

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA Exemption

The California Public Utilities Commission found the proposed project to be exempt from environmental review pursuant to Sections 15061(b)(3), 15301(b), 15301(c), 15302(c), and 15304(f) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 Coastal Development Plan Findings

2.1.1 Finding required for all Coastal Development Permits.

In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

As discussed in Section 6.3 of the staff report to the Montecito Planning Commission dated May 21, 2010 (included as Attachment D to this Board Letter), incorporated herein by reference, the project itself is for extension of public services (wireless service). However, additional public services (e.g. fire, police) would be required during the short-term grading and construction of the project. With the exception of parking and roads, all other public services currently exist and are adequate to serve the project. Due to potential impacts to parking and traffic, the project has been conditioned to limit work to outside of commute hours, to limit work days and to restrict parking and staging to designated on-site areas. Therefore this finding can be made.

2.1.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.2 for development that may be appealed to the Coastal Commission.

In compliance with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 for development that may be appealed to the Coastal Commission the review authority shall first make all of the following findings:

2.1.2.1. *The proposed development conforms:*

a) *To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan; b) The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).*

The project is consistent with the provisions of the Coastal Land Use Plan and Article II as discussed in Sections 6.2 and 6.3 of the staff report to the Montecito Planning Commission dated May 21, 2010

(included as Attachment D to this Board Letter), incorporated herein by reference. Therefore this finding can be made.

2.1.2.2. The proposed development is located on a legally created lot.

The proposed project is located entirely within the public road right-of-way, therefore this finding does not apply.

2.1.2.3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The proposed project is located entirely within the public road right-of-way, and the underlying property is owned by the County and is not zoned. Therefore this finding does not apply.

2.1.2.4. The proposed development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

At its closest point, the project site, which stretches over multiple sections of roadway, is located north of Highway 101 and approximately 500 feet north of the coast. Public views from this point (the intersection of Jameson, Ortega Hill and Sheffield) are of the area roadways and Highway 101, and do not include views to or along the coast. Public views from other portions of the project are further removed in distance and also don't include views to or along the coast. In addition, the project is for the installation of underground conduit and fiber, and no above-ground structural development that could obstruct public views would occur. Therefore, this finding can be made.

2.1.2.5. The proposed development will be compatible with the established physical scale of the area.

As discussed in Section 6.2 of the staff report to the Montecito Planning Commission dated May 21, 2010 (included as Attachment D to this Board Letter), incorporated herein by reference, the project is for the underground installation of new telecommunications fiber and conduit. No above-ground structural development will occur, and as such no structures compatible or incompatible with the physical scale of the area will be developed. Therefore, this finding can be made.

2.1.2.6. The proposed development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

The subject roadways provide for vehicular access to coastal beaches or access points, both east in Summerland and west in the Montecito area. The project has been conditioned to ensure that access along the public roadways, North Jameson Lane, Ortega Hill Road, Sheffield Drive and San Leandro Lane, is preserved through requiring one lane to remain open and passable at all times throughout construction. In addition, the anticipated short duration of the project construction, ten days, will limit potential impacts to public access. As such, area residents will still be able to use the subject roadways to access the coast. Given the foregoing, this finding can be made.

2.2 Additional findings required for Telecommunication Facilities. *In compliance with Section 35-144F.7 of the Article II Zoning Ordinance, prior to the approval or conditional approval of a Coastal Development Permit for a telecommunication facility the review authority shall first make all of the following findings:*

2.2.1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.

As discussed in Section 6.2 of the staff report to the Montecito Planning Commission dated May 21, 2010 (included as Attachment D to this Board Letter), incorporated herein by reference, the project is for the underground installation of new telecommunications fiber and conduit. No above-ground structural development will occur, and as such no structures compatible or incompatible with the physical scale of the area will be developed. In addition, all development would occur within the public road right-of-way, in which numerous other utility lines and easements are located. As such, location of an additional utility line, in the instant case a telecommunications line, would be consistent and compatible with the existing use of the public right-of-way. Given the foregoing, this finding can be made.

2.2.2. The facility is located so as to minimize its visibility from public view.

As discussed in Section 6.2 of the staff report to the Montecito Planning Commission dated May 21, 2010 (included as Attachment D to this Board Letter), incorporated herein by reference, the project is for the underground installation of new telecommunications fiber and conduit. No above-ground structural development of a typical telecommunications "facility" will occur. As such, the project will not be visible to the public and this finding can be made.

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

As discussed in Section 6.2 of the staff report to the Montecito Planning Commission dated May 21, 2010 (included as Attachment D to this Board Letter), incorporated herein by reference, the project is for the underground installation of new telecommunications fiber and conduit. No above-ground structural development will occur. As such, the project will not be visibly distinct from the surrounding environment and this finding can be made.

2.2.4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Section 35-144F.4.

As discussed in Section 6.3 of the staff report to the Montecito Planning Commission dated May 21, 2010 (included as Attachment D to this Board Letter), incorporated herein by reference, the project complies with all development standards of Article II, Section 35-144F.

2.2.5. The applicant has demonstrated that the facility will be operated within the allowed frequency range permitted by the Federal Communications Commission and complies with all other applicable health and safety standards.

As discussed in Section 6.2 of the staff report to the Montecito Planning Commission dated May 21, 2010 (included as Attachment D to this Board Letter), incorporated herein by reference, the project is for the underground installation of new telecommunications fiber and conduit, not telecommunications

antennae. Therefore this finding does not apply.

2.3 Additional findings required for sites within the Montecito Community Plan area.

2.3.1 In compliance with Section 35-215.1 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Montecito Community Plan area the review authority shall first find for projects subject to discretionary review that the development will not adversely impact recreational facilities and uses.

As discussed in Section 6.2 of the staff report to the Montecito Planning Commission dated May 21, 2010 (included as Attachment D to this Board Letter), incorporated herein by reference, the project is for the underground installation of new telecommunications fiber and conduit within the right-of-way of several public roads – Ortega Hill Road, Sheffield Drive, N. Jameson Lane and San Leandro Lane. There are no public or private recreational facilities such as parks within the subject portions of the roadway. However, there are proposed and existing trails and/or bikeways adjacent to, or within, the public roadways. The project has been conditioned to ensure that one lane remains open and passable at all times throughout construction not only for vehicles, but also for bicyclists, pedestrians and equestrians. As such, recreational use of the roadways will be preserved, and this finding can be made.

2.3.2 In compliance with Section 35-215.3 of the Article II Zoning Ordinance, for projects subject to discretionary review, a finding shall be made that the development will not adversely impact recreational facilities and uses.

As stated above, the project has been conditioned to ensure that access along the public roadways, North Jameson Lane, Ortega Hill Road, Sheffield Drive and San Leandro Lane, is preserved through requiring one lane to remain open and passable at all times throughout construction. In addition, the anticipated short duration of the project construction, ten days, will limit potential impacts to public access. As such, area residents will still be able to use the subject roadways to access the coast. Given the foregoing, the project will not adversely impact recreational facilities or uses and this finding can be made.