ATTACHMENT 1
BOARD OF SUPERVISORS FINDINGS
Verizon at Mission Baptist Church on Rucker Road
Case Nos. 15RZN-00000-00010 and 15CUP-00000-00010

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Board of Supervisors finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061 (b)(3), 15303, and 15304.

Please see Attachment B (Environmental Document: Notice of Exemption) to this staff report dated January 21, 2016, incorporated herein by reference.

2.0 ADMINISTRATIVE FINDINGS

2.1 REZONE

A. In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

2.1.1 The request is in the interests of the general community welfare.

The rezone is in the interest of the general community as it would update the subject parcel's zoning from Ordinance 661 to zoning under the County's Land Use and Development Code. Ordinance 661 is outdated and does not provide for telecommunications facilities. The subject parcel has been identified as an ideal site for a telecommunications facility. Telecommunication facilities are considered critical structures by emergency services and are also in the public interest as more and more residents of the County use telecommunication devices for their health and safety as well as for their personal and professional needs.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

Pursuant to the discussion in Sections 6.2 and 6.3 of Planning Commission staff report dated January 21, 2016 (Attachment 5 to this Board Letter, dated March 8, 2016), herein incorporated by reference, the rezone is consistent with the Comprehensive Plan, the requirements of the Zoning Ordinance (Land Use and Development Code), and State Land Use Law requiring vertical consistency between an agency's Comprehensive Plan and its Zoning Ordinance. The rezone does not involve an amendment to the Local Coastal Program.

2.1.3 The request is consistent with good zoning and planning practices.

The rezone is consistent with good zoning and planning practice because it updates antiquated regulations and allows for a modern use not contemplated under the antiquated regulations to be permitted on the subject lot consistent with current zoning.

2.2 CONDITONAL USE PERMIT FINDINGS

A. 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:

2.2.1 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 parcel is five acres in size. Adjacent parcels are zoned AG-II-100 and 7-R-1 (Mission Hills homesites). Surrounding development consists of the Burton Mesa Chaparral with residential uses located across Rucker Road. The subject parcel is developed with a church and associated accessory building. The support facilities are enclosed within a 6 foot high chain link fence with barbed wire and surrounded by existing mature trees and proposed landscaping. The design of the facility effectively utilizes the existing landforms and trees so that the facility blends into the surrounding natural environment, and is compatible in terms of land use and visual qualities.

The proposed facility consists of one 50 ft tall antenna support structure designed to resemble a faux eucalyptus tree, and a 900 square foot lease area containing (DC power plant, two LTE cabinets, and one miscellaneous cabinet), two GPS antennas, two surge suppressors, a 48kw generator located on a 50 square foot concrete slab, a generator box, a fiber box, a Tech Light, a Meter, a Intersect panel, and trenching for the hybrid cables. A backup generator on a 50 sq ft concrete slab will also be located within the approximately 900 sq ft lease area. The lease area will be fenced with chain link fencing. The facility will be accessed by an existing driveway.

The proposed lease area and monopole will be set back approximately 303 feet from Rucker Road. The design of the antenna support structure as a faux eucalyptus tree effectively utilizes the existing onsite and surrounding trees so that the site blends into the surrounding natural environment. As a result, the proposed 50 ft tall antenna support structure will be partially visible from Rucker Road, and from surrounding adjacent properties. The lease area will not be visible from public viewing areas, but will be partially visible from the adjacent parcels to the north and west. The North Board of Architectural Review (NBAR) conceptually reviewed the proposed design and determined that the proposed design of the facility would be compatible with the existing visual character of the surrounding area. The project is conditioned to require 1) the antennas to be painted in a non-reflective color to blend into the existing natural

setting and to reduce their visibility; 2) the project to receive preliminary and final NBAR approval prior to issuance of the Zoning Clearance; 3) that the only exterior lighting is a security light that will be Dark Sky compliant and approved by the NBAR; and 4) that all onsite vegetation as well as project landscaping be maintained for the life of the project (Condition Nos. 3, 5, 6, and 22 in the Planning Commission Staff report dated January 21, 2016 (Attachment 5 to this Board Letter, dated March 8, 2016), herein incorporated by reference.

Therefore, the project site is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

2.2.2 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 proposed project consists of the construction and use of an unstaffed telecommunications facility within an approximately 900 sq ft lease area with ground disturbance on slopes of less than 5 percent, landscaping, and trenching where the surface is restored. A 50 ft high antenna support structure, cabinets and associated equipment, and a 50 sq ft concrete slab with a diesel emergency generator and fuel tank will be located inside of the fenced lease area. The 50-foot tall antenna support structure will be designed to look like a eucalyptus tree. This design will blend the facility in with the existing mature trees in the surrounding rural, agricultural area to the maximum extent feasible. The 900 sq ft lease area will be located on flat ground within the project site. No trees are located within the footprint of the facility or utility trench.

