

May 5, 2010

Judith Blankenship
1445 School House Road
Santa Barbara, CA 93108

MONTECITO PLANNING COMMISSION
HEARING OF APRIL 28, 2010

RE: *Appeal of NextG Networks Cellular Antenna #ESB15; 10APL-00000-00011*

Hearing on the request of Judith Blankenship and listed co-appellants, to consider the Appeal, 10APL-00000-00011 [appeal filed on March 22, 2010], of the Director's decision to approve 09LUP-00000-00320, in compliance with Chapter 35.492 of the Montecito Land Use and Development Code on property located in the 2-E-1 zone; and acknowledge that the California Public Utilities Commission is the appropriate agency for CEQA compliance on this project and the California Public Utilities Commission filed a Notice of Exemption on July 20, 2009 pursuant to California Environmental Quality Act sections 15061(b)(3), 15301(b), 15301(c), 15302(c), and 15304(f). The application involves the public right-of-way adjacent to AP No. 009-080-007, located on School House Road in the Montecito area, First Supervisorial District.

Dear Ms. Blankenship:

At the Montecito Planning Commission hearing of April 28, 2010, Commissioner Gottsdanker moved, seconded by Commissioner Phillips and carried by a vote of 5 to 0 to accept late submittals into the record from Jodi Fishman-Osti, Ted Stern, Patrick S. Ryan, NextG Networks, and a petition to deny NextG's DAS cell antennas in Montecito.

Commissioner Gottsdanker moved, seconded by Commissioner Eidelson and carried by a vote of 4 to 1 (Phillips no):

1. Uphold the appeal.
2. Make the required findings for denial of the project as provided at the hearing of April 28, 2010, as amended.
3. Determine the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270.

The attached findings and conditions reflect the Montecito Planning Commission's actions of April 28, 2010.

The action of the Montecito Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Montecito Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Montecito Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on May 10, 2010 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$643 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,

Dianne M. Black
Secretary to the Montecito Planning Commission

cc: Case File: 10APL-00000-00011
Montecito Planning Commission File
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Applicant: NextG Networks, Sharon James, 5720 Thornwood Drive, Goleta, CA 93117
Appellant: John Kelly, 1455 School House Road, Santa Barbara, CA 93108
Appellant: Theodore Stern, 1429 School House Road, Santa Barbara, CA 93108
Appellant: Johanna Lambert, 1444 School House Road, Santa Barbara, CA 93108
Appellant: Susan Furher, 619 Park Lane, Santa Barbara, CA 93108
Appellant: Gary Meyer, 1426 School House Road, Santa Barbara, CA 93108
Appellant: John Abraham Powell, 425 Lemon Grove Lane, Santa Barbara, CA 93108
Appellant: Donald MacMannis, 1435 School House Road, Santa Barbara, CA 93108
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Supervisor Carbajal, First District
Commissioner Eidelson
Commissioner Burrows
Commissioner Phillips
Commissioner Overall
Commissioner Gottsdanker
Rachel Van Mullem, Deputy County Counsel
Megan Lowery, Planner

Attachments: Attachment A – Findings

DMB/dmv

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ATTACHMENT A: FINDINGS

1.0 CEQA

1.1 CEQA Guidelines Exemption Findings

- 1.1.1 The proposed project was found to be exempt from environmental review pursuant to Section 15270(a) which states that "CEQA does not apply to projects which a public agency rejects or disapproves."

2.0 MONTECITO LAND USE DEVELOPMENT CODE

2.1 Land Use Permit Findings (Sec. 35.472.110)

- 2.1.1 *The proposed development conforms: (1) To the applicable provisions of the Comprehensive Plan including the Montecito Community Plan; and (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).*

The proposed project is inconsistent with Montecito Community Plan Goal LU-M-2. "Preserve roads as important aesthetic elements that help to define the semi-rural character of the community. Strive to ensure that all development along roads is designed in a manner that does not impinge upon the character of the roadway." Montecito's roadways, including School House Lane, express a semi rural aesthetic given the absence of curbs, gutters and sidewalks, the proliferation of trees and the generally low densities of surrounding development. Additionally, the Montecito Community is explicit in regard to their interest in perpetuating the semi-rural roadway aesthetic with their intention to underground poles (Montecito's adopted Overhead Utility Policy as expressed in the appeal letter dated March 21, 2010). School House Lane itself is currently encumbered by 11 utility poles at and around the proposed project site. These poles carry both, high voltage distribution lines as well as lower voltage power lines and represent a departure from the aesthetic the community values. Erection of additional infrastructure on one of these poles, as proposed in the project, would serve to exacerbate the already diminished semi-rural character of the roadway. Therefore this finding cannot be made.

2.2 Commercial Telecommunication Facility Findings (Sec. 35.444.010.G)

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

The project includes one metal equipment box painted brown measuring 6" x 6" x 32" and one omni directional whip antenna measuring 26" in height. These facilities, to be mounted on an existing utility pole within the School House Road neighborhood, would be readily visible to all roadway users, including users of the County Board of Supervisors adopted pedestrian trail along School House Road. Therefore the project is not located to minimize its visibility from public view and this finding cannot be made.

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

School House Lane, while residential in nature, still perpetuates the Montecito semi rural aesthetic. The existing utility pole proposed to be used in association with the project is isolated from the surrounding urban forest and projects significantly above an established mature hedge. Installation of equipment on that pole would be especially prominent as a result.

The equipment box would extrude 6" or more from the existing pole, and the 26" whip antenna would be visually isolated at the top of the 29' pole and extending to a total height of 31' calling attention to it rather than blending in. Therefore this finding cannot 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.*

As analyzed in Sections 4.0, 6.2 and 6.3 of the staff report, incorporated herein by reference, the proposed project complies with all required development standards of the telecommunication ordinance, with the exception of Development standard 2d which requires support facilities (i.e. cabinets and shelters) be undergrounded if feasible. However, the project design proposes to mount the equipment above ground, on the pole above the existing hedge without any backdrop screening. As a result, it would be readily visible to all roadway users. Undergrounding the cabinet would significantly decrease the visibility of the facility. Therefore, the proposed design does not comply with Development Standard Standard 2d and this finding cannot be made.

