms. Hardy:

As you are aware, QAD had numerous communications over the last several years with Verizon, AT&T and their agents, in which QAD stated that it did not intend to renew the cell tower lease that was due to expire April 30, 2012. Due to QAD's perception that Verizon and AT&T were not adequately addressing the situation, on May 27, 2011 QAD provided formal written notification, which was not required by the lease, affirming that QAD would not renew the cell tower lease.

After requests from Verizon and AT&T for an extension, QAD agreed to provide the six-month lease extension offered to Verizon and AT&T earlier this year as an accommodation. QAD reiterated in the extension that under no circumstances would the lease be extended beyond October 31, 2012. Verizon has been on notice for more than long enough to find a suitable alternative and its own failure to act on a timely basis has put Verizon in its current position.

In addition, we were quite surprised that Verizon and AT&T had failed to notify the subtenants, including emergency services, of the termination of the cell tower lease, even after explicitly agreeing to do so under Section 6 of the extension. We find this to be further validation of our concern that this situation has not been properly addressed by Verizon and AT&T.

Verizon's request to further extend the cell tower lease for up to thirty-six months is unreasonable and will not be entertained by QAD. QAD has already provided ample notice and an accommodation of six months beyond the original expiration date of April 30, 2012. However, in the interest of helping out the Montecito community, QAD is willing to grant Verizon an additional extension, under the following terms, in order for Verizon to secure an alternative cell tower location:

- The extension will be for an additional two-month period beyond October 31, 2012 at currently applicable rates, thus the extension will end on December 31, 2012.

- The penalty terms of Section 4 of the original extension will not apply to Verizon until January 1, 2013.
- By September 30, 2012, Verizon shall provide QAD with a decommissioning schedule in accordance with the time periods described above.
- Note that this extension is contingent upon Verizon making its own arrangements with AT&T for use of the cell tower from November 1 to December 31, 2012.

If you have any questions regarding this matter, please contact Mark Rasmussen, QAD Senior Corporate Counsel, at 805-566-4438.

Regards,

Kent Harris
Director, Administrative Services
QAD Inc.

Cc: Peter Maushardt, Verizon Wireless
Mark Rasmussen, QAD Inc.

Verizon Wireless • Proposed Base Station (Site No. 115535 "Montecito RELO")
512 Santa Angela Lane • Montecito, California

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate the base station (Site No. 115535 "Montecito RELO") proposed to be located at 512 Santa Angela Lane in Montecito, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

Executive Summary

Verizon proposes to install directional panel antennas above the roof of the single-story telephone switch building located at 512 Santa Angela Lane in Montecito. The proposed operation will, together with the existing base station at the site, comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission ("FCC") evaluate its actions for possible significant impact on the environment. A summary of the FCC's exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5,000–80,000 MHz	5.00 mW/cm^2	1.00 mW/cm^2
BRS (Broadband Radio)	2,600	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called "radios" or "channels") that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky.

Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

The site at 512 Santa Angela Lane in Montecito was visited by Mr. Kent A. Swisher, a qualified engineer employed by Hammett & Edison, Inc., during normal business hours on March 9, 2012. There were observed antennas for use by AT&T installed on the single-story Verizon switch building. The maximum power density level observed for a person at ground near the site was 0.0048 mW/cm^2, which is 2.4% of the most restrictive public limit, for the combined operation of the existing RF services at the site as installed and operating at that time. The location of this and other representative measured levels are shown in Figure 3. The measurement equipment used was a Wandel & Goltermann Type EMR-300 Radiation Meter with Type 18 Isotropic Electric Field Probe (Serial No. F-0034). The meter and probe were under current calibration by the manufacturer.

Based upon information provided by Verizon, including zoning drawings by SAC Wireless, dated February 20, 2012, it is proposed to install nine Andrew directional panel antennas – three Model HBXX-6516DS-VTM and six Model LNX-6513DS-VTM – behind the existing screen wall above the roof of the building. The antennas would be mounted with no downtilt at an effective height of about 21 feet above ground, 4 feet above the roof, and would be oriented in identical groups of three toward 120°T, 220°T, and 310°T, away from the building. The maximum effective radiated power in any direction would be 4,910 watts, representing simultaneous operation at 1,900 watts for PCS, 2,520 watts for cellular, and 490 watts for 700 MHz service.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation by itself is calculated to be 0.051 mW/cm^2, which is 9.0% of the applicable public exposure limit. The maximum calculated cumulative level at ground, for the simultaneous operation of both carriers, is projected to be 9.5% of the public exposure limit, since the maximum levels from the two carriers' operations do not coincide. The location of this and other representative calculated cumulative exposure levels are shown in Figure 3. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels. Levels may exceed the applicable public exposure limit on the roof of the subject building, near the antennas.

Recommended Mitigation Measures

Due to their mounting locations, the Verizon antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. To prevent occupational exposures in excess of the FCC guidelines, no access within 14 feet directly in front of the antennas themselves, such as might occur during maintenance work on the roof or screen wall, should be allowed while the base station is in operation, unless other measures can be demonstrated to ensure that occupational protection requirements are met. Posting explanatory warning signs* at the roof access hatch and on the screens in front of the antennas, such that the signs would be readily visible from any angle of approach to persons who might need to work within that distance, would be sufficient to meet FCC-adopted guidelines. Similar measures should already be in place for the other carrier at the site; the applicable keep-back distance for that carrier has not been determined as part of this study.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the base station proposed by Verizon Wireless at 512 Santa Angela Lane in Montecito, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations. Posting explanatory signs is recommended to establish compliance with occupational exposure limitations.

