



Appeal to the Board of Supervisors or Planning Commission (County or Montecito)

APPEAL TO THE BOARD OF SUPERVISORS OR PLANNING COMMISSION (APL) on the issuance, revocation, or modification of:

- All Discretionary projects heard by one of the Planning Commissions
- Board of Architectural Review decisions
- Coastal Development Permit decisions
- Land Use Permit decisions
- Planning & Development Director's decisions
- Zoning Administrator's decisions

THIS PACKAGE CONTAINS

- ✓ APPLICATION FORM
- ✓ SUBMITTAL REQUIREMENTS

AND, IF ✓'D, ALSO CONTAINS

South County Office 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2000 Fax: (805) 568-2030	Energy Division 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2000 Fax: (805) 568-2030	North County Office 624 W. Foster Road, Suite C Santa Maria, CA 93455 Phone: (805) 934-6250 Fax: (805) 934-6258	Clerk of the Board 105 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2240 Fax: (805) 568-2249
Website: www.sbcountyplanning.org			

SUBMITTAL REQUIREMENTS

- ✓ 8 Copies of the attached application.
- ✓ 8 Copies of a written explanation of the appeal including:
- If you are not the applicant, an explanation of how you are an “aggrieved party” (“Any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either.”);
 - A clear, complete and concise statement of the reasons or grounds for appeal:
 - ☑ Why the decision or determination is ^{is} consistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; or
 - There was error or abuse of discretion;
 - ☑ The decision is not supported by the evidence presented for consideration;
 - ☑ There was a lack of a fair and impartial hearing; or
 - ☑ There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

see attached letter
- ✓ 1 Check payable to County of Santa Barbara.
- 864826*

✓ Note: There are additional requirements for certain appeals including:

- ✓
- a. **Appeals regarding a previously approved discretionary permit** – If the approval of a Land use permit required by a previously approved discretionary permit is appealed, the applicant shall identify: 1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; 2) How the discretionary permit’s conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed; 3) How the approval is inconsistent with Section 35.106 (Noticing).
 - b. **Appeals regarding Residential Second Units (RSUs)** – The grounds for an appeal of the approval of a Land Use Permit for a RSU in compliance with Section 35.42.230 (Residential Second Units) shall be limited to whether the approved project is in compliance with development standards for RSUs provided in Section 35.42.230.F (Development Standards).



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 1867 Mora Avenue, Santa Ynez, CA 93460

ASSESSOR PARCEL NUMBER: 141-430-018

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

Are there previous environmental (CEQA) documents? no yes numbers: CBAR Meeting
#14 BAR-00000-00223

1. Appellant: William and Gwendolyn Cates Phone: 805-693-8303 FAX: 693-0394

Mailing Address: 4372 Caspy Ave, Santa Ynez, CA 93460 E-mail: gwencatesact@verizon.net
Street City State Zip

2. Owner: Dennis L. Merchant Phone: 805-896-8035 FAX: _____

Mailing Address: 1867 Mora Ave, Santa Ynez, CA 93460 E-mail: _____
Street City State Zip

3. Agent: Michelle Ellis Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

4. Attorney: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail _____
Street City State Zip

COUNTY USE ONLY

Case Number: 15APN-00000-00000
Supervisorial District: _____
Applicable Zoning Ordinance: _____
Project Planner: _____
Zoning Designation: _____

Companion Case Number: _____
Submittal Date: 3/23/2015
Receipt Number: _____
Accepted for Processing: _____
Comp. Plan Designation: _____

RECEIVED
MAR 23 2015
S.B. COUNTY (NORTH)
PLANNING & DEVELOPMENT

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

_____ PLANNING COMMISSION: _____ COUNTY _____ MONTECITO

RE: Project Title Verizon

Case No. 14CUP-00000-000-24

Date of Action March 11

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

_____ Board of Architectural Review – Which Board? _____

_____ Coastal Development Permit decision

_____ Land Use Permit decision

Planning Commission decision – Which Commission? County

_____ Planning & Development Director decision

_____ Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

_____ Applicant

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

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

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

Please see attached letter.

