



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: Planning and
Development
Department No.: 053
For Agenda Of: June 2, 2015
Placement: Departmental
Estimated Time: 1 hour on 6/2/15
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D, Director, Planning and Development
(805) 568-2085
Contact Info: Alice McCurdy, Deputy Director, Development Review Division,
(805) 568-2518
SUBJECT: Appeal (Case No. 15APL-00000-00006) of the County Planning Commission's
Approval of the Verizon at Mora Project (Case No. 14CUP-00000-00024), Third
Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Consider the Cates appeal of the County Planning Commission's March 11, 2015 approval of the Verizon telecommunications facility on Mora Avenue. The project site is located at 1867 Mora Avenue in the Santa Ynez Area, Third Supervisorial District. The application involves AP No. 141-430-018.

Staff recommends that your Board take the following actions:

1. Deny the Appeal, Case No. 15APL-00000-00006;
2. Make the required findings for approval of the project specified in Attachment 1 of this Board Letter, including CEQA findings;
3. Determine approval of the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15303 and 15304 (Attachment 3); and
4. Grant *de novo* approval of the project, Case No. 14CUP-00000-00024, subject to the conditions of approval included as Attachment 2 of this Board Letter, thereby affirming the decision of the Planning Commission.

Alternatively, refer back to staff if your Board takes other than the recommended actions for appropriate findings, and, if necessary, conditions of approval.

Summary Text:

The subject appeal was filed by members of the public following the Planning Commission's approval of a Major Conditional Use Permit for a new cellular facility consisting of nine Verizon Wireless panel antennas in three sectors (three antennas per sector). The antennas would be mounted at a centerline of 42 ft on a new 50 ft tall antenna support structure designed to resemble a broadleaf tree. A future microwave dish would be mounted in Sector A and is shown in the project plans, but is not part of this permit. The support equipment for the facility would be located in a new 11 ft, 6 inch by 16 ft, 10.5 inch (194 sq ft) prefabricated equipment shelter with a maximum height of 10.5 feet located within the fenced lease area. The equipment shelter would include a new electrical pedestal and would have underground power and telecommunication utilities, a surge protector, and a coaxial cable ice bridge to protect the cables from inclement weather. Two GPS antennas and two air conditioning units would be mounted on the side of the shelter. The lease area would also contain a 32 KW diesel emergency generator and 132 gallon fuel tank located on a new 6 ft by 13 ft (78 sq ft) concrete slab. The proposed project also includes acoustical fencing and landscaping between the proposed facility and the residence to the north. The proposed project site is a 4.79-acre parcel zoned AG-I-10 (Assessor Parcel Number 141-430-018), located on the west side of Mora Avenue approximately 550 feet north of Baseline Avenue, at 1867 Mora Avenue in the Santa Ynez Area, Third Supervisorial District.

Background:

The proposed project was approved by the County Planning Commission on March 11, 2015 by a vote of 5 to 0. The appeal of the Planning Commission's approval (Attachment 4) was filed to your Board in a timely manner on March 23, 2015. The Findings of the Planning Commission are contained in the Planning Commission Action letter, dated March 18, 2015 (Attachment 5).

The regulation of telecommunications facilities by local jurisdictions is subject to, and limited by, the Federal Telecommunications Act of 1996, the Federal "Shot Clock" Ruling of November 18, 2009, and the Middle Class Tax Relief & Job Creation Act. These regulations are discussed in the "Background Information" Section 5.4 of the Planning Commission Staff Report, dated February 19, 2015 (Attachment 6). The County and Appellant have reached a mutual agreement to extend the shot clock from April 13, 2015 to June 5, 2015 to process this appeal.

Appellant Issues and Staff Responses:

The appellants' appeal issues are summarized below, and are followed by staff's responses.

Issue No. 1: The appellants state that the graphic materials presented at the March 11 Planning Commission hearing were deceptive.

