

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

March 7, 2013

County of Santa Barbara
Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

*By hand delivery and by email to
sbcob@co.santa-barbara.ca.us*

RE: Appeal of Montecito Planning Commission's Approval of 12CUP-00000-00007 - Verizon Wireless Telecommunications Facility Relocation – 512 Santa Angela Lane

Dear Chair Carbajal and Members of the Board,

This office represents Appellants Mary E. Goolsby and Martha Goolsby Kay in this matter (“Appellants”).

Summary of Position

1. Support Tree-pole. Appellants **support** Verizon's proposed revised project, specifically a faux tree-pole design that would be located in the rear parking lot of the Project site, 512 Santa Angela Lane.
2. Oppose Rooftop Antenna. Appellants continue to **oppose** the initially proposed project, locating new Verizon antennae on the rooftop of the building at 512 Santa Angela Lane.
3. Board Direction and Continuance. Although Verizon has stated its desire to construct and utilize a faux tree-pole at this location as a revised project, and the MBAR has given unanimous conceptual support for this revised project at the meeting of March 4, 2013, the documents necessary for your Board to approve the revised project have not yet been prepared. We request that your Board give staff direction to prepare revised project approval documents for a future Board hearing and adoption. We understand that if the Board indicates support for the revised tree-pole project, Verizon will extend the “shot-clock” as necessary to secure formal Board approval of the tree-pole project. We understand from staff that the tree-pole project may be processed using the initial application and avoiding a new application and review process.

Technical Issues:

1. Appellant Raised Additional Issues Not Addressed in the Staff Report

This office submitted a detailed letter, supplementing the initial appeal to the County, on August 17, 2012. This letter raised a number of substantive and technical issues to amplify the initial appeal. Unfortunately, the Staff Report prepared for this hearing failed to consider or

address any of the issues raised in that letter. We believe those issues prevent the Board from approving the rooftop antenna originally proposed.

2. CEQA

Our August 17, 2012 letter raised a number of CEQA issues addressing the rooftop antennae. Neither staff nor the Applicant has refuted those assertions and they apply to the rooftop project in full force today.

3. Setbacks

Our August 17, 2012 letter objected to the proposal, which locates new antennae and equipment in setback areas without the benefit of necessary modifications. These setback encroachments preclude the Board from approving the rooftop antenna originally proposed.

4. Findings

The Board cannot adopt the findings that the proposed project “will not be detrimental to the general welfare of the neighborhood” when parents of the nearby preschool have promised to remove their children if the new rooftop antenna is installed.

5. Alternative Sites

Over the last six months, Appellants have worked closely with the Applicant Verizon and another carrier (AT&T) to find a more appropriate alternative location and/or structure. While we were unsuccessful in identifying a mutually acceptable alternative site, we did consider the use of a tree-pole at the project site (512 Santa Angela Lane). We also have conferred with AT&T, who currently operates a set of antennae on the rooftop at 512 Santa Angela Lane. We understand that AT&T intends to upgrade its facilities at 512 Santa Angela Lane and that both companies’ RF Engineers cooperated in the design of the proposed tree-pole in order to meet AT&T’s requirements for the relocation of the rooftop facilities onto the proposed tree-pole.

We are gratified that tree-pole design and construction has advanced dramatically in recent years, and a number of these newer-design antennae have been successfully installed in our County. These recent installations, including the faux mono-pine tree installed by Verizon approximately one year ago on Overpass Rd. in Goleta (see Attachment 1), demonstrate that these facilities, when properly designed and installed, can blend with existing vegetation and be compatible with the visual environment. We believe MBAR’s unanimous support for this design and location to be an important indicator of this proposed tree-pole’s compatibility and appropriateness. We also urge your Board to condition such approval with a requirement for a bond to guarantee long-term maintenance, so that the tree-pole will continue to blend into the existing environment.

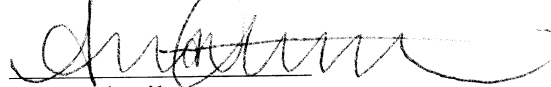
In conclusion, Appellants support the proposed tree-pole at 512 Santa Angela Lane but oppose any expansion or continuation of antennae on the rooftop of the building. Not only is the rooftop location inappropriate from a community compatibility perspective, it provides substandard cellular coverage.

Appellants and our supporters, including neighbors, parishioners at El Montecito Presbyterian Church, and others in the community, as well as MBAR and the Montecito Association's Land Use Committee recognize that this proposed tree-pole is an acceptable feature in our community. In this day and age, everyone wants good cellular service, but few want the antennae facilities nearby. The tree-pole raises the elevation of the active antennae much higher than the rooftop allows, improving service while reducing the effects experienced at ground level.

We thus urge your Board to consider and express support for the tree-pole project revision, and direct staff to prepare the documentation necessary to promptly give final approval to the revised tree-pole project. Upon such approval, Appellants will withdraw their appeal.

Sincerely,

LAW OFFICE OF MARC CHYTILO



Marc Chytilo

Ana Citrin

For Martha Goolsby Kay and Mary E. Goolsby

Attachment 1: Verizon Faux Mono-Pine Tree, 5484 Overpass Rd., Goleta

