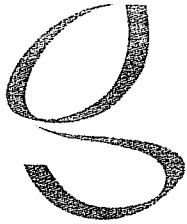


ATTACHMENT F: APPEAL APPLICATION AND LETTER

**MONTECITO PLANNING COMMISSION DECISION
 APPEALED TO THE BOARD OF SUPERVISORS
 June 17, 2010**

10CDH-00000-00012 Area: Montecito District: First	NextG Trench Project – Ortega Hill		
	Montecito Planning Commission		Board of Supervisors
Hearing Date:	June 10, 2010	Denied the project.	
Fee Paid:			\$ 0 (Coastal)
APPELLANTS REASON FOR APPEAL: See Attached FACILITATION: N/A. OUTCOME OF BOS HEARING: TBA			

- cc: Glenn Russell, Director
 Dianne M. Black, Director, Development Services
 Dave Ward, Deputy Director
 Anne Almy, Supervising Planner
 Mark Walter, Planner
 Linda Bishop, Accounting
 Petra Leyva, Building & Safety
 David Villalobos, Hearing Support
 Rachel Van Mullem, Deputy County Counsel



NextG Networks

EMPOWERING NEXT GENERATION WIRELESS NETWORKS

Corporate Headquarters:

NextG Networks, Inc.
2216 O'Toole Ave.
San José, California 95131

Tel: (408) 954-1580
Fax: (408) 383-5397
Web: www.nextgnetworks.net

Writer's Address:

Patrick S. Ryan
NextG Networks, Inc.
1444 Blake Street
Denver, Colorado 80202

Tel: (303) 835-3574
Fax: (303) 265-9737
Email: pryan@nextgnetworks.net

2010 JUN 15 AM 10:31
COUNTY OF SANTA BARBARA
CLERK OF THE SUPERVISORS
COUNTY OF SANTA BARBARA

VIA HAND DELIVERY

COUNTY OF SANTA BARBARA
Chair Janet Wolf
and Members of the Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101

Re: *Appeal of the Denial of NextG's Coastal Development Permit 10CDH-00000-00012*

Dear Chair Wolf and Supervisors:

Pursuant to Section 35-182.5 of the Article II of the Santa Barbara Coastal Zoning Ordinance ("CZO"), and in connection with the Santa Barbara County Appeal Application attached hereto, Appellant NextG Networks of California, Inc. ("NextG") hereby appeals the decision of the Montecito Planning Commission (the "Commission") rejecting the recommendation of the County Planning and Development Department ("P&D") and denying NextG's application for Coastal Development Permit No. 10CDH-00000-00012. The application was heard by the Commission on June 10, 2010, and although the P&D recommended approval, and in spite of the lack of any public opposition to the application, the Commission voted 3-1 to deny NextG's application.

As of this filing, the Commission has not issued any written decision justifying its denial, and based on past Commission rulings that NextG has appealed to the Board of Supervisors (the "Board"), it is unclear whether the Commission will issue any written decision.¹ Accordingly, due to the urgency of the proposed project and the particular importance of this application (which connects several facilities outside of Montecito), NextG submits this appeal based upon the oral proceedings at the hearing before the Commission on June 10, 2010, but reserves the right to amend this filing should the Commission issue a formal written decision of denial.

¹ For the first seven nodes that NextG appealed to from the Commission to the Board of Supervisors, a written justification was never sent. When the matter was first heard by the Board of Supervisors on March 16, 2010, the Chair of the Board of Supervisors read a statement into the record that said that the underlying Commission decision was voided due to conflicts of interest at the Commission, and that the Board would rehear the matter *de novo*.

The application at issue here is for a Coastal Development permit that would allow the boring, trenching, and installation of approximately 1,295 feet of new underground conduit and fiber-optic lines. The proposed underground conduit and fiber-optic telecommunications lines will be entirely 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 in Montecito, in the County of Santa Barbara. The proposed underground fiber optic lines will have connections to above ground utility poles and transport telephone calls for NextG's customers, who are primarily retail wireless carriers.

NextG worked with P&D Staff to complete its application and demonstrate compliance with all applicable State and County requirements. After thoroughly reviewing NextG's application, P&D Staff submitted its report to the Commission articulating its detailed findings that the proposed project complies with all State and County requirements, and recommending, with conditions, approval of NextG's proposed trenching project and issuance of the required Coastal Development Permit. A complete copy of the Staff report recommending issuance of the Coastal Development Permit is attached hereto for the Board's convenience.

As the sole basis for its denial on June 10, 2010, the Commission stated that the Staff report did not contain adequate findings under the California Environmental Quality Act ("CEQA"). No evidence was presented to the Commission by any party contradicting P&D's findings or recommendations, nor did the Commission articulate its own basis for what, specifically, is inadequate about the CEQA report. Although opposition has appeared for other applications by NextG, in this case, there was no one from the public who spoke in opposition to the proposed project or submitted any materials opposing either the project or P&D's findings related thereto. The Commission offered no further explanation for its denial or what they found to be inadequate concerning P&D's findings related to CEQA. Indeed, contrary to the Commission's decision, the Staff report did in fact include the required CEQA findings, with the determination of the California Public Utilities Commission ("CPUC") that the proposed project is categorically exempt from further CEQA scrutiny.

As outlined below, and fully documented in P&D Staff's report, the only evidence before the Commission and this Board necessitates following P&D's recommendation and approving NextG's proposed trenching plan. NextG's proposed trenching and undergrounding of its lines is exempt from further CEQA consideration, and complies with all other applicable State and County requirements.

Accordingly, the Commission's decision must be reversed and the Board must grant NextG Coastal Development Permit 10CDH-00000-00012.

I. *CEQA Findings*

As P&D's Staff Report shows, NextG has satisfied all relevant requirements under CEQA. Specifically, the CPUC is the only entity with broad discretionary decision-making authority over NextG's proposed services, facilities and construction throughout the state, and as such, is the lead agency. Cal. Code Regs. tit. 14, § 1505(b). As lead agency, the CPUC's CEQA determinations are "final and conclusive," except under certain exceptional circumstances, and binding on all parties. *Id.*, §§ 15050, 15162. Thus, neither the Commission nor this Board have the authority to disregard the CPUC's determination, yet that is precisely what the Commission did in denying the Coastal Development Permit at issue here based on some undefined inadequacy of P&D's CEQA findings.

