



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Santa Barbara County Board of Supervisors

FROM: Glenn Russell, Ph.D., 568-2085
Director, Planning and Development

DATE: March 18, 2013

RE: Goolsby and Goolsby Kay Appeal (Case No. 12APL-00000-00011) of the Montecito Planning Commission Approval of a Verizon Wireless Facility at the Montecito Switch Station (Case No. 12CUP-00000-00007), First District

Recommended Actions

Consider the appeal filed by Mary Goolsby and Martha Goolsby Kay of the Montecito Planning Commission's May 23, 2012 approval of the Verizon Wireless facility at the Montecito Switch Station.

Staff recommends your Board take the following actions:

1. Deny the appeal, Case No. 12APL-00000-00011, thereby upholding the Montecito Planning Commission's approval of the project;
2. Make the required findings for the revised project (i.e. antennas on a new faux tree support structure), as specified in Attachment 1 of this Board Letter, including CEQA findings;
3. Determine the project is exempt from CEQA pursuant to Section 15303 of the State Guidelines for the Implementation of the California Environmental Quality Act, as specified in Attachment 3;
4. Waive the 6-day posting requirement contained the County's CEQA Guidelines, for good cause, which if not waived requires the posting of the Notice of Exemption at Planning and Development 6 days prior to consideration of the project by the decision maker; and

5. Approve de novo the Conditional Use Permit for the proposed telecommunications facility with the faux tree alternative, 12CUP-00000-00007, subject to the conditions, included as Attachment 2.

Refer back to staff if the Board takes an action other than the recommended action for appropriate findings and conditions.

The project site is located at 512 Santa Angela Lane, in the Montecito area, First Supervisorial District. The applications involve Assessor Parcel Nos. 011-200-015 and -016.

Pursuant to the County's CEQA Guidelines the 6-day posting requirement for a Notice of Exemption may be waived for good cause. In this instance the short time frame allowed under the Shot Clock Tolling Agreement, expiring March 21, 2013, constitutes good cause.

Summary

The project on appeal is an application for a Conditional Use Permit to allow installation and operation of a commercial wireless telecommunications facility, to be located at the existing telephone switch station facility at 512 Santa Angela Lane, in Montecito (Inland area). The facility would be entirely concealed within existing infrastructure on the roof of the building and would add no visual change to the building. Commercial telecommunications facilities are regulated in the Montecito Land Use Development Code (MLUDC) Section 35-444.010. Per the MLUDC, installation of a telecommunications facility on a property that is residentially zoned requires a Major Conditional Use Permit, regardless of its design.

The permit application (12CUP-00000-00011) was received on March 29, 2012, and was deemed complete on April 26, 2012. As a collocated telecommunications facility, the project is subject to a 90 day processing timeframe per the Federal "Shot Clock" Ruling of November 18, 2009. However, Verizon has extended the Shot Clock processing timeframe until March 21, 2013 to allow for processing timeframes. The Conditional Use Permit was heard by the Montecito Planning Commission on May 23, 2012 and was conditionally approved by a 4-0 vote (Commissioner Overall was absent). An appeal of the Montecito Planning Commission's approval was filed on June 4, 2012 by two residents, Mary Goolsby and Martha Goolsby Kay. The grounds for the appeal are detailed in pages 4-7 of their appeal letter dated June 1, 2012 included with their appeal application (included as Attachment 1 to the Board Letter dated March 11, 2013).

This appeal was originally set for the August 21, 2012 Board of Supervisors hearing. However, prior to the item being heard by your Board, the appellant's attorney and Verizon's representative requested a continuance to allow additional time to work together to look into alternative site locations. Over the subsequent six months, four additional continuances were requested as Verizon explored nineteen alternative locations and designs. Eighteen of the eighteen alternatives were found to be infeasible options, largely due to unwilling landowners. However, the remaining alternative, a faux tree design on the switch station property, was found to be both feasible and preferred by both the applicant and appellants. At the March 12, 2013 Board of Supervisors hearing, the applicant and appellants agreed to the alternative project, and

the Board directed staff to return with findings and conditions supporting the revised, faux tree project.

Project Description

The project is a request by the agent, Jay Higgins of SAC Wireless, for the applicant, Verizon Wireless, for a Major Conditional Use Permit to allow construction and use of an unstaffed telecommunications facility under provisions of County code zoning requirements for property zoned 20-R-1. The facility would be located in a 500-square foot lease area at 512 Santa Angela Lane, Assessor Parcel Nos. 011-200-015 and -016.

The applicant is proposing to construct an unmanned wireless facility that would include twelve (12) panel antennas with six antennas per sector at 120, 220 and 310 degree azimuths (from north). The antenna would be mounted on a new 75-foot tall antenna support structure designed to resemble a pine tree. The antennas would be operating in the cellular, PCS and LTE bandwidths. The proposed facility would cover most of Montecito.

All support equipment for the facility would be located in a new 11'8" x 16' 0" x 12' prefabricated equipment shelter located near the western property line. The equipment shelter would be placed on a concrete slab with a new electrical pedestal and would have two GPS antennas mounted on its side. The equipment would be cooled by two HVAC air-conditioning units located on the shelter operating intermittently as needed. The equipment shelter would be painted to match the existing switch station building but would be screened by the existing concrete retaining wall and mature vegetation along the western property line. The facility would be serviced by Southern California Edison and Verizon California Inc. via underground connection to existing utilities onsite. The proposed facility would not require grading other than trenching associated with the utility connections. In the event of a power failure, a generator would be brought from off-site and temporarily installed to maintain power to the facility.

Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<i>Land Use Element</i>	
Land Use Development Policies, Policy 4. <i>Public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.</i>	Consistent. The proposed facility would be unstaffed and would not require public or private resources aside from power and telephone service to power the site. All of these utilities currently exist at the site and would be sufficient to serve the proposed project. Existing access to the site is also adequate to serve the proposed project.
Visual Resources, Policy 1. <i>All commercial, industrial, and planned developments shall be required to submit a landscaping plan to the County for approval.</i>	Consistent. A landscaping plan was required and approved by the Board of Architectural Review for the existing switch station facility that remains in place. The existing mature vegetation on the

REQUIREMENT	DISCUSSION
	western property line would screen the proposed equipment shelter, and since the proposed project would not alter the existing landscaping and would blend with the mature trees onsite, no additional adjustments to the landscape plan were required.
<p>Visual Resources, Policy 3. <i>In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.</i></p>	<p>Consistent. The proposed facility is collocating at an existing switch station facility, along with an existing telecommunications facility. Additionally, the facility has been designed such that it would blend with the existing mature trees on the property. The antennas would blend in with the branches of the faux tree. Views of the tree from East Valley Road would be screened by the switch station building, and views of the tree from Santa Angela Lane would be partially screened by the perimeter wall and existing foliage. From distant views, the tree would blend with the existing foliage on the site and in the general area. The equipment shelter would be located next to the existing equipment shelter for the other telecommunications facility, on the west side of the property, screened by the existing perimeter wall and mature landscaping. Therefore the project is consistent with this requirement.</p>
<p>Visual Resource Policies, Policy 5. <i>Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.</i></p>	<p>Consistent. Power and telephone utility services used to power the proposed project would be connected via underground conduits, consistent with this requirement.</p>
<p>Montecito Community Plan</p>	
<p>Policy LU-M-2.1. <i>New structures shall be designed, sited, graded, and landscaped in a manner which minimizes their visibility from public roads.</i></p>	<p>Consistent. As discussed above, other than the faux tree, the facility components would be screened by the existing perimeter wall and mature landscaping. The faux tree support structure is located next to similar existing trees and is designed to blend in with the existing vegetation. Therefore the facility would not be substantially visible from the nearest public viewing areas.</p>
<p>Policy LU-M-2.2. <i>Lighting of structures, roads and properties shall be minimized to protect privacy, and to maintain the semi-rural, residential character of the community.</i></p>	<p>Consistent. No new exterior lighting, on the switch station building or on the equipment shelter, is proposed.</p>

REQUIREMENT	DISCUSSION
<p>Policy LUG-M-1.1. <i>The County shall recognize that the Montecito Planning Area is a community nearing its full buildout potential, and shall require that development respect its small town, semi-rural character.</i></p>	<p>Consistent. The proposed project is collocating with existing facilities rather than introducing new telecommunications facility locations into the Montecito community. Therefore the project is consistent with this requirement.</p>
<p>Policy CIRC-M-3.10. <i>New Major Conditional Use Permits shall be required to demonstrate that the proposed use would not potentially result in traffic levels higher than those anticipated for that parcel by the Community Plan and its associated environmental documents. If higher traffic levels could potentially result from the proposed Major Conditional Use Permit, in order to approve the project, a finding must be made that:</i></p> <ol style="list-style-type: none"> <i>1. The increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Community Plan, or</i> <i>2. Road improvements included as part of the project description are consistent with the community plan and are adequate to fully offset the identified potential increase in traffic.</i> 	<p>Consistent. The proposed wireless telecommunications facility is designed to operate as an automated (unstaffed) facility. No employees are required aside from general maintenance. Approximately one maintenance trip per month is expected. Therefore, this project would not significantly increase traffic demands in the area and is consistent with this requirement.</p>
<p>Policy F-M-2.1. <i>The County shall cooperate with the Montecito Fire Protection District while reviewing Fire District requirements applied to ministerial and discretionary development projects regarding access, vegetation clearance, and improvements with the intent of protecting development from fire hazards while maintaining community character and quality of life and preventing adverse environmental impacts.</i></p>	<p>Consistent. The proposed project was reviewed by Montecito Fire District on March 15, 2013, who determined that the proposed design does not pose any fire hazard concerns.</p>
<p>Policy E-M-1.1. <i>In reviewing permits for EMF sensitive uses (e.g., residential, schools, etc.), RMD shall require an adequate building setback from EMF-generating sources to minimize exposure hazards.</i></p>	<p>Consistent. As part of the permit application the applicant has provided a radiofrequency emissions report prepared by Hammett & Edison dated March 14, 2013 which assessed the emissions from the proposed project, in conjunction with the existing antennas at the site. The report concluded that the project and the existing antennas combined are projected to operate at 2.5% of the FCC’s public emission standard allowed for unlimited duration. Therefore the project complies with the health and safety requirements and no additional setbacks are required.</p>