Jude-Cates

Gwendolyn Cates

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

- At the Staff Hearing, documentation was confusing and full of errors and presented too quickly for informed decisions.
- Verizon needs to find a site more conducive to an industrial facility
- Rush to judgment by the staff.
- See attached Letter

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

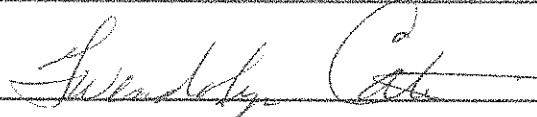
CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

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

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

Print name and sign - Firm

Gwendolyn Cates



Date

3/20/15

Print name and sign - Preparer of this form

Date

Print name and sign - Applicant

Date

Print name and sign - Agent

Date

Gwendolyn Cates



3/20/15

Print name and sign - Landowner

Date

Aggrieved party 4372 Casey Ave, Santa Ynez, CA 93460



William and Gwendolyn Cates
4372 Casey Avenue
Santa Ynez, CA 93460

March 20, 2015

Santa Barbara County North County Office
624 West Foster Road, Suite C
Santa Maria, CA 93455

Dear Members of the Board of Supervisors:

We appreciate the fact that the Planning and Development Department of Santa Barbara County has worked hard to preserve the beauty and agricultural openness of the Santa Ynez Valley. We and our neighbors in the valley live or moved here because we believe that our property values and agricultural zoning will continue to be protected. The proposed Verizon Cell Tower, a Tier Four project, does not belong in our neighborhood of small, mostly 4 to 5 acre, properties which are zoned agriculturally. Furthermore, approval of this facility would provide for the proposed tower complex to be expanded to accommodate the equipment of other telecommunication providers.

Grounds for the Appeal:

Deceptive presentation by Verizon maps of the Cell Tower Station proposed site, Santa Barbara Co Staff Report, March 11.

The area affected by the Verizon Cell Tower is zoned agriculturally with small properties. Verizon presented the area as 10 to 20 acre farms, when the site proposed is less than 5 acres, as are many of the surrounding farms. This fact makes all the residents closer together than the map suggested. In the Staff Report, Attachment G: the obsolete 2006 pictometry map does not show adjacent watering holes and wetlands.

During the hearing, coverage maps were shown so quickly that it was difficult to make an informed decision. Presentations did not include a photo during the winter months which would clearly reveal the tower for public view from Mora Avenue. (Pg 5 of the Staff Report) The tower would be clearly visible through the deciduous trees of adjacent neighbors, and an artificial tree does not blend in with the natural trees. This alone should be cause for dismissal of the proposed site if we are to preserve the extraordinary beauty of the area.

Staff did not point out the natural drainage/sensitive wet-land area on the proposed site, which is home to many animals: coyotes, birds of prey, migrant birds, and frogs.

Surrounding trees are nesting and roosting sites for raptors and owls and migrating birds – all of which may be damaged by EMEs (electromagnetic emissions) and noise from diesel and air conditioning motors necessary to support the system.

The migrating birds in our area include the Bullock's Oriole which weaves a basket nest hanging from tree branches. What

happens over the long term if these beautiful birds hang their nests from the branches of the fake tree, and endures constant exposure to EMEs? A qualified, independent biologist should be consulted to provide findings based on a long-term study of birds including orioles, barn owls, red tailed, red shoulder hawks and many others.

Alternative Sites Appropriate for the Verizon Tower:

Page 4 of the Staff Report states that the tower is to serve the West side of 154, so it would be better to place it there.

Verizon maps did not show the area across Baseline Ave, referred to as Camp 4, where there are NO dwellings for humans, and large open areas suitable to locate the tower far from the public viewing area of Baseline Avenue.

Verizon agent, Michelle Ellis, along with the lawyer of Dennis Merchant, expressed to neighbors on Mora Avenue that "Verizon would not have access" if the site was on Camp 4, as the land is to be included in the Chumash sovereign nation. However, it was not noted that Verizon contacted the Chumash Tribe, so how could this be verified?

Verizon maps do not show the large farm areas at the end of Casey Avenue with vast open fields where there are some more industrial areas far away from public view.

Similar Sites Which Rejected Verizon Towers

During the March 11 Hearing, it was stated that the parcel at Rancho Estates was rejected due to the fact that "no commercial usage" was allowed. The same criteria should be applied as a valid reason for the neighbors of Dennis Merchant

for opposing the cell tower station. Instead, the wording was changed to "infrastructure" which is allowed on agricultural land. It should be noted that for the Merchants, who will be receiving money for rental space, the Verizon tower is very much a business. If so, Rancho Estates should not have been able to dismiss the project on the same grounds.

