

ATTACHMENT 2

FINDINGS FOR APPROVAL

Case no. 14CUP-00000-00019

1.0 CEQA FINDINGS

The proposed project is exempt from environmental review pursuant to Sections 15303 and 15304 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment 3 of the Board Letter, dated February 3, 2015, and incorporated herein by reference.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Land Use & Development Code (LUDC), Section 35.82.060.E.1, prior to the approval or conditional approval of an application for a Conditional Use Permit, the review authority shall first make all of the following findings, as applicable:

2.1.1 The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

The subject 3.2-acre parcel is located within the rural area of the County and is surrounded on the north, east, and south by vacant lands and to the west by a single-family dwelling located approximately 520 feet from the proposed facility. The facility itself consists of one (1) 55-foot tall antenna support structure designed to resemble a pine tree ('monopine'), and a 200 square foot pre-fabricated equipment shelter. The monopole antenna support structure will support two arrays of two (2) panel antennas mounted at a maximum height of 47 feet, for a total of four (4) panel antennas (2 per sector). The lease area will be approximately 840 sq. ft. in area and will be fenced with chain link fencing. The equipment shelter will utilize a concrete slab foundation.

Technical requirements dictate that wireless facilities be sited in a manner that provides clear line-of-site transmission of signals. The antennas will be located on a monopine approximately 100 feet south of the paved area of Highway 154 (approximately 20 feet from the edge of the right-of-way), and will be visible to the passing motorists in both the north and southbound directions. The proposed faux 'monopine' has been designed to blend the project into the site's surrounding natural environment by blending it in with the adjacent pine trees that occur throughout the area. Additionally, the design of the new facility utilizes the existing topography and other physical characteristics of the site to situate the faux pine tree in the least visually intrusive location. As such, the site is adequate to accommodate the type of use and level of development proposed.

2.1.2 Within the inland area, significant environmental impacts will be mitigated to the maximum extent feasible.

No significant environmental impacts will result from the project. The project is exempt from environmental review pursuant to Section 15303 of the Guidelines for Implementation of CEQA. The facility will utilize a single 'monopine' antenna support structure which is designed to look like a 55-foot tall pine tree. The faux-pine tree support structure will screen the antennas from public view, and along with the proposed landscaping, will blend the tower and equipment shelter with the existing mature trees in the immediate vicinity to the maximum extent feasible.

To ensure that proposed projects will operate within Federal Communication Commission (FCC) limits, the County requires that applicants submit a report prepared by a qualified third party that estimates the project's radio-frequency emissions and determines whether or not they comply with the Federal requirements. As part of the permit application, the applicant provided a Radio-Frequency Electromagnetic (RF-EME) Compliance report prepared by Site Safe, RF Compliance Experts, dated June 19, 2014. The report concluded that at the nearest walking / working surfaces to the Verizon antennas, the maximum power density generated due to the operation by itself is less than 1% of the FCC's occupational limit. Since there are no other carriers on site, the cumulative level was not calculated. The report also states, based on 'worst-case' predictive modeling, that there are no modeled exposures on any ground-level walking / working surfaces related to equipment in the area that exceed the FCC's occupational and general public exposure limits at this site. The report verifies that the facility will operate in compliance with FCC limits.

Additional conditions include the requirement for final SBAR approval to ensure that the project is visually compatible with the surrounding area, and the requirement for monitoring of radio-frequency emissions to ensure compliance with FCC standards.

2.1.3 Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The un-manned facility will not generate traffic other than for periodic maintenance required on an as-needed basis. The proposed facility will be accessed from an existing paved driveway leading to the lease area from Highway 154, a public road. The property owners have granted the lessee a private 15-foot wide access easement to the leased area and the paved driveway will also provide onsite parking for routine maintenance of the facility. Therefore, the existing streets are sufficient to serve the project and this finding can be made.

2.1.4 There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, the facility will be un-manned and will not require any public services such as water or sewer. However, fire and police services will be provided by the Santa Barbara County Fire Department and Sheriff's Department. Therefore, this finding can be made.

2.1.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.

As discussed in Sections 4.2 and 6.2 of the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, the facility complies with the Federal health and safety standards and therefore will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. Additionally, the monopole is designed to resemble a pine tree which is a common tree found throughout the area. The faux tree support structure will reduce the visibility of the antennae. The tower and equipment shelter have been carefully sited and designed to be visually compatible with the surrounding area. Therefore, this finding can be made.

2.1.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, and as discussed in the Planning Commission Memorandum, dated December 30, 2014, included as Attachment 8 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, the project will be in conformance with all applicable provisions of the Comprehensive Plan and all applicable development standards of the County LUDC. Therefore this finding can be made.

2.1.7 Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.

As discussed above in Findings 2.1.1, and 2.1.5, and Sections 6.2 and 6.3 of the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, and as discussed in the Planning Commission Memorandum, dated December 30, 2014, included as Attachment 8 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, the telecommunications facility will be disguised as a pine tree to reduce the visibility of the antennas. In addition, the facility equipment within the fenced lease area will be screened from view by the existing natural vegetative screening. As such, the design of the facility is compatible with and subordinate to the rural character of the area and this finding can be made.