- 1.1 The appellants state that at the Planning Commission hearing, the area surrounding the proposed cell site was incorrectly represented as having 10 to 20 acre farms; they state that the subject parcel is less than five acres in size and properties and residents are closer together than were represented in the hearing materials.**

All of the maps and documents presented in the PC hearing materials and cited below accurately reflect the characteristics of the surrounding area. Section 5.1 of the Planning Commission Staff Report dated February 19, 2015 (Staff Report in Attachment 6), identifies the surrounding zones and land use designations as Rancho Estates (Rural Homes Sites)/AG-I-10 and AG-I-20 (Agriculture, with 10 and 20-acre minimum parcel sizes). Both the project location map on page one of the Staff Report and of the PowerPoint presentation made to the Commission on March 11, 2015 document the parcel sizes in the vicinity. The surrounding lands are described in the Staff Report as developed with single family dwellings, farm employee dwellings, and barns. To the north of the proposed project, four of the parcels are 5.75 acres in size; the fifth is 3.91 acres. These five lots to the north are legal, but nonconforming as to size (currently, the minimum parcel size in this area is 10 acres). North of these five parcels is a large area of lots with a 20-acre minimum parcel size. The two parcels immediately to the south are 4.75 and 4.35 acres in size. South of Baseline Avenue are parcels of approximately 100 and 758 acres (part of Camp 4). The parcels immediately to the west of the proposed project range in size from 9.5 to approximately 9.8 acres. The parcels immediately to the east range in size from approximately 18 to 28 acres.

1.2 The appellants also state that in the Staff Report, Attachment G did not depict adjacent “watering holes” and wetlands.

Attachment G of the Staff Report is a Radio Frequency (RF) Site Compliance Report. As noted in the Staff Report, there is an intermittent blue-line creek located in the extreme northwestern corner of the property, approximately 100 ft west of the proposed project area. The creek enters the property approximately 20 ft east of the lot’s northwest corner, proceeds southwesterly for approximately 75 ft, and exits the property approximately 70 ft south of the lot’s northwest corner. The mapped drainage appears on site as a shallow linear depression in the grassy pasture. It does not support riparian habitat at this time. The proposed project would not affect this feature. The next closest water feature is a small man-made pond located approximately 925 ft southwest of the proposed project location, just north of Baseline Avenue. There are no delineated wetlands on the parcel or nearby.

1.3 The appellants state that the proposed site contains a natural drainage and is home to many animals, including nesting and roosting raptors, owls, and other migrating birds that could be damaged by electromagnetic emissions and noise from diesel and air conditioning motors. The appellants request that an independent biologist be consulted to conduct a long-term study of the effects of the facility on birds.

As discussed above, an intermittent blue line creek crosses the subject parcel for approximately 75 ft, and is located approximately 100 ft from the proposed project area. The mapped location of the blue line creek appears in this area as a grassy depression. It is located in a grazed pasture within a horse corral and contains water only during and immediately after winter storm events.

The appellants assert that the drainage is home to birds and other animals that could be negatively affected by operation of the proposed facility, however have not presented evidence to support a determination of adverse effects to wildlife. Given that the drainage is ephemeral, is dry most of the year, and is located in a fenced horse pasture, the project location does not currently provide riparian habitat. The proposed project does not involve removal of any trees or vegetation other than grass within the open pasture.

With respect to the proposed facility's potential effects to birds from electromagnetic emissions, the Telecommunications Act of 1996 provides the framework for the regulatory authority of local agencies. The Telecommunications Act preserves local authority over placement, construction and modification of such facilities; however it does so with specific limitations. The Act states that "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities *on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.*" (emphasis added) (47 U.S.C.A. § 332 (c)(7)(B)iv.) However, as stated, local agencies can ensure that a facility complies with the FCC's regulations. The County required Verizon to submit a report assessing the proposed project's emissions and compliance with applicable safety limits (see Attachment 6 G - Emissions Report prepared by Klaus Bender, dated June 19, 2014). The report concludes that the predicted Maximum Permissible Exposure (MPE) generated due to the proposed cell site operation would be 0.2% of the FCC's MPE limit at 190 ft from the antenna. The peer review conducted by Preiser Consulting for the proposed project (Attachment 7 of this Board Letter) concludes that the maximum exposure anywhere at ground level would not exceed 0.6% of the applicable public exposure limit, while the maximum calculated exposure at the second floor level of any nearby building (assuming future construction of 2-story residences within 275' of the site) would not exceed 1.35% of the applicable public exposure limit. These levels also indicate that the proposed installation would meet Federal Communications Commission guidelines pertaining to radio frequency emissions exposure to the general public.