The CPUC found NextG's proposed project to be categorically exempt from environmental review pursuant to Sections 15301(b) & (c) (regarding existing facilities), 15302(c) (regarding replacement or reconstruction), and 15304(f) (regarding minor alterations to land) of the Guidelines for Implementation of CEQA. Accordingly, pursuant to CZO § 35-169.4.2(a), P&D is expressly not to conduct its own CEQA review. The CPUC published its Notice of Exemption through the CEQA clearinghouse. A copy of the Notice to Proceed that was issued by the CPUC on July 14, 2009, as well as the Notice of Exemption that was published by the CPUC, is attached hereto. No party has challenged the CPUC's exemption determination, no opposition was voiced at the hearing or submitted to the Commission, and the Commission did not identify at hearing what was inadequate about the CEQA findings submitted. Both the Commission and this Board are bound by the CPUC's determinations, therefore, the Commission's denial based on its vague and unsubstantiated assertion that P&D's CEQA findings were not adequate is erroneous and must be reversed.

II. *NextG's Proposed Trenching Project Meets All Other Local And Coastal Zone Requirements*

In addition to being exempt from local CEQA review, the proposed trenching plan meets all of the requirements set forth in the CZO. Again, as mentioned above, no one either spoke at the hearing or made any written submission to the Commission in opposition to NextG's proposed trenching project in Montecito. Perhaps more importantly, the Commission itself did not call into question P&D's findings that the proposed project meets all of the requirements for this type of development project in the coastal zone. Regardless, in addition to including P&D's Staff Report, below we summarize the findings made by P&D, and unopposed by the Commission or any third party, demonstrating NextG's compliance with all requirements for approval of a Coastal Development Permit.

As is required for approval of all Coastal Development Permits, P&D Staff found that NextG's proposed trenching and fiber installation will have adequate public services

and resources along the stretch of the public right-of-way it will occupy. Additionally, NextG has agreed to P&D's condition that the work to excavate and install the facilities will be limited to have a minimal impact on parking and traffic. Thus the requirement of Section 30-60.5 of the CZO can be made.

Under the CZO, before a Coastal Development Permit can be issued for the proposed trenching project, it must be shown to meet the procedures and requirements set forth in Sections 35-169.4.2 and 35-169.5.3 for developments that may be appealed to the Coastal Commission. Accordingly, P&D examined NextG's proposal under that rubric. P&D followed the procedures for evaluating a Coastal Development Permit set forth in CZO § 169.4.2 and found that the proposed project was in compliance with all the requirements under CZO § 35-169.5.3.

Specifically, the Staff found that the project is consistent with the applicable provisions of the Comprehensive Plan, the Coastal Land Use Plan, and the applicable provisions of the CZO. The proposed project is located entirely within the public rights-of-way and is not zoned, so the requirements under Sections 35-169.1.b & c. are inapplicable. The proposed underground trenching cannot obstruct public views from any public road or from a public recreation area to, and along the coast because the lines will be installed in underground conduit without any above ground structural development that could obstruct public views, in compliance with Section 35-169.5.2.b. Likewise, because the proposed project involves only the underground installation of conduit and fiber optic telecommunications lines it can meet the requirement of Section 35-169.5.3.c. that it be compatible with the established physical scale of the area. The undergrounding construction will be short in duration, and the proposed plan has been conditioned on maintaining public access to the roadways at all times. The construction will require that at least one lane remain passable at all times, allowing area residents to continuously access the roads and the coast. Moreover, after the project is completed, approximately only 10 days, the roads will be returned to their current level of access. Thus, the proposed project complies with the public access and recreation policies of the CZO, the Comprehensive Plan, and the Coastal Land Use Plan under Section 35-169.5.3.d.

Furthermore, the proposed underground trenching complies with the additional requirements for telecommunications facilities, set forth in Section 35-144F of the CZO. Because the proposal calls for the undergrounding of conduit and telecommunications lines in the public rights-of-way, it is (1) compatible with the existing and surrounding development in terms of land use and visual qualities, (2) is located to minimize its visibility from public view, (3) is designed to blend into the surrounding environment to the greatest extent feasible, and (4) complies with the required development standards as required by Sections 35-144F.7.

There was no opposition to those findings presented to the Commission, and the Commission did not question or find any fault with those findings. Thus, P&D's findings

of compliance with all the requirements of the CZO have been accepted by the Commission and should be accepted by this Board.

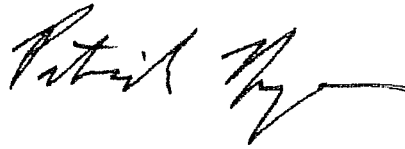
III. California Public Utilities Code Section 7901 Grants NextG The Authority to Occupy the Public Rights Of Way

Public Utilities Code § 7901 grants NextG a state-wide franchise to occupy the public rights of way that cannot be denied. That authority is subject only to the reasonable regulation of the time, place, and manner in which the public rights of way are accessed. Cal. Pub. Util. Code § 7901.1. As demonstrated above, and in P&D's Staff Report, NextG's proposal complies with all of the County's time, place, and manner of access requirements under the CZO. The only reason the Commission identified for its denial is inadequate CEQA findings. However, the CPUC has already determined that the proposed project is categorically exempt from CEQA review. Therefore, the Commission lacks authority to deny the permit on that basis and their denial unreasonably infringes upon NextG's rights under Section 7901 to install its facilities in the public rights-of-way.

Conclusion

The Commission's decision is unexplained and not based on the evidence before it. Indeed, the only evidence presented supports P&D's recommendation of approval of 10CDH-00000-00012 for NextG's proposed underground installation of conduit and fiber-optic telecommunications lines. The CZO and Section 7901 of the California Public Utilities Code require that NextG's permit be granted. Accordingly, the Board should overturn the Commission's decision, find that the CPUC has determined the proposed project to be categorically exempt from local CEQA review, and approve Coastal Development Permit 10CDH-00000-00012.

Very truly yours,



Patrick S. Ryan
*Vice President of Government Relations
& Regulatory Affairs*

Enclosures

1. Original Application Package
2. Application Form for Appeal
3. Appeal fee
4. CPUC Notice to Proceed
5. CPUC Notice of Exemption
6. P&D Staff Report

cc: Michael Ghizzoni, Esq. (County of Santa Barbara)



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

Appeal to the Board of Supervisors or Planning Commission (County or Montecito)

APPEAL TO THE BOARD OF SUPERVISORS OR PLANNING COMMISSION (APL) on the issuance, revocation, or modification of:

- All Discretionary projects heard by one of the Planning Commissions
- Board of Architectural Review decisions
- Coastal Development Permit decisions
- Land Use Permit decisions
- Planning & Development Director's decisions
- Zoning Administrator's decisions

THIS PACKAGE CONTAINS _____

- ✓ APPLICATION FORM
- ✓ SUBMITTAL REQUIREMENTS

AND, IF ✓'D, ALSO CONTAINS _____

South County Office 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2000 Fax: (805) 568-2030	Energy Division 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2040 Fax: (805) 568-2522	North County Office 624 W. Foster Road, Suite C Santa Maria, CA 93455 Phone: (805) 934-6250 Fax: (805) 934-6258	Clerk of the Board 105 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2240 Fax: (805) 568-2249
Website: www.sbcountyplanning.org			

