



## Legislation Details (With Text)

<b>File #:</b>	10-00212	<b>Version:</b>	5
<b>Type:</b>	Agenda Item	<b>Status:</b>	Passed
<b>File created:</b>	2/19/2010	<b>In control:</b>	BOARD OF SUPERVISORS
<b>On agenda:</b>	9/21/2010	<b>Final action:</b>	9/21/2010
<b>Title:</b>	<p>HEARING - Consider recommendations regarding the NextG appeal (Case No. 10APL-00000-00005) of the Montecito Planning Commission's January 27, 2010 denial of the NextG Cellular Antenna ESB06 permit, Case No. 09CDP-00000-00053 located in the public right of way of Olive Mill Road (adjacent to APN 009-230-027) in Montecito, First District, as follows: (EST. TIME: 24 MIN.)</p> <p>1) Staff Recommended Action:</p> <p>a) Uphold the appeal, Case No. 10APL-00000-00005, thereby overturning the Montecito Planning Commission's denial of 09CDP-00000-00053;</p> <p>b) Make the required findings for approval of Case No. 09CDP-00000-00053;</p> <p>c) Accept the exemption to CEQA described in the Notice of Exemption prepared and adopted by the Public Utilities Commission, the lead agency, as adequate for this project pursuant to sections 15061(b)(3), 15301(b), 15301(c), 15302(c), and 15304(f) of the CEQA Guidelines; and</p> <p>d) Grant de novo approval of Case No. 09CDP-00000-00053 as revised, subject to the conditions of approval of the permit; or</p> <p>2) Alternative Action for Underground Vault with Retaining Wall:</p> <p>a) Uphold the appeal, Case No. 10APL-00000-00005, thereby overturning the Montecito Planning Commission's denial of 09CDP-00000-00053;</p> <p>b) Make the required findings for approval of Case No. 09CDP-00000-00053;</p> <p>c) Accept the exemptions to CEQA described in the Notices of Exemption prepared and adopted by the Public Utilities Commission, the lead agency, as adequate for this project pursuant to sections 15061(b)(3), 15301(b), 15301(c), 15302(c), 15303, and 15304(f) of the CEQA Guidelines; and</p> <p>d) Grant de novo approval of Case No. 09CDP-00000-00053, as revised, subject to the conditions of approval of the permit.</p> <p>COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY</p>		
<b>Sponsors:</b>	PLANNING AND DEVELOPMENT DEPARTMENT		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	<p>1. Set Hearing Board Letter, 2. Attachment 1, 3. Attachment 2, 4. Attachment 3, 5. Board Letter 3/16/10; Findings, 6. Public Comment Letters Pt. 1, 7. Public Comment Letters Pt. 2, 8. Public Comment Letters Pt. 3, 9. Public Comment Letters Pt. 4, 10. Public Comment Letter - Price, Postel and Parma, 11. NextG Presentation, 12. Staff Presentation, 13. Set Hearing Board Letter 7/13/10, 14. Board Letter 8/3/10, 15. Attachment A- Findings NextG ESB06, 16. Attachment B- NextG Letter, 17. Attachment C- Kramer Letter, 18. Attachment D- Existing NextG Facility Photos, 19. Attachment E- Existing AT&amp;T Facility Photos, 20. Attachment F- Alternative Site Analysis ESB06, 21. Attachment G- Site Comparison Photos ESB06, 22. Attachment H- BOS Letter ESB06, 23. Public Comment 8/3/10,</p>		

24. Presentation 8/3/10, 25. Board Letter 9/21/10, 26. Attachment A - Findings, 27. Attachment B - Notices of Exemption, 28. Attachment C - Permits with Conditions of Approval, 29. Attachment D - Project Plans and Photo Simulations, 30. Attachment E - Bushberg Emissions Report, dated April 29, 2009, 31. Attachment F - NextG Letter, dated August 24, 2010, 32. Presentation 9/21/10, 33. Memorandum 9/21/10, 34. Presentation 9/21/10 Revised

Date	Ver.	Action By	Action	Result
9/21/2010	5	BOARD OF SUPERVISORS	Acted on as follows:	Pass
8/3/2010	4	BOARD OF SUPERVISORS	Continued, as follows:	Pass
7/13/2010	3	BOARD OF SUPERVISORS	Set for a hearing, as follows:	Pass
3/16/2010	2	BOARD OF SUPERVISORS	Acted on as follows:	Pass
3/2/2010	1	BOARD OF SUPERVISORS	Set for a hearing, as follows:	Pass

HEARING - Consider recommendations regarding the NextG appeal (Case No. 10APL-00000-00005) of the Montecito Planning Commission's January 27, 2010 denial of the NextG Cellular Antenna ESB06 permit, Case No. 09CDP-00000-00053 located in the public right of way of Olive Mill Road (adjacent to APN 009-230-027) in Montecito, First District, as follows: (EST. TIME: 24 MIN.)

1) Staff Recommended Action:

- a) Uphold the appeal, Case No. 10APL-00000-00005, thereby overturning the Montecito Planning Commission's denial of 09CDP-00000-00053;
- b) Make the required findings for approval of Case No. 09CDP-00000-00053;
- c) Accept the exemption to CEQA described in the Notice of Exemption prepared and adopted by the Public Utilities Commission, the lead agency, as adequate for this project pursuant to sections 15061(b)(3), 15301(b), 15301(c), 15302(c), and 15304(f) of the CEQA Guidelines; and
- d) Grant de novo approval of Case No. 09CDP-00000-00053 as revised, subject to the conditions of approval of the permit; or

2) Alternative Action for Underground Vault with Retaining Wall:

- a) Uphold the appeal, Case No. 10APL-00000-00005, thereby overturning the Montecito Planning Commission's denial of 09CDP-00000-00053;
- b) Make the required findings for approval of Case No. 09CDP-00000-00053;
- c) Accept the exemptions to CEQA described in the Notices of Exemption prepared and adopted by the Public Utilities Commission, the lead agency, as adequate for this project pursuant to sections 15061(b)(3), 15301(b), 15301(c), 15302(c), 15303, and 15304(f) of the CEQA Guidelines; and
- d) Grant de novo approval of Case No. 09CDP-00000-00053, as revised, subject to the conditions of approval of the permit.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY