

Goolsby Appeal of the Verizon Wireless Facility at the Montecito Switch Station

Board of Supervisors
March 12, 2013

12APL-00000-00011

Legal Framework

- County regulation of telecommunications facilities is limited by the Federal Telecommunications Act
 - > “Shall not prohibit or have the effect of prohibiting”
 - > “Shall act...within a reasonable period of time”
 - > “Shall not regulate...on basis of RF emissions”
- 2009 Dec. Ruling affirmed that local governments do not have the flexibility to deny or delay action on applications based on perceived health effects of RF emissions
- County can deny a wireless communication facility permit application for aesthetic reasons, if both:
 - > Substantial evidence supports its decision; and
 - > Not an “effective prohibition” on providing wireless service

PROPOSED PROJECT SITE

512 Santa Angela Lane

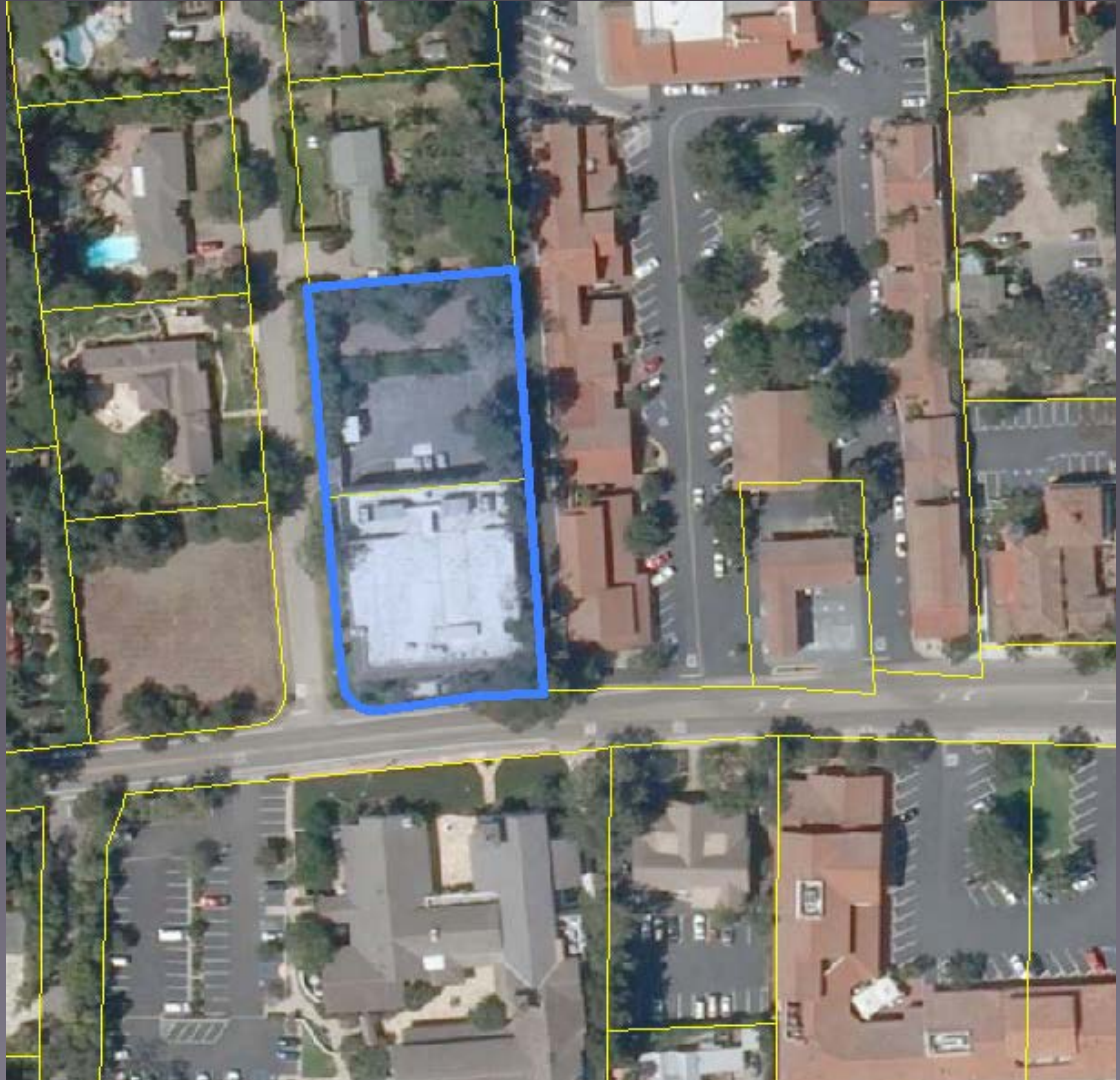
Zoned 20-R-1

Site: 0.87 acres

Montecito Community
Plan area: Urban, Inland

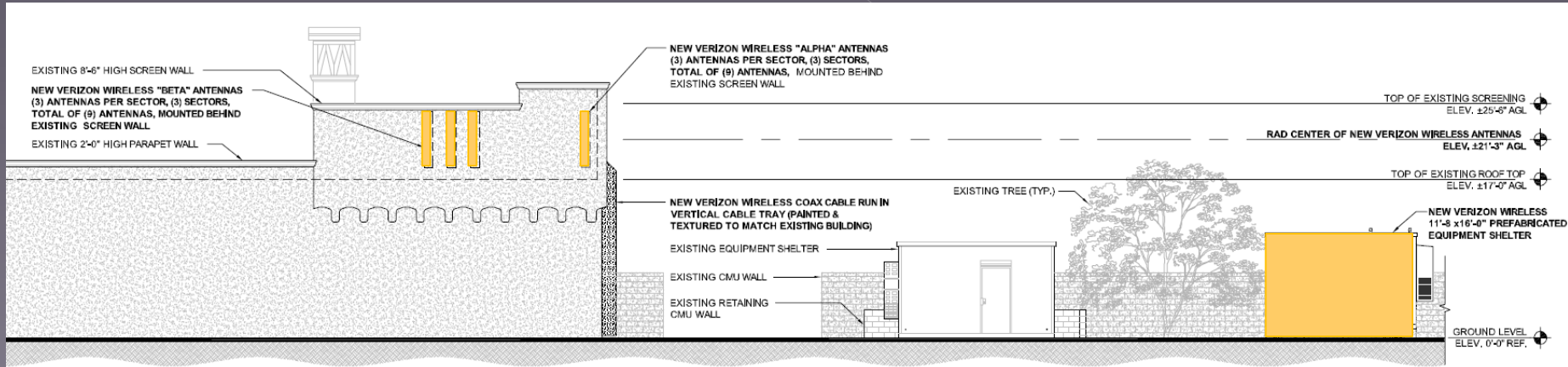
Current use:
Switch station operation
building for Verizon
California Inc. (landline)
65-CP-041
(1965)

Cingular (now AT&T)
cellular facility
02CUP-00000-00050
(2002)



Proposed Project

- Collocate with existing AT&T facility
- Add (9) panel antennas
- Add (1) equipment shelter



Appeal Issue No. 1

The appellant contends that the MPC's approval is inconsistent with findings requiring compatibility with existing and surrounding development in terms of design, zoning, and land use

Response:

- The facility would not be visible, no visual change, consistent with existing aesthetic
- The use is consistent with existing telecom facility and commercial (switching station) facility
- Consistent with FCC standards
- Allowed in all zones and land uses

Appeal Issue No. 2

The appellant contends that the additional telecom. findings regarding compatibility and blending with surrounding environment cannot reasonably be made as the use would alter the use and enjoyment of the adjacent residential properties

Response:

- Telecom dev. standards require collocation when feasible
- Telecom dev. standards encourage minimizing the height of support structures
- Telecom dev. standards encourage screening facilities to the extent possible