To ensure that the project operates within FCC limits, the County required the applicant to 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 discussed in Section 4.0 of this staff report and incorporated herein by reference, the applicant provided a Radio Frequency Electromagnetic (RF-EME) Compliance report prepared by Hammett & Edison, Inc., Consulting Engineers, March 9, 2015 as part of the proposed project. The report concludes that for any person anywhere at ground level, the maximum RF exposure level due to the proposed telecommunications facility is calculated to be 0.037 mW/cm^2 which is 3.7% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building would be 13% of the public exposure limit. The closest residences to the proposed telecommunications facility are located approximately 303 feet to the east (across Rucker Road); 150 ft to the southeast on the subject parcel is an existing church. The report verifies that the facility would operate in compliance with the applicable FCC limits. In addition, the project is conditioned to require final NBAR approval to ensure that the project is visually compatible with the

surrounding area, lighting is shielded to avoid spillover, vegetation protection, and the requirement for monitoring of radiofrequency emissions to ensure compliance with FCC standards.

As discussed in Section 4.0 of the Planning Commission staff report dated January 21, 2016 (Attachment 5to this Board Letter, dated March 8, 2016), this staff report and incorporated herein by reference, an Environmental Noise Analysis was performed for the project by Hammett & Edison, Inc., dated August 4, 2015. Based on the results of the analysis, the noise generated by the project will be less than the County's threshold of 65dBA at the nearest property line.

For all of these reasons, this finding can be made.

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

The 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 from Rucker Road, 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.

2.2.4 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 Planning Commission staff report dated January 21, 2016 (Attachment 5to this Board Letter, dated March 8, 2016), 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.

2.2.5 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 Planning Commission staff report dated January 21, 2016, 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 antenna support structure is designed to resemble a eucalyptus tree, which blends the facility in with the surrounding natural environment. The faux tree support structure will reduce the visibility of the antennas. The facility has been carefully sited and designed to be visually compatible with the surrounding area. Therefore, this finding can be made.

2.2.6 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 Planning Commission staff report dated January 21, 2016 (Attachment 5 to this Board Letter, dated March 8, 2016), and incorporated herein by reference, the project will be in conformance with all applicable provisions of the LUDC, and the Comprehensive Plan. Therefore, this finding can be made.

2.2.7 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 Rural area of the Mission Hills. The 50 foot tall antenna support structure, which will be partially visible from public viewing areas, will resemble a faux eucalyptus tree, with the antennas concealed within the faux tree. The equipment lease area will contain cabinets and a generator and will be finished with an earth-toned non-reflective coating, and will not be visible from public viewing areas. The 900 sq ft lease area will be surrounded by chain link fencing. As discussed in Section 6.4 of the Planning Commission staff report dated January 21, 2016 (Attachment 5 to this Board Letter, dated March 8, 2016), and incorporated herein by reference, the North Board of Architectural Review conceptually reviewed the project and determined that the 50 ft tall faux eucalyptus tree antenna support structure would be the most appropriate support structure to visually blend the facility in to the existing rural setting, which includes mature trees on the subject parcel and surrounding area; and to lessen its impact on public views. Therefore, this finding can be made.

3.0 Additional findings required for Commercial Telecommunication Facilities.

A. All Commercial Telecommunication Facilities. In compliance with Subsection 35.44.010.G 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 for a commercial telecommunication facility the review authority shall first make all of the following findings:

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

The project site is located within the Rural area of the Mission Hills area. The 50 foot tall antenna support structure, which will be visible from public viewing areas, will be designed to resemble a eucalyptus tree, with the antennas concealed within the faux tree. The equipment associated with the facility will be finished with an earth-toned non-reflective coating, and will not be visible from public viewing areas. The 900 sq ft lease area will be surrounded by chain link fencing and landscaped to blend with the surrounding uses. As discussed in Section 6.4 of the Planning Commission staff report

dated January 21, 2016 (Attachment 5 to this Board Letter, dated March 8, 2016), and incorporated herein by reference, the North Board of Architectural Review conceptually reviewed the project and determined that the 50 ft tall faux eucalyptus tree antenna support structure would be the most appropriate support structure to visually blend the facility in to the existing rural setting, which includes mature trees on the subject parcel and surrounding area; and to lessen its impact on public views. Therefore, this finding can be made.

