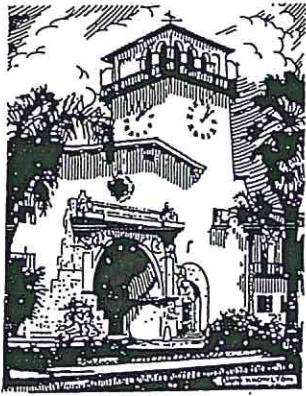


COUNTY OF SANTA BARBARA
CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030



September 29, 2014

Robert McCormick
3618 W. Estates Lane, Suite B
Rolling Hills Estates, CA 90274

PLANNING COMMISSION
HEARING OF SEPTEMBER 24, 2014

RE: AT&T New Telecommunications Facility at Hollister Avenue Christ of the King Episcopal Church; 13CUP-00000-00014

Hearing on the request of Robert McCormick, agent for the applicant, AT&T, to consider Case No. 13CUP-00000-00014 [application filed on June 25, 2013] to allow construction and operation of an unstaffed telecommunications facility with a 50-foot tall antenna support structure designed to resemble a church bell tower, in compliance with Sections 35.82.060 (Conditional Use Permits) and 35.44.010 (Telecommunications Facilities) of the County Land Use and Development Code, on property zoned DR-4.6; and to accept the exemption pursuant to Sections 15303 and 15304 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No. 065-110-004, located approximately 0.5 miles east of the intersection of Hollister Avenue and Patterson Avenue, known as 5073 Hollister Avenue, Goleta area, Second Supervisorial District.

Dear Mr. McCormick:

At the Planning Commission hearing of September 24, 2014, Commissioner Brown moved, seconded by Commissioner Ferini and carried by a vote of 5 to 0 to:

1. Make the required findings for approval of the project, Case No. 13CUP-00000-00014, specified in Attachment A of the staff report, dated September 4, 2014 including CEQA findings;
2. Determine that the project is exempt from environmental review pursuant to Sections 15303 and 15304 of CEQA, as specified in Attachment C of the staff report, dated September 4, 2014; and
3. Approve the project, Case No. 13CUP-00000-00014, subject to the conditions included as Attachment B of the staff report dated September 4, 2014.

The attached findings and conditions reflect the Planning Commission's actions of September 24, 2014.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, October 6, 2014 at 5:00 p.m.**

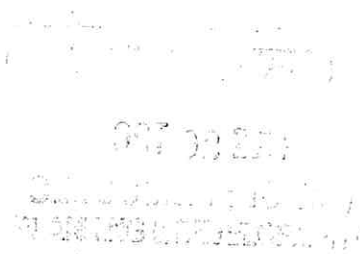
If this decision is appealed, the filing fee for both non-applicant and applicant is \$648.26 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

- cc: Case File: 13CUP-00000-00014
- Planning Commission File
- Owner: Episcopal Diocese of Los Angeles, 840 Echo Park Avenue, Los Angeles, CA 90274
- Applicant: Sharon Myl, AT&T, 12900 Park Plaza Drive, Cerritos,, CA 90703
- County Chief Appraiser
- County Surveyor
- Fire Department
- Flood Control
- Community Services Department
- Public Works
- Environmental Health Services
- APCD
- Janet Wolf, Second District Supervisor
- ✓ Cecilia Brown, Second District Planning Commissioner
- ✓ Brian Pettit, Deputy County Counsel
- ✓ John Zorovich, Planner



Attachments: Attachment A – Findings
Attachment B – Conditions of Approval

DMB/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA

1.1 CEQA Guidelines Exemption Findings

The proposed project is exempt from environmental review pursuant to Sections 15303 and 15304 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment C (Environmental Document: Notice of Exemption) to this staff report dated September 4, 2014, and incorporated herein by reference.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