Verizon did not mention, until prompted by the panel, why the tower was not placed at the Santa Ynez Valley Airport (a commercial site). It was because the neighbors did not want the unsightly tower and protested to airport management.

Verizon did not mention, until prompted by the panel, why the tower was not placed at the Chumash Casino building (a commercial site). The Chumash did not want the unsightly tower.

All of the above reasons for rejection of the Verizon tower should apply to the Verizon tower station at 1867 Mora Avenue.

Deceptive presentation by Verizon of the height of the tower:

In the CBAR meeting #14BAR-00000-00223 and in the staff report, there was conflicting data concerning the tower height.

"The proposed faux broadleaf tree exceeds the 35 foot residential structure height limit for the AG-I-10 zone district ..." (Page 2-3, Staff Report for March 11 Hearing) It is a Tier 4 project which requires a Major Conditional Use Permit. Verizon is more concerned about leaving room for other carriers ("further growth") under their antenna than in lowering their tower. (Page 4, Staff Report for March 11 Hearing)

Rush to judgment by the Planning Commission:

Due to time constraints and lunch time, the Commission gave our group significantly less discussion time than they did the groups before us.

Although we stated that we had a similar situation to the group before us, and wanted to “piggyback” on their statements, this was ignored by the Commission. We asked for a continuance due to the lack of knowledge on the part of Verizon, of where the EME rays that did not get collected by the dish actually go. They did not request a professional and independent physicist to explain this to the concerned neighbors. They did not ask for a professional and independent biologist to find out the effects on birds, frogs, coyotes, horses and other animals that that live on the site.

The Commission did not comment on or consider the fact that owners of adjacent or nearby properties to the proposed site would have to disclose the proposed tower if they put their property up for sale or rent EVEN BEFORE the tower is built, because no one wants to live near an unsightly cell tower, or fake tree, that does not fit in with the character of the rural farmland area. Nor does any well-informed person wish to be a guinea pig on the long-term effects of this kind of electromagnetic radiation. There is, at this time, no scientific consensus on the dangers of cell tower radiation although studies done in Europe indicate caution is the proper approach.

The Commission did not consider the fact that concerned neighbors would not have purchased their agricultural property if they had known that "commercial" industry and/or the supposed "infrastructure" of any size, much less this significant size, would be situated in the neighborhood. Furthermore, Verizon has plans for expansion by other telecommunications providers. Neighbors should be concerned that this commercial Tier 4 industry will have the potential to become a much larger industrial venture than the tower that has been presented - a site which could not be opposed at a later date.

The Commission did not comment on or consider that coverage was mainly for proposed development on Camp 4, where there is abundant available space for the cell tower site.

Presentation time given to Verizon professionals was unlimited, but citizens wanting to protect their own safety and property were limited to three minutes. Verizon was also given rebuttal time.

No rebuttal time given to those who have enjoyed the use of their property for many years and who would like to continue living without being subject to radiation for which science offers conflicting reports as to potential harm to humans and other living things.

Further Information Relevant to This Application

Nearly all of the citizens who dwell within the area which would be affected by the Verizon tower are senior citizens on a fixed income, some quite elderly. Can this proposed project be characterized as Elder Abuse?

After the hearing, nearby neighbors, Dorothy and Rose Mari, of Mari Ranch on Baseline Avenue, told Gwen Cates that they are very alarmed by the proximity of a telecommunications tower. They had assumed that the tower was a "done deal" and that they could not oppose it. They are joining in the appeal.

There is no baseline decibel study of our area, which is presently very quiet. We request that an independent noise expert be hired by the county to do such a study so we will not know the noise impact on surrounding properties by the diesel generator. We do not know what equipment they used to measure the proposed noise level and if it is calibrated with the Sheriff department, which is who we would have to call for a noise complaint. The Commission did not discuss the long-term effect of running the generators. During the blackout of the 1998/1999 el niño, electricity was off for about a week, 24 hours a day. Also, it is unclear what time of day and night the air conditioning cooling units will run and the noise level.

