

ATTACHMENT 3

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: J. Ritterbeck, Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County guidelines for the implementation of CEQA.

APN: 153-080-008

Case Nos.: 14RZN-00000-00004 & 14CUP-00000-00019

Location: 2937 San Marcos Pass Road, Santa Barbara, CA

Project Title: Haines Rezone & New Verizon Wireless Telecom Facility at Hwy 154 Summit

Project Description:

The project is a request for a Major Conditional Use Permit to allow construction and operation of an un-manned telecommunications facility, in compliance with Sections 35.82.060 and 35.44 of the County Land Use and Development Code, on property zoned 40-AL-O. The facility will be located within a 840 square foot lease area on a 3.2-acre parcel located at 2937 San Marcos Pass Road, Assessor Parcel No. 153-080-008. The project includes a consistency rezone from the Ordinance 661 zone designation of 40-AL-O, to the County Land Use and Development Code designation of AG-II-100.

The proposed facility consists of four Verizon Wireless panel antennas in two sectors, with two antennas per sector, mounted on a proposed 55-foot tall 'monopine' along with associated equipment. The 42'x20' lease area will have a locked chain link fence at the perimeter and will house all support equipment for the antenna at the base of the structure, including a pre-fabricated 10-foot tall equipment shelter, underground power and Telco utilities, a standby diesel generator, two GPS antennas, two air conditioning units, and a surge protector. The diesel generator will be installed on a new concrete pad and the existing paved driveway leading to the lease area will provide onsite parking for routine maintenance of the facility. Although some minor ground disturbance will be needed for footings and utility trenching, the proposed facility will not require grading, and no tree removal is proposed as a component of the project.

One hooded security light will be installed and shall be hooded, low-wattage, directed downward, and will have a manual switch located above the equipment structure door that will be kept off except when Verizon Wireless personnel are present at night.

Public Agency Approving Project: County of Santa Barbara

Person / Agency Carrying Out Project: Michelle Ellis of Complete Wireless Consulting, Inc

- Agent for Roger & Nancy Haines and Verizon Wireless

Exempt Status:

<input type="checkbox"/>	Ministerial
<input type="checkbox"/>	Statutory Exemption
<input checked="" type="checkbox"/>	Categorical Exemption
<input type="checkbox"/>	Emergency Project
<input checked="" type="checkbox"/>	No Possibility of Significant Effect [§15061(b)(3)]

Cite specific CEQA and/or CEQA Guideline Section: 15061(b)(3) [No Possibility of Significant Effect], 15303 [New Construction or Conversion of Small Structures], and 15304 [Minor Alterations to Land]

Reasons to Support Exemption Findings:

The proposed rezone is exempt from environmental review pursuant to Section 15061(b)(3) [No Possibility of Significant Effect]. This section exempts projects under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The minimum parcel size and development potential would remain essentially the same under the proposed zone district as there would be no increase in subdivision potential. However, the consistency rezone would allow for the permitting of modern uses not contemplated under Ordinance 661 but desired by the County and the applicant. The parcel is currently developed with a single family dwelling, which is a principally permitted use under the proposed zoning. The consistency rezone would not increase the demand on existing services, would not result in the loss of any existing native vegetation, and would not require grading or land alteration, nor would it impact any biological, archaeological or other sensitive environmental resources. Therefore, the common sense exemption (i.e. CEQA section 15061) is appropriate for this project

The proposed telecommunication project is exempt from environmental review pursuant to Section 15303 [New Construction or Conversion of Small Structures] and Section 15304 [Minor Alterations to Land] of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15303 exempts the construction and location of a limited number of new small facilities or structures. Section 15304 exempts minor alterations in the condition of land that do not involve the removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The project consists of the construction and use of a new un-manned telecommunications facility that will be constructed to appear as a pine tree. The proposed minor trenching for utilities and paving of the existing dirt driveway will not require grading or the removal of any healthy, mature, or scenic trees. As such, the project will comply with the limited scope of these Categorical Exemptions.

There is no substantial evidence that proposed project involves unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment.

The exceptions to the categorical exemptions pursuant to Section 15300.2 of the CEQA Guidelines are:

- (a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The proposed development is located entirely outside of the required 100-foot (rural) buffer from a mapped ESH area. San Jose Creek is located 150 south of the project site. The nearest mapped environmental resource (Riparian Corridor) is over 400 feet away, also to the south, and is separated from the proposed development by a heavily wooded area. No vegetation is proposed for removal and no archaeological or historical resources will be affected by the project. There are no known landslides, expansive soils, or other hazardous resources on the project site. Therefore, this exception to the categorical exemption does not apply.

- (b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project is for an unmanned telecommunications facility within an approximately 840 square foot lease area on a 3.2-acre parcel. A radio-frequency (RF) emissions report was prepared as part of the proposed project. The report concluded that the proposed project will operate within the applicable Federal Communications Commission (FCC) limit. Any future telecommunications facility on the site will be analyzed for potential environmental impacts, and all future facilities will also be required to meet Federal Communications Commission (FCC) radio-frequency emission limits. Similar development in the same place over time, developed in conformance with the applicable ordinance, policy and FCC regulations will not result in a cumulatively significant impact. County requirements for collocation of telecom projects, where feasible, reduces cumulative effects (visual, land disturbances, etc.). Therefore, this exception to the categorical exemption does not apply.

- (c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

No sensitive habitat exists on the subject site, and there are no unusual circumstances that will cause the project to have a significant effect on the environment. Telecommunications facilities are regulated by the Federal Communications Commission and are required to comply with Federal emissions standards and health and safety requirements at all times. The facility complies with these standards. Additionally, there are no unusual circumstances anticipated to result from the construction of the project. Therefore, this exception to the categorical exemption does not apply.

- (d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The project is located within the view corridor of State Highway 154, a designated Scenic Highway. As designed, the new telecommunication facility will appear as a faux pine tree in order to blend into the natural surroundings and not be substantially visible from the roadway. Additionally, as designed, the new structure will be located such that it will not silhouette against the sky. Therefore, the proposed project will not result in damage to a scenic resource and this exception to the categorical exemption does not apply.

- (e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code (hazardous and toxic waste sites). In addition, there is no evidence of historic or current use or disposal of hazardous or toxic materials on the project site. Therefore, this exception to the categorical exemption does not apply.

- (f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The proposed development is not near any historical resource. As such, the project will have no impact on any historical resource and this exception to the categorical exemption does not apply.

Lead Agency Contact Person: J. Ritterbeck, Planner

Phone No.: (805) 568-3509

Department/Division Representative: _____ **Date:** _____

Acceptance Date: _____

Note: A copy of this form must be posted at P&D six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution: Case File

Date Filed by County Clerk: _____