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* Warning signs should comply with OET-65 color, symbol, and content recommendations. Contact information should be provided (*e.g.*, a telephone number) to arrange for access to restricted areas. The selection of language(s) is not an engineering matter, and guidance from the landlord, local zoning or health authority, or appropriate professionals may be required.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2013. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

William F. Hammett, P.E.
707/996-5200

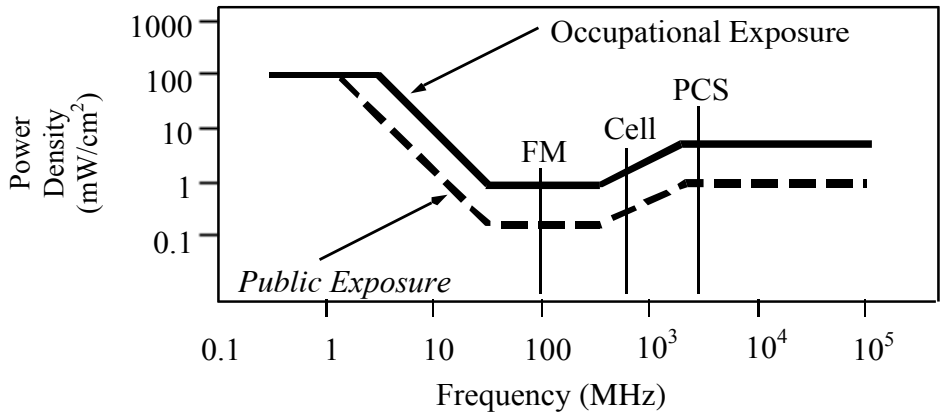
August 10, 2012

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency	Electromagnetic Fields (f is frequency of emission in MHz)					
Applicable Range (MHz)	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm^2)	
0.3 – 1.34	614	*614*	1.63	*1.63*	100	*100*
1.34 – 3.0	614	*823.8/ f*	1.63	*2.19/ f*	100	*180/ f^2*
3.0 – 30	1842/ f	*823.8/ f*	4.89/ f	*2.19/ f*	900/ f^2	*180/ f^2*
30 – 300	61.4	*27.5*	0.163	*0.0729*	1.0	*0.2*
300 – 1,500	$3.54\sqrt{f}$	*$1.59\sqrt{f}$*	$\sqrt{f}/106$	*$\sqrt{f}/238$*	f/300	*f/1500*
1,500 – 100,000	137	*61.4*	0.364	*0.163*	5.0	*1.0*



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm^2,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm^2,

where θ_{BW} = half-power beamwidth of the antenna, in degrees, and
P_{net} = net power input to the antenna, in watts,
D = distance from antenna, in meters,
h = aperture height of the antenna, in meters, and
η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

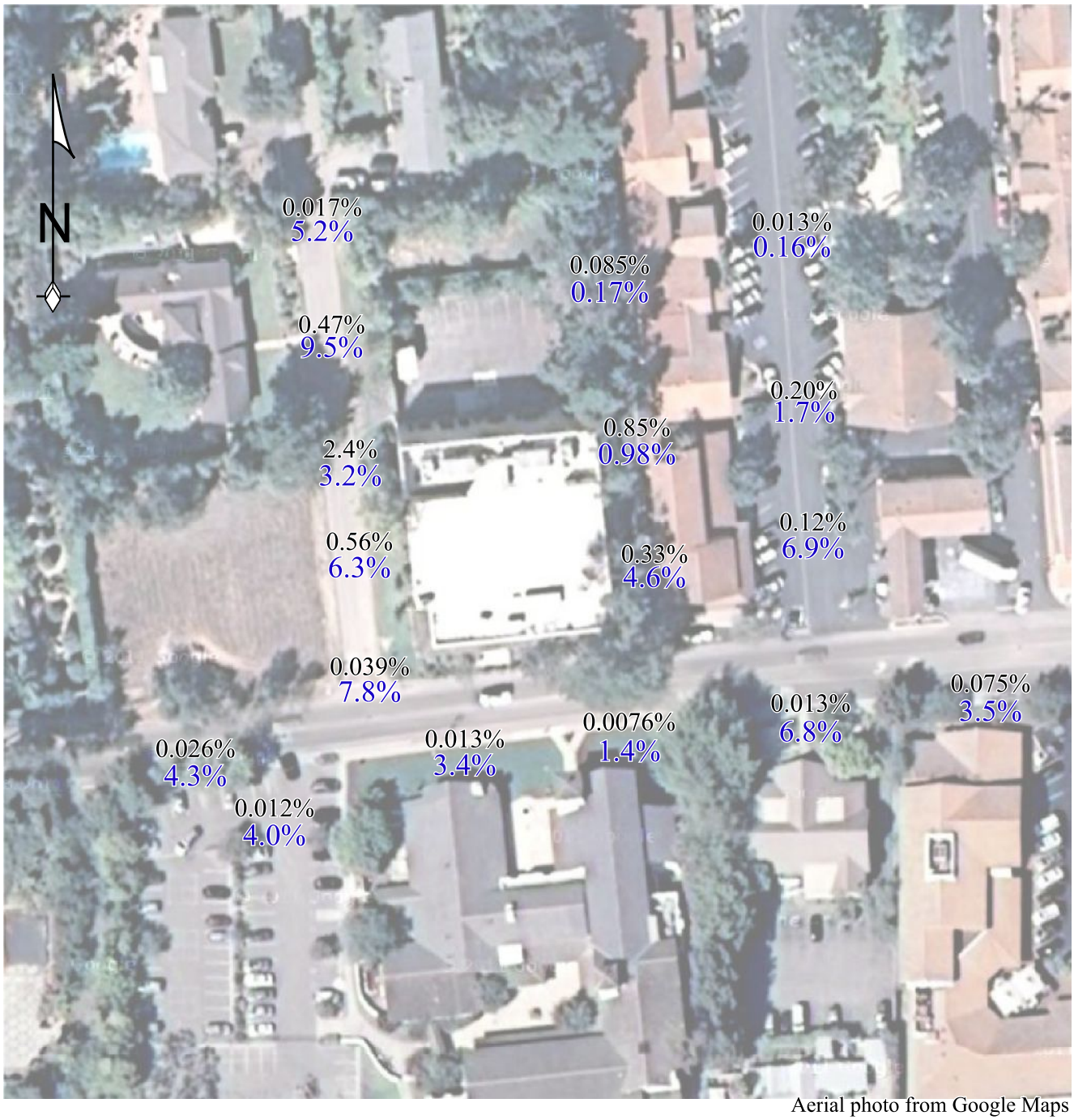
power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm^2,

