



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: 9/21/10  
Placement: Departmental Letter  
Estimated Time: 0.4 hours  
Continued Item: Yes  
If Yes, date from: 8/3/10  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Glenn Russell Ph.D., Director, 568-2085  
Director Planning and Development  
Contact Info: Dianne Black, Development Services Director, 568-2086  
Development Review Division-South County  
**SUBJECT: NextG Cellular Antenna ESB15 Appeal**  
**10APL-00000-000012, Right-of-Way of School House Road**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors consider the NextG appeal, (Case No. 10APL-00000-00012) of the Montecito Planning Commission's April 28, 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, and take the following actions:

1. Deny the appeal, Case No. 10APL-00000-00012, thereby upholding the Montecito Planning Commission's denial of 09LUP-00000-00320;
2. Make the required findings for denial of the project, included in Attachment A of this Board Letter;
3. Determine the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270; and
4. Deny the project, 09LUP-00000-00320.

**Summary Text:**

The subject appeal was initially brought before your Board on August 3, 2010. At this hearing staff provided your Board with findings for denial based on the objectionable aesthetics of the facility design which proposed to mount equipment directly on the pole within plain sight of public views in Montecito which is a community esteemed for its semi-rural character including the semi-rural character of the roadways. The County's zoning standards require that "support facilities be located underground, if

feasible, if they would otherwise be visible from public viewing areas.” Since NextG did not propose undergrounding the equipment, and analysis concluded that NextG could potentially underground the highly visible equipment in an underground vault as it had in the past in other locations, staff recommended the project as proposed be denied.

At the August 3, 2010 hearing, NextG offered to withdraw the project at this location, pending the Board’s action on other permit applications for NextG facilities. As a result, the project was continued to the September 21, 2010 hearing without further discussion.

Since the last hearing, NextG has not officially withdrawn the proposed project. They have, however, conducted a vaulting study to determine whether vaulting the equipment at this location would be feasible. Upon NextG’s investigation of undergrounding at this site, it was determined that vaulting the equipment at this location would result in a significant amount of vegetation removal, including removal of a large portion of the existing hedge. Therefore, vaulting the equipment at this location would not be a feasible option.

Staff has concluded that with the exceptional visibility of a facility at this location, without the ability to vault the equipment, the proposed project does not meet the goals and policies of the Montecito Community Plan nor all applicable regulations of the MLUDC. Therefore the facility cannot be approved at this location. Findings for denial to support this conclusion are included in Attachment A.

**Performance Measure:**

N/A

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**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 \$7,280.00 (40 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:**

None.

**Attachments:**

- A) Findings
- B) NextG Letter, dated August 24, 2010

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**Authored by:**

Megan Lowery, Planner II

**cc:**

Anne Almy, Planning Supervisor

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## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA**

#### **1.1 CEQA Guidelines Exemption Findings**

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 Land Use Permit Findings**

**In order to approve a Land Use Permit, all of the Land Use Permit findings must be made. The following Land Use Permit finding cannot be made.**

#### **2.1 *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 exceptions allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures and Lots). (MLUDC Chapter 35.472.110.E.1.a.)***

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 Road 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 its interest in perpetuating the semi-rural roadway aesthetic with its intention to underground poles (Montecito Association’s adopted Overhead Utility Policy as expressed in the appeal letter dated December 14, 2009). School House Road itself is currently encumbered by several existing 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 community values. Erection of additional infrastructure on one of these poles, proposed in the project, would serve to exacerbate the already diminished semi-rural character of the roadway. Therefore this finding cannot be made.

### **3.0 Commercial Telecommunication Facility Findings**

**In order to approve a permit for a Telecommunications facility at every Tier level, all of the Telecommunications findings must be made. The following Telecommunications findings cannot be made.**

#### **3.1 *The facility will be compatible with existing and surrounding development in terms of land use and visual qualities. (MLUDC Chapter 35.444.010.G.1.)***

The facility is proposed to be mounted on an existing utility pole in a semi-rural residential area. The proposed design does not camouflage the facility in any way. Rather, the antenna and equipment cabinet would be mounted directly on the existing pole. Furthermore, the pole on which the facility would be mounted is in the public right-of-way of School House Road and is readily visible by road users and nearby residents. This design adds clutter to the existing pole

that currently is devoid of equipment. Therefore the proposed project does not preserve the existing streetscape character of the area and this finding cannot be made.

**3.2 *The facility is located so as to minimize its visibility from public view. (MLUDC Chapter 35.444.010.G.2.)***

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 devoid of equipment on School House Road, would be readily visible to all roadway users, including users of the Board adopted pedestrian trail along School House Road. A more suitable location for the equipment in this right of way area would be in an underground vault, removing its visibility to roadway users. The facility could be alternatively sited in a less visible location. Therefore the facility is not located to minimize its visibility from public view and this finding cannot be made.

**3.3 *The facility is designed to blend into the surrounding environment to the greatest extent feasible. (MLUDC Chapter 35.444.010.G.3.)***

School House Road perpetuates the Montecito semi-rural aesthetic. The existing utility pole proposed to be used in association with the project is currently devoid of equipment and protrudes above the hedge into the skyline as it is isolated from the urban forest. Installation of equipment on that pole would be especially prominent as a result. The equipment box would extrude 6" or more beyond the existing pole width at a height of nine feet above ground level, readily visible to the public. The facility could be sited on a different pole that is in a less visible location with more foliage and vertical context that would allow the facility to blend into the surroundings. Therefore this finding cannot be made.

**3.4 *The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D. (Additional development standards for telecommunication facilities) above.***

*MLUDC Section 35.444.010.D.2.d: Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).*

The project does not comply with Development standard 2.d, above, which requires support facilities (i.e. cabinets and shelters) be undergrounded, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas). Undergrounding the equipment is technologically feasible at this location, but it would require the removal of a significant amount of vegetation, including a large portion of the existing hedge. Therefore, the facility does not qualify for an exemption from the Telecommunications Development Standard 2.d nor is this location suitable for the proposed project. Therefore this finding cannot be made.

**ATTACHMENT B: NEXTG LETTER**