



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: General Services
Department No.: 063
For Agenda Of: October 10, 2023
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: General Services Kirk A. Lagerquist, Director (805) 560-1011

Contact Info: Skip Grey, Assistant Director, General Services (805) 568-3083

DocuSigned by:

Skip Grey

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On behalf of Kirk Lagerquist

SUBJECT: Lease Agreement with Dish Wireless at Kellogg Open Space, Goleta; Second District (R/P File No.: 004028)

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form:

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify and authorize the Chair to execute the attached Lease Agreement between the County and Dish Wireless (“Dish Wireless”), to allow Dish Wireless to construct, operate and maintain a telecommunications facility on a portion of the County-owned property known as Kellogg Open Space, located in the 600 block of North Kellogg Avenue, in Goleta, also known as Assessor’s Parcel Number 069-350-031, for a term of six (6) years, with two (2) options to renew the Lease for five (5) years each, and an annual base rent of Thirty Thousand Dollars (\$30,000.00) (Second District); and
- b) Determine that the proposed action of approving Dish Wireless’ leasing, operation and maintenance of the wireless communication facility is exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303, *New Construction or Conversion of Small Structures*, and Section 15304, *Minor Alterations to Land*, and approve and direct staff to file and post the attached Notice of Exemption on that basis.

Summary Text:

This item is being brought to the Board of Supervisors to request the Board’s approval and execution of the Lease Agreement with Dish Wireless at Kellogg Open Space (“Lease”) to allow Dish Wireless to construct, operate and maintain a telecommunications facility on a portion of the County-owned property known as Kellogg Open Space, located in the 600 block of Kellogg Avenue, in Goleta (“Property”). The Lease will be for an initial term of six (6) years, with two (2) options to renew the Lease for five (5) years each, with an annual base rent of Thirty Thousand Dollars (\$30,000.00).

Background:

The Santa Barbara County Planning and Development Director reviewed Dish’s proposed project of constructing a cell site facility on April 28, 2023. The proposed wireless telecommunications facility would provide capacity, coverage, and high speed data in the residential area of Goleta north of Highway 101. The project was approved by the Planning Director on April 28, 2023 as Case No. 22DVP-00000-00022 and the appeal period expired on May 8, 2023.

The facility will consist of a collocation on the existing 60-foot tall monopole constructed by Verizon Wireless; and a 144 square foot lease area with all supporting equipment contained within an area enclosed by a 10-ft tall slatted chain link fence. The entire telecommunications facility will be located behind the existing Verizon Wireless lease area, amongst an existing group of trees, near the rear property line of the parcel adjacent to industrial uses.

This Lease Agreement will allow Dish to construct and operate this new telecommunications facility for an initial term of six (6) years, commencing August 1, 2023, and two (2) additional terms of five (5) years each. The annual base rent will be Thirty Thousand Dollars (\$30,000.00) with an annual cost of living adjustment of five percent (5%). If all renewal terms are extended, the total rent consideration paid during the term of the Lease will be \$709,724.75.

Approval of the Lease allowing Dish Wireless to construct, operate and maintain a new telecommunications facility on the Property is exempt from environmental review pursuant to Sections 15303, *New Construction or Conversion of Small Structures* and 15304, *Minor Alterations to Land* of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15303 exempts the construction and location of a limited number of new small facilities or structures. Section 15304 exempts minor alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes including grading on slopes of less than ten percent, landscaping, and minor trenching and backfilling where the surface is restored. See the attached Notice of Exemption for a more detailed discussion of the CEQA exemption.

Fiscal and Facilities Impacts:

Budgeted: Yes

Annual rent is budgeted into Fund 0001, Dept. 063, LIAcct 3409, Program 1207, Project 004028.

There will be no other fiscal or facilities impacts.

Special Instructions:

After Board action, distribute as follows:

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| 1. Original Lease Agreement. | Clerk of the Board Files |
| 2. Duplicate Lease Agreement and
Copy of Minute Order | Real Property Division
Attn: James Cleary |
| 3. Copies of documents and Minute Order | Auditor-Controller,
Attn: Betsy Schaffer |

Attachments:

1. Original and Duplicate Original Lease Agreement
2. Notice of Exemption