where ERP = total ERP (all polarizations), in kilowatts,
RFF = relative field factor at the direction to the actual point of calculation, and
D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.

Verizon Wireless • Proposed Base Station (Site No. 115535 "Montecito RELO")
512 Santa Angela Lane • Montecito, California

Representative Ambient Measurements and Calculated Exposure Levels



Aerial photo from Google Maps

RF exposure levels measured on March 9, 2012, (shown in black as percent of most restrictive public limit); maximum was 2.4%. Calculated cumulative levels including the existing AT&T operations shown in blue; maximum is 9.5% of public limit (see text for details).

Exhibit C

Verizon Wireless • Proposed Base Station (Site No. 115535 "Montecito Relo")
512 Santa Angela Lane • Montecito, California

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal telecommunications carrier, to evaluate its base station (Site No. 115535 "Montecito Relo") proposed to be located on 512 Santa Angela Lane in Montecito, California, for compliance with appropriate guidelines limiting sound levels from the installation.

Executive Summary

Verizon proposes to install a new wireless telecommunications base station at 512 Santa Angela Lane in Montecito, to include an equipment shelter cooled by two air conditioning units. Noise levels from the equipment operations will be below the acoustical noise limits.

Prevailing Standard

The County of Santa Barbara sets forth limits on sound levels its Comprehensive Plan. The "Conclusions and Recommendations" section in the Noise Element of that plan establishes a maximum exterior noise level of 65 dBA, for noise sensitive land uses such as residential areas. It is the composite "day-night" measure L_{dn} that is referenced for this evaluation; that measure incorporates a 10 dBA penalty during nighttime hours (10 p.m. to 7 a.m.), to reflect typical residential conditions, where noise is more readily heard at night. A noise level expressed in L_{dn} is, by definition, 6.4 dBA higher than the continuous equivalent level L_{eq} averaged over the same 24-hour period. For the purposes of this study, noise levels are conservatively calculated at the property lines of nearby parcels.

Figure 1 attached describes the calculation methodology used to determine applicable noise levels for evaluation against the prevailing standard.

General Facility Requirements

Wireless telecommunications facilities ("cell sites") typically consist of two distinct parts: the electronic base transceiver stations ("BTS" or "cabinets") that are connected to traditional wired telephone lines, and the antennas that send wireless signals created by the BTS out to be received by individual subscriber units. The BTS are often located outdoors at ground level and are connected to the antennas by coaxial cables. The BTS typically require environmental units to cool the electronics inside. Such cooling is often integrated into the BTS, although external air conditioning may be installed, especially when the BTS are housed within a larger enclosure.

Most cell sites have back-up battery power available, to run the site for some number of hours in the event of a power outage. Many sites have back-up power generators installed, to run the site during an extended power outage.

Site & Facility Description

According to information provided by Verizon, including drawings by SAC Wireless, dated March 29, 2012, that carrier proposes to install an equipment shelter sited at the northwest corner of the parking lot behind the single-story Verizon switch building located at 512 Santa Angela Lane in Montecito. Two air conditioning units, assumed for the purposes of this study to be Bard Model WA4S1, would cool the equipment in the proposed shelter. Such air conditioners are typically installed as a pair for redundancy, and alternate their operation so that both do not operate simultaneously. Presently located to the south of the proposed Verizon equipment shelter is a similar shelter for use by AT&T Mobility.

Located above the roof of the switch building are directional panel antennas for the AT&T operation, and Verizon also proposes to locate similar antennas above the same roof; however, that portion of the facilities does not generate acoustical energy.

The property line to the nearest neighboring parcel is located to the north of the Verizon shelter, at a distance of at least 47 feet from the Verizon equipment. The property lines in the other directions are located at greater distances.

Study Results

Bard reports that the maximum noise level from the air conditioning units is 65 dBA, measured at a reference distance of 10 feet. The maximum calculated noise level at the nearest property line for the operation of the Verizon air conditioning units is 50.1 dBA, or 56.5 dBA L_{dn}, which is 8.5 dBA below the maximum level allowed by the County of Santa Barbara, conservatively assuming continuous operation of the air conditioning.

