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September 22, 2016

VIA EMAIL AND FEDEX

Chair Linda Parks
Vice Chair John Zaragoza
Supervisors Steve Bennett,
Kathy Long and Peter Foy
Board of Supervisors
Ventura County
800 South Victoria Avenue
Ventura, California 93009

Re: Appeal of Verizon Wireless Case No. PL14-0128
Camouflaged Telecommunications Facility
8320 Bates Road
Board of Supervisors Agenda, October 4, 2016

Dear Chair Parks, Vice Chair Zaragoza and Supervisors:

We write on behalf of our client Verizon Wireless to urge you to follow the recommendation of Planning Division Staff and uphold the Planning Commission's approval of a wireless facility camouflaged as a palm tree (the "Approved Facility"). The appeal filed by Anthony Brown (the "Appellant") provides no substantial evidence to warrant denial of the Approved Facility and must be rejected. The Approved Facility presents minimal visual impacts and meets all findings for issuance of a conditional use permit. It also represents the least intrusive means to fill a significant gap in Verizon Wireless service in the Rincon Point area. For this reason, denial of the Approved Facility would violate the federal Telecommunications Act. We urge you to deny the appeal and uphold the Planning Commission's approval.

I. The Project

The Approved Facility has been thoughtfully designed and re-designed to minimize any impact on the adjacent community. In fact, the facility design has been changed from a faux pine to a faux palm tree to match nearby palm trees and minimize visual impacts. Verizon Wireless proposes to fully conceal its panel antennas within a 43 foot tower disguised as a palm tree placed approximately 50 feet behind a row of established palm trees up to 27 feet in height. Faux palm fronds mounted to the top of

County of Ventura
Board of Supervisors
PL14-0128

**Exhibit 13 – Letter from Paul Albritton,
dated September 22, 2016**

the tower will radiate in all directions, providing a realistic crown extending to 45 feet. The faux palm tree will be placed within a 35 foot by 35 foot equipment area that will contain radio cabinets and a standby generator to provide continued service in case of emergency. The equipment area will be surrounded by a six foot chain link fence with green slats. A new access route will traverse the Approved Facility property and an existing easement to a nearby roadway, and utilities serving the Approved Facility will be placed underground.

Photosimulations of the Approved Facility are attached as Exhibit A. A report by Hammett & Edison, Inc., Consulting Engineers, to be provided under separate cover, verifies that the Approved Facility will comply with Federal Communications Commission ("FCC") radio frequency exposure guidelines.

II. The Approved Facility Meets All Findings for Issuance of a Conditional Use Permit.

As confirmed in the Planning Commission's approval, the Approved Facility meets all findings of Code §8181-3.5 for a conditional use permit, which is required for communication facilities in the subject CA-Coastal Agriculture zone. The Planning Commission Staff Report for the June 23, 2016 hearing confirms that the Approved Facility complies with the local coastal program and General Plan. Notably, Staff found that the camouflaged palm tree design visually blends the Approved Facility with the nearby row of established palm trees such that it will not be prominently visible or substantially alter public views in compliance with General Plan Scenic Resources Policy 1.7.2-1. As viewed from Highway 101, the camouflaged palm tree facility will not appear substantially taller than existing palm trees, and the equipment area will not be visible at all, rendering the Approved Facility compatible with the character of surrounding development and planned land uses in the area. With the nearest offsite residence 360 feet distant and with minimal noise from equipment (less than noise from Highway 101), the Approved Facility will not be obnoxious or harmful and will not impair the utility of neighboring property. Lastly, Staff and the Planning Commission found that the Approved Facility will not be detrimental to the public interest, health, safety convenience or welfare, and will in fact provide an important public benefit by ensuring reliable wireless service on busy roadways.

Because the Approved Facility meets all of these findings for approval of a conditional use permit, the Board should deny the appeal and affirm the Planning Commission's approval.

III. Substantial Evidence for Approval, Lack of Substantial Evidence for Denial

As interpreted under controlling federal court decisions, the "substantial evidence" requirement means that a local government's decision to deny a WCF application must be based on requirements set forth in the local code and supported by evidence in the record. (*See Metro PCS, Inc. v. City and County of San Francisco*, 400

F.3d 715, 725 (9th Cir. 2005) [denial of application must be “authorized by applicable local regulations and supported by a reasonable amount of evidence”].)

While a local government may regulate the placement of WCFs based on aesthetics, mere generalized concerns or opinions about aesthetics or compatibility with a neighborhood do not constitute substantial evidence upon which a local government could deny a permit. *See City of Rancho Palos Verdes v. Abrams*, 101 Cal. App. 4th 367, 381 (2002).

As set forth above, Verizon Wireless has provided substantial evidence to show that the Approved Facility complies with all requirements for approval of a conditional use permit. Among other evidence, photosimulations demonstrate the minimal visual impacts of the camouflaged treepole placed behind a row of established palm trees. The Hammett & Edison, Inc. radio frequency exposure report confirms that the Approved Facility will operate within FCC radio frequency exposure guidelines.

In contrast, Appellants have provided no evidence – let alone the substantial evidence required by federal law – to support denial of the Approved Facility. We respond briefly to the appeal points below.

A. The Approved Facility Complies with CEQA Requirements.

Appellant claims that the California Environmental Quality Act (“CEQA”) requires an analysis of alternatives. Though Verizon Wireless has prepared the attached Alternatives Analysis to satisfy unrelated requirements of federal case law as described below, the CEQA statute does not require a public agency to evaluate alternatives to a project when mitigation measures substantially lessen environmental impacts. *See* California Public Resources Code §21002. Planning Division Staff prepared a Mitigated Negative Declaration for the Approved Facility certifying that there will be no significant effects on biological or cultural resources with mitigation measures agreed to by Verizon Wireless. The Planning Commission reviewed and adopted the Mitigated Negative Declaration. This ground for appeal raises no conflict with CEQA requirements and must be rejected.

B. The Approved Facility Will Not Impact Agricultural Uses.

Appellant raises a concern that the Approved Facility will impact agricultural production on the subject parcel that is under a Land Conservation Act contract, but the Approved Facility will occupy only 0.03 acres (or 0.3 percent) of the 10 acre parcel and will not impact existing orchards on the property. In its report to the Planning Commission, Staff determined that the location and small footprint of the Approved Facility precludes adverse impacts to agriculture, consistent with the General Plan and Coastal Area Plan. This ground for appeal raises no contradiction of Land Conservation Act terms and must be rejected.

C. The Approved Facility Poses Minimal Visual Impacts and Is Compatible with Surrounding Uses.

Appellant briefly mentions vague concerns over potential impacts to the public and the agricultural setting, but Staff and the Planning Commission found that the Approved Facility is not detrimental to the public interest. As noted above, there is no adverse impact to agriculture, and, in fact, the CA-Coastal Agriculture zone is one of only three zones where communication facilities are allowed under the Coastal Zoning Ordinance. This ground for appeal raises no conflict with required conditional use permit findings and must be rejected.

