

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 Olive Mill 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 (the Montecito Association’s adopted Overhead Utility Policy as expressed in the appeal letter dated December 14, 2009). Olive Mill 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. Moreover, there are feasible design options that would reduce the visibility of the facility in this right of way including undergrounding equipment and fiber optic cable as well as using an alternative more streamlined antenna design. 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 Olive Mill 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 aside from a single crossarm and transformer. 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 aside from a single crossarm and transformer, on Olive Mill Road, would be readily visible to all roadway users, including users of the Board adopted pedestrian trails along Olive Mill Road and Hot Springs 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. Additionally, the facility could continue to reduce its visibility by undergrounding the fiber optic cabling and using a more streamlined antenna design. 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.)*

Olive Mill 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, aside from a single crossarm and transformer, and is isolated from the surrounding urban forest projecting into the sky as viewed from the road. 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. Undergrounding the equipment box and fiber optic cable as well as use of a different, more streamlined antenna design would be a feasible way to blend into the environment to the extent feasible. 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 roads, 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). Mounting the equipment on the existing utility pole, as proposed, makes the facility extremely visible from road. Furthermore, the applicant has not demonstrated that undergrounding of the equipment would be infeasible and in fact NextG has undergrounded its utilities in other California jurisdictions such as the Cities of Rolling Hills Estates and Norwalk. Therefore the project does not qualify for an exemption from the Telecommunications Development Standard 2.d and this finding cannot be made.