

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 6/8/04  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** 6/22/04  
**Placement:** Departmental  
**Estimate Time:** 1 hour  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Val Alexeeff, Director  
Planning and Development

**STAFF** Erik Nagy, Planner (568-2517)  
**CONTACT:** Luis Perez, Supervising Planner (568-2034)  
Energy Division

**SUBJECT:** Fraser Appeal (04APL-00000-00001) of a parking space reduction Amendment (03AMD-00000-00014) to the Montecito Verizon Switch Station Conditional Use Permit (65-CP-81)

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**Recommendation:**

That the Board of Supervisors deny the appeal of William Fraser, and approve the parking space Amendment for the Montecito Verizon Switch Station with the changes incorporated into the permit by the Montecito Planning Commission and staff, including the proposed Verizon parking policy.

Your Board's action should include the following:

1. Adopt the required findings for the project, specified in the Planning Commission Action Letter dated March 24, 2004.
2. Deny the appeal, upholding the Montecito Planning Commission's denial of the appeal and approving the revised Conditional Use Permit Amendment application 03AMD-00000-00014 with the inclusion of Verizon's parking plan condition.

**Alignment with Board Strategic Plan**

The recommendations are primarily aligned with actions required by law or by routine business necessity.

**Executive Summary and Discussion**

The Montecito Verizon Switch Station is a land-line telephone facility located at 512 Santa Angela Lane in Montecito, APNs 011-200-015 and -016. The original Conditional Use Permit (65-CP-081) for the

Montecito Verizon Switch Station was approved by the Board of Supervisors in 1965. Cingular Wireless applied for a permit to construct a wireless telecommunications facility at the site on September 4, 2002, and received Montecito Planning Commission (MPC) approval on November 19, 2003. The Cingular facility will be entirely hidden from public view behind the existing parapet wall and concrete block walls of the Verizon building. The Cingular Wireless facility is not the subject of this appeal, but during the permitting process several zoning violations were discovered. These violations include painting (the facility paint is worn and does not resemble the buildings to the east, Condition 5), landscaping (several trees had been cut down without authorization, Conditions 1 and 7), parking (9 out of 20 required parking spaces had been removed due to equipment location in the lot, Condition 8), and the entry gate (original gate replaced with a non-opaque gate, permitted through Planning Exemption and Building Permit so not technically a violation, Condition 9). Verizon agreed to remedy the painting, landscaping, and replace the entry gate, but they opted to apply for a permit to legalize the modified parking lot.

The Director of Planning and Development approved a request for an Amendment to the existing Conditional Use Permit (CUP) to resolve the parking zoning violation at the Montecito Verizon Switch Station. Verizon had placed air conditioning equipment and a temporary fuel tank in their parking lot, reducing the number of existing spaces from 20 to 11. No permit was obtained for this change, and as such, it is a zoning violation of the original CUP, which required that 20 spaces be maintained on the property. The permit Amendment would alter the required number of parking spaces at Verizon's facility from 20 to 11 and legalize the violation. Because the building is now automated with computerized equipment that is designed to operate unmanned, there is no need for the 20 parking stalls. In fact, there is only one part-time worker at the site who monitors the automatic switching equipment and cares for the entire facility. Other maintenance workers (i.e. gardeners, sanitation workers) visit the site on a temporary basis, although there is no evidence to indicate that more than 11 spaces are needed to provide parking for all parties visiting the site.

The Director's decision to approve the Amendment was subsequently appealed to the MPC. The appellant, Mr. William Fraser, contended that: (1) the removal of parking spaces causes safety impacts to the surrounding neighborhood, (2) the originally permitted number of parking spaces (20) should be retained because adequate space exists on the subject parcel, (3) the evidence of reduced parking space use provided by Verizon is incorrect, and (4) the associated Cingular project will require full or part-time workers. The MPC denied the appeal on a 5-0 vote, although one condition (#8) was altered to further ensure all employees and visitors to the Montecito Verizon Switch Station would park in the facility parking lot and not in the street, and to provide for a report back to the MPC in one year regarding condition compliance. The MPC Staff Report, dated March 5, 2004 (Attachment B), provides a full discussion of the proposed project and the basis for denial.

The MPC's decision to deny the appeal was subsequently appealed by Mr. Fraser to the Board of Supervisors (Attachment C). The appellant states in his letter that the applicant did not provide adequate information regarding staffing, and that the conditions of approval do not address existing and future zoning violations, as follows:

*Staffing Levels:*

The appellant has stated that the applicant has not established an adequate basis for parking space reduction by providing accurate and comprehensive information detailing total full and part time employees and number of visitors.

The applicant has stated that one part time employee is present at the facility to handle operation of the switch station, and that this level of staffing is due to the automation of the facility. Since manual switching is no longer necessary, only one employee is needed to conduct routine operations. Other maintenance personnel are unlikely to be numerous enough to require 20 parking spaces at the same time, as gardeners, sanitation employees, and service trucks use the lot on a temporary basis. Although employees have parked on the street in the past as shown in photographs taken by concerned neighbors, those photographs and site visits by staff to the facility during normal business hours have indicated that such off-site parking is not related to the number of spaces but rather to convenience. Verizon employees are parking on the street when spaces are available in the lot. Therefore, this is a matter of permit compliance, and the conditions of approval have been altered to address this situation. Additionally, Verizon has provided a parking plan (Attachment E) that would clarify parking requirements for anyone visiting the facility.