D. Access and Utilities Will Occupy Existing Easements Over Neighboring Parcel.

Appellant's claim that the Approved Facility encroaches onto other parcels misrepresents the project. Project plans confirm that improvements for the Approved Facility fall within the subject parcel or existing recorded access and utility easements. Verizon Wireless has obtained a legal right to use the property pursuant to its lease. Finally, any access dispute between parties would constitute a civil matter not subject to review by the County with respect to this permit. This claim raises no valid appeal issue and must be rejected.

E. The Conditional Use Permit Requires Compliance with All Laws.

Appellant charges that the Planning Commission did not require minimum maintenance standards or provide for dismantling of the Approved Facility. Condition of Approval 12, as well as common sense, dictate that Verizon Wireless must implement the project in compliance with all federal, state and local regulations. This includes requirements of the Coastal Zoning Ordinance, California and Ventura County building codes and FCC regulations, all of which impose standards to ensure the safety of structures including wireless facilities. This ground for appeal uncovers no non-compliance with law and must be rejected.

IV. Radio Frequency Emissions Are Not a Local Zoning Issue.

Certain local residents have objected to the Approved Facility based on concerns over the health effects of radio frequency emissions. However, local governments are specifically precluded under federal statute from considering any alleged health or environmental effects of RF emissions of proposed WCFs "to the extent such facilities comply with the FCC's regulations concerning such emissions." 47 U.S.C. §332(c)(7)(B)(iv). In this case, the Hammett & Edison, Inc. radio frequency exposure report confirms that the Approved Facility will operate well within FCC exposure guidelines.

Moreover, federal preemption goes beyond decisions that are explicitly based on RF emissions. It also bars efforts to circumvent such preemption through some proxy

such as aesthetics or property values. *See, e.g., AT&T Wireless Servs. of Cal. LLC v. City of Carlsbad*, 308 F. Supp. 2d 1148, 1159 (S.D. Cal. 2003) (in light of federal preemption, “concern over the decrease in property values may not be considered as substantial evidence if the fear of property value depreciation is based on concern over the health effects caused by RF emissions”); *Calif. RSA No. 4, d/b/a Verizon Wireless v. Madera County*, 332 F. Supp. 2d 1291, 1311 (E.D. Cal. 2003). Where, as here, a wireless facility will comply with FCC guidelines, health concerns, or any proxy for health concerns, cannot justify rejection of the Approved Facility.

V. Approval is Required in Order to Avoid Unlawful Prohibition of Service.

A local government’s denial of a permit for a wireless facility violates the “effective prohibition” clause of the TCA if the wireless provider can show two things: (1) that it has a “significant gap” in service; and (2) that the proposed facility is the “least intrusive means,” in relation to the land use values embodied in local regulations, to address the gap. *See T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987 (9th Cir. 2009); *see also T-Mobile West Corp. v. City of Agoura Hills*, 2010 U.S. Dist. LEXIS 134329 (C.D. Cal. 2010).

If a provider demonstrates both the existence of a significant gap, and that the proposed facility meets the “least intrusive means” standard, the local government *must* approve the facility, even if there is substantial evidence to deny the permit under local land use provisions. This is because the provider has met the requirements for federal preemption; i.e., denial of the permit would “have the effect of prohibiting the provision of personal wireless services.” 47 U.S.C. §332(c)(7)(B)(1)(ii); *T-Mobile v. Anacortes*, 572 F.3d at 999. To avoid such preemption, the local government must show that another alternative is available, technologically feasible, and less intrusive than the proposed facility. *T-Mobile v. Anacortes*, 572 F.3d at 998-999.

A. Verizon Wireless Has Demonstrated a Significant Gap in Service.

Verizon Wireless has identified a significant gap in coverage in the Rincon Point area, notably along heavily-trafficked Highway 101. The significant gap is described in the *Statement of Radio Frequency Design Engineer Dewayne Bonham*, attached as Exhibit B (the “RF Engineer’s Statement”). As shown through coverage maps included in the RF Engineer’s Statement, there is a significant gap in Verizon Wireless coverage in the Rincon Point area, affecting local residents and travelers on important roadways including Highway 101 and Highway 150. A letter from a Verizon Wireless Customer Relationship Manager attached as Exhibit C provides evidence of 397 area residents who submitted text messages supporting the Approved Facility.

B. The Approved Facility Is the Least Intrusive Means to Fill the Significant Gap in Service.

In an effort to address the significant gap, Verizon Wireless evaluated the surrounding area and five specific locations as shown in the comprehensive Alternatives

Analysis attached as Exhibit D. Verizon Wireless discounted locations that were infeasible, cannot serve the significant gap or are more intrusive. The Alternatives Analysis confirms that the Approved Facility is the least intrusive means of providing wireless service to the significant gap.

When comparing the location of the Approved Facility to other potential alternatives, it is important to note that federal law does not require that a site be the "only" alternative, but rather that no feasible alternative is less intrusive than the Approved Facility. *MetroPCS v. San Francisco*, 400 F.3d at 734-35. In this case, as explained in the Alternatives Analysis, there is no feasible location that would be less intrusive.

In short, Verizon Wireless has identified a significant gap in coverage and has shown that the Approved Facility is the least intrusive means to address it, based on the values expressed in the Code. Under these circumstances, Verizon Wireless has established the requirements for federal preemption such that denial of the permit would constitute an unlawful prohibition of service.

Conclusion

Verizon Wireless has worked diligently to identify the ideal location and design for a camouflaged wireless facility to serve the Rincon Point area. The Approved Facility poses minimal visual impacts and meets all findings for issuance of a conditional use permit. It also represents the least intrusive means to address a significant gap in Verizon Wireless coverage. Bringing improved Verizon Wireless service to this area is essential to reliable communications with emergency services providers, and to the health, safety, and welfare of residents and visitors in the surrounding community, as evidenced by the 397 text messages of support received by Verizon Wireless. We strongly encourage you to affirm the Planning Commission's approval and deny the appeal.