Montecito LUDC Consistency: Telecommunications Facility Requirements

REQUIREMENT	DISCUSSION
<p>Section 35.444.010.D.1 Development Standards</p>	
<p>Standard 1.a. The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:</p> <p>(1) Antennas may be located within the setback area without approval of a modification in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) or Subsection 35.472.080.H (Conditions, restrictions, and modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.</p> <p>(2) 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.</p> <p>(3) A modification to the setback is granted in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications), or Section 35.472.080.H (Conditions, restrictions, and modifications).</p>	<p>Consistent. The property setbacks were modified from the zone district’s requirements with the approval of 65-CP-081, allowing side setbacks of 35 feet from the centerline on the Santa Angela Lane street side instead of the required 50 feet from the centerline thereof, and 2 feet instead of the required 10 feet from the westerly property line. The proposed Verizon equipment shelter would be located behind the existing perimeter wall next to the AT&T equipment shelter, 35 feet from the centerline of Santa Angela Lane. Therefore the applicant is requesting a similar modification as part of their permit application, consistent with this requirement.</p>
<p>Standard 1.b. The height of antennas and associated antenna support structures (e.g., lattice towers, monopoles) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C. (Processing) above.</p> <p>(1) The height limit may be increased to a maximum of 75 feet when technical requirements dictate.</p> <p>(2) Antennas and support structures used in connection with wireless communication facilities may exceed 75 feet if:</p> <p>(a) The antenna is mounted on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural façades, that the antenna is mounted on; or,</p>	<p>Consistent. The proposed facility (i.e. the faux tree) would have a maximum height of 75 feet due to technical requirements. The height of the facility and antennas is necessary to provide a reduction in the radiofrequency emissions at ground level as offered by Verizon to the appellants (from 9.5% to 2.5% of the applicable FCC limit). Additionally, the level and range of service provided by the proposed facility is substantially different than a lower facility would have provided. With the additional height the facility can propagate over a larger range (approximately 13 square miles), replacing the need for 3-5 DAS facilities that would have otherwise been needed to provide coverage to the south toward Highway 101. Therefore the project is consistent with this requirement.</p>

REQUIREMENT	DISCUSSION
<p>(b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.</p>	
<p>Standard 1.c. The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.</p>	<p>Consistent. The proposed equipment would be enclosed within the existing perimeter wall and locked gate to restrict access and prevent tampering by the general public.</p>
<p>Standard 1.d. Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board on appeal.</p>	<p>Consistent. The proposed project is not located in or on a designated historical landmark.</p>
<p>Standard 1.e. The facility shall comply at all times with all Federal Communication Commission rules, regulations, and standards.</p>	<p>Consistent. A radiofrequency emissions report by Hammett & Edison dated March 14, 2013, reviewed the proposed project and concluded that the proposed facility and existing AT&T antennas combined would operate at 2.5% of the FCC public emissions standard and would therefore meet the FCC requirements. As a part of the project conditions, a verification measurement report would be required within 30 days of final building inspection to confirm these projections (see Condition No. 12 “Tel-08 FCC Compliance”).</p>
<p>Standard 1.f. The facility shall be served by roads and parking areas consistent with the following requirements:</p> <p>(1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.</p> <p>(2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.</p> <p>(3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.</p>	<p>Consistent. No new parking spaces or road improvements are proposed as part of this project. Temporary parking for maintenance activities would be provided in the existing parking lot.</p>
<p>Standard 1.g. The facility shall be unlit except for the following:</p>	<p>Consistent. Consistent with this requirement, the proposed telecommunications facility, including</p>

REQUIREMENT	DISCUSSION
<p>(1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.</p> <p>(2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby residences.</p>	<p>the antennas and equipment shelter, would not be lit.</p>
<p>Standard 1.h. The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in nonreflective materials.</p>	<p>Consistent. The antennas, mounting brackets and equipment shelter would be painted with non-reflective paint or other non-reflective finish as conditioned (see Condition No. 8 “Tel-03 Colors and Painting”).</p>
<p>Standard 1.i. Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a nonreflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a review authority in approving a subsequent permit for development.</p>	<p>Consistent. As discussed above, all visible equipment components will be painted with non-reflective paint. Painting would be confirmed by condition compliance monitoring prior to final building inspection. In addition, Condition No. 17 “Tel-13 Facility Maintenance” requires the facility be maintained in a state of good condition and repair for the life of the facility.</p>
<p>Standard 1.j. The facility shall be constructed so as to maintain and enhance existing vegetation, without increasing the risk of fire hazards, through the implementation of the following measures [listed as (1) through (6)].</p>	<p>Consistent. The faux tree and equipment shelter would be located such that no trees or significant vegetation would need to be removed. The existing landscaping at the site would continue to be maintained. Therefore, no additional landscaping was required as part of the proposed project.</p>
<p>Section 35.444.010.D.2 Development Standards</p>	
<p>Standard 2.a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for colocation.</p>	<p>Consistent. Primary power to the facility would be provided by Southern California Edison via the existing utilities at the site. In the event there is a loss of power, a back-up generator would be brought to the site only during the temporary outage. These limitations are included in the permit conditions of approval.</p>

REQUIREMENT	DISCUSSION
<p>Standard 2.b. In the Inland area, disturbed areas associated with the development of a facility shall not occur within the boundaries of an environmentally sensitive habitat area. See Subsection D.3.e below regarding allowance for disturbance within environmentally sensitive habitat areas located within the Coastal Zone.</p>	<p>Consistent. The proposed project is not located within a designated environmentally sensitive habitat area.</p>
<p>Standard 2.c. Colocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2, through Subsection C.4. of this Section, unless:</p> <p>(1) The applicant can demonstrate that reasonable efforts, acceptable to the review authority, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or</p> <p>(2) Colocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or</p> <p>(3) The review authority determines that colocation of the proposed facility would result in greater visual impacts than if a new support structure were proposed.</p> <p>Proposed facilities shall be assessed as potential colocation facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. Sites determined by the Department to be appropriate as collocated facilities or sites shall be designed in a way that antenna support structures and other associated features (e.g. parking areas, access roads, utilities, equipment buildings) may be shared by site users. Criteria used to determine suitability for colocation include the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding</p>	<p>Consistent. There is an existing AT&T facility on the roof of the switch station building behind a parapet wall. Verizon applied to collocate on the rooftop with AT&T. The project was approved by the Montecito Planning Commission, but was subsequently appealed rendering the building-mounted design to be unsuccessful. Additionally, the applicant looked into eighteen different alternative locations, none of which were found to be feasible. The proposed revised design was found to be a supported option by the community and the MBAR. The proposed revised design remains on the same property as the existing AT&T facility. Therefore the property would be a “collocated telecommunications site,” as defined by the MLUDC Section 35.10. Lastly, the proposed faux tree facility could accommodate an additional carrier for future collocation. Therefore the project is consistent with this standard.</p>

REQUIREMENT	DISCUSSION
<p>colocation are located in Subsection E.3 (Colocation) below.</p>	
<p>Standard 2.d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).</p>	<p>Consistent. The equipment shelter for the facility would not be visible as it would be screened by the existing perimeter wall and mature vegetation.</p>
<p>Standard 2.e. In the Coastal Zone, disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.</p>	<p>Consistent. The proposed project is not within the Coastal Zone.</p>
<p>Standard 2.f. In the Coastal Zone, facilities shall be prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.</p>	<p>Consistent. The proposed project is not within the Coastal Zone.</p>
<p><i>Section 35.444.010.D.3 Development Standards</i></p>	
<p>Standard 3.a. A facility shall not be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.</p>	<p>Consistent. The project site is not located within a designated scenic corridor.</p>
<p>Standard 3.b. A facility shall not be installed on an exposed ridgeline unless it blends with the surrounding existing natural or manmade environment in a manner that ensures that it will not be substantially visible from public viewing areas (e.g., public road, trails, recreation areas) or is collocated in a multiple user facility.</p>	<p>Consistent. The project is not proposed to be installed on a ridgeline.</p>
<p>Standard 3.c. A facility that is substantially visible from a public viewing area shall not be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on a multiple user site.</p>	<p>Consistent. The proposed facility has been designed to blend with the existing mature trees on the property. The antennas would blend in with the branches of the tree, and the existing perimeter wall and mature vegetation would screen the equipment shelter and the base of the tree.</p>

REQUIREMENT	DISCUSSION
	Additional views from East Valley Road would be screened by the switch station building. Therefore the facility would not be substantially visible and the project is consistent with this requirement.
<p>Standard 3.d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or manmade environment (e.g., designed to look like a tree, rock outcropping, or streetlight) or designed to integrate into the natural environment (e.g., imbedded in a hillside). These facilities shall be compatible with the existing surrounding environment.</p>	<p>Consistent. As discussed above, the proposed facility would not be substantially visible from public viewing areas. Therefore the project is consistent with this requirement.</p>
<p>Standard 3.e. In the Coastal Zone, disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. Associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, nonindigenous plant species that tend to supplant native species shall be prohibited.</p>	<p>Consistent. The proposed project is not within the Coastal Zone.</p>

Montecito LUDC Consistency: One Family Residential (R-1)

REQUIREMENT	DISCUSSION
<p>Setbacks for Buildings and Structures. Front: 50 ft from road centerline and 20 ft from right-of-way. Side: 10 ft. Rear: 10 ft.</p>	<p>Consistent. The property setbacks were modified from the zone districts requirements with the approval of 65-CP-081, allowing side setbacks of</p>

REQUIREMENT	DISCUSSION
	<p>35 feet from centerline on the Santa Angela Lane street side instead of the required 50 feet from the centerline thereof, and 2 feet instead of the required 10 feet from the westerly property line. The proposed Verizon equipment shelter would be located behind the existing perimeter wall next to the AT&T equipment shelter, 35 feet from the centerline of Santa Angela Lane. Therefore the applicant is requesting a similar modification as part of their permit application, consistent with this requirement.</p>
<p>Height Limit. 35 feet and 2 stories</p>	<p>Consistent. Tier 4 telecommunications facilities permitted under a Major Conditional Use Permit are allowed up to 75 feet in height per MLUDC 34.444.010.C.4.a. The proposed facility would not exceed 75 feet in height therefore the project is consistent with the applicable height requirements.</p>

Attachments

- 1) Findings
- 2) Conditions of Approval
- 3) Notice of Exemption
- 4) Photo Simulations
- 5) Project Plans

ATTACHMENT 1: FINDINGS

1.0 CEQA

1.1 CEQA Guidelines Exemption Findings

- 1.1.1** The proposed revised project is exempt from environmental review pursuant to Section 15303 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see the Notice of Exemption included in Attachment 3 of the Board Memo dated March 18, 2013, incorporated herein by reference.

2.0 MONTECITO LAND USE DEVELOPMENT CODE

2.1 Conditional Use Permit Findings (Sec. 35.472.060.E)

- 2.1.1** *The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.*

The subject property is ideal for siting an additional carrier, since it already has an existing facility on the property. The northern side of the property has ample space to locate both the antenna support structure and equipment shelter for Verizon. In addition, power and telephone utility connections already exist at the site and are sufficient to serve the proposed facility. Therefore this finding can be made.

