



PLANNING & DEVELOPMENT

APPEAL FORM

2015 DEC 18 PM 1:59

SITE ADDRESS: 4599 Kenneth Avenue, Orcutt, CA

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

ASSESSOR PARCEL NUMBER: 107-690-001

Are there previous permits/applications? no yes numbers: _____
(include permit# & lot # if tract)

Are there previous environmental (CEQA) documents? no yes numbers: 14CUP-06000-00011

1. Appellant: GTE Mobilnet of Santa Barbara, D/B/A Verizon Wireless Phone: (415) 288-4000 FAX: _____

Mailing Address: 220 Sansome Street, 14th Floor, San Francisco, CA 94104 E-mail: ps@malp.com
Street City State Zip

2. Owner: County of Santa Barbara Phone: 805-448-1955 FAX: _____

Mailing Address: 123 East Anapaumu Street, SB, CA 93101 E-mail: jason.sunukjian@gmail.com
Street City State Zip

3. Agent: Jay Higgins, for Verizon Wireless Phone: _____ FAX: _____

Mailing Address: 211 East Carrillo Street, Santa Barbara, CA 93101 E-mail: jay.higgins@sacw.com
Street City State Zip

4. Attorney: Paul Albritton Phone: (415) 288-4000 FAX: _____

Mailing Address: 220 Sansome Street, 14th Floor, San Francisco, CA 94104 E-mail: ps@malp.com
Street City State Zip

5APL-00000-00022

Case Number: Verizon Appeal of Verizon @ Kenneth
Supervisorial District: 599 Kenneth Avenue
Applicable Zone: 07-690-001
Project Planner: EEC
Zoning Designation: Planner: Florence Trotter-Cadena

PY USE ONLY

Companion Case Number: _____
Submittal Date: 12/18/15 DEC 18 2015
Receipt Number: _____
Accepted for Processing: _____
Comp. Plan Designation: _____

RECEIVED

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title Verizon Wireless Kenneth Avenue

Case No. 14CUP-00003-00011

Date of Action 12-9-15

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? County

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and "aggrieved party" as defined on page two of this appeal form:

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

see attached

Specific conditions imposed which I wish to appeal are (if applicable):

- a. see attached
- b.
- c.
- d.

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Print name and sign -- Firm Paul Albritton	<i>ATTORNEY</i>	12-10-15	Date
Print name and sign - Preparer of this form Verizon Wireless	<i>ATTORNEY</i>		Date
Print name and sign - Applicant Jay Higgins	<i>[Signature]</i>		Date
Print name and sign - Agent County of Santa Barbara	<i>ATTORNEY</i>		Date
Print name and sign - Landowner			Date

MACKENZIE & ALBRITTON LLP

220 SANSOME STREET, 14TH FLOOR
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010
PA@MALLP.COM

2015 DEC 18 PM 1:54

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

December 17, 2015

VIA HAND DELIVERY

Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, California 93109

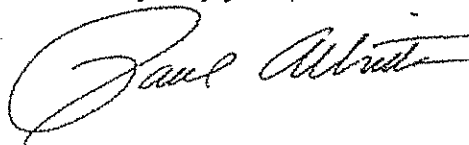
Re: Appeal of Planning Commission Denial of Application
14CUP-00000-00011, 4599 Kenneth Avenue

To Whom It May Concern:

We write to you on behalf of our client Verizon Wireless to appeal the decision of the Planning Commission on December 9, 2015 to deny the application referenced above (the "Application") for a Verizon Wireless stealth treepole facility at 4599 Kenneth Avenue in the Orcutt area. Verizon Wireless appeals the decision of the Planning Commission on the grounds that the Planning Commission's denial is in direct violation of the Telecommunications Act of 1996. Specifically, the decision is not supported by substantial evidence, in violation of 47 USC §332(c)(7)(B)(iii). In contrast, Verizon Wireless has presented substantial evidence demonstrating that the Application complies with County of Santa Barbara regulations. Additionally, as there is a significant gap in Verizon Wireless service, and there is no less intrusive alternative to address that gap, denial of the Application would constitute a prohibition of service in violation of 47 USC §332(c)(7)(B)(i)(II).

Verizon Wireless reserves the right to supplement these grounds for appeal. This letter accompanies the Appeal Form completed by Verizon Wireless's consultant SAC Wireless, and a check for the required appeal filing fee is attached. At your convenience, please confirm the timely receipt of this appeal to the above email address.

Very truly yours,



Paul B. Albritton

RECEIVED

DEC 18 2015

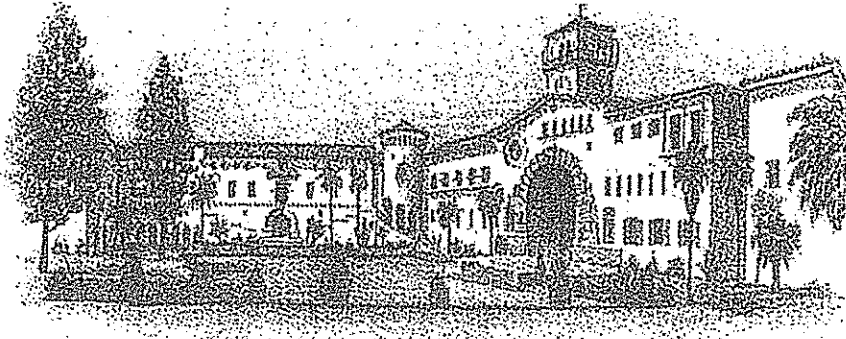
S.B. COUNTY CLERK (H)
PLANNING & DEVELOPMENT

COUNTY OF SANTA BARBARA

Matthew P. Pontes
Director

Robert Ooley, AIA
County Architect

Mitch Guenthart
Fleet Manager



Greg Chanis
Assistant Director

Scott Hosking
Facilities Manager


Celeste Manolas
Capital Projects Manager

GENERAL SERVICES DEPARTMENT
SUPPORT SERVICES DIVISION
1105 Santa Barbara Street
Santa Barbara, California 93101

LETTER OF AUTHORIZATION

This Letter of Authorization grants VERIZON WIRELESS and its designated agents, employees, and contractors to proceed with filing applications for all permits required for the construction and installation of a telecommunications facility located on real property owned by the County of Santa Barbara ("County") at 4599 Kenneth Avenue, Orcutt, CA (APN 107-690-001).

This authorization is granted by the County in its proprietary duty as the owner of that certain real property stated herein, and is limited solely to the authorization granted thereof. Regardless of any permits obtained, construction, installation or occupancy of the real property may not commence until and unless a lease agreement is executed by the County's Board of Directors, Flood Control District.

By: 
Don Grady,
Interim Real Property Manager

Date: 3/25/14