Very truly yours,



Paul B. Albritton

cc: Leroy Smith, Esq.
Kristina Boero

Schedule of Exhibits

Exhibit A: Photosimulations
Exhibit B: RF Engineer's Statement
Exhibit C: Letter from Verizon Wireless Customer Relationship Manager Regarding
397 Supporters of Approved Facility
Exhibit D: Alternatives Analysis



VICINITY MAP
PHOTOSIMULATION VIEWPOINTS



HWY 101 & RINCON
PSL #177707
8320 BATES RD
CARPINTERIA, CA 93013



Exhibit A



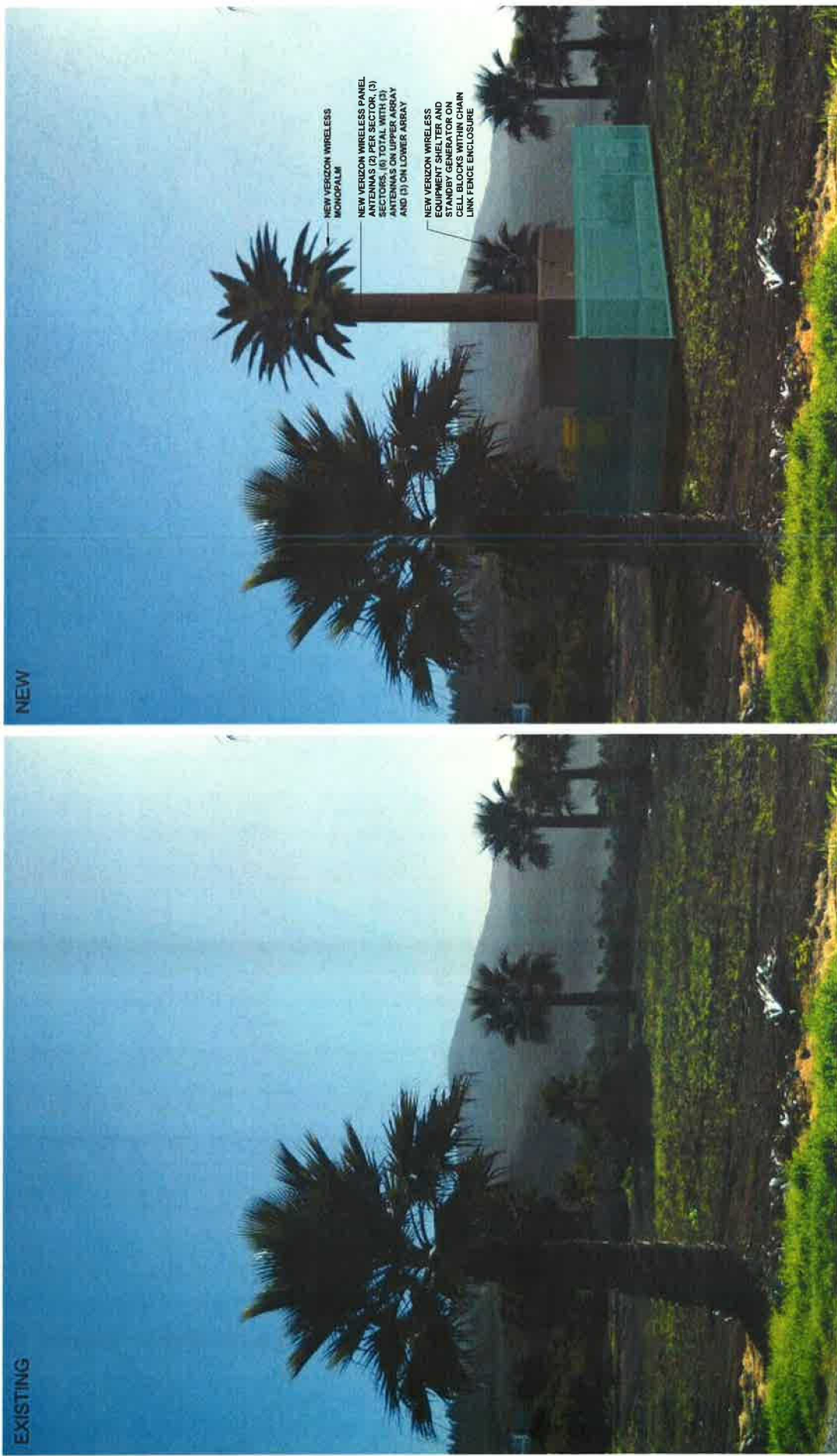
PHOTOSIMULATION VIEW 1



HWY 101 & RINCON
PSL #177707
8320 BATES RD
CARPINTERIA, CA 93013



STUDIO CITY
3000 WILSON BLVD, SUITE 100
CARPINTERIA, CA 93013
TEL: 661-251-1000

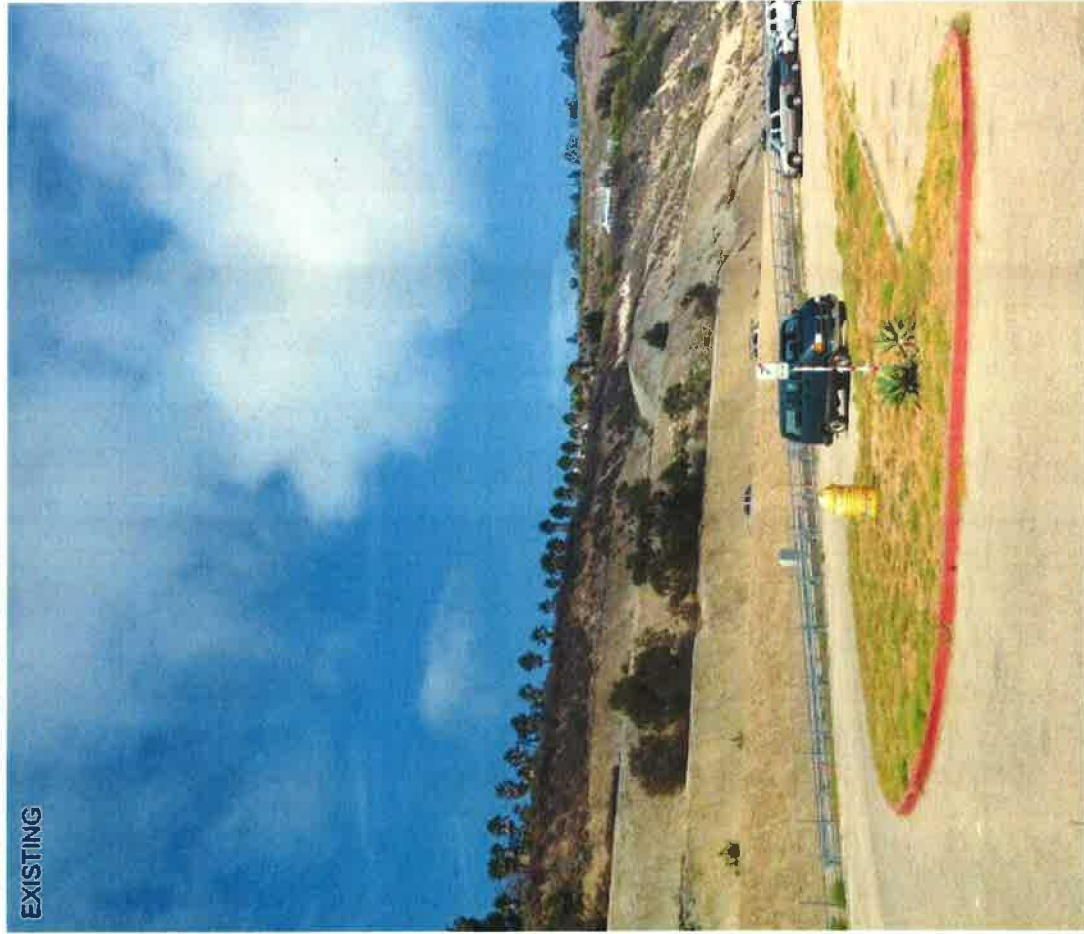




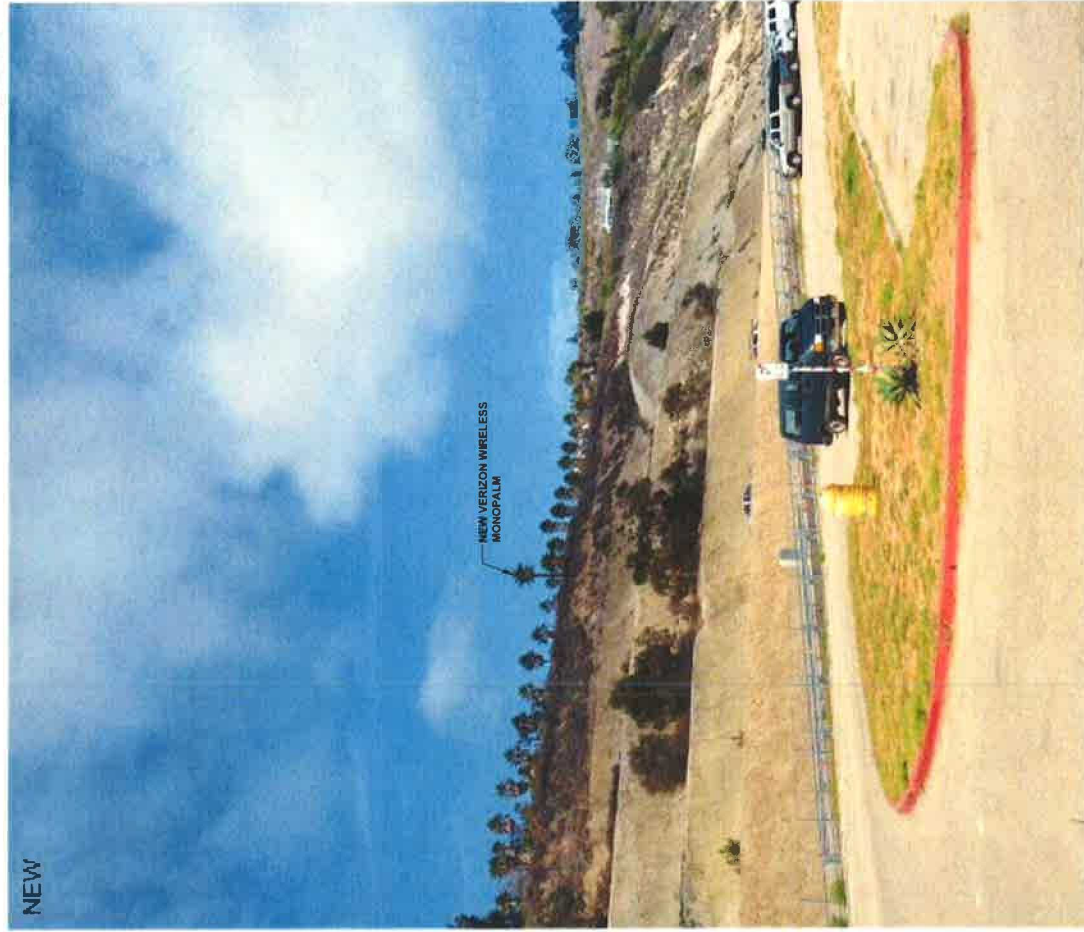
HWY 101 & RINCON
P5L #177707
5320 BATES RD
CARPINTERIA, CA 93013

SIS
SOCIETY OF INVESTMENT
MANAGERS

PHOTOSIMULATION VIEW 2



EXISTING



NEW

**NEW VERIZON WIRELESS
MONOPALM**



PHOTOSIMULATION VIEW 3



HWY 101 & RINCON
PSL #177707
5320 BATES RD
CARPINTERIA, CA 93013



EXISTING



NEW



NEW VERIZON WIRELESS
MONOPALM

Exhibit B



2785 Mitchell Drive
Walnut Creek, CA 94598

September 21, 2016

To: Ventura County Board of Supervisors

**From: Dewayne Bonham, Radio Frequency Design Engineer,
Verizon Wireless Network Engineering Department**

**Subject: Statement in Support of Verizon Wireless's Proposed
Telecommunications Facility, 8320 Bates Road**

Executive Summary

Verizon Wireless has identified a significant gap in its fourth-generation long-term evolution ("LTE") service in the unincorporated Rincon Point area including Highway 101. This area currently receives inadequate service coverage from the existing Verizon Wireless La Conchita facility located 1.75 miles southeast of the proposed facility and the Carpinteria facility 4.16 miles to the northwest. Verizon Wireless facilities to the north and east do not provide service to the area due to intervening terrain.

As a result of the distance of the existing facilities and intervening topography, there is a lack of Verizon Wireless service coverage in the Rincon Point area. Further, Verizon Wireless is expanding its fourth-generation LTE service in Ventura County and Santa Barbara County. To meet demand, Verizon Wireless's existing 3G network will be replaced with the more efficient and higher-speed fourth-generation technology. The majority of Verizon Wireless's new 4G service must be provided using AWS Spectrum, which requires facilities closer together and closer to the end user in order to provide adequate LTE service.

The coverage gap described below constitute the "significant gap" Verizon Wireless seeks to serve (the "Significant Gap"). To provide adequate LTE coverage in the Rincon Point area and along Highway 101, the Significant Gap must be remedied through construction of new infrastructure, in this case, a camouflaged palm tree facility at 8320 Bates Road (the "Proposed Facility").