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 proposed telecommunication facility would be located on a 2.97 acre parcel, adjacent to an existing church. The facility consists of one (1) 50 ft. tall antenna support structure designed to resemble a church bell tower, and a 288 sq. ft equipment enclosure. The project also includes construction of a 462 s.f. storage room for the sole use of the Church. Technical requirements dictate that wireless facilities be sited in a manner that provides clear line-of-site transmission of signals. The antennas will be located within the proposed bell tower structure located approximately 55 feet south of Hollister Avenue. The bell tower would be visible to the passing motorist in both eastbound and westbound directions. However, the twelve antennas would be located within the church bell tower structure and would be fully screened by new RF transparent screening material incorporated into the design of the bell tower structure. The project meets the requirements of the Land Use & Development Code regarding telecommunication facilities. Additionally, both the proposed AT&T equipment enclosure and church storage room (located adjacent to the existing church) have been designed to be compatible with the surrounding land uses and existing church. The proposed storage room and equipment enclosure will be painted a non-reflective brown color that matches the existing color of the church and will be constructed with similar wood siding as the existing church to visually blend them into the existing manmade setting and lessen their visibility. The size, design, shape and location of the faux bell tower and the two storage enclosures to the existing church have been reviewed and conceptually approved by the South Board of Architecture Review. The project does not require additional public or private utility services and will not significantly increase the intensity of uses that occur on the church site. Additional landscaping will also be installed to further blend the project into the existing development. Therefore, the proposed project site is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed. Therefore, this finding can be made.

2.1.2 **Within the inland area, significant environmental impacts will be mitigated to the maximum extent feasible.**

No significant environmental impacts will result from the project. The project is exempt from environmental review pursuant to Sections 15303 and 15304 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). The facility will utilize a 50-foot tall faux bell tower antenna support structure. The faux bell tower support structure will screen the antennas from public view, and along with the proposed landscaping will blend the facility with the existing development located in the immediate vicinity to the maximum extent feasible.

To ensure that proposed projects would operate within FCC limits, the County requires that applicants submit a report prepared by a qualified third party that estimates the proposed project's radio frequency emissions and determines whether or not they comply with the Federal requirements. As part of the permit application, the applicant provided a Radio Frequency Electromagnetic (RF-EME) Compliance report prepared by EBI Consulting, dated January 21, 2014.

According to the report, the FCC's Maximum Permissible Exposure (MPE) limits for human exposure are measured in terms of power (milliwatts (mW)) over a unit surface area (cm²). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm²) and an uncontrolled MPE of 1 mW/cm² for equipment operating in the 1900 megahertz (MHz) frequency range. For the proposed AT&T equipment operating at 850 MHz, the FCC's occupational MPE is 2.83 mW/cm² and an uncontrolled MPE of 0.57 mW/cm². For the proposed AT&T equipment operating at 700 MHz, the FCC's occupational MPE is 2.33 mW/cm² and an uncontrolled MPE of 0.47 mW/cm². These limits are considered protective of nearby populations.

Based on the above, the report concludes that "At the nearest walking/working surfaces to the AT&T antennas, the maximum power density generated by the AT&T antennas is 12.3% of the FCC's public exposure limit (2.46 % of the FCC's occupational limit)." Since there are no other carriers on site, the cumulative level was not calculated. The report also states, based on 'worst-case' predictive modeling, that there are "no modeled exposures on any ground-level walking/working surfaces related to proposed equipment in the area that exceed the FCC's occupational and general public exposure limits at this site." The report verifies that the facility would operate in compliance with the applicable FCC limits. Please see Attachment G to the staff report dated September 4, 2014 for a copy of the report. Additional conditions include the requirement for final SBAR approval to ensure that the project is visually compatible with the surrounding area, and the requirement for monitoring of radiofrequency emissions to ensure compliance with FCC standards.

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

The proposed unstaffed facility will not generate traffic other than during installation and for periodic maintenance required on an as-needed basis. Access to the project site will be provided via a new driveway accessed from Hollister Avenue, a public road. The existing roadway infrastructure is adequate to serve the facility. Therefore, the existing streets are sufficient to serve the 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.