- 2.1.2** *Environmental impacts. (1) Within the Coastal Zone, adverse environmental impacts will be mitigated to the maximum extent feasible. (2) Within the Inland area, significant environmental impacts will be mitigated to the maximum extent feasible.*

No significant environmental impacts were identified to result from the revised project. The project qualifies for exemption from environmental review under CEQA Section 15303; therefore this finding can be made.

- 2.1.3** *Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The proposed revised project would not result in a significant traffic increase. At its maximum the facility would require one maintenance trip per month, and therefore the existing roads are adequate to support the proposed project and this finding can be made.

- 2.1.4** *There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.*

The proposed facility would be unstaffed and would not require police protection or sewage disposal or water supply. Fire protection would be provided by the Montecito Fire Department who currently serves the property. Power and telephone services would be needed to power the facility however these utilities currently exist at the site and would be sufficient to serve the proposed revised project. Therefore this finding can be made.

2.1.5 *The proposed project will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will be compatible with the surrounding area.*

The proposed facility would be unstaffed and therefore would be a passive use of the property, aside from maintenance visits. Wireless telecommunications facilities are required to comply with the Federal Communications Commission health and safety standards at all times. The applicant submitted a projected emission report by Hammett & Edison, dated March 14, 2013 for the proposed revised project. The report concludes that RF exposure from the proposed telecommunications facility in combination with the existing AT&T facilities would be approximately 2.5% of the FCC public exposure limit. Therefore this finding can be made.

2.1.6 *The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.*

As discussed in the Board Memo dated March 18, 2013, and incorporated herein by reference, the proposed revised project was found to comply with applicable requirements of the Montecito Land Use Development Code and Comprehensive Plan, including the Montecito Community Plan. Therefore this finding can be made.

2.1.7 *The proposed project will not potentially result in traffic levels higher than those anticipated for the lot by the Montecito Community Plan and its associated environmental documents; or if the project would result in higher traffic levels, the increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at buildout of the Montecito Community Plan or road improvements included as part of the project description are consistent with the provisions of the Montecito Community Plan and are adequate to fully offset the identified potential increase in traffic.*

The proposed wireless telecommunications facility is designed to operate as an automated (unstaffed) facility. No employees are required aside from general maintenance. Approximately one maintenance trip per month is expected. Therefore, this revised project would not significantly increase traffic demands in the area and this finding can be made.

2.1.8 *The proposed project will not adversely impact recreational facilities and uses.*

No recreational uses or facilities exist on site or nearby, nor would any impacts be anticipated. Therefore this finding can be made.

2.1.9 *Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the rural and scenic character of the area.*

The proposed revised project is not located within a designated Rural area. Therefore this finding can be made.

2.1.10 *In compliance with Subsection 35.472.060.I.1 of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit that includes a modification to the zone development standards the review authority shall first find that such modification is justified and*

consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.

The project is requesting a modification to the zone district setbacks for the property to allow the proposed equipment shelter to be located immediately behind the existing perimeter wall at 35 feet from the centerline of Santa Angela Lane. The perimeter wall has existing mature vegetation that exceeds the height of the wall itself. Locating the shelter against the existing perimeter wall would take advantage of this screening and would make the shelter invisible to the public. Additionally, this location would place the shelter directly behind the existing AT&T shelter, and therefore would hide it from view even from the driveway off Santa Angela Lane. Therefore a modification to the setbacks is justified in this instance. Additionally, the revised project was found to be consistent with the Comprehensive Plan, including the Montecito Community Plan as analyzed in the Board Memo dated March 18, 2013 incorporated herein by reference. 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 faux tree support structure is designed to retain the visual character of the area by blending with the existing mature trees on the property. The other project components would not be visible to the public. Therefore this finding can be made.

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

The facility is designed to blend with the existing mature trees on the property. The antennas would blend in with or be concealed within the branches of the faux tree and the equipment shelter would be screened by the existing perimeter wall and mature vegetation. The two primary public viewing areas are from East Valley Road and Santa Angela Lane. Views of the faux tree from East Valley Road would be substantially blocked by the switch station building. Views from Santa Angela Lane would include the existing tree cover and backdrop of additional vegetation. Therefore this finding can be made.

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

As discussed in Findings 2.2.2 above, the proposed facility has been designed to blend with the existing mature trees on the property. 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. (a) An exemption to one or more of the required development standards may be granted if the review authority additionally finds that in the specific instance that the granting of the exemption: (1) Would not increase the visibility of the facility or decrease public safety, or (2) Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (3) Would avoid or reduce the potential for environmental impacts.*

As analyzed in the Board Memo dated March 18, 2013, and incorporated herein by reference, the proposed revised project complies with the development standards 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 Hammett & Edison, dated March 14, 2013 for the revised project. The report concludes that RF exposure from the proposed telecommunications facility in combination with the existing AT&T antennas would be 2.5% of the applicable FCC public exposure limit; therefore this finding can be made.

2.2.6 *The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.*

The proposed facility would serve to replace an existing Verizon Wireless telecommunications facility at the QAD property on Ortega Hill Road that has been decommissioned because the lease expired. Coverage maps submitted by the applicant indicate that with the loss of the facility due to decommissioning, there is a substantial lack of coverage of the Montecito area by Verizon Wireless. To avoid loss of service between the decommissioning of the QAD facility and the resolution of this appeal and ability to build a new site, Verizon applied for a temporary mobile wireless facility at this location. The permit 12ZCI-00000-00016 was issued on October 5, 2012 and is conditioned to require removal of the temporary facility by May 1, 2013. The proposed revised project would provide a permanent solution for the loss in coverage in the Montecito area. Therefore this finding can be made.

2.2.7 *The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.*

The applicant analyzed nineteen alternative locations/designs in the Montecito area. Of these nineteen alternatives, the proposed revised project was the only feasible option that the community has supported. The proposed project design blends the facility with the existing mature trees on the property and screens the equipment from view behind the existing perimeter wall and landscaping. Therefore the proposed revised project location and design is the least intrusive means for a new facility to serve the majority of the Montecito area.

ATTACHMENT 2: CONDITIONS OF APPROVAL

1. **Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-Plans dated January 11, 2013, B-Photosimulations, 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 project is a request by the agent, Jay Higgins of SAC Wireless, for the applicant, Verizon Wireless, for a Major Conditional Use Permit to allow construction and use of an unstaffed telecommunications facility under provisions of County code zoning requirements for property zoned 20-R-1. The facility would be located in a 500-square foot lease area at 512 Santa Angela Lane, Assessor Parcel Nos. 011-200-015 and -016.

The applicant is proposing to construct an unmanned wireless facility that would include twelve (12) panel antennas with six antennas per sector at 120, 220 and 310 degree azimuths (from north). The antenna would be mounted on a new 75-foot tall antenna support structure designed to resemble a pine tree. The antennas would be operating in the cellular, PCS and LTE bandwidths. The proposed facility would cover most of Montecito.

All support equipment for the facility would be located in a new 11'8" x 16' 0" x 12' prefabricated equipment shelter located near the western property line. The equipment shelter would be placed on a concrete slab with a new electrical pedestal and would have two GPS antennas mounted on its side. The equipment would be cooled by two HVAC air-conditioning units located on the shelter operating intermittently as needed. The equipment shelter would be painted to match the existing switch station building but would be screened by the existing concrete retaining wall and mature vegetation along the western property line. The facility would be serviced by Southern California Edison and Verizon California Inc. via underground connection to existing utilities onsite. The proposed facility would not require grading other than trenching associated with the utility connections. In the event of a power failure, a generator would be brought from off-site and temporarily installed to maintain power to the facility.

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. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the

project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

3. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development.

TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of Zoning Clearance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

4. **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.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post two signs stating these restrictions at construction site entries.

TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

5. **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.

PLAN REQUIREMENTS: Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for Zoning Clearance.

TIMING: A copy of the written notice shall be submitted to P&D permit processing staff prior to issuance of Zoning Clearance. This restriction shall be maintained throughout construction.

MONITORING: P&D permit compliance and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.

6. **EM-01 Emergency Generator.** In the event of a power failure, a generator may be used on the site to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a monthly basis for a period not to exceed 30 minutes. The exercise period shall be limited to the hours between 7:30 a.m. and 4:30 p.m., Monday–Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 30 minutes per month shall be prohibited. Additionally,–Air Pollution Control District (APCD) permits are required for diesel-powered emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for compliance on all building plans.

TIMING: Permittee shall obtain an APCD Authority to Construct permit prior to engine installation, and an APCD Permit to Operate prior to engine operation. All necessary APCD permits shall be obtained prior to Final Building Inspection Clearance.

7. **Tel-01 Monopine Design.** The Permittee shall adhere to the following design specifications for the monopine: branch foliage must vary in density, spacing, size and angle to avoid rigid symmetry; overall tree shape shall integrate with the context of the site; colors of the faux trunk and branches must be field-matched to blend with the existing vegetative backdrop and shall be non-reflective, green needles shall be interspersed with brown to provide more natural appearance, and the exterior surface of the faux trunk shall emulate the texture of a real tree; all antennas (panels, microwave and GPS), mounting brackets, and coaxial cables shall be completely screened from public view by the faux foliage and painted to match; branch foliage shall continue down the faux trunk so as to fully conceal the trunk from prominent public vantage points and the overall design shall substantially conform to and implement the visual effect represented in the photo simulations accompanying the project application.

PLAN REQUIREMENTS: Construction plans evidencing compliance with the monopine specifications shall be submitted by the Permittee to P&D permit processing planner.

TIMING: This condition shall be satisfied prior to issuance of Zoning Clearance.

MONITORING: P&D compliance monitoring staff shall conduct a project compliance inspection prior to Final Building Inspection Clearance.

8. **Tel-03 Colors and Painting.** All exposed equipment and facilities (i.e., antennas, support structure, equipment cabinets, etc.) shall be finished in non-reflective materials (including painted surfaces). The equipment shelter shall be painted and finished to match the existing switch station building.

PLAN REQUIREMENTS: Color specifications shall be identified on final zoning plans submitted by the Permittee to the County prior to issuance of Zoning Clearance, as well as on final building plans.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance.

9. **Tel-05 Exterior Lighting.** Except as previously permitted on the switch station building, 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.

PLAN REQUIREMENTS: The Permittee shall restate the lighting limitations on the construction plans. Plans for exterior lighting, if any are provided, shall be submitted to the County for review and approval.

TIMING: This condition shall be satisfied prior to issuance of Zoning Clearance.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance and respond to any complaints.

10. **Tel-06 Underground Utilities.** Except as otherwise noted in the Project Description and development plans, all utilities necessary for facility operation, including coaxial cable, shall be placed underground. Conduit shall be sized so as provide additional capacity to accommodate utilities for other telecommunication carriers should collocation be pursued in the future.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for utility undergrounding on all building and grading plans.

TIMING: This condition shall be satisfied prior to issuance of Zoning Clearance.

MONITORING: P&D staff shall check plans prior to issuance of Zoning Clearance.

11. **Tel-07 Vegetation Protection.** Existing vegetation should be preserved and protected to the maximum extent feasible throughout construction activities. Underground lines serving the facility shall be routed to avoid damage to tree root systems and any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand. Trees or shrubs which are significantly damaged or subsequently die as a result of

construction activities shall be replaced with those of a comparable size, species and density as approved by P&D staff. Graded areas, including trench routes, shall be reseeded with matching plant composition.

PLAN REQUIREMENTS: The Permittee shall restate the requirement for vegetation protection on the construction plans.

TIMING: Fencing shall be installed prior the pre-construction meeting, and shall be in place during all ground disturbance and construction activities.

MONITORING: P&D compliance monitoring staff shall confirm fencing installation at the pre-construction meeting.

- 12. 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 30 days of Final Building Clearance. 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.
 - b. Every 5 years, Permittee shall hire a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards. In the event the adopted RF standards change, Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards, w/in 90 days of the date the change becomes effective. If calculated levels exceed 80% of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site. Permittee shall pay for the cost of preparing the reports. For joint-carrier sites, cumulative reporting may be delegated to one carrier upon the agreement of all carriers at the site. Procedures, penalties & remedies for non-compliance with these reporting requirements shall be governed by the provisions of the Telecom Ordinance & FCC regulations.

- c. Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is w/in the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated in “a” above.

PLAN REQUIREMENTS: All building plans shall include provisions for MPE compliance.

TIMING: Initial verification of compliance with RF public MPE standards shall be accomplished no later than 30 days following Final Building Clearance. Continued verification of compliance with MPE requirements shall be accomplished by RF field test reports submitted every 5 years following initial verification.

MONITORING: P&D planner shall review all RF field test reports and estimated maximum cumulative RF exposure reports providing calculations of predicted compliance with the public MPE standard. P&D planner shall monitor changes in RF standards, as well as equipment modifications, additions & RF exposures at the site as reported by the Owner/Applicant that might trigger the requirement for field-testing at intervening times between regular test periods.

13. **Tel-09 Project Review.** Five years after issuance of the Zoning Clearance for the project and no more frequently than every five years thereafter, the Director of P&D may undertake inspection of the project and require the Permittee to modify its facilities subject to the following parameters:

- a. **Modification Criteria.** Modifications may be required if, at the time of inspection it is determined that: (i) the Project fails to achieve the intended purposes of the development standards listed in the Telecommunications Ordinance for reasons attributable to design or changes in environmental setting; or (ii) more effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstance from the time the Project was initially approved.
- b. **Modification Limits.** The Director’s decision shall take into account the availability of new technology, capacity and coverage requirements of the Permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the Permittee shall not be required to undertake changes that exceed ten percent (10%) of the total cost of facility construction. The decision of the Director as to modifications required herein shall be deemed final unless appealed in compliance with the provisions of the County Code.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for emissions compliance on all building plans.

TIMING: Building permit valuation data shall be used for the purpose establishing the estimated cost of installing the facility. At the time of subsequent inspection and upon reasonable notice, the Permittee shall furnish supplemental documentation as necessary to evaluate new technology, capacity and coverage requirements of the Permittee.

MONITORING: P&D compliance monitoring staff shall conduct periodic inspections and ascertain whether more effective mitigation is available with regard to design and technology. In the event of violation, the permit shall be referred to Zoning Enforcement for abatement.

14. Tel-10 Collocation. The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters: (i) the party seeking the collocation shall be responsible for all facility modifications, environmental review, Mitigation Measures, associated costs and permit processing; (ii) the Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk; (iii) the Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis; and (iv) the County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.

15. Tel-11 Transfer of Ownership. In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.

PLAN REQUIREMENTS: The Permittee shall notify the County of changes in ownership to any or all of the telecommunications facility.

TIMING: Notification of changes in facility ownership shall be given by the Permittee and/or succeeding carrier to the County within 30 days of such change.

16. Tel-12 Site Identification. The Permittee shall clearly identify each piece of equipment installed at a site with the Permittee's name and site number to distinguish from other telecommunication carriers' equipment, including but not limited to: antennas, microwave dishes, equipment shelters, support poles, and cabinetry. The Permittee shall be responsible for clearly marking with permanent paint, tags, or other suitable identification all facility equipment belonging to the Permittee as stated on the site plans.

TIMING: This condition shall be satisfied prior to Final Building Inspection Clearance.

MONITORING: P&D permit processing planner shall check plans and P&D compliance monitoring staff shall conduct compliance inspections as needed to ensure permit compliance.

17. **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.
18. **Tel-15 Agreement to Comply.** The facility owner and property owner shall sign and record an agreement to comply with the project description and all conditions of approval on a form acceptable to P&D. Such form may be obtained from the P&D office prior to issuance of zoning clearance. The Owner/Applicant shall provide evidence that he/she has recorded the Agreement to Comply with Conditions.
19. **Tel-16 Abandonment-Revocation.** The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension. In the event the Owner requests that the facility or structures remain, the Owner must apply for necessary permits for those structures within one year of discontinued use. Compliance shall be governed by the following provisions:
 - a. Prior to issuance of Zoning Clearance, the Permittee shall post a performance security. The security shall equal 10 percent of the installation value of the facility as determined at the time of granting the building permit. The performance security shall be retained until this condition is fully satisfied.
 - b. Prior to demolition of the facility, the Permittee shall submit a restoration plan of proposed abandonment to be reviewed and approved by a County approved biologist.
 - c. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.
20. **Rules-01 Effective Date-Not Appealable to CCC.** This Conditional Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [MLUDC §35.472.020].
21. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant

has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

22. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
23. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within 18 months following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.474.030 of the Montecito Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
24. **Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.474.030 of the Montecito Land Use and Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [MLUDC §35.472.060 & 35.474.060].
25. **Rules-22 Leased Facilities.** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
26. **Rules-23 Processing Fees Required.** Prior to issuance of Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
27. **Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
28. **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 fees prior to approval of Zoning Clearance 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;
 - c. Note the following on each page of grading and building plans “This project is subject to Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval”;
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
- 29. Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
- 30. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 31. Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.

32. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

ATTACHMENT 3: NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Megan Lowery, Planning & Development

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN: 011-200-015, -016

Case No.: 12CUP-00000-00007

Location: 512 Santa Angela Lane, Santa Barbara

Project Title: Verizon Wireless Telecommunications Facility at Montecito Switch Station

Project Description:

The project is a request by the agent, Jay Higgins of SAC Wireless, for the applicant, Verizon Wireless, for a Major Conditional Use Permit to allow construction and use of an unstaffed telecommunications facility under provisions of County code zoning requirements for property zoned 20-R-1. The facility would be located in a 500-square foot lease area at 512 Santa Angela Lane, Assessor Parcel Nos. 011-200-015 and -016.

The applicant is proposing to construct an unmanned wireless facility that would include twelve (12) panel antennas with six antennas per sector at 120, 220 and 310 degree azimuths (from north). The antenna would be mounted on a new 75-foot tall antenna support structure designed to resemble a pine tree. The antennas would be operating in the cellular, PCS and LTE bandwidths. The proposed facility would cover most of Montecito.

All support equipment for the facility would be located in a new 11'8" x 16' 0" x 12' prefabricated equipment shelter located near the western property line. The equipment shelter would be placed on a concrete slab with a new electrical pedestal and would have two GPS antennas mounted on its side. The equipment would be cooled by two HVAC air-conditioning units located on the shelter operating intermittently as needed. The equipment shelter would be painted to match the existing switch station building but would be screened by the existing concrete retaining wall and mature vegetation along the western property line. The facility would be serviced by Southern California Edison and Verizon California Inc. via underground connection to existing utilities onsite. The proposed facility would not require grading other than trenching associated with the utility connections. In the event of a power failure, a generator would be brought from off-site and temporarily installed to maintain power to the facility.

Name of Public Agency Approving Project: County of Santa Barbara
Name of Person or Agency Carrying Out Project: Jay Higgins, SAC Wireless

Exempt Status: (Check one)

- Ministerial
 Statutory Exemption
 Categorical Exemption
 Emergency Project
 Declared Emergency

Cite specific CEQA and/or CEQA Guideline Sections:

Section 15303: “New Construction or Conversion of Small Structures”

Reasons to support exemption findings:

The proposed project can be found categorically exempt from environmental review pursuant to Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15303 allows “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.”

The proposed project is a request to construct a new telecommunications facility including a 75-foot faux tree antenna support structure, with twelve (12) panel antennas, in addition to an equipment shelter (160 sq. ft.) adjacent to the other carrier’s equipment shelter on the west side of the property. The antennas would be concealed within the branches of the tree, which would be located adjacent to the existing mature trees on the property. The equipment shelter would also be screened from public view in its proposed location by the existing perimeter wall and mature vegetation. The proposed project does not require water or sewer service, and would not generate any solid waste, odors or dust. No new gas, electric or telephone utilities would be required as they already exist onsite. Public services such as fire and law enforcement would not be required given the automated nature of the facility and restricted public access. Access would be provided by existing paved roads and additional traffic would be minimal (limited to one trip per month to the facility for maintenance). Vegetation protection measures would be instituted to ensure the retention of the existing landscaping. The project is located in an existing developed area, and would not impose any impacts to biological or archeological resources. Therefore, the project is minor in nature and would not have the potential to create any significant environmental effects. Therefore, it is subject to the categorical exemption under Section 15303 and no further environmental review is required.

There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project is a Class 3 project, and therefore location must be taken into consideration per this exception. The project would be located on the Montecito Switch Station property, in the Upper Village area of the Montecito Community Plan area which is an urban area with residential development. The project has been designed to blend with the existing mature trees on the property and utilizes the perimeter wall and vegetation to screen the ground mounted facility components from view. No designated trails, sensitive biological resources or cultural resources occur within the immediate project vicinity. Therefore the project would not pose a significant impact to any known resources.

- (b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed project reduces cumulative impacts by providing opportunity for additional carriers to collocate on the tower rather than erect additional facilities nearby. Additionally, Federal standards require that collocated facilities, such as this, cumulatively meet the FCC health and safety emissions standards. As a part of the permit application, Verizon Wireless provided an emissions report, prepared by Hammett & Edison dated March 14, 2013. The report analyzed the emissions of the existing AT&T emissions (building-mounted facility), the proposed Verizon Wireless emissions, and the cumulative emissions of both facilities operating simultaneously. The report concluded that the simultaneous operation of both facilities would be 2.5% of the FCC public exposure limit, and would meet all health and safety requirements. Therefore there are no cumulative health and safety impacts anticipated as part of the proposed project.