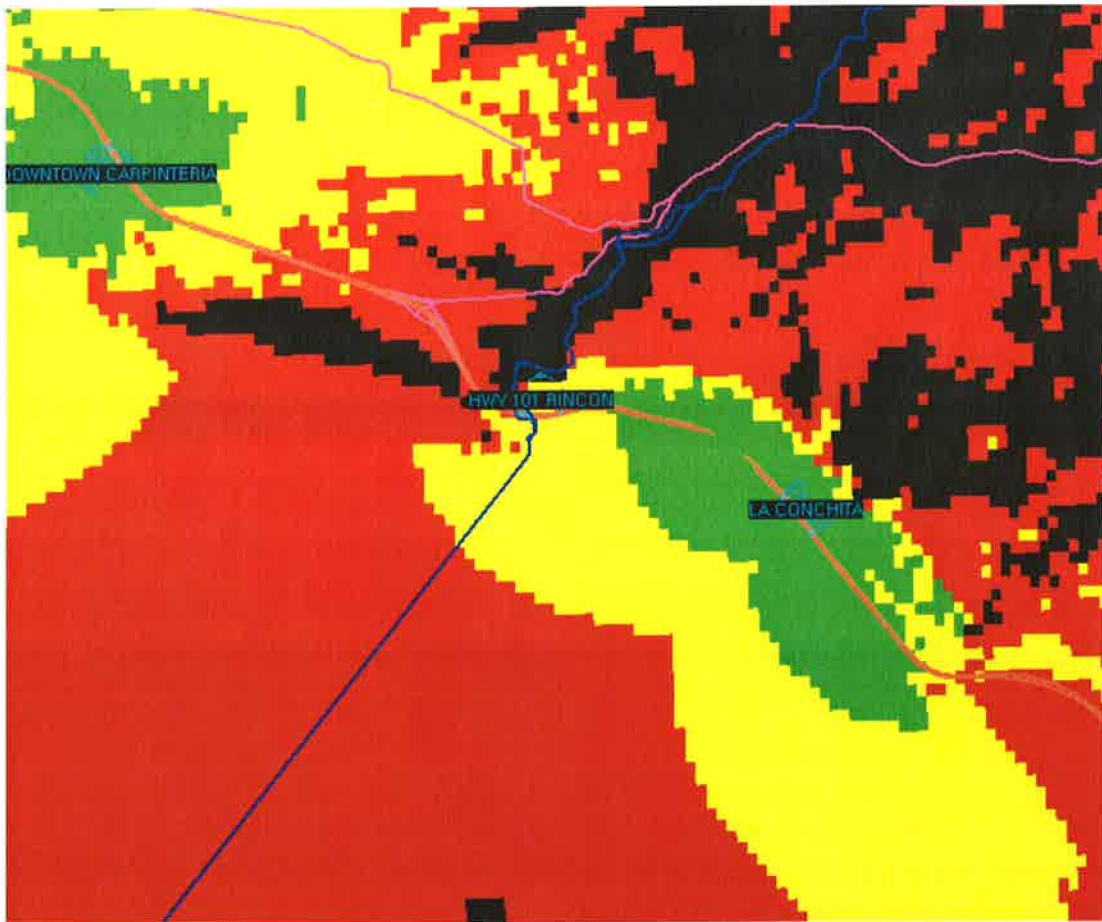
Coverage Gap

Verizon Wireless is experiencing a gap in LTE service coverage in the Rincon Point area that affects local residents and travelers on Highway 101. In-building and in-vehicle service is lacking along the coast in the area east of the Highway 150 interchange and in the Rincon Point area. An approximately 230 foot topographic rise traversed by Bates Ranch Road blocks signal from the La

Conchita facility to the southeast from reaching Highway 101 east of the Highway 150 interchange. As a result, a 0.7 mile stretch of Highway 101, with 65,000 vehicle trips per day,¹ lacks in-vehicle service, resulting in unreliable service and dropped calls. A one-mile stretch of Highway 150 south of its intersection with Highway 192, with 5,100 vehicle trips per day, also experiences poor service and even a lack of service. The Proposed Facility will provide new reliable LTE service to an area of approximately one square mile including these stretches of major highways, residences in the area and the Rincon Beach Park area.

Coverage plot maps like that below provide important information regarding the anticipated level of LTE signal, and therefore the projected coverage provided by a site at a given location. The areas in green reflect good coverage that meets or exceed thresholds to provide consistent and reliable network coverage in homes and in vehicles. The areas in yellow and red depict decreasing levels of coverage, respectively, with yellow areas generally representing reliable in-vehicle coverage, and red areas depicting poor service areas with marginal coverage unsuitable for in-vehicle use. Areas in black receive unreliable service levels.

Current LTE Coverage Map



¹ CalTrans 2014 Traffic Volumes on California State Highways.

Conclusion

As cellular networks mature, distant sites must be supplemented with more sites closer to customers, in large measure due to the increase in usage of the network. Certain fourth-generation technologies (AWS) used by Verizon Wireless require facilities closer to customers and this technology cannot be provided by the current distant sites. These coverage demands have resulted in the Significant Gap in Verizon Wireless LTE coverage in the Rincon Point area and along Highway 101. Verizon Wireless must deploy the Proposed Facility to provide the LTE service coverage required by customers and to avoid further degradation of its network in the area.

Please feel free to contact me with any questions or comments regarding Verizon Wireless's Proposed Facility.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "D. Bonham".

Dewayne Bonham
RF Design Engineer



Verizon Wireless
15505 Sand Canyon Ave, Bldg. D
Irvine, CA 92618

January 29, 2016

Planning Commission
Ventura County
800 South Victoria Avenue
Ventura, California 93009

Re: 397 Supporters for a Verizon Wireless Facility
8320 Bates Road, Carpinteria Area

Dear Commissioners:

I am the Verizon Wireless Marketing Director over the team that maintains and manages all data and information messages that are sent to Verizon Wireless customers in California. In connection with the application referred to above, Verizon Wireless arranged for a text message to be sent to customers with billing addresses within the ZIP codes 93001 and 93103 in the Carpinteria area. The entire text message sent reads as follows:

Free message from Verizon: Reply YES to this text to show your support for improved Verizon Wireless service in Carpinteria. Add a message to tell Ventura County you support a stealth palm tree facility at 8320 Bates Road. Include your email address for hearing updates.

The text message above was sent on January 19, 2016. As of January 27, 2016, we have received 397 affirmative text message responses indicating support for the proposed facility and nine respondents opposed. Text messages received confirmed the need to provide improved Verizon Wireless service in the Carpinteria area. Samples of the text messages of support received from Verizon Wireless customers appear on the attached pages.

I am available to verify the above information as you may require.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeremy McCarty", written over a light blue circular stamp.

Jeremy McCarty
Director
Customer Relationship Management

Attachment

**Sample Text Messages of Support
for Verizon Wireless Facility
8320 Bates Road, Carpinteria Area**

Carpenteria needs improved service. I've had many lost calls in that area. It isn't safe for residences who don't have a land line.

I support Verizon wireless plan to install a stealth palm tree facility at 8320 bates road.

I support wireless service for Carp. there is a dead zone there!

I want palm tree

I went to carpenteria had no service YES

YES Stealth palm trees are good

YES Ventura County, please please please add a stealth palm tree facility at 8320 Bates Road to improve my cell coverage!

YES - we need cell coverage in the Carpinteria area. What better way than a stealth palm tower?

Yes ! I Support the upgrade in Carpinteria to help improve service love the idea !

Yes a stealth tree facility at Bates Rd. In Carpinteria is in my opinion, a good idea.

