

# EMERGENCY PERMIT

## 12EMP-00000-00011



- Coastal Zone:**  
Subject to the requirements of Section 35-171.2 of the Article II Coastal Zoning Ordinance and the policies of the Coastal Land Use Plan.

**Case Name:** AT&T Temporary Facility  
**Case Number:** 12EMP-00000-00011  
**Site Address:** 484 Ortega Ridge Road, Santa Barbara  
**APN:** 005-030-002  
**Agent Name:** Robert McCormick  
**Applicant Name:** AT&T

South County Office  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2000

Energy Division  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2040

North County Office  
624 W. Foster Road  
Santa Maria, CA 93454  
(805) 934-6250

## PERMIT APPROVAL:

This is to inform you that an Emergency Permit has been approved for:

**A temporary mobile telecommunications facility to be located at 484 Ortega Ridge Road, Santa Barbara area, APN 005-030-002, zoned RR-5. The facility would consist of mounting six (6) directional panel antennas to a new temporary 35-foot wood pole. The support equipment cabinets would be mounted on a wood skid adjacent to the pole. The facility would be connected to existing electrical service on the property via a temporary above ground pole and existing telephone service on the property via approximately 237 feet of underground trenching. No generator is permitted as part of this project. The facility would provide interim cellular service for AT&T between the decommissioning of the existing AT&T facility in Montecito (located at QAD) and the permitting/construction of a new permanent facility (either on the subject property or within two miles of the subject property). Failure to allow this temporary facility would result in a significant loss of AT&T service for a large number of residents that are currently dependant on their service, including their ability to make emergency calls.**

**This permit allows for installation and operation of the temporary facility for twelve (12) months but not to exceed the duration of the loss of service event whichever occurs sooner. This permit authorizes installation of the facility on December 27, 2012 and a twelve (12) month operational period, expiring on December 27, 2013. All temporary facility components authorized by this permit must be properly removed from the site prior to December 27, 2013. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.**

Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance indicated above and immediate action is warranted. As the required findings (listed below) can be made, the emergency work is hereby approved, subject to compliance with the attached conditions of approval. This permit is not valid until signed by the owner/applicant and subsequently issued by the Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,



DIANNE BLACK  
Assistant Director

APPROVAL DATE: December 19, 2012

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**OWNER/APPLICANT AGREEMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions of approval incorporated herein. The undersigned also acknowledges and agrees that:

- This Emergency Permit provides only temporary authorization for the proposed action and other applicable permits (such as a Conditional Use Permit, Coastal Development Permit, Land Use Permit, Building Permit) are required by law to validate the emergency work as permanent.
- Any evidence or findings contained herein, or upon which this permit relies, shall not constitute any limitation on the authority of the County of Santa Barbara to issue, grant, deny, rescind, or revoke this permit or any future permit(s) required for the activities described herein, or on the authority of the County of Santa Barbara to analyze, mitigate, or condition any future permit(s) required for the activities described herein.
- This permit does not authorize any work or construction activities outside of the scope of the project as indicated in the project description, conditions of approval and approved plans.
- This permit shall not be construed to authorize any violation of County ordinance or policy, or the violation of any State or Federal regulation.

Robert McCormick  
Print Name

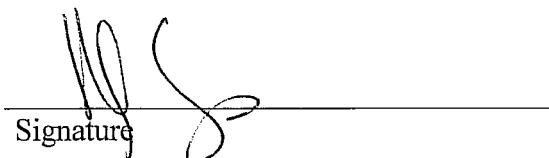
  
Signature

12/19/12  
Date

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**PERMIT ISSUANCE:**

Megan Lowery  
Print Name

  
Signature

12/19/12  
Date

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## **BACKGROUND:**

The proposed facility would supply temporary wireless service upon the imminent loss of service due to the decommissioning of the AT&T facility at 2111 Ortega Hill Road (QAD property) on January 11, 2013. AT&T's lease has expired at the QAD property and they have exhausted all extensions allowed them. Loss of service from the removal of this facility will impact both the Montecito and Summerland communities.

The removal of the QAD facility will result in loss of AT&T service in a large portion of the Montecito and Summerland area by January 11, 2013. Removal of the existing site would impact the large number of residents that are currently dependant on service. As a densely residential area, the facility area provides service for an estimated 20,428 residents within the gap area. In particular, Montecito foothills area is classified as "Very High" fire hazard severity zone. In the event of a fire emergency, the proposed facility would provide emergency services personnel with potentially lifesaving communications capability as well as the ability by residents to make emergency calls and the ability for E-911 services (i.e. reverse 911 calls to affected areas).

The nearest existing facility is in the Montecito Upper Village area (512 Santa Angela Lane, the Montecito Switch Station property) that provides service for the central Montecito area. However, the eastern Montecito area and Summerland area would require its own facility, as evidenced in service coverage maps provided by the applicant. The proposed temporary mobile telecommunications facility would provide coverage for the eastern Montecito and Summerland areas.

AT&T is required to have its antennas disassembled from the QAD facility by January 11, 2013. The temporary facility would have to already be operational before the antennas begin to be removed, which would take approximately 1-3 days. Additionally, it would take approximately 10 days to set up the temporary facility and make it operational. Therefore, set up of the temporary facility would need to begin no later than December 27, 2012. Complete removal of the remaining facilities at QAD are expected to take approximately 10 days, and are anticipated to be complete by January 21, 2013.

The duration of the operation of the temporary facility is contingent upon the permitting and construction of a new facility within the service area. The applicant is working with the property owner to design a permanent facility on the subject property; however the facility design is still in progress. A permanent facility on this property would require a Major Conditional Use Permit (Tier 4). Major Conditional Use Permits are under the jurisdiction of the Planning Commission and require a noticed public hearing which is estimated to take approximately 4-6 months (provided the application is not appealed). Upon approval from the Planning Commission, the project must also receive final approval from the Board of Architectural Review as well as required building and electrical permits for construction, requiring approximately 2 months. Finally, construction of the facility is estimated to take 3-4 months. Therefore, the proposed temporary facility will reasonably be needed for up to 12 months.

## FINDINGS OF APPROVAL:

1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.
2. Pursuant to Section 35-171.5 of Article II, an Emergency Permit may be granted if the Director of the Planning and Development Department makes the following findings:

- a. An emergency exists and requires action more quickly than provided for by the procedures for permit processing, and the action will be completed within 30 days unless otherwise specified by the terms of the permit.*

Loss of service is imminent on January 11, 2013. A temporary facility is required to provide interim service until a new permanent facility can be permitted and constructed. The Coastal Zoning Ordinance (Article II) requires a Major Conditional Use Permit for a temporary telecommunications facility on a residentially zoned parcel. Processing of a Major Conditional Use Permit prior to January 11, 2013 (or more importantly December 27, 2012 when they need to begin erecting the temporary facility) is not feasible. The installation of the temporary facility would be completed in 10 days. Therefore this finding can be made.

- b. The action proposed is consistent with the policies of the Coastal Land Use Plan and the requirements of the Article II Coastal Zoning Ordinance.*

The proposed action is consistent with the Coastal Land Use Plan and the requirements of the Coastal Zoning Ordinance. A telecommunications facility on the subject property is a permitted use with approval of a Major Conditional Use Permit per Section 35-144F.3.4. As a temporary facility, no permanent development is proposed therefore many of the development standards for permanent telecommunications facilities do not apply. However, the facility would use existing access roads and parking; would comply with setback requirements; would not impact any existing trees or vegetation; would not be lit; and has demonstrated to operate within the required FCC emissions limits. Therefore, the project is consistent with the Coastal Zoning Ordinance and the Coastal Land Use Plan including the Summerland Community Plan and this finding can be made.

- c. Public comment on the proposed emergency action has been reviewed.*

Notice of this Emergency Permit was mailed to surrounding property owners on December 19, 2012. However, due to the time sensitive nature of this emergency action, as discussed in finding 2a above, notice is not required to precede commencement of emergency work. Immediate action is warranted to reduce the risk to the community due to a lack of cell coverage in their area. The public will have the opportunity to comment on the follow-up Conditional Use Permit.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

## **EMERGENCY PERMIT CONDITIONS OF APPROVAL**

1. This Emergency Permit is based upon and limited to compliance with the project description, and the conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations without the above-described approval will constitute a violation of permit approval. If it is determined that project activity is occurring in violation of any or all of the following conditions, the Director of Planning and Development may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Planning Commission.

The project description is as follows:

**This Emergency Permit is based upon and limited to compliance with the project description, plans and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:**

**The proposed project is a request from Robert McCormick, agent for applicant, AT&T for an Emergency Permit to allow a mobile communications temporary facility. The temporary facility would be installed in the vacant lot of the property located at 484 Ortega Ridge Road, Santa Barbara area, APN 005-030-002, zoned RR-5. The facility would consist of mounting six (6) directional panel antennas to a new temporary 35-foot wood pole. The support equipment cabinets would be mounted on a wood skid adjacent to the pole. The facility would be connected to existing electrical service on the property via a temporary above ground pole and existing telephone service on the property via approximately 237 feet of underground trenching. No generator is permitted as part of this project. The facility would provide interim cellular service for AT&T between the decommissioning of the existing AT&T facility in Montecito (located at QAD) and the permitting/construction of a new permanent facility (either on the subject property or within two miles of the subject property). Failure to allow this temporary facility would result in a significant loss of AT&T service for a large number of residents that are currently dependant on their service, including their ability to make emergency calls.**

**This permit allows for installation and operation of the temporary facility for twelve (12) months but not to exceed the duration of the loss of service event whichever occurs sooner. This permit authorizes installation of the facility on December 27, 2012 and a twelve (12) month operational period, expiring on December 27, 2013. All temporary facility components authorized by this permit must be properly removed from the site prior to**

**December 27, 2013. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.**

2. An application(s) for the required permits necessary to validate the emergency work as permanent shall be submitted by the applicant to the Planning and Development Department no later than 30 days following the issuance of this Emergency Permit. The permits required for the proposed emergency work include a Conditional Use Permit and Coastal Development Permit pursuant to Section 35-144F.4.a of the Article II Zoning Ordinance.
3. Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition #2 above, shall be submitted within 90 days after written notification of the application deficiencies is provided to the applicant. This time period may be extended by the Director of Planning and Development.
4. Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director of Planning and Development. The work authorized by this permit must be commenced within 30 days of the date of issuance of the permit and completed within 30 days after the beginning of construction. If construction activities are proposed by the applicant to commence after 30 days, separate authorization by the Director of P&D is required.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.
6. The Director of Planning and Development may order the work authorized under this emergency permit to stop immediately if it is determined that unanticipated and substantial adverse environmental effects may occur with continued construction.
7. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.
8. **Parking-02 Onsite Construction Parking.** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The Owner/Applicant shall provide all construction personnel with a written notice of this

requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction.

9. **Tel-05 Exterior Lighting.** Except as otherwise noted in the Project Description and development plans, the antenna support structure shall not be lighted. The leased premises shall likewise be unlit except for a manually operated light which limits lighting to the area of the equipment in the immediate vicinity of the antenna support structure. The light fixture shall be fully shielded, full cut off and downcast so as to avoid spillage onto adjacent areas and shall be kept off except when maintenance personnel are actually present at night.
10. **Tel-08 FCC Compliance.** The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission ("FCC"), including but not limited to, safety signage, Maximum Permissible Exposure ("MPE") Limits, and any other similar requirements to ensure public protection or (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction. Compliance shall be governed by the following:
  - a. Permittee shall hire a qualified professional acceptable to the County (wholly independent of Permittee), to perform radio frequency ("RF") field test that measures actual RF electromagnetic exposure at the site. This RF field-testing shall measure all ambient sources of RF energy at the site & report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole. Measurements shall be made by the responsible professional who will author the report to the County. Report of the results and the author's/professional's findings with respect to compliance with federally established MPE standards shall be submitted to the County w/in 10 days of operation of the facility. Permittee shall pay for the cost of the field measurements and preparing the report. The facility shall cease & desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
11. **Tel-13 Facility Maintenance.** The facility shall be maintained in a state of good condition at all times. This includes, but is not limited to: painting; landscaping; site identification; equipment repair; and keeping the facility clear of debris, trash, and graffiti.
12. **Tel-16 Abandonment-Revocation:** This permit authorizes operation of the temporary facility for the duration of the event only, up to a maximum of twelve (12) months, or until the end of service event, whichever occurs sooner. The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state prior to December 27, 2013. Should the Permittee require additional time for operation of the temporary facility or to complete removal activities, the Permittee shall apply for a new permit.



13. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.
  
14. **Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
  - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
  
  - b. Pay deposit fee of \$500.00 within 5 days of approval of Emergency Permit as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;

Attachment: Site Plan

cc: Supervisor, First District  
Alice McCurdy, P&D Deputy Director  
Kevin Drude, Supervising Planner  
Megan Lowery, Planner  
Coastal Program Analyst, Calif. Coastal Comm., 89 S. California Street, Ventura CA 93001