With respect to the proposed facility's effects on birds from noise, an emergency diesel standby generator and external HVAC units proposed at the equipment shelter would be the primary noise sources associated with the project. An Environmental Noise Analysis was performed for the proposed project and is included as Attachment J of the Planning Commission staff report (Attachment 6 of this Board Letter) (Bollard and Associates, July 30, 2014). The generator would operate only during emergencies (power outages) and approximately 15 minutes per week during the daytime for periodic maintenance/lubrication. The noise analysis conservatively assumes that the HVAC units would operate continuously for 24 hours, and that the generator would operate continuously for a one-hour period during daytime hours. The generator was assumed to be inside of a standard enclosure resulting in a reference noise level of 77 dB at 23 feet. The closest residences to the proposed telecommunications facility are located approximately 288 ft to the south (on an adjacent parcel); 496 ft to the southwest (on the subject parcel); and 454 ft to the east (a guesthouse, also on the subject parcel). The study results indicate that the project would result in a maximum of 50 dB at the closest structure, a barn located approximately 190 ft from the proposed equipment shelter. This is below the threshold in the Noise Element, which states that an exterior noise environment of 65 dB is acceptable for residential uses. Additionally, the lease area would be located approximately 115 ft from the nearest large tree that could be used for roosting. The tree is part of a windrow along the subject parcel's northern property line. The next closest trees are large single oaks located approximately 235 and 240 feet to the southeast and east, respectively. Given the low sound level that would be generated by the facility's equipment, and the substantial distance from the project to the nearest trees suitable for bird roosting, noise from the proposed project would not have an adverse effect on birds.

1.4 The appellants state that during the hearing, maps were shown too quickly to make an informed decision.

The Staff Report, which includes the project plans and photosimulations, was available on-line and in the Planning & Development offices for approximately one week prior to the hearing. A printout of the

PowerPoint presentation was available during the Planning Commission hearing of March 11, 2015. On February 8, 2015, notice of the March 11 Planning Commission hearing for the project was mailed to owners of property within 1,000 feet of the subject parcel. The notice was also published in the Santa Ynez Valley News on Thursday, February 26, 2015. The notice included information about how to access project plans and staff's analysis online, as well as the telephone number and e-mail address of the project planner. During the Planning Commission's deliberations at the March 11 hearing, the Commission asked questions of staff, the applicant, and the applicant's engineer, and considered the responses to their questions, before concluding that they had all the necessary information to make a final decision.

1.5 The appellants state that that the presentation did not show the site during winter months when some trees do not have leaves; and that as a result, in the winter the artificial tree would not blend in with the natural trees and the tower would be visible to the public from Mora Avenue.

The presentation did not show a simulation or other depiction of the site during winter months. The proposed faux broadleaf tree would be more visible when some surrounding deciduous trees lose their leaves, compared to when the surrounding trees have foliage, and it is possible that the faux tree could be visible from Mora Avenue. However, the faux broadleaf tree, with its matte brown bark, is sited and designed to blend in with the natural environment. The tree is designed to maximize the structure's compatibility with the surrounding area and to effectively utilize the existing vegetation so that the facility blends into the surrounding rural, agricultural area. Moreover, the Central Board of Architectural Review (CBAR) visited the project area and stated that for a tower of this height at this specific location, a faux broadleaf tree would be preferable to any other design. See Attachment 6 E for the approved BAR minutes.