*Landscaping:*

The appellant has stated that the conditions do not mandate replacement of removed trees along the building's northern wall with adequate, effective, mature landscaping.

The Montecito Board of Architectural Review (MBAR) approved a restorative landscaping plan for the facility after two hearings on the matter on February 23, 2004. The landscaping plan was therefore deemed adequate and effective by the MBAR. Conditions 7c (northern wall landscaping) and 14 (permit compliance) of Verizon's permit, the associated landscaping plan, and Condition 13 of the related Cingular Wireless permit address zoning violations and compliance. Re-landscaping of the facility can be handled through these existing, approved conditions and plans. Additionally, landscaping requirements are not the subject of this appeal. This appeal is for an Amendment to the parking requirements for the facility.

*Entry Gate:*

The appellant has stated that the conditions do not mandate immediate reinstallation of an opaque entry gate.

Another permit compliance issue existing on the property is the non-opaque entry gate. Condition 9 of Verizon's permit requires installation of an opaque entry gate of the same height as the masonry walls. Verizon installed a non-opaque metal gate after securing a Planning Exemption and a Building Permit, so this is not technically a zoning violation. However, Verizon has agreed to replace this gate to be compatible with the original CUP condition, and this requirement is also addressed through Condition 13 of Cingular's permit and the MBAR's approval of the entry gate design. Again, entry gate replacement requirements are not the subject of this appeal. This appeal is for an Amendment to the parking requirements for the facility.

*Future Parking Violations:*

The appellant has stated that the conditions do not explicitly prohibit further development in the parking lot that would further reduce parking.

Condition 8 of Verizon's permit is proposed to state that "A minimum of 11 off-street parking spaces shall be provided for all employee cars and all employee and company vehicles and subcontractors and visitors shall be required to park off-street. No service trucks or other commercial vehicles shall be based or be permitted to use the parking area, except on a temporary basis." Therefore, any additional development that

further reduces available parking would be a violation of the CUP and could be reported as a zoning violation, so the conditions do explicitly prevent this potential situation. The condition states further that “A noticed public hearing pursuant to Condition 14 of this permit shall be held approximately 1 year from the modification of this permit (modified on 3/17/04).” This provides staff with a mandate to follow up on permit compliance at the site and report back to the MPC.

#### *One-year Review:*

The appellant has stated that the one-year review mentioned above does not explicitly state that evidence of continued zoning violations at the site may be grounds for modification or revocation of the permit.

Condition 14 of Verizon’s permit, directly referenced by Condition 8, states “If the Montecito Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit conditions, pursuant to the provisions of Sections 35-483 of Article IV of the Santa Barbara County Code, the Montecito Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.” Therefore, if the one-year review at the MPC identifies zoning violations on the property, the MPC can modify or revoke the CUP.

#### *Additional Provisions:*

The appellant has stated that the conditions should include stronger provisions to ensure off-street parking, including a call box, and a statement that violations may subject the applicant to sanctions including CUP revocation.

The applicant and appellant conducted a consultation meeting on May 5, 2004, under the facilitation of County Counsel. This item was brought forward, and Verizon agreed to prepare a parking policy to notify visitors to the facility of CUP parking requirements. This policy is included as Attachment E. Staff recommends that the Board include Verizon’s parking policy in upholding the Amendment. This would further ensure that no Verizon-related vehicles park in the street, as notice of parking requirements would be clearly posted at the facility. Also, additional conditions of approval have been proposed by the appellant and are included as Attachment F.

It is staff’s opinion that the existing conditions of approval as modified by the MPC are sufficient to ensure that existing zoning violations are remedied and additional violations do not occur. The conditions proposed by the appellant are already covered by existing conditions within the permit and are not necessary to be added as part of this Amendment.

### **Mandates and Service Levels**

Pursuant to the Article III Zoning Ordinance, a decision of the Planning Commission may be appealed to the Board of Supervisors by the applicant or an aggrieved person. The Zoning Ordinance also requires that the appellant state specifically in the appeal wherein the decision by the Planning Commission is not in accord with the provisions and purposes of the Article or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission. In this case, the appellant has appealed the decision of the Planning Commission to deny the appeal 04APL-00000-00001 and to uphold the approval of Case No. 03AMD-00000-00014 on the basis that the applicant did not provide adequate information regarding staffing, and that the conditions of approval do not address existing and future zoning violations.

### **Fiscal and Facilities Impacts**

As the project is located in the inland area of the county and not within the Coastal Commission appeal jurisdiction, the appellant is responsible for appeal costs.

**Special Instructions**

Clerk of the Board shall complete noticing for the project in the Santa Barbara News-Press and shall complete the mailed notice of the project at least ten days prior to the hearing (mailing labels attached).

Clerk of the Board shall forward a copy of the Minute Order to Planning and Development, Attn: Cintia Mendoza, Hearing Support.

Planning and Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

**Concurrence**

None.

- ATTACHMENTS:
- A) Planning Commission Action Letter, dated March 24, 2004
  - B) Planning Commission Staff Report, dated March 5, 2004
  - C) Appeal Request, dated March 29, 2004
  - D) Public Comment Letters
  - E) Verizon Parking Policy
  - F) Appellant-Proposed Additional Conditions