As discussed in Sections 6.2, and 6.3 of the staff report dated September 4, 2014 and incorporated herein by reference, the facility will be unstaffed and will not require any public services such as water, sewage, police or fire. Power and telephone service currently exist at the site and will be sufficient to serve the 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.

As discussed in Sections 6.2, and 6.3 of the staff report dated September 4, 2014 and incorporated herein by reference, the facility complies with the Federal health and safety standards and therefore will not be detrimental to the health, safety, comfort, convenience, and

general welfare of the neighborhood. Additionally, the faux bell tower is designed to blend with the architecture and style of the existing church and includes RF transparent material in the design that will conceal the visibility of the antennae. The facility has been carefully sited and designed to be visually compatible with the surrounding area. 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 any applicable community or area plan.

As discussed in Sections 6.2 and 6.3 of the staff report dated September 4, 2014, and incorporated herein by reference, the project will be in conformance with all applicable provisions of the LUDC, and the Comprehensive Plan, including the Goleta Community Plan. Therefore, this finding can be made.

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

The project site is located within the urban area of the Goleta Community Planning area. Therefore, this finding does not apply.

2.2 ADDITIONAL FINDINGS PER LUDC SECTION 35.44.010.G

In addition to the findings required to be adopted by the review authority in compliance with Section 35.82.050 (Coastal Development Permits), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permit), Section 35.82.080 (Development Plans) and Section 35.82.110 (Land Use Permits), in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:

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

The proposed project blends into the surrounding environment since the facility is designed to simulate a bell tower structure, which is a typical component of a religious building. The proposed project would use the same materials, colors, and architectural style as the existing church, so the structures would blend with its surrounding environment. Additionally, all proposed antennas will be mounted behind RF-friendly screening to conceal the antennas from view. The proposed project would require final approval by the Board of Architectural Review (BAR). The design of the facility effectively utilizes the existing landforms and structures so that the site blends into the surrounding natural and manmade environment. Therefore this finding can be made.

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

Technical requirements dictate that wireless facilities be sited in a manner that provides clear line-of-sight transmission of signals. The antenna structure will be located approximately 55 feet south of Hollister Avenue, and will be visible to passing motorists in both the eastbound and westbound directions. However, the twelve antennas would be located within the church bell tower structure and would be fully screened by new RF transparent screening material incorporated into the design of the bell tower structure. In addition, the storage and equipment structures will be clad in wood siding and painted in a non-reflective brown color to match the existing church building, thereby minimizing their visibility from public view. Additional landscaping will also be installed to further blend the project into the existing development. 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 Sections 6.2 and 6.3 of the staff report dated September 4, 2014, and incorporated herein by reference, the facility is designed to blend with the existing urban setting of the area by simulating a bell tower structure, which is a typical component of a religious building. The proposed antennas would be concealed behind RF-friendly screening material incorporated into the bell tower design and will not be visible. In addition, the storage and equipment shelters will be clad in wood siding and painted in a non-reflective brown color to match the existing church building. The proposed project will require final approval by the Board of Architectural Review (BAR). 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).

- 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 discussed in Section 6.3 of the staff report dated September 4, 2014, and incorporated herein by reference, the project complies with all required development standards. Therefore, 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.

A radiofrequency emissions report completed by EBI Consulting, dated January 21, 2014, concluded that the facility meets the FCC requirements. As a part of the project conditions (Condition No. 12 "FCC Compliance"), a verification measurement report will be required within 30 days of final building clearance to confirm adherence to these requirements. 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 existing telecommunications facilities that are within a two mile radius are concealed within faux monopines and telephone pole structures located in Tucker's Grove Park and the Sea View Nursery in Goleta, respectively. Other structures located within a two mile radius include a faux church tower located at the Church of Nazarene, and two cell towers located at the County Transfer Station. Additionally, there is a telecom facility located on top of a light standard located in the northwest corner of the Turnpike Shopping Center parking lot. Collocating with these facilities would not meet the 4G/LTE coverage objectives for the Goleta area near Hwy 101, and along Hollister Avenue from Patterson Avenue to San Marcos Road.