- (c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

As described above, telecommunications facilities are regulated by the Federal Communications Commission and are required to comply with Federal emissions standards and health and safety requirements at all times. The facility complies with these standards therefore there are no unusual circumstances anticipated to result from the proposed project.

- (d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway

officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The proposed project is not located near or within visibility of a designated scenic highway.

- (e) **Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The project is not located on an identified hazardous waste site.

- (f) **Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

The project is not located on or near a historical resource.

Lead Agency Contact Person: Megan Lowery

Phone #: (805) 568-2517

Department/Division Representative: _____ Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff
Project file (when P&D permit is required)
Date Filed by County Clerk: _____.

VICINITY MAP
PHOTOSIMULATION VIEWPOINTS



MONTECITO - VZW SWITCH
PSL# 115535
512 SANTA ANGELA
MONTECITO, CA 93108



5865 AVENIDA ENCINAS, STE. 142B
CARLSBAD, CA 92008
OFFICE: (760) 795-5200

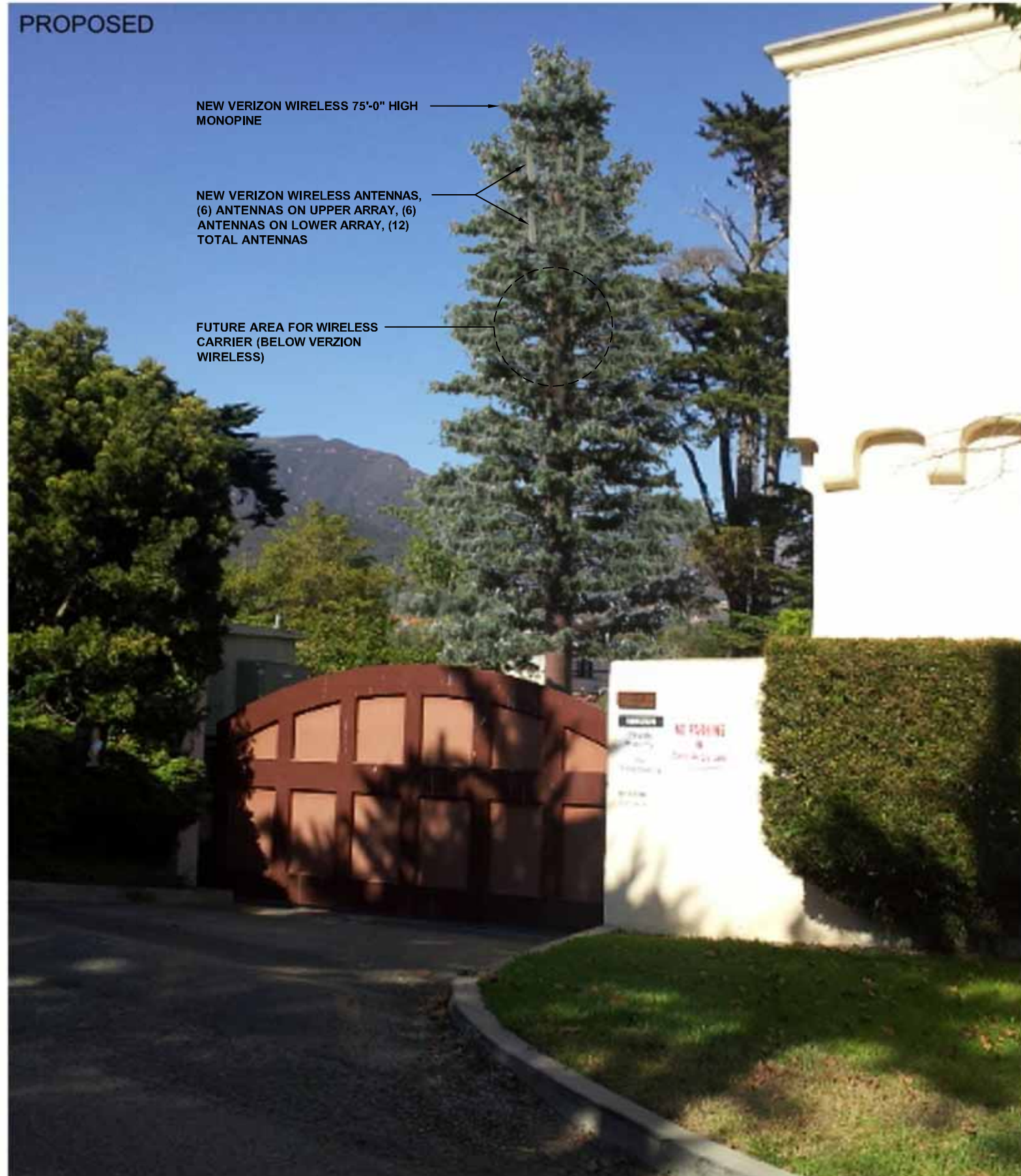


PHOTOSIMULATION VIEW 1

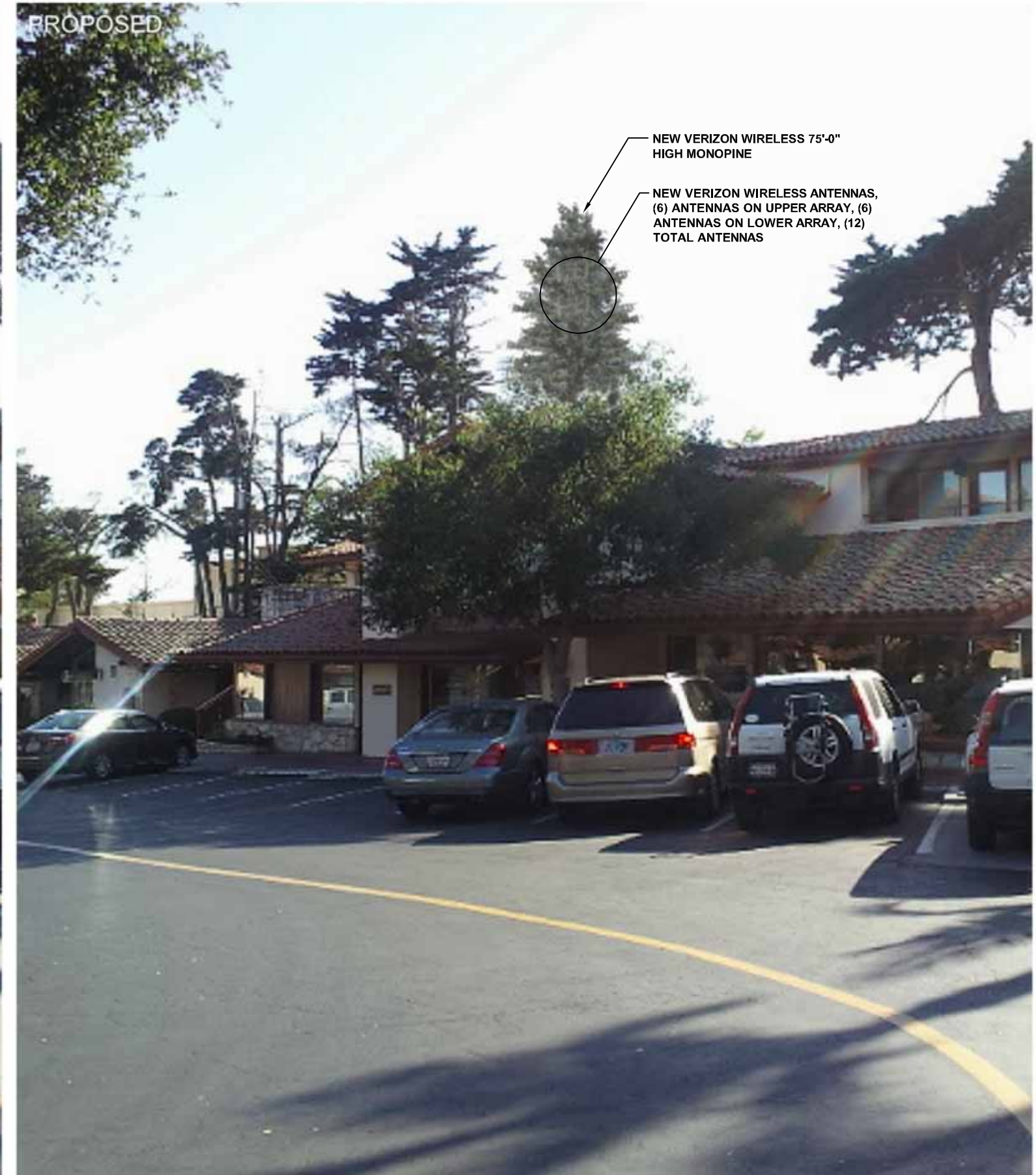
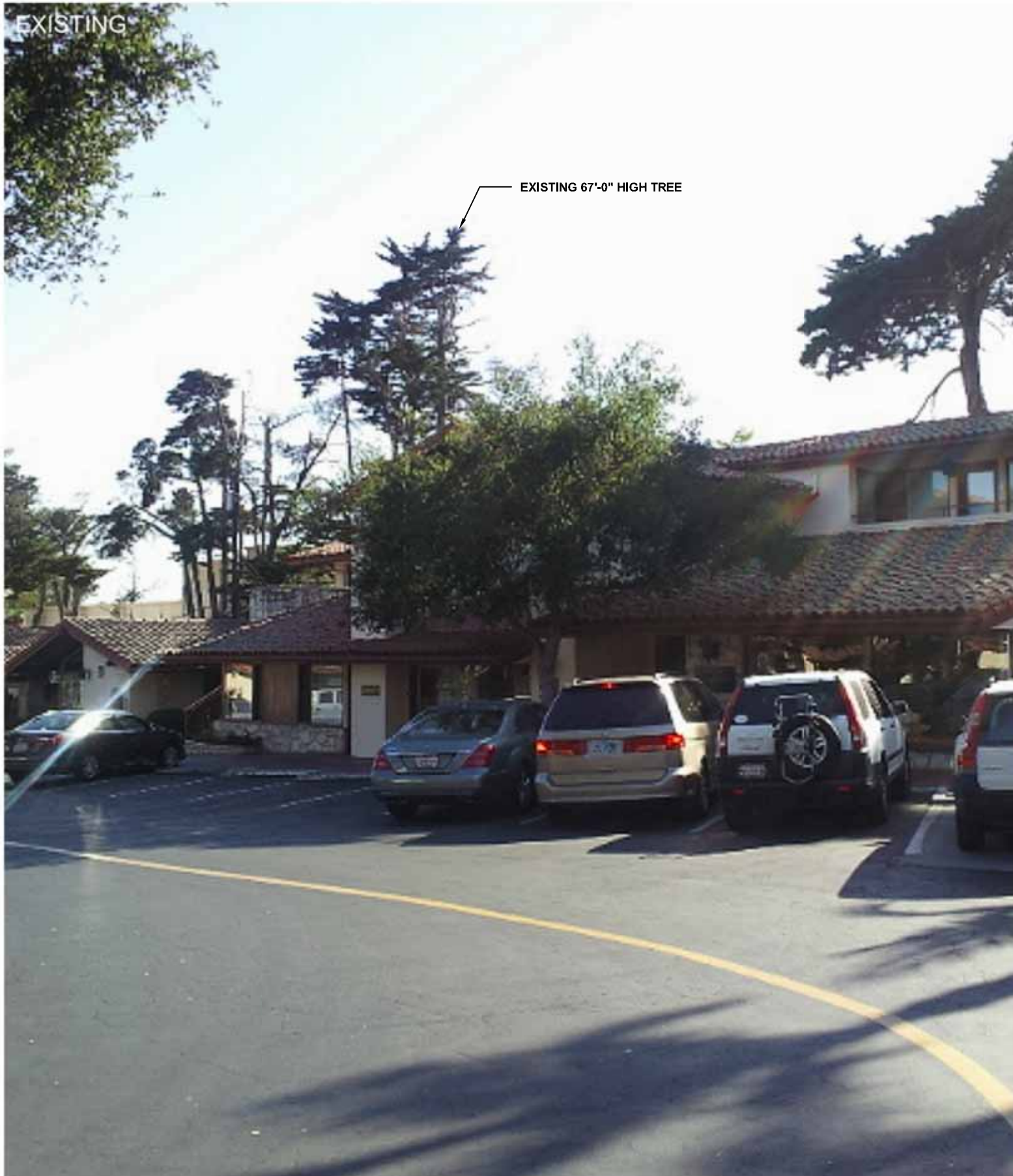
EXISTING