3.1.2 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-site transmission of signals. The design of the antenna support structure as a faux eucalyptus tree effectively utilizes the existing onsite and surrounding trees so that the facility blends into the surrounding natural environment. The lease area and monopole will be set back approximately 303 feet from Rucker Road. As a result, the antenna support structure is located in an area that will minimize visibility from public viewing areas.

The support facilities will be enclosed within the lease area, and will not be visible from public viewing areas. As designed, situated and screened, the above ground support facility would not increase the visibility of the facility or decrease public safety. Furthermore, the above ground facility would minimize necessary grading and site disturbance in order to avoid potential environmental impacts and blend into the surrounding natural environment. The associated equipment is designed with a non-reflective finish. The antenna support structure will be coated with non-reflective material resembling tree bark. The leased premises will remain unlit except for a manually operated switch light which limits lighting to the area of the equipment in the immediate vicinity of the antennas support structure. The project is designed to minimize its visibility from public views. Therefore, this finding can be made.

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

The lease area and monopole will be set back approximately 303 feet from Rucker Road. The antenna support structure will not be substantially visible from public viewing areas as it will be camouflaged as a faux eucalyptus tree to blend in and integrate with the natural environment. This design will maximize the structure's compatibility with the surrounding area, and effectively utilizes the existing surrounding vegetation so that the site blends into the surrounding rural area. The antennas and associated equipment will be finished and/or painted in a non-reflective colors and textures to blend them into the existing natural setting and further reduce their visibility to the maximum extent feasible. Therefore this finding can be made.

3.1.4 The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection 35.44.010.D. (Additional development standards for telecommunication facilities).

(1) 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:

(a) Would not increase the visibility of the facility or decrease public safety, or

(b) 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

(c) Would avoid or reduce the potential for environmental impacts.

The support facilities would be enclosed within a 900 square foot lease area containing four equipment cabinets (DC power plant, two LTE cabinets, and one miscellaneous cabinet), two GPS antennas, two surge suppressors, a 48kw generator located on a 50 square foot concrete slab, a generator box, a fiber box, a Tech Light, a Meter, a Intersect panel, and trenching for the hybrid cables. A backup generator on a 50 sq ft concrete slab will also be located within the approximately 900 sq ft lease area. If the equipment storage area was installed below-ground, the boundaries of the proposed lease area would potentially extend into the existing mature oak trees and vegetation to accommodate the required grading. This would result in the potential removal of mature oak trees and vegetation to accommodate the required grading. herein by reference, the project complies with all required development standards. Therefore, this finding can be made.

3.1.5 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.

As discussed in Section 4.0 of this staff report and incorporated herein by reference, a radiofrequency emissions report (Hammett & Edison, Inc., Consulting Engineers, March 9, 2015) was prepared as part of the proposed project. The report concludes that for any person anywhere at ground level, the maximum RF exposure level due to the proposed telecommunications facility is calculated to be 0.037 mW/cm^2 which is 3.7% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building would be 13% of the public exposure limit.
The closest residence to the facility is located 395 ft away. As a part of the project conditions (Condition No. 9, "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.

3.1.6 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.

As discussed in Section 6.3 of the Planning Commission staff report dated January 21, 2016 (Attachment 5to this Board Letter, dated March 8, 2016), and incorporated herein by reference, the purpose of the proposed project is to provide the needed 4G coverage

for the project site area and to improve coverage and capacity. According to the Network Service Maps & Coverage Information, included as Attachment I (Dewayne Bonham, Verizon Wireless Engineer and Melissa Samarin, agent), the proposed project site location was selected by Verizon in order to provide needed coverage and capacity which is currently lacking in this area of Mission Hills. Therefore, this finding can be made.

3.1.7 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 Section 3.1.6 above would not meet the 4G coverage objectives for the project site area. There are no other existing support structures within the project site vicinity which could accommodate the facility.

The antenna support structure has been designed as a faux eucalyptus tree in order to blend in with existing mature trees located on the subject parcel and within the immediate project site area. This design will maximize the structure's compatibility with the surrounding area, and effectively utilizes the existing landforms and trees so that the site blends into the surrounding natural environment. The antennas and equipment storage shelter will be painted in a non-reflective color to blend them into the existing natural setting and to further reduce their visibility to the maximum extent feasible. Therefore the applicant has demonstrated that the facility design and location is the least intrusive means feasible to provide the needed coverage and this finding can be made.