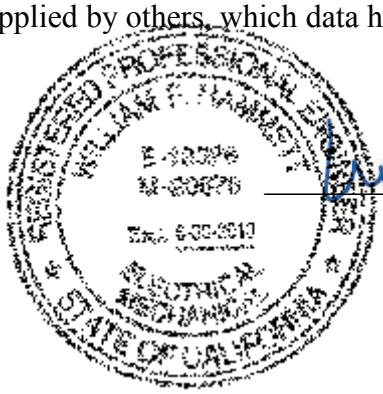
While the installed facilities of the AT&T operation are not known, the acoustic noise levels calculated for the Verizon installation are some seven times below the allowable noise limit. For this reason, it is expected that the combined noise levels from the Verizon and AT&T facilities, as well as any other noise sources at the site, together will comply with the County's noise limit.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that the Verizon Wireless base station proposed to be located at 512 Santa Angela Lane in Montecito, California, will comply with the Santa Barbara County standard limiting acoustic noise levels.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2013. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

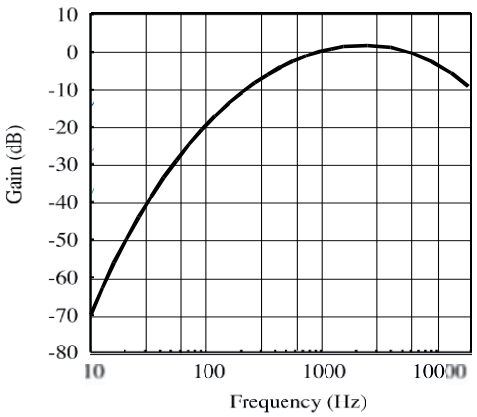


William F. Hammett, P.E.
707/996-5200

August 20, 2012

Noise Level Calculation Methodology

Most municipalities and other agencies specify noise limits in units of dBA, which is intended to mimic the reduced receptivity of the human ear to Sound Pressure ("L_P") at particularly low or high frequencies. This frequency-sensitive filter shape, shown in the graph to the right as defined in the International Electrotechnical Commission Standard No. 179, the American National Standards Institute Standard No. 5.1, and various other standards, is also incorporated into most calibrated field test equipment for measuring noise levels.



30 dBA	library
40 dBA	rural background
50 dBA	office space
60 dBA	conversation
70 dBA	car radio
80 dBA	traffic corner
90 dBA	lawnmower

The dBA units of measure are referenced to a pressure of 20 µPa (micropascals), which is the threshold of normal hearing. Although noise levels vary greatly by location and noise source, representative levels are shown in the box to the left.

Manufacturers of many types of equipment, such as air conditioners, generators, and telecommunications devices, often test their products in various configurations to determine the acoustical emissions at certain distances. This data, normally expressed in dBA at a known reference distance, can be used to determine the corresponding sound pressure level at any particular distance, such as at a nearby building or property line. The sound pressure drops as the square of the increase in distance, according to the formula:

$$L_P = L_K + 20 \log(D_K/D_P),$$

where L_P is the sound pressure level at distance D_p and L_K is the known sound pressure level at distance D_K.

Individual sound pressure levels at a particular point from several different noise sources cannot be combined directly in units of dBA. Rather, the units need to be converted to scalar sound intensity units in order to be added together, then converted back to decibel units, according to the formula:

where L_T is the total sound pressure level and L_1, L_2, etc are individual sound pressure levels.

$$L_T = 10 \log \left(10^{L_1/10} + 10^{L_2/10} + \ldots\right),$$

Certain equipment installations may include the placement of barriers and/or absorptive materials to reduce transmission of noise beyond the site. Noise Reduction Coefficients ("NRC") are published for many different materials, expressed as unitless power factors, with 0 being perfect reflection and 1 being perfect absorption. Unpainted concrete block, for instance, can have an NRC as high as 0.35. However, a barrier's effectiveness depends on its specific configuration, as well as the materials used and their surface treatment.

Exhibit D

verizon wireless

Verizon Wireless
15505 Sand Canyon Ave
Irvine CA, 92618

August 20, 2012

Chair Doreen Farr
Vice Chair Salud Carbajal
Supervisors Janet Wolf,
Joni Gray and Steve Lavagnino
Board of Supervisors
Santa Barbara County
105 East Anapamu Street
Santa Barbara, California 93109

Re: Appeal of Verizon Wireless Stealth Communications Facility
512 Santa Angela Lane, Montecito

Dear Supervisors:

I am the Verizon Wireless West Area Director of Customer Loyalty. I maintain authority over the team that maintains and manages all data and information messages that are sent to Verizon Wireless customers in California. In connection with the appeal referred to above, Verizon Wireless arranged for a text message to be sent to customers with billing addresses within ZIP codes 93108, 93103, 93013, and 93067 in Montecito. The entire text message sent reads as follows:

Free message from Verizon: On August 21, your County Supervisors will hear an appeal that decides the future of Verizon coverage in Montecito. Reply YES to this text to show your support to maintain reliable service. Visit verizoninsider.com/SupportMontecito to learn more and to tell Supervisors that you support the Montecito Planning Commission's unanimous approval of a fully screened facility at an existing Verizon building in Montecito.

The text message above was sent on August 11, 2012. As of August 16, 2012, we have received 247 affirmative text responses indicating support for the Verizon Wireless facility proposed at 512 Santa Angela Lane in order to maintain reliable Verizon Wireless service in Montecito. Quotations from select text messages received are attached for your review.

I am available to verify the above information as you may require.

Sincerely,

Ross Bennett
Director of Customer Loyalty
West Area

Attachment

Select Text Message Responses

we live ibn montecito & have vorizon and we need service...it is much needed !

Yes I agree to better Verizon coverage in Monticito

Yes i support coverage by verizon in the montecito area

Yes please continue serv

Yes thank you

Yes yes and yes!

yes. i do support Verizon in Monticito

MACKENZIE & ALBRITTON LLP
220 SANSOME STREET, 14TH FLOOR
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

August 16, 2012

VIA EMAIL AND FEDEX

Chair Doreen Farr
Vice Chair Salud Carbajal
Supervisors Janet Wolf,
Joni Gray and Steve Lavagnino
Board of Supervisors
Santa Barbara County
105 East Anapamu Street
Santa Barbara, California 93109

Re: Verizon Wireless Stealth Communications Facility
512 Santa Angela Lane, Montecito
Board of Supervisors Agenda August 21, 2012

Dear Chair Farr, Vice Chair Carbajal and Supervisors:

Following submittal of our legal letter, Verizon Wireless received 247 text messages and 28 emails supporting the proposed facility in Montecito. The emails received are attached for your review. Evidence of the text messages will be sent by Verizon Wireless's regional president under separate cover. The emails and text messages evidence the need and desirability for residents to maintain reliable Verizon Wireless service in Montecito.

