



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: 7/13/10
Placement: Set Hearing
Estimated Tme: 0.4 hours on 8/3/10
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell Ph.D., Director, 568-2085
Director Planning and Development
Contact Info: Dave Ward, Deputy Director, 568-2520
Development Review Division-South County
SUBJECT: Set Hearing for the NextG Cellular Antenna ESB15 Appeal

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors set a hearing for August 3, 2010 to consider the NextG appeal (Case No. 10APL-00000-00012) of the Montecito Planning Commission's February 24, 2010 denial of the NextG Cellular Antenna ESB15 permit, Case No. 09LUP-00000-00320 located in the public right of way of School House Road (adjacent to APN 009-080-007) in Montecito, First Supervisorial District.

Summary Text:

NextG's application for 09LUP-00000-00320 was submitted on August 5, 2009. The project is a request by the agent, Sharon James, for the applicant, NextG Networks of California, Inc., for a Land Use Permit to allow construction and use of an unmanned, telecommunications facility under provisions of the County Code zoning requirements for property zoned 2-E-1. The unmanned wireless facility would include one 26-inch whip omni antenna and an equipment box measuring 32"x6"x6". The antenna is omnidirectional, mounted along with the equipment box on an existing wood pole in the public right of way.

Planning & Development staff approved the permit application on March 10, 2010. An appeal by Judith Blankenship, on behalf of the appellant group, was timely filed on March 22, 2010. Staff brought the appeal case (10APL-00000-00011) before the Montecito Planning Commission on April 28, 2010.

At the April 28, 2010 hearing, the Montecito Planning Commission upheld Ms. Blankenship's appeal, and denied the project on the inability to make the required Land Use Permit and Commercial Telecommunications Facility Findings. The Commission could not make the findings based on the project's visibility along the roadway and exacerbation of the "the already diminished semi-rural character of the roadway" where Montecito Community's Plan Goal LU-M-2 requires the County to "*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.*"

An appeal of the Commission's decision was timely filed by Patrick Ryan, on behalf of NextG Networks, on May 7, 2010. Mr. Ryan's appeal has not yet been heard by your Board. Staff will provide the project analysis and action findings for this project in a separate Departmental Board Agenda Letter for the August 3, 2010 hearing.

Background:

NextG Networks has submitted 47 Tier 1 applications (LUP/CDP/CDH) to the County since August 5, 2009. The applications are for the installation of 47 different "node" or antenna sites throughout the south coast, including areas in Goleta, Santa Barbara, Hope Ranch, Montecito and Summerland. NextG has also applied for, and obtained in some cases, similar permits from other local municipalities such as City of Goleta, City of Santa Barbara, and the City of Carpinteria.

Fiscal Analysis:

The costs for processing appeals are partially offset through payment of a fixed appeal fee of \$643 (\$500 of which covers P&D costs). The total estimated cost to process this appeal is approximately \$2,366.00 (13 staff hours). These funds are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-330 of the adopted 2010/2011 fiscal year budget.

Staffing Impacts:

None.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on August 3, 2010. The notice shall appear in the Santa Barbara Daily Sound. The Clerk of the Board shall fulfill the noticing requirements. Mailing labels for the mailed notice are attached. A minute order and a copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

Attachments:

None.

Page 3 of 3

Authored by:

Megan Lowery, Planner II

cc:

Anne Almy, Planning Supervisor

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