PROPOSED

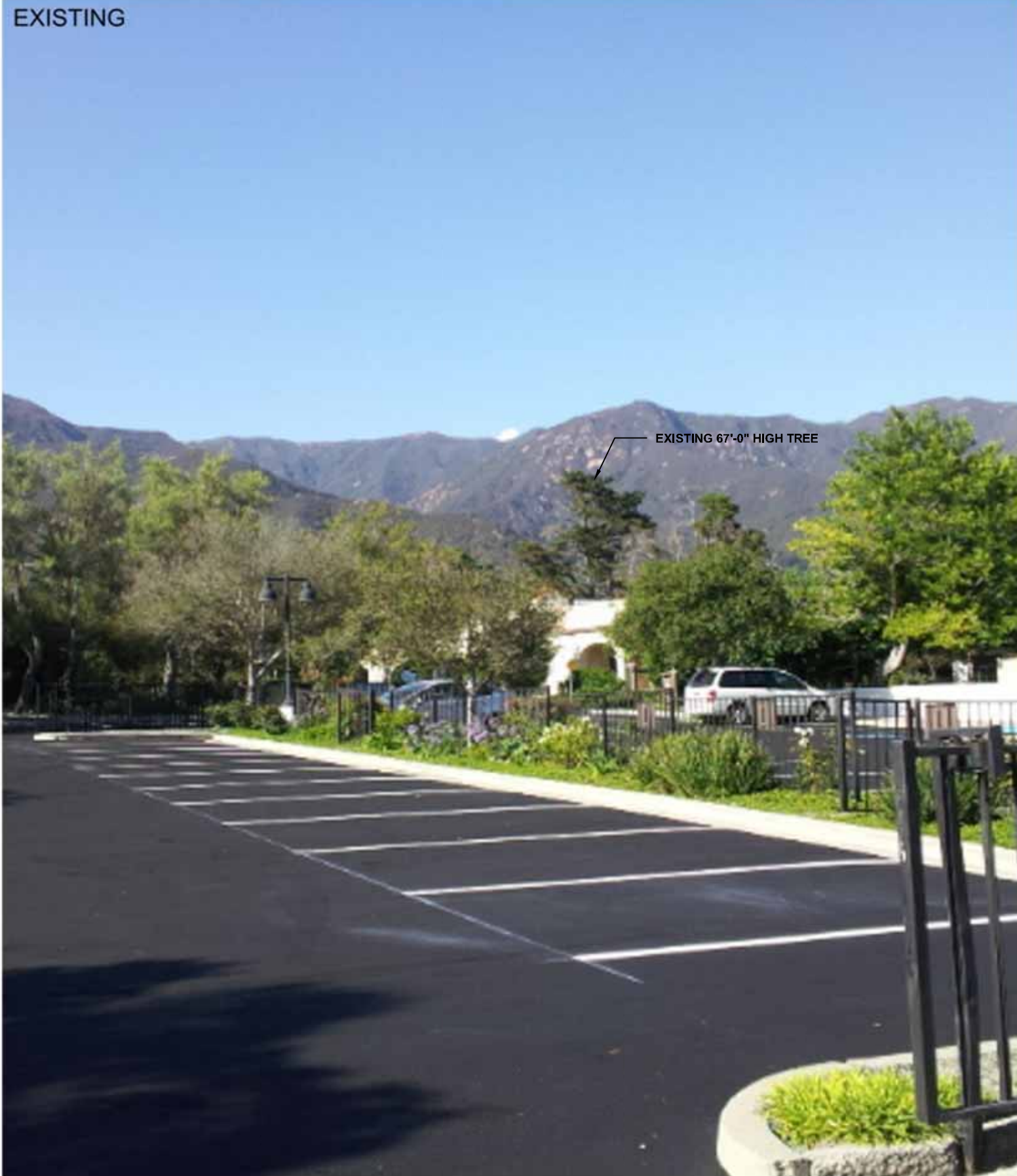


PHOTOSIMULATION VIEW 2

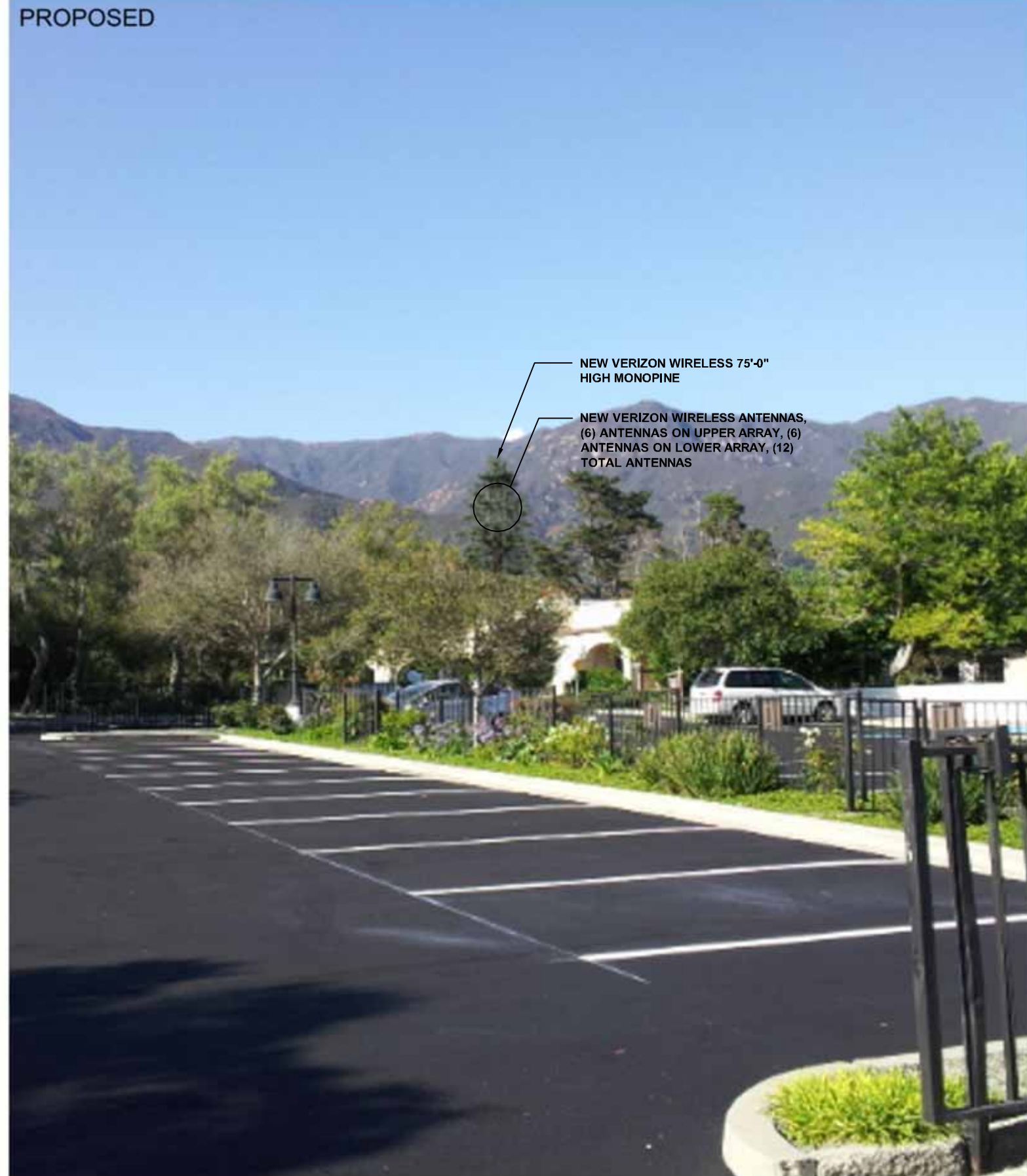


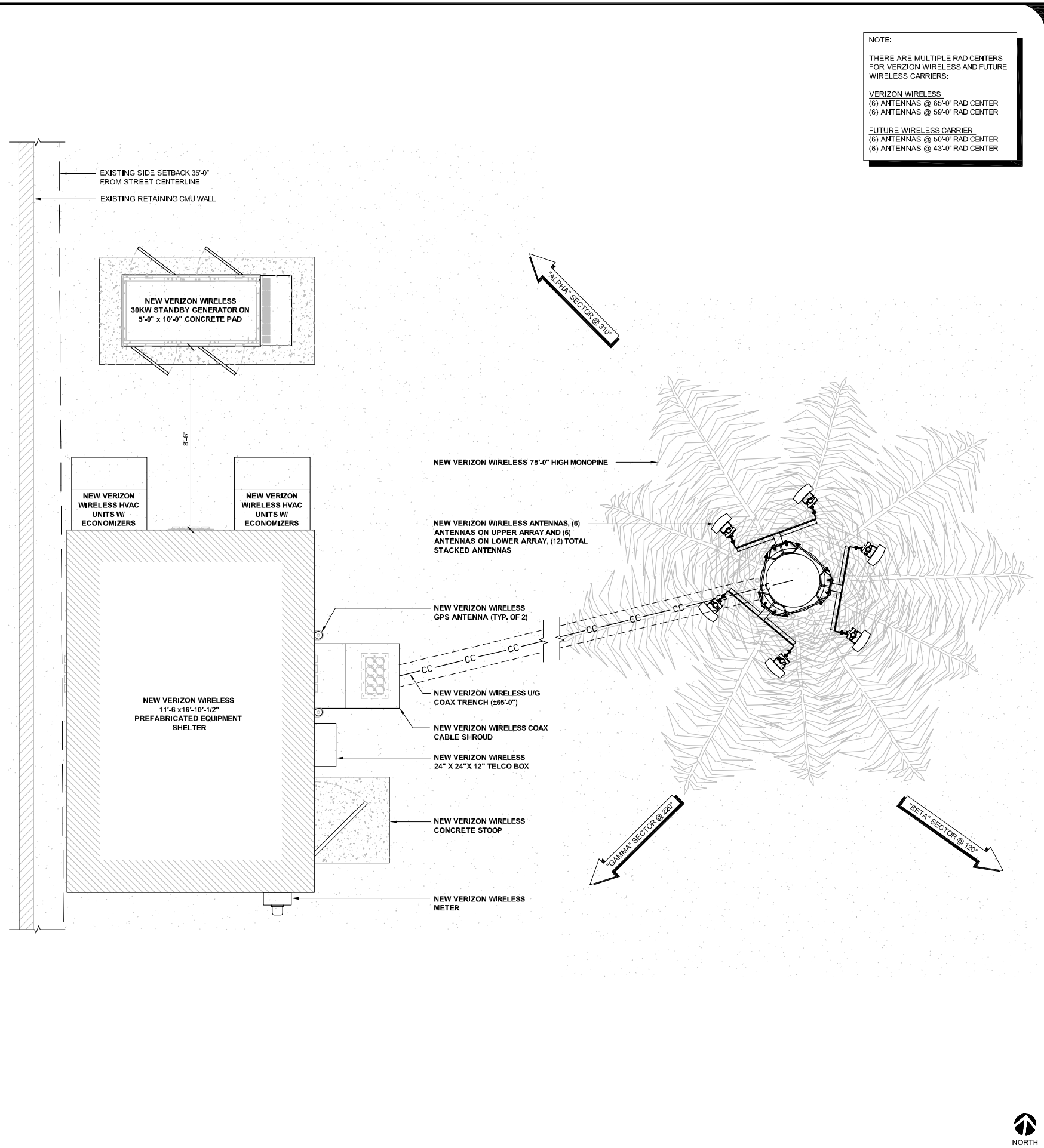