SUBMITTAL REQUIREMENTS

_____ 8 Copies of the attached application.

_____ 8 Copies of a written explanation of the appeal including:

- If you are not the applicant, an explanation of how you are an **"aggrieved party"** ("Any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either.");
- A clear, complete and concise statement of the **reasons or grounds for appeal:**
 - Why the decision or determination is consistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; or
 - There was error or abuse of discretion;
 - The decision is not supported by the evidence presented for consideration;
 - There was a lack of a fair and impartial hearing; or
 - There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

_____ 1 Check payable to Planning & Development.



Note: There are additional requirements for certain appeals including:

- a. **Appeals regarding a previously approved discretionary permit** – If the approval of a Land use permit required by a previously approved discretionary permit is appealed, the applicant shall identify: 1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; 2) How the discretionary permit's conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed; 3) How the approval is inconsistent with Section 35.106 (Noticing).
- b. **Appeals regarding Residential Second Units (RSUs)** – The grounds for an appeal of the approval of a Land Use Permit for a RSU in compliance with Section 35.42.230 (Residential Second Units) shall be limited to whether the approved project is in compliance with development standards for RSUs provided in Section 35.42.230.F (Development Standards).



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: Various public rights-of-way

ASSESSOR PARCEL NUMBER: n/a

(acres/sq.ft.): Gross N/A Net N/A

COMPREHENSIVE/COASTAL PLAN DESIGNATION: _____ ZONING: n/a

Are there previous permits/applications? no yes numbers: _____
(include permit# & lot # if tract)

Are there previous environmental (CEQA) documents? no yes numbers: _____

1. **Appellant:** NextG Networks of California, Inc. Phone: (303) 835-3574 FAX: (303) 265-9737

Mailing Address: 2216 O'Toole Ave. San Jose CA 95131 Website: www.nextgnetworks.net
Street City State Zip

2. **Owner:** _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

3. **Agent:** _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

4. **Attorney:** Patrick S. Ryan Phone: (303) 835-3574 FAX: (303) 265-9737

Mailing Address: 1444 Blake Street Denver CO 80202 E-mail: pryan@nextgnetworks.net
Street City State Zip

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____
Supervisorial District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

COUNTY OF SANTA BARBARA APPEAL TO THE :

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title NextG Networks of California, Inc.

Case No. 10CDH-00000-00012

Date of Action June 10, 2010

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? _____

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and "aggrieved party" as defined on page two of this appeal form:

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

As more fully set forth in the attached appeal letter, NextG appeals the Montecito Planning Commission decision denying Coastal Development Permit No. 10CDH-00000-00012. The proposed fiber-optic lines are consistent with the Coastal Zoning Ordinance and with P.U. Code §7901. The Commission's denial is clear error, arbitrary and capricious, contrary to law, and not supported by substantial evidence.

Also see attached appeal letter.

Specific conditions imposed which I wish to appeal are (if applicable):

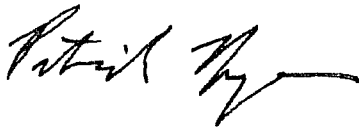
- a. See attached appeal letter.
- b. _____
- c. _____
- d. _____

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

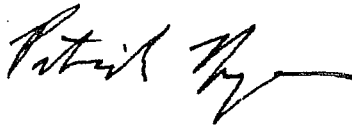
Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.



NextG Networks of California, Inc. by Patrick S. Ryan June 14, 2010

Print name and sign – Firm Date



Patrick S. Ryan, V.P. of Government Relations and Regulatory Affairs June 14, 2010

Print name and sign - Preparer of this form Date

NextG Networks of California, Inc. by Patrick S. Ryan _____

Print name and sign - Applicant Date

Print name and sign - Agent Date

Print name and sign - Landowner Date

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 14, 2009

Sharon James
NextG Networks, Inc.
2216 O'Toole Avenue
San Jose, CA 95131

Dear Ms. James:

NextG Networks of California (NextG) submitted a Notice of Proposed Construction (NPC) for the installation of micro-antennae and other associated equipment on behalf of Metro PCS in the City and County of Santa Barbara, California, including the communities of Carpinteria, Montecito and Summerland. The NPC requests the Energy Division to act upon NextG's request for a determination that the proposed project is consistent with the activities identified as categorically exempt from the California Environmental Quality Act (CEQA) by the California Public Utilities Commission (Commission).

In January 2003, the Commission granted NextG the authority to operate as limited facilities-based (LFB) carrier in California. Aside from providing resold local and interexchange services, NextG was prohibited from engaging in the construction of telecommunications facilities, other than equipment installed in existing structures.

In May 2006, NextG submitted A.06-05-031 seeking expansion of its LFB authority to include the installation of micro-antennae and other related equipment in California. In the application, NextG stated that its projects may include the installation of a limited number of new poles, small scale or micro-trenching, conduit installation, and the installation of laterals. Under D. 07-04-045, the Commission determined that the projects proposed by NextG fell within one of several categorical exemptions identified under CEQA, and that further environmental review would not be required.

The Energy Division has reviewed NextG's proposal to construct the Metro PCS in the City and County of Santa Barbara and has determined that the proposed construction activities are consistent with the activities identified by the Commission as categorically exempt from CEQA. The Energy Division hereby grants NextG with the authority to proceed with the construction of the project as described in the NPC dated June 23, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Jensen Uchida".

Jensen Uchida
California Public Utilities Commission
Regulatory Analyst

MONTECITO PLANNING COMMISSION
Staff Report for the NextG Trenching Project –Ortega Hill

Hearing Date: June 10, 2010
Staff Report Date: May 21, 2010
Case No.:10CDH-00000-00012

Deputy Director: Dave Ward
Division: Development Review
Supervising Planner: Anne Almy
Supervising Planner Phone #: 568-2053
Staff Contact: Mark Walter, Ph.D.
Planner's Phone#:568-2852

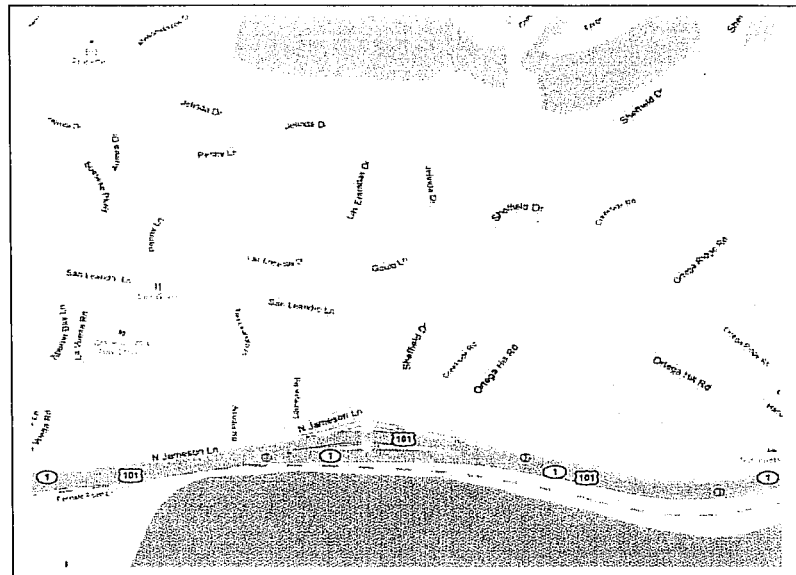
Environmental Document: Notice of Exemption