According to the coverage maps provided by the applicant, currently there is a gap in service along the Hollister Avenue "corridor" between Paterson and Turnpike Avenues. There are no existing support structures within the project site vicinity which could accommodate the proposed facility and reduce the service gap for coverage in this 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.

Collocating with the facilities discussed in Finding 2.2.6 will not meet the 4G/LTE coverage objectives for the Goleta area near Hwy 101 and along Hollister Avenue from Patterson Avenue to San Marcos Road. There are no existing support structures within the project site vicinity which could accommodate the proposed facility. The faux bell tower design was supported the Board of Architectural Review to maximize the structure's compatibility with the surrounding area which includes an existing church on the subject parcel. The design of the facility effectively utilizes a bell tower design to blend the telecom facility into the surrounding manmade environment, and is the least intrusive design feasible for the proposed project. Therefore, this finding can be made.

ATTACHMENT B: CONDITIONS OF APPROVAL

AT&T Telecommunications Facility

Case No. 13CUP-00000-00014

March 12, 2014

I. PROJECT DESCRIPTION

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 Attachment A-H, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

The proposed project is a request by the agent, Robert McCormick, for the applicant, AT&T, for a Major Conditional Use Permit to allow construction and use of an unmanned telecommunications facility under provisions of County code zoning requirements for property zoned DR-4.6, known as the Christ the King Church, located at 5073 Hollister Avenue, Assessor Parcel No. 065-110-004.

The facility would include twelve (12) 6-foot panel antennas located within a 50-foot tall faux bell tower. The antennas are directional and would be located approximately 36 feet above grade. The project also includes construction of a new addition to the existing church consisting of: 1) a 14' x 33' storage room for the church; and 2) a 12' x 24' AT&T equipment enclosure for storage of the ground mounted equipment. The 12' x 24' AT&T enclosure would be located within a 288 sq. ft. lease area. The AT&T facility would be serviced by Southern California Edison and AT&T via underground connection to existing services on the property.

All of the proposed ground support equipment (with the exception of two AC condenser units), would be located within the proposed enclosure building. The condensers would be placed on concrete slab foundations surrounded by barrier walls. The condensers would be located adjacent to the enclosure building. The maximum height of both the church storage building and AT&T equipment enclosure would be 11 feet, installed above ground within the lease area. The equipment enclosure would remain locked at all times, with an alarm system connected to the AT&T Regional Network Operations Center. No fencing is proposed around the perimeter of the lease area. The equipment enclosure would be placed on a concrete slab with a new electrical pedestal and would have one GPS antenna mounted on its side. The equipment would be cooled intermittently by two air-conditioning units located in the equipment enclosure. Grading for utility trenching, driveway/ parking and concrete slab foundation installation would consist of approximately 173 cubic yards.

Access to the facility would be provided by a new driveway which is accessed from Hollister Avenue. Parking for maintenance activities would be provided in the existing church parking lot (located immediately east of the existing Church) or by two new parking spaces located immediately south of the new equipment enclosure. No exterior lighting is proposed.

The project would also include landscaping the entire front portion of the subject parcel facing Hollister Avenue. Landscaping includes installation of nine 48-inch box olive trees located along the northern perimeter of the subject parcel as well as an assortment of shrubs and fruit trees. The proposed landscaping would partially screen the new storage room and equipment enclosure additions as well as provide the church and community with a "Reconciliation Garden". A meandering DG pathway and a manmade dry creek bed and dry pond would be incorporated into the design of the reconciliation garden. Other design elements incorporated into the reconciliation garden include basal pillars, (ranging in height from 5-7 feet), 6-foot tall wood cross located on an 18-inch concrete base, and an 8-foot round wood table with seating.

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.

II. PROJECT SPECIFIC CONDITIONS

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 and shall conform in all respects to BAR approved plans (Case No. 13BAR-00000-00123). **TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of the Land Use Permit.