Yes I approve of the service tree for service to carpinteria Der Toten Tantz

Yes i do support a stealth palm please put one in

YES I support a stealth palm tree facility at 8320 Bates Road

YES I support a stealth tree st8320 Bates Road.

Yes I will support the plan

YES My husband works in Carpinteria near Bates and has really bad Verizon service. A stealth palm tree would really help him out tremendously.

YES on both. Stealth tree too.

Yes palm tree facility at 8320 bates rd

Yes Please please a cell tower Palm at 8320 Bates would be wonderful.

YES! And I support a stealth palm tree facility at 8320 Bates Road.

Yes, build the stealth palm tree facility.

YES, I support improved service in carpenteria and the Palm tree facility at 8320 bates road

Yes, I'm in favor of a stealth palm at 8320 Bates Road.

Yes, it would serve the good of the community.

YES, love more stealth towers!

Yes,,,I support for an improved Verizon in Carpinteria... Also the Stealth palm tree facility at 8320 Bates Rd,,,

Yes. I support a stealth Palm tree facility at 8320 Batrs rd

Yes. Include stealth palm tree.

Yes. That Hwy 101 curve has dropped my calls for years. It's time to make this happen.

YES. I also support a stealth Palm tree facility on Bates Road.

Yes. I hate signal dropping.

YES. I support a stealth palm Tree at Bates Road.

Yes. I support a stealth palm tree facility at 8320 Bates Road.

Yes. I'm 4 improved Verizon wireless service in Carpinteria. I'm also 4 the stealth tree @ 8320 Bates Rd.

Yes. One little stealth palm is unobtrusive enough, even for Bates.

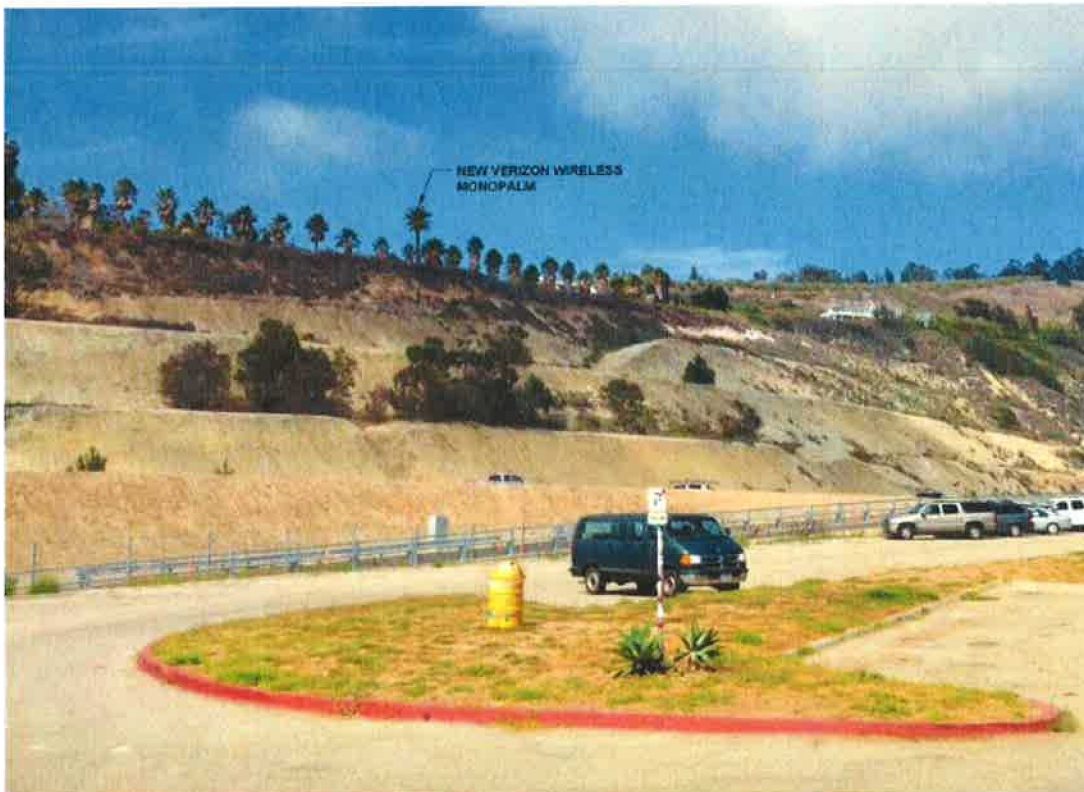
YES. Ventura County Supervisors: I support a stealth palm tree tower at Bates Rd.

Yes..yes...yes

verizon✓

Alternatives Analysis

**Highway 101 & Rincon
8320 Bates Road**



September 22, 2016

**Summary of Site Evaluations
Conducted by TEK Consulting
Compiled by Mackenzie & Albritton LLP**

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I. Executive Summary

Verizon Wireless seeks to fill a significant gap in its service coverage in the Rincon Point area including Highway 101. Based on a review of alternatives as set forth in the following analysis, Verizon Wireless believes that fully concealing antennas within a wireless tower disguised as a palm tree (the "Proposed Facility") constitutes the least intrusive feasible alternative to provide service to the identified gap based on the values expressed in the Ventura County Code of Ordinances (the "Code").

II. Significant Gap

There is a significant gap in Verizon Wireless service in the Rincon Point area, including heavily-trafficked Highway 101 as well as a portion of Highway 150. There is currently an absence of in-building service as well as a larger area lacking in-vehicle service, affecting residents, working agricultural establishments and travelers on important roadways. The identified "significant gap" in network coverage is more fully described in the *Statement of Verizon Wireless Radio Frequency Design Engineer Dewayne Bonham* (the "Significant Gap").

III. Methodology

Once a significant gap has been determined, Verizon Wireless seeks to identify a location and design that will provide required coverage through the "least intrusive means" based upon the values expressed by local regulations. In addition to seeking the "least intrusive" alternative, sites proposed by Verizon Wireless must be feasible. In this regard, Verizon Wireless reviews the radio frequency propagation, elevation, local topography, slope, grading requirements, access, available ground space and other critical factors such as a willing landlord in completing its site analysis. Wherever feasible, Verizon Wireless seeks to deploy camouflaged or stealth wireless facilities to minimize visual impacts to surrounding properties.

Under the Ventura County Coastal Zoning Ordinance, communication facilities are allowed in the COS-Coastal Open Space, CA-Coastal Agriculture and CM-Coastal Industrial zones upon issuance of a conditional use permit. Code §8174-5. Under Code Division 12, *Highway Encroachments*, regulating facilities in the right-of-way, the top preference for right-of-way installations is small cells on existing poles, followed by cluster and single installations on existing poles. The least-preferred installation type involves new poles. Code §12806(b)(1)(A). The Director administratively approves small cells and collocations that do not result in a substantial increase in size. Other types of facilities in the right-of-way require a public hearing. Code §12814(a).