Issue No. 2: Cellular Facility Siting.

2.1 The appellants state that since the tower would serve the west side of Highway 154, it should be placed there.

The applicant has indicated that the purpose of the proposed facility is to improve service in the East Santa Ynez Valley. Since the transmissions are line-of-sight, the greatest improvement would occur in the area immediately surrounding the facility. While the facility would provide some benefit to the area west of Highway 154, locating the facility in that area would not provide the additional capacity to the valley that is the purpose of the project. Also, Verizon already has a facility near the Santa Ynez Airport that serves users in that area. Verizon's supporting information regarding the need for improved service and analysis of alternative sites, and the peer review of this information, is included in Attachments 6, 7, 8, and 9 to this Board Letter, incorporated herein by reference.

2.2 The appellants state that no verification was provided to support the applicant's statement that Verizon could not obtain access to a site on Camp 4.

The large parcels on the south side Baseline Avenue from the proposed project are owned by the Santa Ynez Band of Mission Indians and known as Camp 4. Based on information provided by the applicant, these parcels currently do not have power lines or telephone lines. A new facility on these parcels

would require placement of underground power lines to reach the site. For this reason, Camp 4 was not considered for the proposed project as a feasible location to accomplish project objectives.

2.3 The appellants state that the Verizon maps showing locations considered for the proposed cell site do not depict farmlands at the end of Casey Avenue, which contain more suitable industrial areas away from public view.

The western end of Casey Avenue is over 3,500 ft outside of the search radius, and building a facility there would not achieve Verizon's coverage objectives. The applicant has indicated that Verizon investigated parcels near the eastern end of Casey Avenue, which falls within the required search radius of 1.5 miles. Specifically, Verizon investigated the properties at 2100 Mora Avenue (APN 141-070-022, Site 3) and 1880 Mora Avenue (APN 141-070-017, Site 4). Based on statements by the agent, the proposed project site was preferred and selected over these sites by Verizon because it would provide the best coverage. Additionally, towers placed on these alternate sites in the locations allowed by the prospective landlords would be substantially more visible from public viewing areas than the proposed location, due to the absence of intervening screening vegetation. Verizon's supporting information regarding analysis of alternative sites is included in Attachments 6, 8, and 9, incorporated herein by reference.

2.4 The appellants state that at the March 11 Planning Commission hearing, the applicant indicated that a parcel at Rancho Estates was rejected for the proposed project because commercial usage is not allowed there. The applicants state that the reason the Verizon at Mora cell site was allowed on the subject, agriculturally zoned property is that "the wording was changed to infrastructure". The appellants question why the cell site, which will result in rental income for the landowner, is not considered commercial and dismissed on the same grounds.

The County Land Use & Development Code (LUDC) Section 35.21.030 (Agricultural Zones Allowable Land Uses – Table 2-1) states that telecommunications facilities are an allowable use in the AG-I zone, subject to the specific use requirements in the LUDC Section 35.44. Telecommunications facilities are discussed in the part of Table 2-1 that addresses transportation, communications, and infrastructure development in the AG-I zone.

Based on information provided by the applicant, the "Rancho Estates" property referenced by the appellants is identified as Assessor's Parcel No. (APN) 141-150-005. APN 141-150-005 is located north of Baseline Avenue approximately 5,500 ft east of the subject parcel. Like the subject parcel, it is located within the East Rancho Estates Existing Developed Residential Neighborhood (EDRN). Unlike the subject parcel, APN 141-150-005 is within an area of the EDRN that is zoned AG-I-5 and composed of mostly 5-acre parcels. This area of the EDRN is subject to Homeowner's Association (HOA) Covenants, Conditions & Restrictions (CC&Rs) which prohibit telecommunications facilities. These CC&Rs are recorded on the chain of title. Verizon unsuccessfully attempted to obtain an amendment to the CC&Rs in order to consider APN 141-150-005 for the proposed project. The AG-1-5-zoned parcels south of Baseline Avenue and east of Camp 4 are also subject to the same HOA CC&Rs as the parcels to the north, which is why these parcels were not considered for the proposed project.