Very truly yours,

Paul B. Albritton

Attachment

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:14 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I understand the tower on Ortega Ridge Road must be decommissioned by October 2012, and approval of this site is essential to maintaining my reliable wireless service. Please approve this invisible site.

First Name:	Diane
Last Name:	Ziska
City:	Montecito
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:17 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Gary
Last Name:	Rosenberg
City:	Santa Barbara
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:21 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

My schedule may not allow me to attend a Board of Supervisors meeting. Please accept this email as a show of my strong support for Verizon Wirelesss Proposal at 512 Santa Angela Lane.

First Name:	ralph
Last Name:	barajas
City:	Montecito
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:21 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Gilbert
Last Name:	Zaragoza
City:	Santa Barbara
Zip:	93103

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:24 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Gerald
Last Name:	Croteau
City:	Santa Barbara
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:29 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	George
Last Name:	Cassill
City:	Summer land
Zip:	93067

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:37 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Leslie
Last Name:	Esposito
City:	Carpinteria
Zip:	93013

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:40 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Teri
Last Name:	Taylor
City:	Carpinteria
Zip:	93013

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:40 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	mary
Last Name:	sorosku
City:	santa barbara
Zip:	93103

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:41 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Jan
Last Name:	Hendrickson
City:	Santa Barbara
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:47 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Robert
Last Name:	Sailors
City:	Santa Barbara
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 11:57 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	julia
Last Name:	bowen
City:	carpinteria
Zip:	93013

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 12:03 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	diana
Last Name:	andonian
City:	Carpinteria
Zip:	93013

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 12:10 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

My schedule may not allow me to attend a Board of Supervisors meeting. Please accept this email as a show of my strong support for Verizon Wirelesss Proposal at 512 Santa Angela Lane.

First Name:	Michael
Last Name:	Tognotti
City:	Santa Barbara
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 1:02 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Ken
Last Name:	Guoin
City:	Montecito
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 1:14 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Roger
Last Name:	Drue
City:	Montecito
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 2:00 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Pamela
Last Name:	Gunther
City:	Santa Barbara
Zip:	93103

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 2:20 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Andy
Last Name:	Saar
City:	Santa Barbara
Zip:	93103

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 4:12 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	John
Last Name:	Kay
City:	Montecito
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 4:22 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Tyson
Last Name:	Navis
City:	Carpinteria
Zip:	93013

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 6:21 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	georgia
Last Name:	schein
City:	montecito
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 7:44 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Lynn
Last Name:	Hart
City:	Summerland
Zip:	93067

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Saturday, August 11, 2012 10:05 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

Please support better wireless service in Montecito and Santa Barbara County. This is important for my family. We want to be able to use our cell phones during emergencies and for 911 calls.

First Name:	Kenneth
Last Name:	Serkes
City:	Montecito, CA
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Sunday, August 12, 2012 8:22 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Danielle
Last Name:	Sweeney
City:	Carpinteria
Zip:	93013

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Sunday, August 12, 2012 8:56 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

My schedule may not allow me to attend a Board of Supervisors meeting. Please accept this email as a show of my strong support for Verizon Wirelesss Proposal at 512 Santa Angela Lane.

First Name:	John
Last Name:	Hardin
City:	Santa Barbara
Zip:	93108

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Sunday, August 12, 2012 4:56 PM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I support improved coverage for everyday use and emergencies. I have personally experienced dropped calls, data delays or poor cell phone reception. Please vote to approve Verizon Wirelesss proposal at 512 Santa Angela Lane.

First Name:	Ray
Last Name:	Ketzel
City:	Santa Barbara
Zip:	93103

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Thursday, August 16, 2012 10:10 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

I understand the tower on Ortega Ridge Road must be decommissioned by October 2012, and approval of this site is essential to maintaining my reliable wireless service. Please approve this invisible site.

First Name:	Diane
Last Name:	Barnett
City:	Carp interim
Zip:	93013

From: noreplies@verizoninsider.com [mailto:noreplies@verizoninsider.com]
Sent: Thursday, August 16, 2012 9:13 AM
To: Support Wireless
Subject: I Support Verizon Wireless's Proposal at 512 Santa Angela Lane

My schedule may not allow me to attend a Board of Supervisors meeting. Please accept this email as a show of my strong support for Verizon Wirelesss Proposal at 512 Santa Angela Lane.

First Name:	Donnelley
Last Name:	Erdman
City:	Montecito
Zip:	93108

Exhibit E

MACKENZIE & ALBRITTON LLP
220 SANSOME STREET, 14TH FLOOR
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

August 8, 2012

VIA EMAIL AND FEDEX

Chair Doreen Farr
Vice Chair Salud Carbajal
Supervisors Janet Wolf,
Joni Gray and Steve Lavagnino
Board of Supervisors
Santa Barbara County
105 East Anapamu Street
Santa Barbara, California 93109

Re: Verizon Wireless Stealth Communications Facility
512 Santa Angela Lane, Montecito
Board of Supervisors Agenda August 21, 2012

Dear Chair Farr, Vice Chair Carbajal and Supervisors:

We write to you on behalf of our client Verizon Wireless to encourage you to affirm the well-reasoned and unanimous approval by the Planning Commission of the proposed wireless facility to be located on an existing Verizon building at 512 Santa Angela Lane in Montecito (the "Approved Facility"). The Approved Facility is a collocation with fully-screened antennas mounted adjacent to existing Cingular antennas behind a parapet wall. The Approved Facility poses absolutely no impacts to the adjacent community and will provide continuous Verizon Wireless service to Montecito upon the decommissioning of the existing Verizon Wireless monopole facility on Ortega Ridge Road (the "QAD Site").