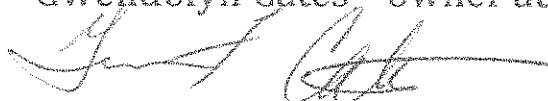
Studies done abroad where it is legal to measure radiation levels and effects upon humans and animals raise serious issues concerning radiation from Telecommunication Towers. Large companies such as Verizon have been successful in passing legislation which blocks disclosure of challenges to safety. (See the stealth clause in Section 704 of The Telecommunications Act of 1996) If their studies prove that the emissions are safe, they should be open to transparency concerning further scientific studies.

We appeal to the Santa Barbara County Board to consider the concerns of its citizens. This project potentially puts at risk the health and well being of landowners and taxpayers who believe that government acts in their best interest.

We are not scientists or experts, but to the best of our knowledge, the information in this letter is correct and truthful.

Sincerely,

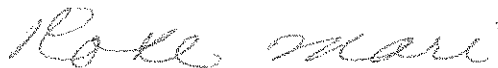
Gwendolyn Cates owner at 4372 Casey Avenue



William Cates owner at 4372 Casey Avenue



Rose Mari owner of Mari Ranch on Baseline



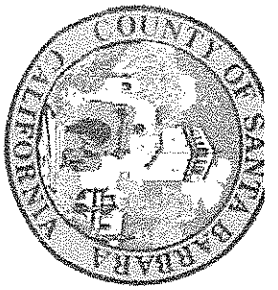
Dorothy Mari owner of Mari Ranch on Baseline



Douglas Clay co owner at 1971 Mora Ave

Shannon Clay co owner at 1971 Mora Ave

Please Note: Gwendolyn and William Cates will be out of town and unavailable from March 26 through April 9. If necessary, we can be reached at 434-823-6582 or 805-245-4003.



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

123 E Anapamu St

Santa Barbara, California 93101-2058

Type: Appeal

Sub-Type: Discretionary

Category: NA

Office Code: Santa Maria

Owner: MERCHANT, DENNIS L

1867 MORA AVE

SANTA YNEZ, CA 93460

APN: 141-430-018

Permit Number: 15APL-00000-00006

Contact: William Cates Relationship: Appellant

Receipt Number: 133796

Receipt

Payment Date: 03/23/2015

Receipt Summary:

Tender Type: Check

Reference No.: 3781

Receipt Total (Check): \$ 648.26

Payor: William W. Cates

Payment Status: Paid

Fees Paid to Planning and Development

Fee Description	Fee Amt	Pymt Applied
Appeal to Board of Supervisors (Pay CoB) P&D	473.11	473.11
Appeal to Board of Supervisors (Pay CoB) GP	25.48	25.48
Appeal to Board of Supervisors (Pay CoB) TECH	6.67	6.67
Fees Paid to Other Departments and Agencies		
Fee Description	Fee Amt	Pymt Applied
Appeal to Board of Supervisors (Pay CoB) CC	103.00	103.00
Appeal to Board of Supervisors (Pay CoB) COB	40.00	40.00
Total Payments Applied:		648.26
Receipt Total:		648.26
Balance on Receipt:		\$0.00

Owner: MERCHANT, DENNIS L
1867 MORRA AVE
SANTA YNEZ, CA 93460

123 E Anapamu St
Santa Barbara, California 93101-2058

APN: 141-430-018

Permit Number: 15APL-00000-00006

Receipt

Contact: William Cates Relationship: Appellant

Type: Appeal
Sub-Type: Discretionary
Category: NA
Office Code: Santa Maria

Receipt Number: 133796

Payment Date: 03/23/2015

Your opinion is important to us. We are conducting a survey on our permit fees and would like to hear your thoughts. The survey is anonymous and can be completed here: <https://www.surveymonkey.com/s/FeeStudy>. Please complete the survey by the close of business on Friday, May 15, 2015.

Note: If fees for demolition are deferred, a fee waiver or payment of permit fees is required prior to Building Permit issuance for the destroyed structure. Deferral of fees for demolition following the Tea or Jesusita Fire is to allow property owners to move forward with reconstruction efforts in advance of an insurance settlement.

Track the progress and status of your application by going to <http://www.sbcountyplanning.org/> and clicking the "Permit Application Lookup" link