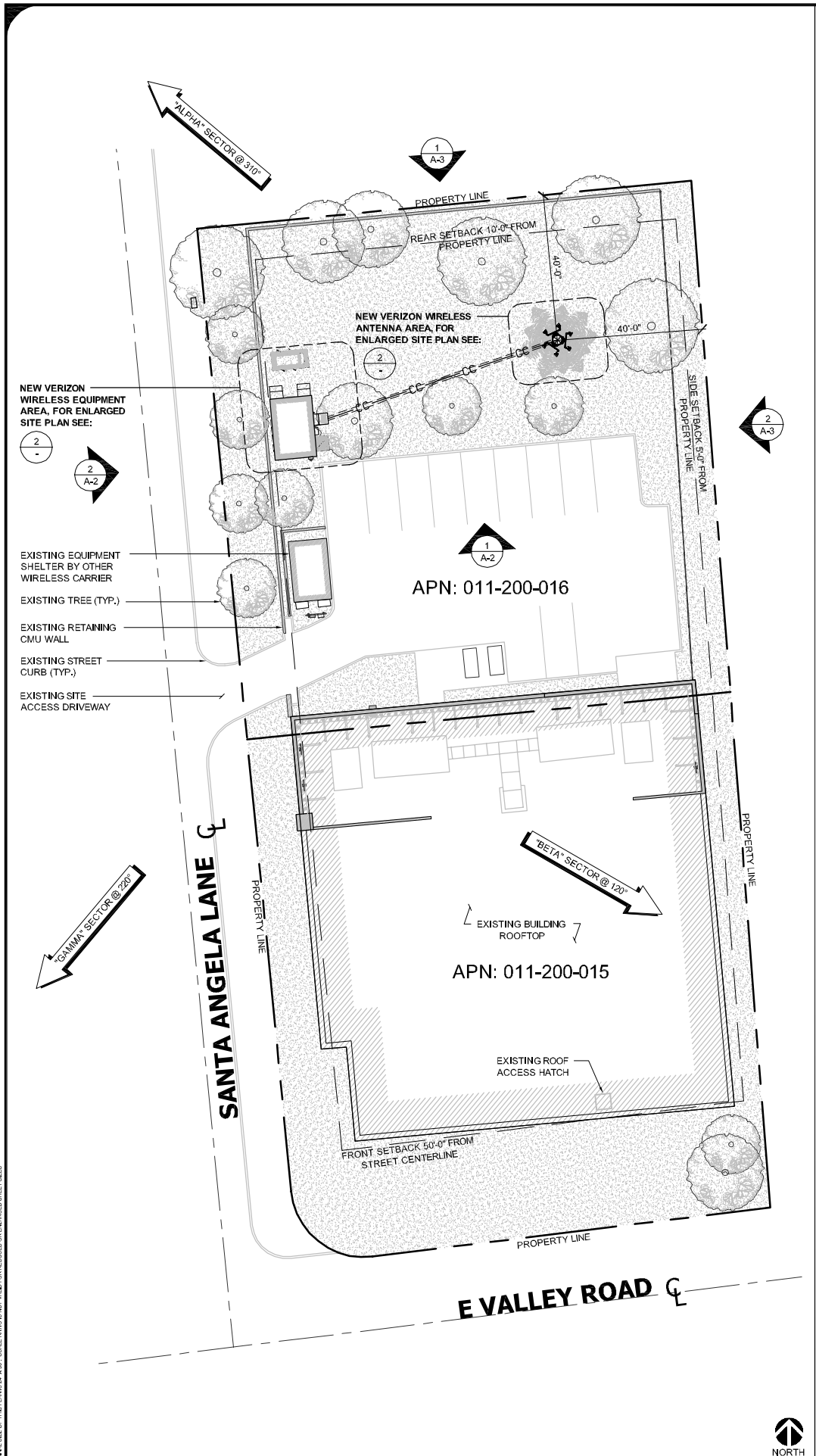
PHOTOSIMULATION VIEW 3

EXISTING



PROPOSED





NOTE:

THERE ARE MULTIPLE RAD CENTERS FOR VERIZON WIRELESS AND FUTURE WIRELESS CARRIERS:

VERIZON WIRELESS
 (6) ANTENNAS @ 65'-0" RAD CENTER
 (6) ANTENNAS @ 59'-0" RAD CENTER

FUTURE WIRELESS CARRIER
 (6) ANTENNAS @ 50'-0" RAD CENTER
 (6) ANTENNAS @ 43'-0" RAD CENTER

REV	DATE	DESCRIPTION	BY
0	11/05/2012	LEASE EXHIBIT	JE

SDC
 WIRELESS
 ENGINEERING GROUP

5885 AVENIDA ENCINAS
 CARLSBAD, CA 92008
 WWW.SDCW.COM
 760.795.5200

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS

ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED

verizon wireless

2785 MITCHELL DRIVE, BLDG 9
 WALNUT CREEK, CA 94598

MONTECITO RELO

PSL # 115535

512 SANTA ANGELA
 MONTECITO, CA 93108

MONTECITO RELO

PSL # 115535

512 SANTA ANGELA
 MONTECITO, CA 93108

SHEET TITLE:
 SITE PLAN AND
 ENLARGED SITE PLAN

A-1

ISSUE STATUS

REV	DATE	DESCRIPTION	BY
0	01/09/2013	90% ZONING	JE
1	01/11/2013	95% ZONING	JE



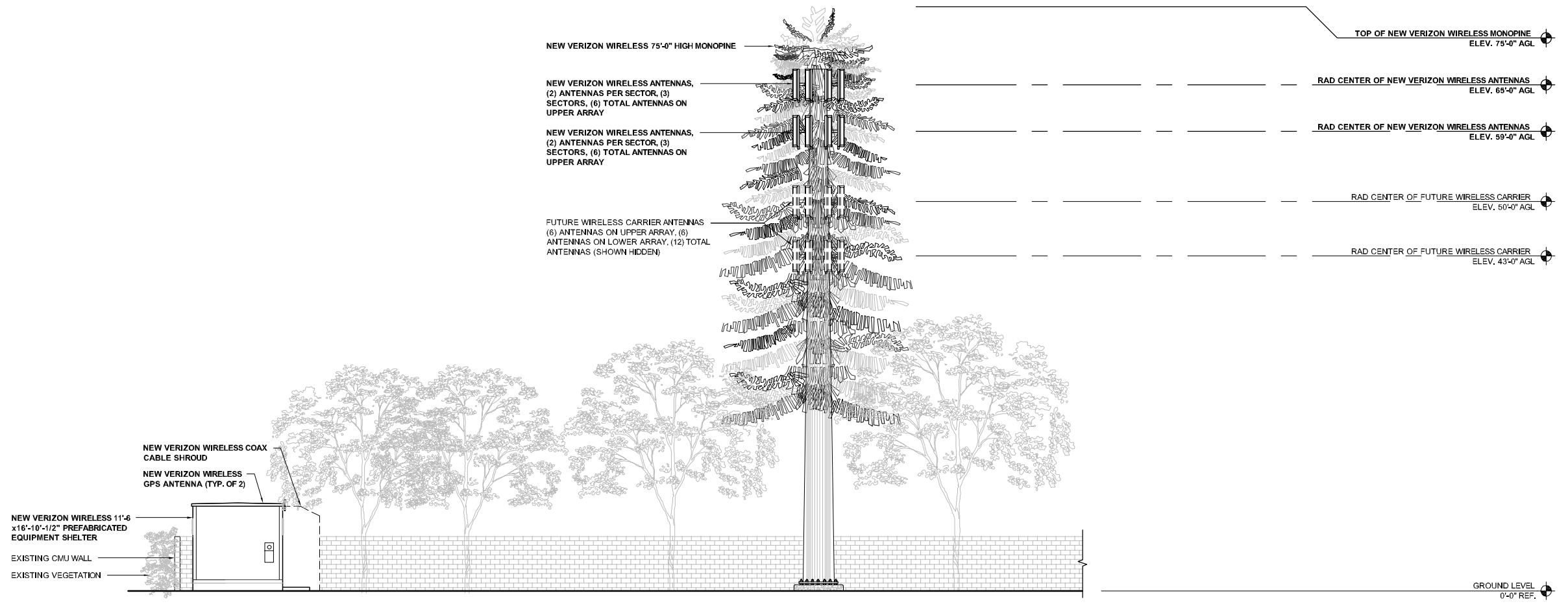
PROPRIETARY INFORMATION
 THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS
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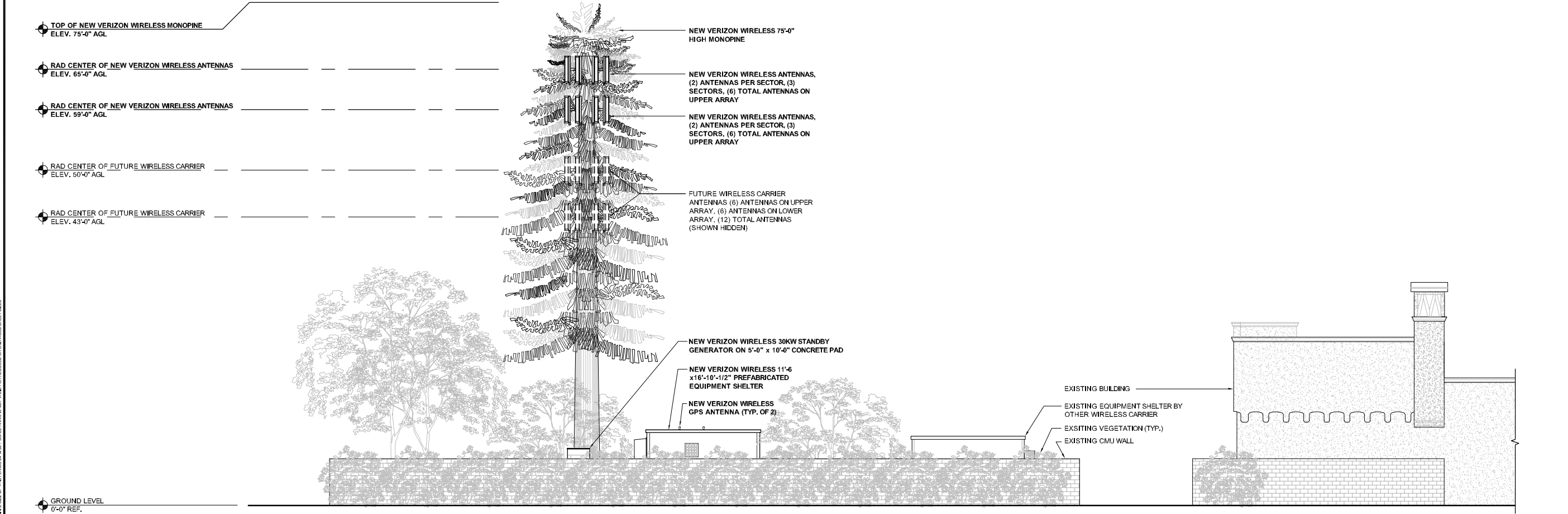
MONTECITO RELO
PSL # 115535
 512 SANTA ANGELA
 MONTECITO, CA 93108

SHEET TITLE:
SOUTH & WEST ELEVATIONS

A-2



SOUTH ELEVATION



WEST ELEVATION

NOTE: THE ORIGINAL SIZE OF THIS PLANS SET IS 36" SCALE AND/OR NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES

TOP OF NEW VERIZON WIRELESS MONOPINE
ELEV. 75'-0" AGL

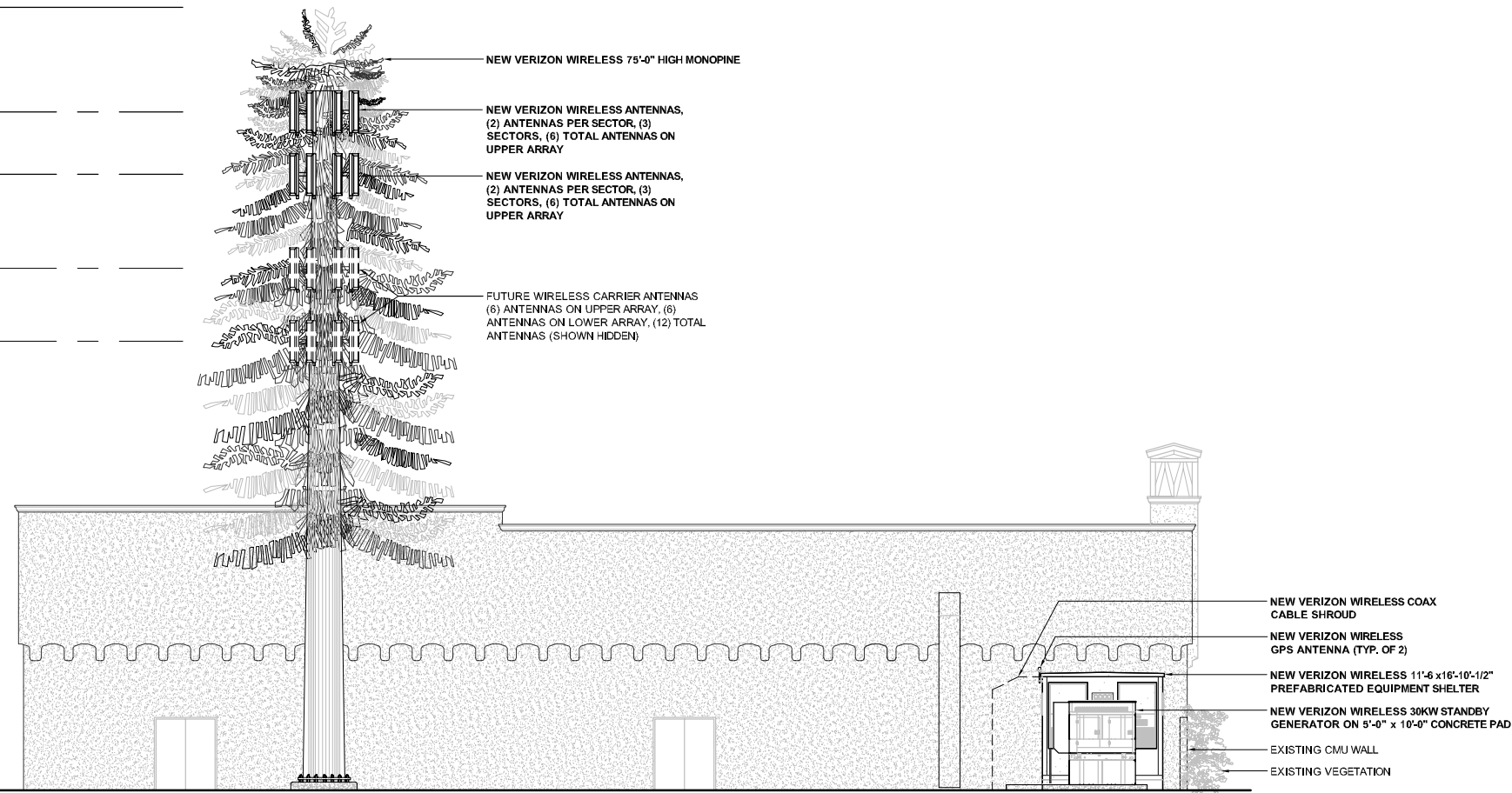
RAD CENTER OF NEW VERIZON WIRELESS ANTENNAS
ELEV. 65'-0" AGL

RAD CENTER OF NEW VERIZON WIRELESS ANTENNAS
ELEV. 59'-0" AGL

RAD CENTER OF FUTURE WIRELESS CARRIER
ELEV. 50'-0" AGL

RAD CENTER OF FUTURE WIRELESS CARRIER
ELEV. 43'-0" AGL

GROUND LEVEL
0'-0" REF.



NORTH ELEVATION

0 2' 4' 8' SCALE: 1/8" = 1'-0" (24x36)
(OR) 1/16" = 1'-0" (11x17) **1**

NOTE: THE ORIGINAL SIZE OF THIS DRAWING IS 24" X 36". SCALE AND/OR IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.

NEW VERIZON WIRELESS 75'-0"
HIGH MONOPINE

NEW VERIZON WIRELESS
ANTENNAS, (2) ANTENNAS PER
SECTOR, (3) SECTORS, (6) TOTAL
ANTENNAS ON UPPER ARRAY

NEW VERIZON WIRELESS
ANTENNAS, (2) ANTENNAS PER
SECTOR, (3) SECTORS, (6) TOTAL
ANTENNAS ON UPPER ARRAY

FUTURE WIRELESS CARRIER
ANTENNAS, (6) ANTENNAS ON
UPPER ARRAY, (6) ANTENNAS ON
LOWER ARRAY, (12) TOTAL
ANTENNAS (SHOWN HIDDEN)

NEW VERIZON WIRELESS 11'-6"
x16'-10"-1/2" PREFABRICATED
EQUIPMENT SHELTER

NEW VERIZON WIRELESS
GPS ANTENNA (TYP. OF 2)

TOP OF NEW VERIZON WIRELESS MONOPINE
ELEV. 75'-0" AGL

RAD CENTER OF NEW VERIZON WIRELESS ANTENNAS
ELEV. 65'-0" AGL

RAD CENTER OF NEW VERIZON WIRELESS ANTENNAS
ELEV. 59'-0" AGL

RAD CENTER OF FUTURE WIRELESS CARRIER
ELEV. 50'-0" AGL

RAD CENTER OF FUTURE WIRELESS CARRIER
ELEV. 43'-0" AGL

EXISTING BUILDING

EXISTING EQUIPMENT SHELTER BY
OTHER WIRELESS CARRIER

EXISTING CMU WALL

GROUND LEVEL
0'-0" REF.

EAST ELEVATION

0 2' 4' 8' SCALE: 1/8" = 1'-0" (24x36)
(OR) 1/16" = 1'-0" (11x17) **2**

ISSUE STATUS

REV	DATE	DESCRIPTION	BY
0	01/09/2013	90% ZONING	JE
1	01/11/2013	95% ZONING	JE



PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS. ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED.

verizonwireless
2785 MITCHELL DRIVE, BLDG 9
WALNUT CREEK, CA 94598

MONTECITO RELO
PSL # 115535
512 SANTA ANGELA
MONTECITO, CA 93108

SHEET TITLE:
NORTH & EAST ELEVATIONS

A-3