After 25 years, Verizon Wireless's lease has not been renewed and the QAD Site will be decommissioned in October, potentially leaving Montecito without Verizon Wireless service. Following an exhaustive search, Verizon Wireless identified collocation of the Approved Facility on an existing Verizon building as the least intrusive means to maintain service to Montecito following decommissioning of the QAD Site. While fully supported by Planning Department staff, the Planning Commission and the Montecito Land Use & Development Code (the "Code"), appellants Mary Goolsby and Martha Kay (the "Appellants") object to the Approved Facility primarily due to perceived health effects from radio frequency ("RF") emissions and their desire to exclude further wireless facilities in their residential community. As set forth below, granting of the

appeal violates limitations imposed on local jurisdictions under federal law that would: 1) prohibit rejection of the Approved Facility based on the environmental effects of RF emissions in violation of 47 U.S.C. §332(c)(7)(B)(iv); 2) discriminate against Verizon Wireless by rejecting a facility identical to the Approved Facility at the same location in violation of 47 U.S.C. §332(c)(7)(B)(i)(I)); and 3) would effectively prohibit Verizon Wireless service in Montecito in violation of 47 U.S.C. §332(c)(7)(B)(i)(II) where Verizon Wireless has demonstrated that a gap in coverage will occur following decommissioning of the QAD Site, and has selected the least intrusive alternative to provide service to the gap under the Code.

I. Project Description

The Approved Facility consists of nine new Verizon Wireless panel antennas located behind an RF-transparent parapet on top of an existing Verizon building that currently supports three Cingular antennas. Verizon Wireless radio equipment will be located in a new prefabricated shelter located in the building's parking lot, shielded from Santa Angela Lane by a vegetated block wall and connected by underground coaxial cables to the building on which the antennas are to be mounted. The Verizon building has operated under an approved landscape plan which has resulted in mature vegetation that completely screens the block wall surrounding the parking lot where the Verizon Wireless equipment shelter will be located, eliminating any visibility of the equipment shelter from public view. Photographs of the existing Verizon building and parapet where the Verizon Wireless facility will be located are attached as Exhibit A.

II. Federal Law

Verizon Wireless is licensed by the Federal Communications Commission (the "FCC") to provide wireless telecommunications services throughout the United States, including Santa Barbara County. The siting of wireless communications facilities ("WCFs"), including the one at issue here, is governed by both federal law and by local land use regulations such as the Code. The federal Telecommunications Act (the "TCA") attempts to reconcile any potential conflicts between the need for deployment of new WCFs and local land use authority "by placing certain limitations on localities' control over the construction and modification of WCFs." *See Sprint PCS Assets, LLC v. City of Palos Verdes Estates,* 583 F.3d 716, 721 (9th Cir. 2009). Specifically, the TCA preserves local control over land use decisions, subject to the following explicit statutory restrictions:

- The local government must act on a permit application within a reasonable period of time (47 U.S.C. §332(c)(7)(B)(ii));

- Any denial of an application must be in writing and supported by substantial evidence contained in a written record (47 U.S.C. §332(c)(7)(B)(iii));

- The local government may *not* regulate the placement, construction, or modification of WCFs on the basis of the environmental effects of radio frequency emissions to the extent such facilities comply with the FCC's regulations concerning such emissions (47 U.S.C. §332(c)(7)(B)(iv));

- The local government may not unreasonably discriminate among providers of functionally equivalent services (47 U.S.C. §332(c)(7)(B)(i)(I)); and

- The local government's decision must not "prohibit or have the effect of prohibiting the provision of personal wireless services" (47 U.S.C. §332(c)(7)(B)(i)(II)).

As interpreted under controlling federal court decisions, the "substantial evidence" requirement means that a local government's decision to deny an application must be "authorized by applicable local regulations and supported by a reasonable amount of evidence (i.e., more than a 'scintilla' but not necessarily a preponderance)." *See Metro PCS, Inc. v. City and County of San Francisco,* 400 F.3d 715, 725 (9th Cir. 2005). In other words, a local government must have specific reasons that are both consistent with the local regulations and supported by substantial evidence in the record to deny a wireless facility permit.

While a local government may regulate the placement of WCFs based on aesthetics, it must have specific reasons that are both consistent with the local regulations and supported by substantial evidence in the record. Generalized concerns or opinions about aesthetics or compatibility with a neighborhood are insufficient to constitute substantial evidence upon which a local government could deny a permit. *See City of Rancho Palos Verdes v. Abrams*, 101 Cal.App.4th 367, 381 (2002).

Local governments are specifically precluded under the federal statute from considering any alleged health or environmental effects of RF emissions of proposed WCFs "to the extent such facilities comply with the FCC's regulations concerning such emissions." 47 U.S.C. §332(c)(7)(B)(iv). The courts have made clear that federal law preempts any local decision based on the alleged health or environmental effects of RF emissions, even when such arguments are cloaked in the guise of other purported concerns (such as alleged impacts on and property values). *See e.g., AT&T Wireless Services of California LLC v. City of Carlsbad*, 308 F.Supp.2d 1148, 1159 (S.D. Cal. 2003) (concerns regarding property values were a proxy for issues related to RF emissions and could not justify denial).