IV. Analysis

Topographic Challenge

The topographic rise above Highway 101 at Rincon Point presents an obstacle to signal propagation from surrounding low-elevation areas while providing an opportunity for a single wireless facility located atop the western portion of the rise to serve the Significant Gap. This western terminus of this topographic rise is Bates Road at an elevation of 35 feet. The topographic rise begins as a narrow shelf increasing in height toward the east 0.2 miles to the location of the Proposed Facility at an elevation of 195 feet, as shown on the below aerial image. At this point and elsewhere on the Proposed Facility property, the topographic rise is approximately 550 feet wide on a north-south axis, and a wireless facility of only 45 feet in height at this location can provide service to the Significant Gap including Highway 101 to the south and Highway 150 to the north. Notably, the Proposed Facility location overlooks the bend in Highway 101 as it approaches and crosses the County border.

Farther east of the Proposed Facility property, the topographic rise abruptly broadens while increasing in distance from the Significant Gap to the west. Signal from a facility east of the Proposed Facility property would be blocked by the western portion of the topographic rise from serving much of the gap including Highway 101 to the west.



Elimination of Low-Elevation Locations due to Network Requirements

In reviewing the Significant Gap area for locations that could serve the gap, Verizon Wireless RF engineers determined that low-elevation facilities could not serve the Significant Gap. (Low-elevation locations include the Rincon Point subdivision, Rincon Beach Park and Carpinteria State Beach.) This is due to the aforementioned topographic rise north of Highway 101 in Ventura County as well as a hilly terrain north of Highway 101 in Santa Barbara County which present obstacles to signal from a facility located in the low elevation areas on either side from reaching the other side. Verizon Wireless would require multiple facilities in the low-elevation areas to fully serve the gap, leading to a more intrusive deployment overall.

Verizon Wireless reviewed the following two alternatives in these low-elevation areas, neither of which can serve the Significant Gap due to signal blockage.

1. AT&T Facility – Rincon Beach Park

Address: Via Real

Elevation: 65 feet

Zoning: N/A (Santa Barbara County)



Verizon Wireless reviewed collocation with this small wireless facility in a Santa Barbara County park alongside Highway 101 Exit 83, 0.25 miles southwest of the Proposed Facility and 130 feet lower in elevation. The utility pole supports two small panel antennas below electrical supply and communications lines. This utility pole has insufficient space and structural capacity to support the six panel antennas required to serve the Significant Gap. Further, Verizon Wireless RF engineers determined that due to low elevation and low height of the utility pole at this location, a facility cannot serve the gap, particularly considering the small coverage footprint of a facility of limited height at this location as well as topographic obstructions to the north that would block signal to the gap area along Highway 150. Due to limits of space and structural capacity and inability to serve the gap, this is not a feasible alternative for Verizon Wireless's facility.

2. Right-of-Way Facilities

Address: Highway 101

Elevation: 25-95 feet

Zoning: N/A



Verizon Wireless reviewed the Highway 101 corridor for placement of wireless facilities in the right-of-way as an alternative to serve the Significant Gap. There are no utility or streetlight poles near Highway 101 in Ventura County between Rincon Point and La Conchita aside from one narrow pole along the railroad line that cannot support Verizon Wireless's panel antennas. Placement of new utility poles is the least-favored option for right-of-way facilities in Ventura County. Multiple new poles supporting wireless facility equipment in the Cal-Trans right-of-way would present visual impacts to travelers on Highway 101, which is an eligible state scenic highway. This is not a less intrusive alternative to the Proposed Facility.

There are also no utility poles along Highway 101 in Santa Barbara County between Rincon Point and the Highway 150 Interchange, only a few streetlight poles in limited locations. This stretch of roadway is also an eligible state scenic highway.

Verizon Wireless RF engineers determined that facilities placed in the Highway 101 right-of-way cannot not serve the Significant Gap, particularly considering substantial topographic obstructions to the north that would block signal to the gap area along Highway 150. Verizon Wireless would require multiple facilities in the rights-of-way to fully serve the gap, leading to a more intrusive deployment overall. Due to new visual impacts and signal blockage, right-of-way facilities are neither a less intrusive nor feasible alternative to the Proposed Facility.

Review of High-Elevation Areas

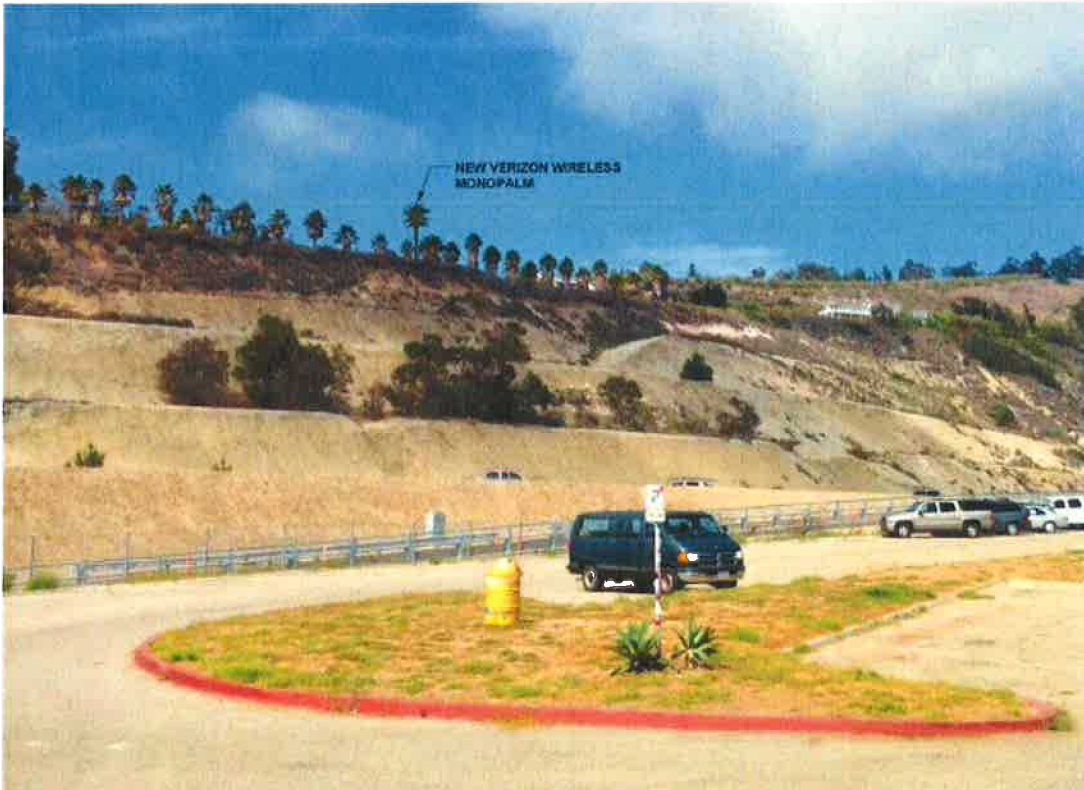
In seeking a location for a facility to serve the Significant Gap, Verizon Wireless investigated elevated parcels north of Highway 101, reviewing the following three properties, one of which provides excellent radio frequency propagation with minimal visual impacts.