OWNER/APPLICANT

Robert Delsman
NextG Networks of California
5720 Thornwood Drive
Goleta, CA 93117
Phone: 510-845-9681

AGENT

Sharon James
NextG Networks of California
5720 Thornwood Drive
Goleta, CA 93117
Phone: 408-426-6629



This site is located within the public road rights-of-way of N. Jameson Lane, Ortega Hill Road, Sheffield Drive and San Leandro Lane, north of Highway 101 and south of Highway 192 (East Valley Road), in the Montecito area, 1st Supervisorial District.

Application Complete: May 20, 2010

1.0 REQUEST

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) [Existing Facilities], 15302(c) [Replacement or Reconstruction], and 15304 (f) [Minor Alterations to Land].

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case No. 10CDH-00000-000012 marked "Officially Accepted, County of Santa Barbara (June 10, 2010) Montecito Planning Commission Attachment E", based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for approval of the project specified in Attachment A of this staff report, including CEQA findings.
2. Determine the project to be exempt pursuant to the exemption prepared by the California Public Utilities Commission, July 20, 2009, included as Attachment B, citing the State CEQA Guidelines Sections 15301(b) and 15301(c) [Existing Facilities], 15302(c) [Replacement or Reconstruction], and 15304 (f) [Minor Alterations to Land].
3. Approve the project subject to the conditions included as Attachment C.

Alternatively, refer back to staff if the Montecito Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission based on Article II, Section 35-169.4.2 which states that for development that is appealable to the Coastal Commission the "Zoning Administrator shall hold at least one noticed public hearing...on the requested Coastal Development Permit..." and on Section 2-29 of Article V (Planning) of Chapter 2 of the Santa Barbara County Code which states that "...the Montecito Planning Commission shall assume the powers and duties given to the zoning administrator...within the Montecito planning area..."

4.0 ISSUE SUMMARY

NextG Networks of California proposes to install new underground telecommunications fiber and conduit within the public road rights-of-way of North Jameson Lane, Sheffield Drive, San Leandro Lane and Ortega Hill Road. The proposed project would require traditional trenching

and directional drilling within these rights-of-way. Substantial numbers of trees are located adjacent to the proposed segments of roadway, and archaeological resources are present within or adjacent to the proposed site. The project has the potential to disturb or harm these resources. In addition, the nature of the project will require lane closures with potential traffic delays. The project has been designed and conditioned to ensure consistency with policies protecting archaeological resources, biological resources and through traffic flow.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Coastal Zone, Urban, Montecito Community Plan Area
Zone	Article II, Not Zoned, Public Road right-of-way
Site Size	n/a
Present Use & Development	Public roadway
Surrounding Uses/Zoning	<i>North:</i> Residential, 2-E-1 <i>South:</i> Highway 101, Transportation Corridor, TC <i>East:</i> Residential, 1-E-1 <i>West:</i> Residential, 7-R-1 & 20-R-1
Access	Jameson, Highway 101, Sheffield
Public Services	Water Supply: Montecito Water District Sewage: Montecito Sanitary District Fire: Montecito Fire

5.2 Setting

The subject roadways are located within the lower coastal plain of Montecito. The surrounding uses are primarily residential. Development is typified by large residences and lots. The area is well vegetated, with numerous native and non-native trees and shrubs located within the private lots as well area road easements.

5.2.1 Cultural Resources

Three (3) recorded sites are located adjacent to or within the project area.

5.2.2 Biological Resources

Numerous native and non-native trees are present within 75 feet of the project area. Romero Creek flows under Sheffield Drive within the area proposed for installation of fiber.

5.3 Description

The project is for the boring, trenching and installation of approximately 1,295 feet of underground conduit and telecommunications fiber along Sheffield Drive, Ortega Hill Road, North Jameson Lane and San Leandro Lane. The new underground conduit and fiber are to support a new distributed antenna system. The project will require approximately 769 feet of directional drilling (boring) and 526 feet of traditional trenching. The trench will have a maximum depth of three (3) feet and a width of 18 inches. Approximately 120 cubic yards of material will be excavated. No export or import of soil is proposed. Trenching and boring will take place entirely within the rights-of-way of the subject roads, with connections to existing above-ground utility poles. Seven (7) at-grade “pull boxes” will be installed in the dirt shoulders of the subject roadways. There are 96 trees within 75 feet of the project area. Trenching within the critical root zones of adjacent trees will be limited to five (5) discrete, short, non-contiguous lengths of hand-dug trench, with a maximum length of 10 feet. The total amount of trench located within the critical root zones will be 37 feet. The project will require and implement lane closures and traffic control. Parking and staging of materials and equipment will occur at the southwest corner of Sheffield and San Leandro and at the southeast corner of Ortega Hill and Jameson.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The California Public Utilities Commission (CPUC), acting as Lead Agency, filed a Notice of Exemption with the State Office of Planning and Research, dated July 20, 2009, in which they determined the proposed project was exempt from environmental review under the California Environmental Quality Act (Attachment B). The CPUC cited multiple Categorical Exemptions for the entirety of the NextG system. According to the CPUC, the proposed project is categorically exempt pursuant to Sections 15301(b) and 15301(c) [Existing Facilities], 15302(c) [Replacement or Reconstruction], and 15304 (f) [Minor Alterations to Land] of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment B for the Notice of Exemption.