A local government violates the "effective prohibition" clause of the TCA if it prevents a wireless provider from closing a "significant gap" in service by the least

intrusive means. This issue involves a two-pronged analysis: (1) whether the provider has demonstrated the existence of a "significant gap" in coverage; and (2) whether the proposed facility is the "least intrusive means," in relation to the land use values embodied in local regulations, to address the gap. *See T-Mobile USA, Inc. v. City of Anacortes,* 572 F.3d 987 (9th Cir. 2009); *see also T-Mobile West Corp. v. City of Agoura Hills*, 2010 U.S. Dist. LEXIS 134329 (C.D. Cal. Dec. 20, 2010).

If a provider demonstrates both the existence of a significant gap in coverage, and that the proposed facility meets the "least intrusive means" standard, the local government is *required* to approve the facility, even if there would otherwise be substantial evidence to deny the permit under local land use provisions. This is because the requirements for federal preemption have been satisfied, i.e., denial of the permit would "have the effect of prohibiting the provision of personal wireless services." 47 U.S.C. §332(c)(7)(B)(1)(ii); *City of Anacortes,* 572 F.3d at 999. For the local jurisdiction to avoid such preemption, it must show that another alternative is available, that it is technologically feasible, and that it is "less intrusive" than the proposed facility. *T-Mobile v. Anacortes*, 572 F.3d at 998-999.

With this legal framework in mind, we address below the specific issues before this Board of Supervisors with respect to Verizon Wireless's permit application. As we will explain, granting the appeal would violate federal law in the following respects.

III. Substantial Evidence for Approval, Lack of Substantial Evidence for Denial

As thoroughly described in the Staff Report for the May 23, 2012 Planning Commission hearing and confirmed by the approval of the Planning Commission, Verizon Wireless has submitted substantial evidence to support the Approved Facility. The Approved Facility qualifies as a Tier 4(a) facility under Code §35.444.010(C)(4)(a) and is permitted in a residential zone subject to the development standards set forth in Code §35.444.010(D). In keeping with the development standards, the Approved Facility is a collocation in which antennas will be entirely hidden from view behind an RF-transparent parapet that matches the existing parapet which presently conceals the existing Cingular antennas.

As detailed in the Planning Commission Staff Report, the Approved Facility fully complies with setback requirements, height limits, materials, lighting, landscaping and visibility standards and indeed all requirements of Code §35.444.010(D). Further, as required under federal law and the Code, the Statement of Hammett & Edison, Inc., Consulting Engineers, dated May 2, 2012 (the "H&E Report"), as submitted by Verizon Wireless, fully confirms compliance with all applicable FCC guidelines for RF emissions. Noise data provided by Verizon Wireless confirms that the facility will operate in full compliance with all required noise limits. Determined by Planning Department staff to be exempt under CEQA Guidelines §15301, "Existing Structures",

and §15303, "Small Structures", the Approved Facility simply imposes no environmental impacts on the neighboring community.

In contrast, Appellants have provided only generalized concerns and no evidence, let alone the substantial evidence required, to support denial of the application under federal law. Generic criticisms of proximity to certain properties, compatibility with surrounding land uses, neighborhood character and viability of the underlying 1965 conditional use permit for the existing Verizon building are not evidence and do not rise to the level of substantial evidence required for denial of a facility under federal law. Similarly, and as described below, Appellants' underlying concerns regarding the health effects of the facility on adjacent churches and schools cannot be considered as substantial evidence for denial of a wireless facility as confirmed by applicable case law described above.

IV. Radio Frequency Emissions

As noted above, local jurisdictions are preempted from regulating the environmental effects of RF emissions where, as here, it has been shown that the proposed wireless facility complies with applicable FCC guidelines. As set forth in the H&E Report, the Approved Facility fully complies with applicable FCC guidelines and will operate well within (and actually far below) all applicable FCC public exposure limits. Indeed, the H&E Report calculates the cumulative power levels for both the Approved Facility and existing Cingular facility and concludes that "The maximum calculated cumulative level at ground, for the simultaneous operation of both carriers, is projected to be 9.5% of the public exposure limit."[1] Therefore, any decision of the Board of Supervisors on the appeal that is based upon the environmental effects of RF emissions is fully pre-empted by federal law.

As set forth in the appeal and as reflected in letters accompanying the appeal from neighboring property owners, the opposition to the Approved Facility is largely based upon concerns over the health effects from RF emissions and the impact those fears may have on property values. This has been further confirmed by Appellants' continued request for additional RF emissions data through their consultant, Cindy Sage & Associates. While Verizon Wireless's independent RF engineer, Hammett & Edison, Inc., Consulting Engineers has responded to these requests and Verizon Wireless representatives have repeatedly met with Appellants and neighbors to resolve RF concerns, the fact remains that the H&E Report fully and completely confirms that the site will operate in compliance with FCC guidelines.

As cited above, the H&E Report verifies that the Approved Facility will operate at more than ten times below federal public exposure standards on the ground adjacent to

[1] H&E Report, p. 3.

the facility or at any nearby building. Given this uncontroverted evidence, granting of the appeal on this basis is prohibited by federal law. The federal preemption applies whether local regulation is directly based on emissions or indirectly based on a proxy such as property values. In light of the federal preemption of RF regulation, "concern over the decrease in property values may not be considered as substantial evidence if the fear of property value depreciation is based on concern over the health effects caused by radio frequency emissions." *AT&T Wireless v. City of Carlsbad*, 308 F.Supp.2d 1148 at 1159.

V. Approval Avoids Unreasonable Discrimination

The County of Santa Barbara granted approval to the existing Cingular facility in 2004. The impacts from the existing Cingular facility are negligible as the antennas are fully screened behind a parapet and the radio equipment shelter is located behind a landscaped block wall. The Approved Facility will similarly add antennas fully screened behind the same parapet and an equipment shelter placed behind the same landscaped block wall. As properly determined by the Planning Commission and Planning Department staff, the Approved Facility poses no new impacts and certainly no impacts that are dissimilar to the minimal impacts of the Cingular facility. Under the circumstances, where the Approved Facility is clearly "similarly situated" to the approved Cingular facility, approval of the Approved Facility avoids it from being "treated differently" than the Cingular facility and avoids discrimination under 47 U.S.C. §332(c)(7)(B)(i)(I).

