



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 ESB08 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 continue its consideration of the NextG appeal (Case No. 10APL-00000-00004) of the Montecito Planning Commission's January 27, 2010 denial of the NextG Cellular Antenna ESB08 permit, Case No. 09LUP-00000-00317 located in the public right of way of Olive Mill Road (adjacent to APN 009-130-015) in Montecito, First Supervisorial District.

Summary Text:

NextG's application for 09LUP-00000-00317 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 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 December 4, 2009. An appeal by Susan Basham, on behalf of the appellant group, was timely filed on December 14, 2009. Staff brought the appeal case (09APL-00000-00036) before the Montecito Planning Commission on January 27, 2010.

At the January 27, 2010 hearing, the Montecito Planning Commission upheld Ms. Basham's appeal, and denied the project on the basis that the Land Use Permit Finding requiring that, "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)" could not be made. The Commission made this finding for denial "based on lack of evidence that there was a thorough and complete review of the aesthetics" and "that this project was viewed as Tier 1 project when evidence would support that this should have been considered as a network, or a system as a whole."

An appeal of the Commission's decision was timely filed by Patrick Ryan, on behalf of NextG Networks, on February 8, 2010. Mr. Ryan's appeal was brought before your Board on March 16, 2010. At this hearing your Board continued the item and "directed staff to conduct a 'significant gap' analysis, including thorough use of a 3rd-party consultant, an analysis of alternative sites, if needed and to return to the Board as appropriate with draft findings for denial."

Staff analysis and findings for denial will be provided 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 \$4,186.00 (23 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.

Authored by:

Megan Lowery, Planner II

cc:

Anne Almy, Planning Supervisor

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