3. Proposed Facility

Address: 8320 Bates Road (APN 008016045)

Elevation: 195 feet

Zoning: CA-Coastal Agriculture

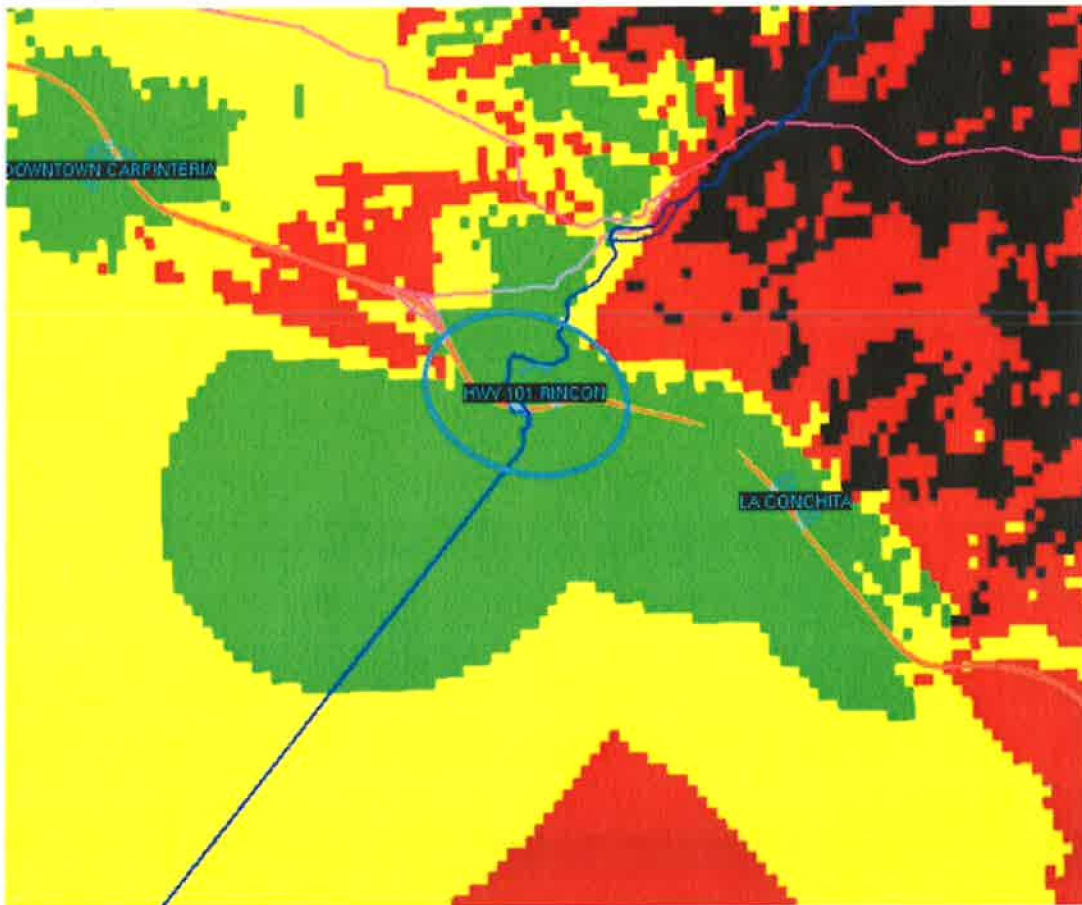


Verizon Wireless proposes to mount its panel antennas on a 43 foot tower designed to resemble a palm tree (a monopalm) placed behind a row of established palm trees reaching to 27 feet in height. Antennas will be fully concealed within the monopalm trunk, and faux palm fronds will radiate from the top, providing a realistic rounded crown extending to 45 feet. The treepole will be placed within a 35 foot by 35 foot equipment area surrounded by six foot chain link fence with green slats. The equipment area will also contain radio equipment cabinets and a generator to provide continued service in case of emergency. Due to the stealth monopalm design and placement behind a row of established palm trees, the Proposed Facility poses minimal visual impacts.

As shown in the coverage map below, the Proposed Facility is optimally situated above the bend in Highway 101. The topographic rise is a narrow shelf at this location

and signal from the Proposed Facility reaches areas to the north and south. At a height of only 45 feet, the Proposed Facility will provide new in-vehicle coverage to heavily-trafficked Highway 101 and also Highway 150 east of the interchange as well as new in-building service to area residents. This is Verizon Wireless's preferred location and design for the Proposed Facility.

*Coverage Provided by Proposed Facility
8320 Bates Road*



4. Bates Ranch House

Address: 8316 Bates Road (APN 008016001)

Elevation: 195-215 feet

Zoning: COS-Coastal Open Space



Verizon Wireless reviewed this parcel almost due west of the Proposed Facility with a varying elevation up to 20 feet greater. This higher elevation area of this parcel supports a vacation rental, Bates Ranch House. Verizon Wireless RF engineers determined that due to the distance of this parcel from the edge of the topographic rise above the bend in Highway 101, radio frequency propagation would be obstructed absent a very tall tower. Due to the increased visual impacts of a much taller tower at this location, this is not a less intrusive alternative to the Proposed Facility.

5. Brown Property

Address: Bates Road (APN 008016047)

Elevation: 180-590 feet

Zoning: CA-Coastal Agriculture



Verizon Wireless reviewed this very large parcel due east of the Proposed Facility parcel with a varying elevation overall greater than the Proposed Facility. According to the appellant of the Proposed Facility, this property is managed by his son. The topographic rise north of Highway 101 broadens substantially on this parcel, and would present an obstruction to signal. Verizon Wireless RF engineers determined that a facility at elevated areas on this parcel cannot serve the Significant Gap due to distance and terrain obstruction, and there would remain an absence of reliable in-vehicle service on critical portions of Highway 101 beyond the bend at the County line. Due to inability to serve the Significant Gap, this is not a feasible alternative to the Proposed Facility.

Conclusion

Verizon Wireless has reviewed the Rincon Point area and five specific alternatives for the placement of its wireless facility to serve the Significant Gap. Based upon the preferences identified in the Ventura County Code of Ordinances, the Proposed Facility – with antennas fully concealed with a tower disguised as a palm tree – clearly constitutes the least intrusive location for Verizon Wireless's facility under the values expressed by Ventura County regulations.