2.2 ADDITIONAL FINDINGS (LUDC SECTION 35.44.010.G)

In addition to the findings required to be adopted by the review authority in compliance with Section 35.82.050 (Coastal Development Permits), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permit), Section 35.82.080 (Development Plans) and Section 35.82.110 (Land Use Permits) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:

2.2.1 The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.

The proposed monopole design will resemble a pine tree, which occurs nearby and is common in the area. The pine tree monopole design was reviewed by the South County Board of Architectural Review (SBAR) on October 17, 2014. The SBAR commented that the design maximized the structure's compatibility with the surrounding area (see Attachment E to the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to this Board Letter, dated February 3, 2015 and incorporated herein by reference). The design of the facility effectively utilizes the existing landforms and trees so that the facility blends into the surrounding natural environment. Additionally, the radio-frequency report prepared for the facility has confirmed that the facility is operating in compliance with FCC requirements and is well within the applicable emissions limits. Therefore the use is compatible with the existing rural residential use of the property. Therefore, this finding can be made.

2.2.2 The facility is located to minimize its visibility from public view.

Technical requirements dictate that wireless facilities be sited in a manner that provides clear line-of-site transmission of signals. The monopole will be located approximately 118 feet south of the paved area of Highway 154 (approximately 40 feet from the edge of the 175-foot wide Highway 154 right-of-way). As situated on the site, only the top portion of the ‘monopine’ will be visible to the passing motorist in both the north and southbound directions. However, the monopole design will resemble a pine tree which occurs nearby and is common in the area. The faux pine tree (‘monopine’) design was reviewed by the South County Board of Architectural Review (SBAR) on October 17, 2014. The SBAR commented that the design maximizes the structure’s compatibility with the surrounding area (see Attachment E to the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference). The design of the facility effectively utilizes the existing landforms and trees so that the support facilities will only be visible from Highway 154, a public viewing area, for a brief moment as motorists pass by the entrance driveway to the site. As discussed in the Planning Commission Memorandum, dated December 30, 2014, included as Attachment 8 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, the project is designed, situated and screened, so the above ground support facility will not increase the visibility of the facility or decrease public safety. Furthermore, the above ground facility will minimize necessary grading and site disturbance in order to avoid potential environmental impacts and blend into the surrounding natural environment. Therefore, this finding can be made.

2.2.3 The facility is designed to blend into the surrounding environment to the greatest extent feasible.

The pine tree monopole design was reviewed by the South County Board of Architectural Review (SBAR) on October 17, 2014. The SBAR commented that the design maximizes the structure’s compatibility with the surrounding area (see Sections 6.2 and 6.3, and Attachment E of the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, and as discussed in the Planning Commission Memorandum, dated December 30, 2014, included as Attachment 8 to the Board Letter, dated February 3, 2015 and incorporated herein by reference). The design of the facility effectively utilizes the existing landforms and trees so that the facility blends into the surrounding natural environment. Therefore, this finding can be made.

2.2.4 The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D (additional development standards for telecommunication facilities).

- a. An exemption to one or more of the required development standards may be granted if the review authority additionally finds that in the specific instance that the granting of the exemption:**
 - 1. Would not increase the visibility of the facility or decrease public safety, or**
 - 2. Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or**
 - 3. Would avoid or reduce the potential for environmental impacts.**

As discussed in the Planning Commission Memorandum, dated December 30, 2014, included as Attachment 8 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, and as discussed in Sections 6.2 and 6.3, and Attachment E of the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, the proposed support facility consisting of a 16'-10"(L) x 11'-6"(W) x 10'-0"(H) equipment shelter mounted to a concrete foundation, and an emergency generator mounted to a concrete pad will be located above ground. The proposed approximately 200 square foot equipment shelter will be a maximum of 10'-0" in height and the generator a maximum height of 6'-0". However, the equipment shelter and generator will be situated below the elevation of Highway 154, painted natural colors, enclosed with a locked perimeter fence that is also painted natural colors and screened with existing trees and additional vegetative landscaping. As proposed, the support facilities will not be visible from public viewing areas. Therefore, this finding can be made.

2.2.5 The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.

A radio-frequency emissions report completed by Site Safe, RF Compliance Experts, dated June 19, 2014, concluded that the facility meets the FCC requirements. As a part of the project conditions, included as Attachment 5 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, a verification measurement report will be required within 30 days of installation to confirm adherence to these requirements. Therefore, this finding can be made.

2.2.6 The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.

Currently, Verizon does not provide adequate telecommunications service to the area around the subject lot. As shown in Attachment H to the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, the applicant has demonstrated a gap of coverage at the Highway 154 Summit. The only existing telecommunications facility within a two mile radius is an AT&T facility that is located 1,000 feet east of the proposed Verizon lease area. However, this AT&T pole is not capable of co-location (see Attachment I to the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference). Since there are no existing support structures within the necessary coverage area, the proposal for a new facility is in conformance with this development standard. There are no other existing support structures within the project site vicinity which could accommodate the proposed facility. Therefore, this finding can be made.

2.2.7 The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

As shown in Attachment I to the staff report, dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference, there are no existing support structures within the vicinity of project site which could accommodate co-location of the proposed facility. Additionally, there were no suitable alternative sites in the vicinity that could provide adequate coverage area without causing significant visual impacts.

The faux pine tree monopole design was proposed by the applicant in order to maximize the structure's compatibility with the surrounding area. The design was reviewed by the Board of Architectural Review on October 17, 2014, where it received positive comments (see Attachment E of the Planning Commission staff report dated November 13, 2014, included as Attachment 6 to the Board Letter, dated February 3, 2015 and incorporated herein by reference). The design of the facility effectively utilizes the existing landforms and trees so that the facility blends into the surrounding natural environment, and is the least intrusive design feasible for the proposed project.

The equipment shelter and generator will be situated below the elevation of Highway 154, painted natural colors, enclosed with a locked perimeter fence that is also painted natural colors and screened with existing trees and additional vegetative landscaping. As proposed, the support facilities will not be visible from public viewing areas. Therefore, this finding can be made.