VI. Approval Avoids Prohibition of Verizon Wireless Service

Appellants do not challenge the significant gap in coverage identified by Verizon Wireless. As described in the Statement of Dewayne Bonham, Verizon Wireless Radio Frequency Design Engineer (the "RF Statement") attached as Exhibit B, there will be a significant gap in Verizon Wireless coverage in Montecito following the decommissioning of the QAD Site. In total, the Approved Facility will ensure continued Verizon Wireless service over an area of 13 square miles and will enhance E911 locator service for nearly 20,000 residents.

Similarly, Appellants fail to provide any evidence of a less intrusive feasible alternative to the Approved Facility that would provide wireless service to the identified significant gap. That is because there is no less intrusive alternative under the Code to a fully-screened collocation like the Approved Facility. As shown in the Alternatives Analysis attached as Exhibit C, collocation of the concealed Approved Facility on an existing Verizon building that already hosts an operating Cingular facility is clearly the least intrusive means of providing service within the significant gap under the values expressed in the Code. There are simply no other collocation opportunities within

Montecito that would be less intrusive than the Approved Facility and would provide equivalent service to the identified significant gap.

Where Verizon Wireless has identified a significant gap in coverage and shown that the Approved Facility is the least intrusive means to provide service within that gap in coverage under the values expressed in the Code, denial of the appeal and approval of the Approved Facility avoids violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

VII. Grounds for Appeal are Without Merit

As set forth above, federal law compels denial of the appeal. In addition, as thoroughly reviewed in the Planning Commission Staff Report, the Appellants' procedural grounds for appeal lack merit and provide no basis for the Board of Supervisors to reverse Planning Commission approval of the Approved Facility. To summarize, Appellants' five grounds of appeal must be dismissed as follows:

A. Additional Findings for Telecommunications Facilities (Code §35.444.010(G))

Appellants' specific grounds for appeal allege that the Planning Commission erred in making certain required findings for wireless facilities in Montecito. However, while stating generalized objections to the Approved Facility such as "commercial intensification" and incompatibility with the "small-town, semi-rural character", Appellants fail to identify any specific evidence or fact that would contradict the Planning Commission's well-reasoned findings and decision. While focusing on setback and noise concerns with respect to each finding (addressed below), Appellants provide no specifics to support these grounds and indeed there are none. Appellants' generalized objections simply do not qualify as the substantial evidence needed to grant the appeal.

B. Setbacks

The existing Verizon building was constructed pursuant to a conditional use permit granted in 1965. In addition to the existing building, the 1965 improvements include an approximately 8 foot tall block wall which currently benefits from over four decades of mature landscaping. The Approved Facility is fully constructed within the envelope of the existing building and improvements. As determined by staff and affirmed by the Planning Commission, setbacks attendant to the 1965 conditional use permit and improvements apply to the Approved Facility. Appellants' challenge to these setbacks is entirely in error and cannot stand as a basis for reversing the well-reasoned findings of the Planning Commission.

C. Noise

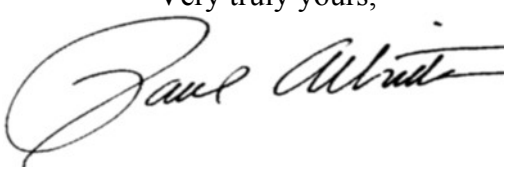
The only noise-generating features of the Approved Facility are the air conditioners placed at one end of the equipment shelter, required to keep the facility cool in warm weather. Noise specifications for these air conditioners were supplied to Planning Department staff as part of Verizon Wireless's application and deemed inconsequential given the limited noise generated and the fact that the equipment shelter is separated from the nearest property line by a concrete block wall. Notably, the existing Cingular facility at the site has operated since 2004 with nearly identical air conditioning without complaint. Appellants' objections to the Approved Facility based on noise from what are equivalent to household air conditioners behind a block wall are simply overstated.

In order to fully inform Planning Department staff, Verizon Wireless provided noise specifications for a typical roll-up generator that may be located at the facility during times of extended power outages. The Approved Facility is equipped with backup batteries, and a generator will only be required once backup batteries have been exhausted and will be subject to any applicable permitting requirements at that time. Like the air conditioning units, the temporary generator will create minimal noise impacts which will fully comply with County noise requirements. Appellants' alleged claims that noise impacts from the Approved Facility will violate applicable noise standards are entirely in error and cannot stand as a basis for reversing the well-reasoned findings of the Planning Commission.

Conclusion

The Planning Commission and Planning Department staff in its thorough Planning Commission Staff Report fully support approval of the Approved Facility. There is no basis for denial of the Approved Facility under federal law. Indeed, based on the substantial evidence for approval (and lack of any evidence for denial), the prohibition of denial based on the environmental effects of radio frequency emissions and the likely prohibition of service, federal law compels denial of the appeal and affirmation of the Planning Commission approval of the Approved Facility. Residents of Montecito desperately need the continued Verizon Wireless service to be provided by the Approved Facility. We urge you to affirm approval of this necessary infrastructure for your community.

Very truly yours,



Paul B. Albritton

cc: Michael Ghizzoni, Chief Assistant County Counsel
Megan Lowery, Planner
Anne Almy, Supervising Planner

Schedule of Exhibits

Exhibit A: Photographs
Exhibit B: Statement of Verizon Wireless Radio Frequency Design Engineer Dewayne Bonham
Exhibit C: Alternatives Analysis