Although the subject parcel is part of the same EDRN, it not subject to CC&R restrictions that prohibit commercial development. As stated above, Tier 4 telecommunication facilities, which are considered commercial development, are an allowable use in the AG-I zone district in accordance with the LUDC's use requirements and subject to a Major Conditional Use Permit.

2.5 The appellants state that the proposed project was rejected by the Santa Ynez Valley Airport and the Chumash Casino, both commercial sites, because it was unsightly; and further state that it should also be rejected for this site.

Based on information provided by the applicant, neither the airport nor the casino were considered as potential locations for this facility because they are far outside of Verizon's 1.5-mile search radius for the proposed project. Moreover, constructing a facility in that area would not meet Verizon's stated capacity objectives in the eastern Santa Ynez Valley.

Issue No. 3: Tower Height.

3.1 The appellants state that the applicant's presentation of the height of the tower was deceptive because there was conflicting data in the BAR materials and Staff Report concerning the tower height.

The proposed project was reviewed by the Central Board of Architectural Review (CBAR). At the conceptual review hearings of December 12, 2014 and January 16, 2015, the project was incorrectly described and noticed as a 55 ft tall broadleaf tree. The project description for the CBAR hearing of February 13, 2015 was corrected to indicate a 50 ft broadleaf tree, consistent with the information in the subsequent Staff Report. At the February 13 hearing, the CBAR indicated that the item could return for preliminary design review after decision-maker approval.

3.2 The appellants also state that Verizon is more concerned about leaving room for other carriers than in lowering the tower.

The County requires that a telecommunications facility permittee shall avail its site and facility to other telecommunications carriers, and accommodate all reasonable future requests for collocation (LUDC Section 35.44.010.E.3). Based on statements by Verizon's engineer, 50 ft is the lowest tower height that would allow future collocation by other carriers, given the spacing requirements for antennas (see also Attachment I-2, which compares the coverage for a 42 ft vs. 22 ft antenna centerline). Any future proposals for collocated facilities would require public noticing, discretionary review, and approval by a decision-maker prior to installation.

Issue No. 4: The appellants state that the Planning Commission rushed to judgment.

4.1 The appellants state that at the March 11 hearing, the Planning Commission gave the appellants' group significantly less discussion time than they gave the groups for the prior item on the agenda.

Three proposed new Verizon cell sites were heard by the Planning Commission on March 11, 2015. The Verizon at Mora project was the third to be considered. The Commission's standard practice is to allow three minutes for each individual public comment, with additional time for the applicant to make a

presentation and answer questions. The appellants were provided the opportunity to comment consistent with this standard. In addition to the appellants, anyone else who wished to speak on the item was given the opportunity. Note that a prior hearing item, Verizon at Kenneth Avenue, had a considerably larger number of persons wishing to give public testimony; therefore the hearing for that item lasted longer than Verizon at Mora's. Also at the March 11th hearing, Verizon's engineer was present and spent a significant amount of time answering the Commission's questions regarding the technical aspects of the telecommunications facilities. Due to the technical similarity of the three projects, a number of the Commission's questions about the technical details that would apply to the Verizon at Mora project had been addressed by the time the Commission considered the Verizon at Mora project. However, during the March 11 hearing for the Verizon at Mora project, the Commission asked questions of staff, the applicant, and the applicant's engineer, and considered the answers to their questions, before reaching a final decision that was supported by the evidence in the record.