6.2 Comprehensive Plan, Coastal Land Use Plan and Montecito Community Plan Consistency

REQUIREMENT	DISCUSSION
<i>Land Use – Coastal Plan Application</i>	
<u>Montecito Community Plan Policy G-M-1:</u> All existing Countywide and Coastal Plan policies apply to the Montecito Planning Area in addition to those specific policies and action items identified below.	<u>Consistent:</u> The project site is located within the Montecito Community Plan area. Part of the project is within the portion of the Coastal Zone that comprises the Appeals Jurisdiction of the

REQUIREMENT	DISCUSSION
	<p>California Coastal Commission. Accordingly, the project has been analyzed for consistency with the relevant policies of both the Coastal Land Use Plan and the Montecito Community Plan as discussed in the following sections.</p>
<p><i>Adequate Services</i></p>	
<p><u>Coastal Land Use Plan (CLUP) Policy 2-6:</u> Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</p>	<p><u>Consistent:</u> The project is for the underground installation of telecommunications fiber within the public roadway. Services in the form of water and sewer are not required for the project. Police and fire services in case of an on-site emergency would be provided by the County Sheriff and Montecito Fire, respectively.</p> <p>Access to and through the project area is provided by Highway 101, Highway 192, and the subject roadways themselves – Jameson Lane, San Leandro Lane, Sheffield Drive, Ortega Hill Road.</p> <p>The project would occur on narrow and/or winding roads typical of the Montecito area. As the project will conduct trenching and boring within the roadway itself, lane closures will be required in order to implement the project. Jameson Lane and Sheffield Drive, and to a more limited extent Ortega Hill Road, are used as alternative routes to and from Highways 101 and 192, and to provide access between the lower and upper parts of Montecito. Given this, lane closures could result in substantial traffic delays, especially during commute hours or accident-driven closures of Highway 101. The anticipated short duration of the project (10 days) will reduce such potential traffic impacts. In addition, to further ensure that the area roads can still provide adequate access, the project has been conditioned to restrict work to hours outside</p>

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	<p>the morning and evening commute (8:30a.m.-3:30 pm, Monday through Friday), and to limit construction-related parking to specific on-site areas or approved off-site locations with no parking on adjacent streets.</p>
<p><i>Biological Resources</i></p>	
<p><u>CLUP Policy 2-11</u>: All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat area shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.</p> <p><u>CLUP Policy 9-1</u>: Prior to issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.</p> <p><u>CLUP Policy 9-35</u>: Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees.</p>	<p><u>Consistent:</u></p> <p>The project would take place entirely within the public road right-of-way. With one exception, the project would not take place within or adjacent to any Environmentally Sensitive Habitat area. The exception is the designated riparian corridor for Romero Creek which crosses under Sheffield Drive. The project proposes to install new fiber along Sheffield to and across the creek crossing. The fiber would run underground to the bridge, and would then daylight and be attached above ground to the bridge deck. No work would occur within the creek banks, and no riparian vegetation would be disturbed. However, minor ground disturbance would occur above grade at the north and south edges of the bridge, immediately above the top of bank of Romero Creek. As such, the project has been conditioned to require appropriate erosion control measures to prevent the introduction of soil, debris and other contaminants into the adjacent creek.</p> <p>The standard creek setback in the project area is 50 feet. However, as described above, the project is for the installation of underground fiber within the existing roadway and the attachment of a small length of conduit to the bridge deck over Romero Creek. No above ground structural development would occur as part of the proposed project. Given the nature and scope of the project, the creek setback</p>

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<p>Regeneration of oak trees on grazing lands should be encouraged.</p> <p><u>CLUP Policy 9-36:</u> When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.</p> <p><u>CLUP Policy 9-37:</u> The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:</p> <ul style="list-style-type: none"> a. soil type and stability of stream corridors b. how surface water filters into the ground c. slope of the land on either side of the stream d. location of the 100-year flood plain boundary <p>Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.</p> <p><u>CLUP Policy 9-22:</u> Butterfly trees shall not be removed except where they pose a serious threat</p>	<p>policies are not required in the instant case in order to protect the adjacent riparian corridor.</p> <p>There are 96 trees located within 75 feet of the project. Of these, thirteen (13) trees are located such that the proposed underground fiber would encroach into the critical root zones. Directional drilling, using a 5 inch diameter subsurface boring pipe, will be the primary method used to install the new fiber within these root zone areas. This method does not remove soil, but compresses it against the walls of the 5 inch diameter bore hole. As a result of this construction method, the impacts to the critical root zones would be minimal. However, within the root zones of four (4) of the subject trees, minor amounts of traditional trenching would be conducted. Five separate, non-contiguous segments of trench, with a maximum length of 10 feet, would be located within the root zones of these trees. While the total amount of trench (37 feet) is minimal, and the short (10 foot maximum), discrete, non-contiguous nature of the trenching will minimize disturbance, the potential remains for impacts to the subject trees. As such the project has been conditioned to require only hand-trenching of these segments with supervision by a qualified arborist. In addition, the potential exists for unanticipated damage due to trenching, boring or other construction-related activities, and the project has been conditioned to address this and require that damaged trees be replaced.</p> <p>The Ortega Hill Road portion of the project would install new underground fiber adjacent to the eucalyptus grove on Ortega Hill. This grove, which also contains Coast Live Oak trees, is a recorded aggregation site for Monarch butterflies (<i>Danaus plexippus</i>), and is listed as Site 92 in Dan Meade’s 1999 report (<i>Monarch Butterfly Overwintering Sites in</i></p>

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<p>to life or property, and shall not be pruned during roosting and nesting season.</p> <p><u>CLUP Policy 9-23:</u> Adjacent development shall be set back a minimum of 50 feet from the trees.</p> <p><u>Montecito Community Plan (MCP) Policy BIO-M-1.4:</u> Monarch Butterfly roosting habitats shall be preserved and protected.</p> <p><u>MCP Policy BIO-M-1.6:</u> Riparian vegetation shall be protected as part of a stream or creek buffer. Where riparian vegetation has previously been removed, (except for channel cleaning necessary for free-flowing conditions as determined by the County Flood Control District) the buffer shall allow the reestablishment of riparian vegetation to its prior extent to the greatest degree possible. Restoration of degraded riparian areas to their former state shall be encouraged.</p> <p><u>MCP Policy BIO-M-1.8:</u> The minimum buffer strip for development near streams and creeks in Rural Areas shall be presumptively 100 feet from top of bank and for streams in Urban Areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis but shall not preclude reasonable development of a parcel. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Board in order to protect the biological productivity and water quality of streams:</p> <ol style="list-style-type: none"> 1. soil type and stability of stream corridors; 2. how surface water filters into the ground; 3. slope of the land on either side of the stream; 4. location of the 100 year flood plain boundary; and 5. consistency with adopted plans, particularly Biology/Habitat policies. 	<p><i>Santa Barbara County California</i>, Daniel Meade, 1999). However, the trees that form the subject grove are topographically removed from the roadway in which work would occur. The toe of the southern slope that forms Ortega Hill rises steeply from the roadway in a southerly fashion to a shelf or scarp approximately ten or more feet above the road. The eucalyptus and oak are located above this scarp, removed both in elevation and distance from the roadway. As such, there would be no direct impact from the project on these trees.</p> <p>The trees within the project area, including those of Ortega Hill Road, provide perching, roosting and nesting habitat for raptors, as well as for other birds protected by the Migratory Bird Treaty Act. Construction activities in close proximity to nest sites have the potential to disturb nesting. As such, the project has been conditioned to require a pre-construction survey for nesting birds, and appropriate setbacks and restrictions around nests.</p>

