ATTACHMENT A: FINDINGS

1.0 CEQA

1.1 CEQA Guidelines Exemption Findings

1.1.1 The proposed project was found to be exempt from environmental review pursuant to Sections 15061(b)(3), 15301(b), 15301(c), 15302(c), 15303 and 15304(f) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA) by the California Public Utilities Commission (CPUC). Please see the Notices of Exemption, prepared by the CPUC on July 29, 2009 and August 19, 2010 included as Attachment B.

2.0 MONTECITO LAND USE DEVELOPMENT CODE

2.1 Land Use Permit Findings (Sec. 35.472.110)

2.1.1 ***The proposed development conforms: (1) To the applicable provisions of the Comprehensive Plan including the Montecito Community Plan; and (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).***

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

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

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

2.1.3 ***The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).***

The utility pole upon which the antenna would be mounted was legally erected and does not constitute a zoning violation. Additionally, the provisions for telecommunications facilities in Section 35.444.010.D.1.a.2 of the MLUDC specifically states that "underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular

ingress or egress." The proposed vault would be installed at grade and therefore would not obstruct access at this location. Therefore this finding can be made.

2.2 Commercial Telecommunication Facility Findings (Sec. 35.444.010.G)

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

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

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

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

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

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

2.2.4 The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D (Additional development standards for telecommunication facilities) above.

The telecommunications facility development standards require facilities be designed to protect the public safety; utilize existing infrastructure; reduce visibility from public viewing areas; preserve ridgelines, existing vegetation, historic structures, environmentally sensitive habitats, prime agricultural soils, etc. As discussed above, the proposed antenna would be collocated on an existing operational utility pole in the road right of way and the equipment would be placed in an underground vault. This design is consistent with the development standards since the facility is collocated, the support equipment is undergrounded, no sensitive resources (including biological habitats, historic structures, prime agricultural soils, etc.) are impacted, and the facility would be secured from public tampering and would operate within the FCC public health and safety standards. Lastly, conditions of approval have been included to minimize vegetation removal associated with installation of the equipment vault and require protection and replacement of surrounding vegetation in the event that the ground disturbance causes surrounding vegetation to subsequently die. As such, the project meets all of the development standard requirements and therefore no exemption is required from the review authority and this finding can be made.

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

The applicant submitted a projected emission report by Jerrold Bushberg, Ph.D., dated April 29, 2009, as a part of the project application for 09LUP-00000-00381.[1] The report concludes that RF exposure from the proposed telecommunications facility would be less than 0.3% of the applicable FCC public exposure limit at ground level (approximately 26 feet) and therefore the facility is well within the FCC's health and safety limits. Therefore this finding can be made.

2.3 Infrastructure Services, Utilities and Related Facilities (Sec. 35.430.100)

2.3.1 ***Approval of a Coastal Development Permit (Section 35.472.050) or a Land Use Permit (Section 35.472.110) or Zoning Clearance (Section 35.472.190) shall require that the review authority first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.***

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

[1] See Attachment E.