

ATTACHMENT E: ACTION LETTER

June 14, 2010

Sharon James
NextG Networks of California
5720 Thornwood Drive
Goleta, CA 93117

MONTECITO PLANNING COMMISSION
HEARING OF JUNE 10, 2010

RE: NextG Trench Project – Ortega Hill; 10CDH-00000-00012

Hearing on the request of Sharon James, NextG Networks, to consider Case No. 10CDH-00000-00012, [application filed on March 31, 2010] for a Coastal Development Permit in compliance with Section 35-169 of the Article II Coastal Zoning Ordinance, within the County road Right-of-Way (not zoned) to allow the boring, trenching, and installation of 1,295 feet of new underground conduit and telecommunications fiber; and to accept the exemption prepared by the California Public Utilities Commission, dated July 20, 2009, pursuant to the State CEQA Guidelines Sections 15301(b) and 15301(c), 15302(c), and 15304 (f). The site is located within the public rights-of-way of N. Jameson Lane, Ortega Hill Road, and San Leandro Lane, north of Highway 101 and south of Highway 192 (East Valley Road), in the Montecito area, First Supervisorial District.

Dear Ms. James:

At the Montecito Planning Commission hearing of June 10, 2010, Commissioner Overall moved, seconded by Commissioner Gottsdanker and carried by a vote of 4 to 0 (Commissioner Phillips absent) to:

1. Deny the project on the basis that the Montecito Planning Commission rejects the CEQA exemption determination by the California Public Utilities Commission, but provides the applicant with the opportunity to resubmit the project after further environmental review.

The attached findings reflect the Montecito Planning Commission's actions of June 10, 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, 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 Monday, June 21, 2010 at 5:00 p.m.**

Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

Sincerely,

Dianne M. Black
Secretary to the Montecito Planning Commission

cc: Case File: 10CDH-00000-00012
Montecito Planning Commission File
Shana Gray, California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Applicant: Robert Delsman, NextG Networks of California, 5720 Thornwood Drive, Goleta, CA 93117
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
Anne Almy, Supervising Planner
Mark Walter, Planner

Attachments: Attachment A – Findings

DMB/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The Montecito Planning Commission finds that the California Public Utilities Commission's exemption determination for the proposed project does not constitute adequate environmental review under CEQA because the cited exemptions are inapplicable when the cumulative impact of successive projects of the same type, in the same place, over time, is significant; and because the Applicant's submission of its project improperly split the whole of its project into multiple segments. The California Public Utilities Commission had found the proposed project to be exempt from environmental review pursuant to Sections 15301 (b) and 15301 (c) [Existing Facilities], 15302 (c) [Replacement or Reconstruction], and 15304 (f) [Minor Alterations to Land] of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).