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<p>The buffer area shall be indicated on all grading plans. All ground disturbance and vegetation removal shall be prohibited in the buffer area.</p> <p><u>MCP Policy BIO-M-1.15:</u> To the maximum extent feasible, specimen trees shall be preserved. Specimen trees are defined for the purposes of this policy as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historic value, or are unique due to species type or location shall be preserved to the maximum extent feasible.</p> <p><u>MCP Policy BIO-M-1.16:</u> All existing native trees, regardless of size, that have biological value shall be preserved to the maximum extent feasible.</p> <p><u>MCP Policy BIO-M-1.17:</u> Oak trees, because they are particularly sensitive to environmental conditions, shall be protected to the maximum extent feasible. All land use activities, including agriculture shall be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.</p> <p><u>MCP Policy BIO-M-1.18:</u> Trees serving as known raptor nesting or key raptor roosting sites shall be preserved to the maximum extent feasible.</p>	
<p><i>Water Quality</i></p>	
<p><u>Coastal Act Policy 30231:</u> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained</p>	<p><u>Consistent:</u> Project activities, including trenching, minor excavation, removal and replacement of pavement and fill, and placement of cement slurry, have the potential to contaminate area waters via run-off and sheet flow to area storm</p>

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<p>and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface waterflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p> <p><u>CLUP Policy 3-19:</u> Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</p> <p><u>MCP Policy BIO-M-1.20:</u> Pollution of streams, sloughs, drainage channels, underground water basins, estuaries, the ocean and areas adjacent to such waters shall be minimized.</p>	<p>drains and/or into Romero Creek. Accordingly, the project has been conditioned to require the implementation of Best Management Practices for prevention and containment of runoff, and restrictions on work around rain events. This includes, but is not limited to, the staging, stockpiling and maintenance of equipment, materials and supplies a minimum of 100 feet from any watercourse, storm drain, creek or waterbody. Additionally, the project has been conditioned to require that road paving and sealing activities only occur during dry weather.</p>
<p><i>Hillside, Watershed and Geological Resources & Hazards</i></p>	
<p><u>CLUP Policy 3-13:</u> Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</p> <p><u>CLUP Policy 3-14:</u> All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and</p>	<p><u>Consistent :</u></p> <p>The project would utilize both conventional trenching and directional drilling techniques for installation of the underground fiber. The length of open trench excavation is the minimum required to install the new fiber between the two end points. Use of the open trench method would be limited to areas where subsurface investigation has shown that directional drilling would not be possible due to the presence of substantial amounts of rock. As such, the amount of grading associated with open trench would be kept to a minimum</p>

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<p>native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soils, geologic, flood, erosion, or other hazards shall remain in open space.</p> <p><u>MCP Policy GEO-M-1.2:</u> Grading from future ministerial and discretionary projects in Montecito shall be minimized to the extent feasible in order to prevent unsightly scars in the natural topography due to grading, and to minimize the potential for earth slippage, erosion and other safety risks.</p> <p>MCP Policy GEO-M-1.5: Development standards shall be required to decrease the potential for soils or slope hazards.</p>	<p>(approximately 88 cubic yards). There are no natural features, landforms or trees that would be affected by the proposed trenching.</p> <p>The majority of the project would be conducted via directional drilling, which does not result in the removal of soils. This method does require the excavation of discrete boreholes and potholes, however these are relatively small and would require only minor amounts of grading (32 cubic yards), confined to the public roadway.</p> <p>There are no known geologic or soils hazards within most of the project area. However, along Ortega Hill Road the steep slopes adjacent to the roadway are susceptible to erosion. The new fiber would be installed in this section via directional drilling, eliminating the need to excavate a trench along the adjacent slopes and thus the potential for erosion or slope failure.</p>
<p><i>Cultural Resources</i></p>	
<p><u>CLUP Policy 10-2:</u> When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</p> <p><u>CLUP Policy 10-3:</u> When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.</p> <p><u>CLUP Policy 10-4:</u> Off-road vehicle use, unauthorized collecting of artifacts, and other</p>	<p><u>Consistent:</u></p> <p>Although no official Phase I archaeological survey was conducted for the project, County records and information within the application confirm that two recorded archaeological sites exist within the immediate vicinity of portions of the project, and a third highly sensitive site is located close to the project. While sub-surface disturbance due to use of a 5” directional drill would be negligible and would not expose potential resources, excavation by open trench has the potential to uncover, disturb or destroy such resources. That portion of the project proposed for open trenching has the potential to disturb resources associated with one or more of the three recorded sites. Given the above, the project has been</p>

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<p>activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited.</p> <p><u>MCP Policy CR-M-2.1:</u> Significant cultural, archaeological, and historic resources in the Montecito area shall be protected and preserved to the extent feasible.</p>	<p>conditioned to require that the applicant retain a County-approved archaeologist to conduct an official records search. Based on the results of the search, the archaeologist would prepare a monitoring and sampling plan for ground disturbance associated with the project. The plan would be reviewed and approved by the Planning and Development Department prior to issuance of permits. The project has also been conditioned to require re-direction and/or suspension of work in the event of discovery of artifacts or human remains.</p>
<p><i>Visual Resources/Aesthetics/Community Character</i></p>	
<p><u>CLUP Policy 4-4:</u> In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns and diverse housing types shall be encouraged.</p> <p><u>MCP Policy LU-M-1.1:</u> Architectural and development guidelines shall be adopted, implemented and enforced by the County in order to preserve, protect and enhance the semi-rural environment of Montecito and the natural mountainous setting.</p> <p><u>MCP Policy LU-M-2.1:</u> New structures shall be designed, sited, graded and landscaped in a manner which minimizes their visibility from public roads.</p> <p><u>MCP Policy VIS-M-1.1:</u> Development shall be subordinate to the natural open space characteristics of the mountains.</p> <p><u>MCP Policy VIS-M-1.3:</u> Development of property should minimize impacts to open space</p>	<p><u>Consistent:</u> Collectively, policies of the Montecito Community Plan seek to preserve the semi-rural and aesthetic character of the community. While typical projects that seek to construct above-ground structures and/or new roads have the potential to affect the character of the community, the current project is for the underground installation of telecommunications fiber. No new roadways would be constructed, no new utility poles would be erected, and grading would be limited to a small length of open trench within the public road right-of-way. The only at-grade development would be small utility access “boxes” (19”x33”) set in the dirt shoulders of the public roads, of which only the gray fiber-concrete lid would be visible. Given this, the project would not introduce any visual elements that would conflict with the existing natural, semi-rural character of the area or affect public views. However, the project does have the potential to degrade the surrounding visual landscape through the introduction of construction debris and trash. Accordingly, the project has been conditioned</p>