Appeal Issue No. 3

The appellant contends that the radio frequency emissions report is incomplete and inadequate to make the required findings

Response:

- RF report was peer reviewed, review found that the report was adequate and appropriately assessed the emissions per FCC standards

Appeal Issue No. 4

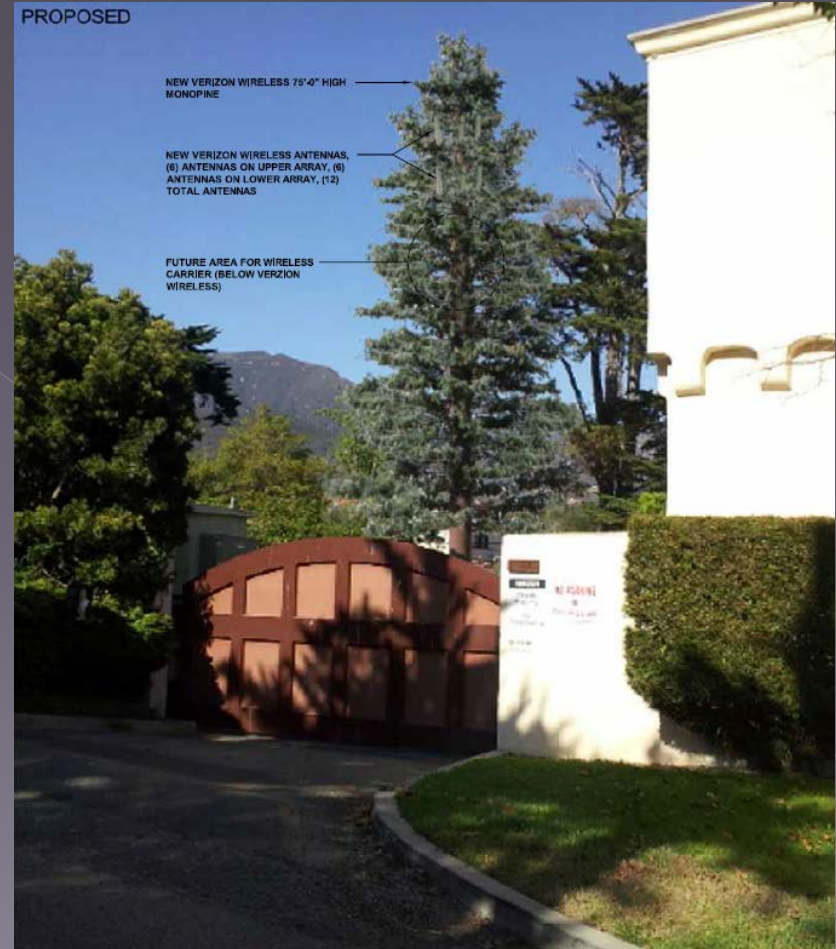
The appellant contends that the project does not meet provisions of policy E-M-1.1 regarding setbacks from EMF sensitive uses

Response:

- County cannot require additional setbacks (buffers) for facilities IF a project complies with FCC regulations. Since the project complies, not additional setbacks are required

Alternative Site Analysis

- 18 alternative sites/designs were analyzed
 - › 16 not feasible
 - › 2 potentially feasible
 - Tree at Switch Station
 - Tree at Hot Springs & Olive Mill Intersection
- Both alternatives would be:
 - › New structures
 - › Visible to the public
 - › Would require additional review



Staff Recommendation:

- Deny the appeal, Case No. 12APL-00000-00011, thereby upholding the Montecito Planning Commission's approval of the project;
- Make the required findings for the project, including CEQA findings;
- Determine the project is exempt from CEQA pursuant to Section 15301 and 15303 of the State Guidelines for the Implementation of the California Environmental Quality Act; and
- Approve de novo the Conditional Use Permit for the proposed telecommunications facility, 12CUP-00000-00007, subject to the conditions.