4.2 The appellants state that at the March 11 hearing, The Planning Commission did not consider or comment on the following:

- **The appellants' request to "piggyback" on the statements made by opponents of the prior hearing items.**

As discussed above in Appeal Issue 4.1, the Verizon at Mora project was the third of three proposed Verizon facilities considered by the Planning Commission on March 11, 2015. Many of the concerns expressed by the public were the same for all three projects. However, the Planning Commission considers each individual project separately, and makes a decision based on the specific project description, unique setting, and individual circumstances of each application. Prior to making a motion to approve the Verizon at Mora project, Commissioner Hartman made specific statements distinguishing this site from Verizon at Kenneth Avenue, to explain why she could reach different conclusions for the two proposed facilities. In this particular case, based on the unique setting, project description, and technical information provided, the Commission was able to make all of the required findings for approval.

- **The appellants' request for a continuance, or request for an independent engineer, to address questions regarding what happens to the electromagnetic rays that are not collected by the dish; and the request for a biologist to research the effect of the proposed project on animals that live on site.**

During the Planning Commission hearing, the Commission carefully considered each public comment and made a decision based on all the comments, as well as all of the information provided by the applicant and staff both before and during the hearing. With respect to the EME rays, the Commission asked Verizon's engineer for clarification during the hearing, and was satisfied with the response.

The project plans and project description indicate that there would be a microwave dish installed on the tower in the future. However, after the PC hearing, an independent peer review of the applicant's RF report indicated that the microwave dish was not included, so the microwave dish was removed from the project description. The only antennas would be the nine panel antennas which are used to both transmit and receive, to and from mobile subscriber devices. Based on information from Preiser Consulting, an independent peer reviewer retained by the

County after the Planning Commission hearing (e-mail dated April 24, 2015), these antennas only “collect” a tiny fraction of the energy, or EME waves, emitted by mobile subscribers’ devices, depending on distance from the source. The rest of the energy is dissipated in the surrounding area as an inverse square function of distance from the antenna. This is also true in the reverse direction, i.e. from the panel antennas out to the mobile device, even though most cell phones have internal antennas only. This is the same principal for all radio frequency devices. A very rough analogy would be if you drop a rock into the middle of a pond, the waves created would go out in all direction and gradually diminish in intensity with distance from the point of impact. The RF report for the proposed project, as well as the results of the independent peer review, indicate that the proposed facility would operate well within the FCC’s limits.

The Commission also considered the request for an independent biologist to evaluate the site, but based on the site-specific information provided by staff, did not identify a need for additional biological information. With respect to the effect to animals on site from EMF emissions, as indicated above in staff’s response to Appeal Issue 1.3, Santa Barbara County’s jurisdictional authority is restricted by Federal law. Specifically, the Telecommunications Act states that “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” With respect to the effect from noise, as discussed above in Appeal Issue 1.3, above, the project area is a sufficient distance from roosting areas that impacts to birds are not expected. Additionally, the proposed project site is located in a pasture, and is not located near a riparian area or other important animal habitat. With the exception of the grass in the pasture, no vegetation would be removed or disturbed as a result of the project.

- **The appellants’ assertion that the surrounding property owners are required to disclose the tower prior to listing their property for sale. The appellants state that no one wants to live near an unsightly cell tower, or artificial tree, that does not fit in with the character of the rural area.**

Whether or not disclosure of this type of information is required is not part of the County’s ordinance or policy requirements, and the Planning Commission does not consider such potential disclosures as part of its decision making process. The CBAR conceptually reviewed the project and determined that the 50 ft tall faux broadleaf tree antenna support structure with non-reflective faux bark would be the most appropriate support structure to visually blend the facility into the existing setting.

- **The appellants’ statement that no-one wants to be a guinea pig on the long term effects of electromagnetic radiation.**

Please see staff’s response above regarding the fact that project emissions would be well within FCC standards.

- **The appellants’ statement that neighbors would not have purchased their properties if they had known that a commercial industry and “infrastructure” would be sited in the neighborhood. The appellants are concerned that since other carriers are able to co-locate**

at this site, it will expand into a much larger industrial venture that could not be opposed later.

As discussed above, the proposed facility is designed to accommodate additional antennas collocated on the proposed tower as required by County ordinance. Any proposed expansion of the facility beyond the single tower and currently proposed lease area would require additional noticing, discretionary review, and approval.