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views as seen from public roads and viewpoints.	to require on-site containers and daily pick up of project-related trash from the project site and surrounding areas.
<i>Air Quality</i>	
<p><u>Coastal Land Use Plan Policy 11-1:</u> The provisions of the Air Quality Attainment Plan shall apply to the Coastal Zone.</p> <p><u>MCP Policy AQ-M-1.1:</u> Maintain consistency of all land use planning and development with the Air Quality Attainment Plan and subsequent Air Pollution Control District (APCD) air quality plans and guidelines.</p> <p>MCP Policy AQ-M-1.3: Air pollution emissions from new development and associated construction activities shall be minimized to the maximum extent feasible. These activities shall be consistent with the Air Quality Attainment Plan and Air Pollution Control District guidelines.</p> <p>MCP Policy AQ-M-1.4: The County shall, in its land use decisions, protect and enhance the air quality in Montecito consistent with California Ambient Air Quality Standards and National Ambient Air Quality Standards.</p>	<p><u>Consistent:</u></p> <p>The proposed project would utilize relatively few pieces of heavy equipment (directional drill rig, backhoe), and would require only minor amounts of export or import of soil or road materials given the small amount of trenching and excavation (120 cubic yards total). In addition, the anticipated duration of the project is only ten (10) days, including replacement of those sections of the road surface disturbed by the project. As such, emissions and generation of fugitive dust would be minimal. To further ensure that all emissions and dust generation are reduced to the maximum extent feasible, the project has been conditioned to incorporate standard air quality conditions.</p>
<i>Noise</i>	
<p><u>Comprehensive Plan, Noise Element Policy 1:</u> In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.</p> <p><u>MCP Policy N-M-1.1:</u> Noise-sensitive uses (i.e. residential and lodging facilities, educational facilities, public meeting places and others</p>	<p><u>Consistent:</u></p> <p>The proposed project would take place within the public road right-of-way, adjacent to existing residences. While the amount of heavy equipment use and grading activities would be minimal, project activities still have the potential to generate noise. The project has been conditioned to restrict work to 8:30am-3:30pm, Monday through Friday, in order to reduce traffic impacts and this condition would</p>

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specified in the Noise Element) shall be protected from significant noise impacts.	also serve to minimize noise impacts. The project has also been conditioned to require the use of shielding or other noise-reducing measures for all noise-producing stationary equipment (e.g. generators, pumps, compressors, etc).

6.3 Zoning: Article II

6.3.1 Compliance with Article II, Coastal Zoning Ordinance, Telecommunication Facilities

The proposed project, as conditioned, is consistent with all ordinance requirements and development standards of Article II, Section 35-144F, Commercial Telecommunication Facilities.

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. For developments which are appealable to the Coastal Commission under Section 35-182.6, no appeal fee will be charged.

The action of the Board of Supervisors may be appealed to the Coastal Commission within ten (10) working days of receipt by the Coastal Commission of the County's notice of final action.

ATTACHMENTS

- A. Findings
- B. CEQA Exemption
- C. Conditions of Approval
- D. APN Sheet
- E. Site and Grading Plans
- F. Coastal Development Permit

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 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). 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, 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 35-169.4.3 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 35-169.4.3 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 this staff report and 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 this staff report, 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. In addition, the anticipated short duration of the project, 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 this staff report, 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 this staff report, 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 this staff report, 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 this staff report, 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 this staff report, 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. *In compliance with Section 35-215 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 this staff report, 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 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 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.

Notice of Exemption

Form D

To: [X] Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) California Public Utilities Commission
505 Van Ness, SF CA, 94102
(Address)

[] County Clerk
County of

Project Title: Santa Barbara Distributed Antenna System (DAS) project

Project Location - Specific:

Santa Barbara, Montecito, Summerland, Carpinteria

Project Location - City: Santa Barbara, etc Project Location - County: Santa Barbara

Description of Project:

Installation of DAS nodes, including but not limited to, micro-antenna,
underground/overhead fiber optic lines, utility poles.

Name of Public Agency Approving Project: California Public Utilities Commission

Name of Person or Agency Carrying Out Project: NextG on behalf of Metro PCS

Exempt Status: (check one)

- [] Ministerial (Sec. 21080(b)(1); 15268);
[] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: 1506b3; 15301b/c; 15301c; 15302c; 15304f
[] Statutory Exemptions. State code number:

Reasons why project is exempt:

Under D.07-04-045, the CPUC determined that the DAS projects proposed by NextG would
qualify under one or more categorical exemptions under CEQA.

Lead Agency

Contact Person: Jensen Uchida Area Code/Telephone/Extension: 415 703 5484

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [X] Yes [] No

Signature: [Handwritten Signature] Date: 7/20/09 Title: Analyst

- [X] Signed by Lead Agency Date received for filing at OPR:
[] Signed by Applicant

January 2004

ATTACHMENT C: CONDITIONS OF APPROVAL

Project Description

1. **Proj Des-01:** This Coastal Development Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Attachment E, dated June 10, 2010, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project is for the boring, trenching and installation of approximately 1,295 feet of underground conduit and telecommunications fiber along Sheffield Drive, Ortega Hill Road, North Jameson Lane and San Leandro Lane. The new underground conduit and fiber are to support a new distributed antenna system. The project will require approximately 769 feet of directional drilling (boring) and 526 feet of traditional trenching. The trench will have a maximum depth of three (3) feet and a width of 18 inches. Approximately 120 cubic yards of material will be excavated. No export or import of soil is proposed. Trenching and boring will take place entirely within the rights-of-way of the subject roads, with connections to existing above-ground utility poles. Seven (7) at-grade "pull boxes" will be installed in the dirt shoulders of the subject roadways. There are 96 trees within 75 feet of the project area. Trenching within the critical root zones of adjacent trees will be limited to five (5) discrete, short, non-contiguous lengths of hand-dug trench, with a maximum length of 10 feet. The total amount of trench located within the critical root zones will be 37 feet. The project will require and implement lane closures and traffic control. Parking and staging of materials and equipment will occur at the southwest corner of Sheffield and San Leandro and at the southeast corner of Ortega Hill and Jameson.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans) such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will

constitute a violation of permit approval.

Conditions By Issue Area

2. **Air-01:** The Applicant shall comply with the following dust control components at all times including weekends and holidays:
 - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.
 - g. Trucks transporting soils, gravel or other similar materials to and/or from the site shall be tarped from the point of origin.
 - h. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
 - i. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
 - j. Seed and water to re-vegetate graded areas; and/or
 - ii. Spread soil binders; and/or
 - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

Plan Requirements: This condition shall be printed on all plans.

Pre-construction Requirements: The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

Timing: This condition shall be printed on all plans and the dust monitor designated prior to issuance of this Coastal Development Permit. The dust control components apply from the beginning of any grading or construction throughout all development activities for the duration of the project.