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. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
 - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.
 - g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
 - h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
 - i. Seed and water to re-vegetate graded areas; and/or
 - ii. Spread soil binders; and/or
 - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans.

PRE-CONSTRUCTION REQUIREMENTS: The contractor or builder shall provide P&D and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.

TIMING: The dust monitor shall be designated prior to grading and/or building permit issuance. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued and landscaping is successfully installed. P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

5. **Bio-20 Equipment Washout-Construction.** The Owner/Applicant shall designate one or more washout areas for the washing of concrete tools, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Land Use Permit / Grading / Building permits. Building and Safety staff shall ensure compliance prior to and throughout construction.

6. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on all building and grading plans. P&D permit processing planner shall check plans prior to LUP issuance and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

7. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 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 a sign stating these restrictions at all 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.

8. **Tel-02 Landscaping.** Landscaping shall be installed and maintained per the County approved landscaping plan. The project shall include landscaping that, to the maximum extent feasible, reduces visibility of the telecommunications equipment. The type, size, density and configuration of new plants shall be selected to maximize successful establishment and growth to achieve this landscaping objective within a reasonable period of time after installation. At the discretion of the County, a biologist/arborist may be employed to provide consultations and assist with field inspections as necessary to monitor establishment and success of such landscaping. Such biologist/arborist, if employed by the County, shall be retained at the sole expense of the Permittee.

PLAN REQUIREMENTS: Final landscape and irrigation plans shall be submitted by the Permittee to the County for review and approval prior to Zoning Clearance issuance.

TIMING: All landscaping and irrigation shall be completed and installed prior to Final Building Inspection Clearance. Plant locations may be adjusted in the field (as directed by P&D staff) to achieve landscaping objectives. P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance and shall periodically conduct field checks to monitor maintenance thereafter. Project landscaping shall be maintained for the life of the project. If the Permittee fails to either install or maintain according to the approved plan, the County may consider it a permit violation.

9. **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) and shall be painted to match the existing surroundings.

PLAN REQUIREMENTS: Color specifications shall be identified on final zoning plans submitted by the Permittee to the County prior to zoning clearance issuance, as well as on final building plans. P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance.

10. **Tel-05 Exterior Lighting.** The faux bell tower shall not be lighted. The equipment storage area shall likewise be unlit except for a manually operated or motion-detector controlled light with timer which limits lighting strictly to the area of the equipment in the immediate vicinity of the equipment shelter. The light shall be shielded 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. P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance and respond to any complaints. P&D staff shall check plans prior to approval of a Zoning Clearance for the Project and shall conduct periodic compliance inspections during and after construction.

11. **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. P&D staff shall check plans prior to issuance of Zoning Clearance.

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 Telecommunications 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. 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. 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. 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 the Land Use Permit. 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 the Land Use Permit, 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. **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. **PLAN REQUIREMENTS:** The Permittee shall restate the provisions for compliance on all building plans. P&D compliance monitoring staff shall conduct compliance inspections as needed to ensure permit compliance.

III. COUNTY RULES AND REGULATIONS

21. **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. [LUDC §35.82.020].
22. **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.

23. **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.
24. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within the 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 or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County 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.
25. **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 35.84.030 of the County 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. [LUDC §35.82.060 & §35.84.060].
26. **Rules-18 CUP and DVP Revisions.** The approval by the Planning Commission of a revised Conditional Use Permit shall automatically supersede any previously approved Conditional Use Permit upon the effective date of the revised permit.
27. **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.
28. **Rules-23 Processing Fees Required.** Prior to issuance of a Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
29. **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.
30. **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 issuance of the Land Use Permit as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;
 - 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.
31. **Rules-26 Performance Security Required.** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation P&D may use the security to complete the work.
32. **Rules-28 NTPO Condition.** A recorded Notice to Property Owner document is necessary to ensure that the proposed landscaping shall be maintained for the life the project. The property owner shall sign and record the document prior to approval of a Zoning Clearance.
33. **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.
34. **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.

35. **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.