- **The appellants' statement that the intended coverage is for the Camp 4 and that Camp 4 contains space for the facility.**

Please see staff's response to Appeal Issues 2.1 and 2.2, above, regarding Camp 4.

4.3 The appellants object to being limited to three minutes to speak at the March 11, 2015 hearing, with no rebuttal time; and state that the applicant was given unlimited presentation time plus rebuttal time.

Please see staff's response to Issue 4.1, above. Additionally, in the context of this appeal, the appellants will be afforded the same amount of time as the applicant to make a presentation to the Board.

Issue No. 5: Additional Issues

5.1 The appellant suggests that the proposed project could be characterized as elder abuse because many neighbors are elderly and on a fixed income.

The Planning Commission considers, on a case by case basis whether or not proposed development complies with the County's existing land use ordinance and policy requirements, and whether or not the required legal findings can be made for the proposed project. In this specific case, the Planning Commission found that the proposed project would not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood, and would be compatible with the surrounding area (see Sections 4.2, 6.1, and 6.2, and Findings of Approval, of the Planning Commission Staff Report dated March 11, 2015 incorporated herein by reference). The Planning Commission also found that the proposed facility would be compatible with existing and surrounding development in terms of land use and visual qualities; that the facility would comply with all required development standards; and that the applicant has demonstrated that the facility would comply with all applicable FCC safety standards. Consideration of allegations of elder abuse is not within the jurisdiction of the Planning Commission or Board of Supervisors.

5.2 The appellants request an independent baseline study of ambient neighborhood sound. The appellants also ask about the long term effect of generators, when during the day and night would the air conditioning would operate, and what would be the resulting noise level.

An emergency diesel standby generator and external HVAC units at the equipment shelter would be the primary noise sources associated with the proposed project. An Environmental Noise Analysis was performed for the proposed project and is included as Attachment J of the Planning Commission Staff Report (Attachment 6).

The generator would operate during emergencies (power outages) and also would run approximately 15 minutes per week during the daytime for periodic maintenance/lubrication. The air conditioners would run almost continuously, although they would stop periodically depending on the temperature inside the equipment shelter (the equipment would produce heat, and the thermostat would be set at 76 degrees).

The noise analysis conservatively assumes that the HVAC units would operate continuously for 24 hours; and that the generator would operate continuously for a one-hour period during daytime hours. The results of the analysis indicate that the project would result in a maximum noise level of 50 dB at the closest structure, the barn located approximately 190 ft from the proposed equipment shelter (the nearest single family dwelling to the proposed project is located 290 ft to the south, on the adjacent parcel). This is below the applicable threshold in the Noise Element, which states that an exterior noise environment of 65 dB is acceptable for residential uses. Note that the 65 dB threshold applies regardless of the current exterior noise baseline.

5.3 The appellants state that existing legislation prevents disclosure of challenges to safety from telecommunication facilities and that if such facilities are determined to be safe, then there should be transparency.

Please see staff's response to Appeal Issue 1.3, above.

Peer Review and Additional Condition of Approval:

A peer review of Verizon's RF report and other application materials was requested by P&D and was performed by Dieter Preiser Consulting (report dated April 28, 2015 and included as Attachment 7). The peer reviewer indicated that there was an error in Verizon's previously provided supporting data regarding overload at the Santa Ynez Peak site, and in response, corrected information was submitted by Verizon on April 28, 2015 (Attachment 8 of this Board Letter). The peer reviewer's report concluded that:

1. The proposed design is considered reasonable and consistent with industry best practices to provide mobile services, in particular 4th generation high-speed data services, in similar areas.
2. As justification for the new site, the applicant provided additional supporting data showing overload at the Santa Ynez Peak site. Implementation of the proposed new site would reduce the degree of system overload.
3. The proposed installation would meet Federal Communications Commission guidelines pertaining to radio frequency emissions exposure to the general public.
4. The Alternative Analysis submitted did not adequately address why Alternative Sites 3 and 4 were rejected. If it is determined that these alternative sites may be less intrusive or otherwise preferred from a planning standpoint, the County may consider requesting that the applicant either provide additional supporting data or further pursue these alternatives.

Staff followed up regarding item 4 above with the applicant. Verizon stated that they had investigated the properties at 2100 Mora Avenue (APN 141-070-022, Site 3) and 1880 Mora Avenue (APN 141-070-017, Site 4) (see also the discussion in Appeal Issue 2.3, above). These properties both had willing property owners. Based on statements by the agent, the proposed project site was preferred and selected over these sites by Verizon because it is closest to the target population, and thus would provide the best

coverage. In an e-mail dated May 6, 2015, the peer reviewer indicated that absent additional data, this approach seems reasonable from a technical standpoint. From an aesthetic perspective, staff notes that based on an analysis of aerial photographs, towers placed on these alternate sites in the locations allowed by the prospective landlords would be substantially more visible from public viewing areas than a tower in the proposed location, due to the absence of intervening screening vegetation. On May 14, 2015, staff received an e-mail from Verizon (Attachment 9 of this Board Letter) indicating that Site 3 would be less effective in providing coverage and capacity offload than the proposed Mora site, and that lease negotiations with the owner of Site 4 were unsuccessful. After review of the additional information in the e-mail, the peer reviewer concurred with this assessment (staff communication with Dieter Preiser on May 20, 2015).

Additionally, the peer review report notes that the project drawings depict a microwave dish antenna as a future addition to the site, but no details are provided regarding band of operation, power output, antenna height, or azimuth. The reviewer recommended that in the event of the need to add a microwave antenna for backhaul of site traffic, or any other antenna additions or modifications, Verizon Wireless should be required to submit an updated RF safety report to address the additions or modifications. Because the microwave dish would be installed at a later date, and the RF report did not include analysis of the future microwave dish's emissions, the project description (Condition 1, in Attachment 2 of this Board Letter) has been modified to eliminate this project element.

Performance Measure: N/A

Fiscal and Facilities Impacts:

Budgeted: Yes

The costs for processing appeals are provided through a fixed appeal fee and funds in P&D's adopted budget. In regards to this appeal, the appellants paid an appeal fee of \$648.26. P&D will absorb the costs beyond that fee, estimated at approximately \$7,750.40 (40 hours). This work is funded in the Planning and Development Permitting Budget Program on page D-212 of the adopted 2014-2016 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on June 2, 2015. The notice shall appear in the Santa Barbara News-Press. The Clerk of the Board shall fulfill noticing requirements. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

Attachments:

1. Board of Supervisors Findings
2. Board of Supervisors Conditions of Approval
3. Board of Supervisors Notice of Exemption
4. Appeal Application to the Board of Supervisors

5. Planning Commission Action Letter dated March 18, 2015, for the Verizon at Mora CUP, Case No. 14CUP-00000-00024
6. Planning Commission Staff Report, dated February 19, 2015 including:
 - A. PC Findings for Approval
 - B. PC Conditions of Approval
 - C. PC Notice of Exemption
 - D. Reduced Plan Sheets
 - E. BAR Minutes
 - F. Photosimulations
 - G. Radio Frequency Site Compliance Report, prepared by Klaus Bender, dated June 19, 2014
 - H. Network Service Maps and Coverage Information
 - I. Alternative Site Analysis
 - J. Environmental Noise Analysis prepared by Bollard Acoustical Consultants, Inc., dated July 30, 2014
 - K. APN Sheet
7. Wireless Facility Technical Review Report by Dieter Preiser dated April 28, 2015
8. Additional Coverage Capacity Justification from Verizon dated April 28, 2015
9. Additional Alternatives Information from Verizon dated May 14, 2015

Authored by: Joyce L. Gerber, Planner, P&D Development Review Division