Monitoring: P&D staff shall ensure the condition is printed on plans and the dust monitor designated. Permit Compliance staff and grading and building inspectors shall spot check; Permit Compliance staff and Grading and Building inspectors shall ensure compliance onsite.

- 3. Arborist Supervision of Trenching:** All trenching within the critical root zones of the trees identified on the project plans shall be conducted by hand. A qualified, County-approved arborist shall supervise all hand trenching within the root zones of the subject trees. The direction of the arborist to prevent or repair damage to tree roots during trenching shall be implemented. Plan Requirements: This condition shall be printed on all plans. The applicant shall provide the name and contact information of the qualified arborist retained to supervise the project. Timing: Prior to issuance of the Coastal Development Permit, the condition shall be printed on plans and the name and contact information provided. Monitoring: P&D staff shall ensure the condition is printed on plans and the arborist information provided. Permit Compliance staff and/or P&D staff shall conduct spot checks in the field and ensure compliance with this condition.
- 4. Bio-01:** No tree removal or damage is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 (15:1 for Valley or Blue Oaks) ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance.
Plan Requirements: This condition shall be printed on all plans. Timing: This condition shall be printed on project plans prior to issuance of this Coastal Development Permit.
Monitoring: P&D staff shall ensure this condition is on plans. Permit compliance staff shall conduct site inspections to ensure compliance during grading and construction.
- 5. Bird Survey:** The applicant shall retain a qualified, County-approved biologist to conduct pre-construction surveys to avoid impacts to raptors, special status breeding birds and other nesting birds protected by the Migratory Bird Treaty Act. The survey area shall include approximately 500 feet around construction work areas or to the limits of the property lines if they are closer than 500 feet from the work areas. If an active nest of a common migratory or resident bird species is located, a 100 foot buffer (i.e. no work zone) or greater shall be implemented as determined by the County-approved biologist. Construction personnel entry shall be prohibited within the buffer zone. In the event that an active nest of any raptor or other special status breeding birds are observed within construction work areas or within 500 feet of these areas, the applicant shall delay construction work until (a) after September 15; or (b) until continued monitoring demonstrates that the nest is vacated and juveniles have fledged; or (c) a buffer zone sufficient to prevent disturbance of nesting activities, as determined by P&D in consultation with CDFG and/or U.S. Fish and Wildlife Service as appropriate, is implemented.

Results of the surveys shall be provided to the County and CDFG and shall include a description of any nests located and measures to be implemented to avoid nest sites.

Plan Requirements: This condition shall be printed on all plans. The pre-construction survey shall be conducted no more than 30 days prior to the start of construction. The applicant shall submit to P&D the name of the biologist selected to conduct the survey and shall provide the survey report to P&D.

Timing: Prior to issuance of this Coastal Development Permit, this condition shall be printed on all plans and the applicant shall provide the name of the qualified biologist. The survey report shall be provided prior to the start of any ground disturbing activities.

Monitoring: P&D staff shall ensure the condition is printed on plans and the qualified biologist is identified and retained. Permit Compliance and P&D staff shall verify compliance in the field and shall perform site inspections throughout the grading and construction phases. P&D staff shall review the survey report.

6. **Archaeological Monitoring and Sampling Plan:** The applicant shall retain a qualified, County-approved archaeologist to conduct a records search at the Central Coast Information Center of the University of California, Santa Barbara, for sites CA-SBA-16, CA-SBA-1578 and CA-SBA-2173. Based on the results of the record search, the archaeologist shall prepare a monitoring and sampling plan for ground-disturbance associated with the proposed project in consultation with the Staff Archaeologist of P&D. The archaeological monitor shall have the authority to stop or re-direct work in the event that archaeological remains are encountered. If archaeological remains are encountered during grading or any other construction activities, work shall be stopped immediately or redirected until a County-approved archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the permittee. At the conclusion of the monitoring activities, the archaeologist shall prepare a report, consistent with County guidelines, that presents and discusses the results of the testing program. **Plan Requirements:** This condition shall be printed on all plans. The applicant shall provide the name and contact information of the County-approved archaeologist and shall provide the proposed monitoring and sampling plan for review and approval by P&D. **Timing:** This condition shall be printed on all plans and the results of the record search and monitoring/sampling plan provided for review prior to issuance of the Coastal Development Permit. **Monitoring:** P&D staff shall ensure the condition is on plans and the records search and plan provided. Permit Compliance and P&D staff shall conduct spot checks in the field and shall ensure compliance with this condition.
7. **Human Remains:** If human remains are discovered during the project the specific protocol, guidelines and channels of communication outlined by the

Native American Heritage Commission (NAHC), and in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and SB 447 (Chapter 44, Statutes of 1987) shall be followed. Section 7050.5 (c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County Coroner. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she will contact the NAHC by telephone within 24 hours.

Plan Requirements: This condition shall be printed on all plans.

Timing: This condition shall be printed on plans prior to issuance of the Coastal Development Permit. Monitoring: P&D staff shall ensure condition is printed on plans. Permit Compliance and/or P&D staff shall conduct spot checks in the field and shall ensure compliance with this condition.

8. **Noise-02:** Construction activity for site preparation and future development shall be strictly limited to the hours between 8:30 a.m. and 3:30 p.m., Monday through Friday. No construction shall occur on weekends or State or national holidays. Construction equipment maintenance shall be limited to the same hours. Plan Requirements: The Applicant shall provide and post three signs stating these restrictions on-site. This conditions shall be printed on all grading and building plans.
- Timing: Signs shall be posted prior to commencement of construction and maintained for the duration of the project.
- Monitoring: The Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building and Grading inspectors and permit compliance staff shall spot check and respond to complaints.
9. **Noise-04:** Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded with appropriate acoustic shielding to P&D's satisfaction.

Plan Requirements: This condition shall be printed on all plans.

Timing: Equipment and shielding shall be installed prior to grading and/or construction and shall remain in place for the duration of the project.

Monitoring: P&D compliance staff shall ensure that that the acoustic shielding is in place prior to commencement of grading or construction activities and shall perform site inspections for the duration of the project to ensure compliance.

10. **Staging and Stockpiling:** Prior to issuance of this Coastal Development Permit, the applicant shall designate areas for staging, maintenance and stockpiling of equipment, materials, grading spoils or fill material and for concrete washout. Areas designated for staging, maintenance, and stockpiling functions and concrete washout shall be located at least 100 feet from any storm drain, creek, water body or sensitive biological resource. The location(s) of said staging, washout and

stockpiling area(s) shall be clearly noted at the construction site with signs and these areas and signs shall be in place prior to initiation of any project activities and shall be maintained for the duration of the project. Plan Requirements: This condition shall be printed on all grading and building plans. The applicant shall designate staging, maintenance, stockpiling and washout areas acceptable to P&D and these areas shall be shown on the site, grading and building plans. Timing: Prior to issuance of this Coastal Development Permit, all Plan Requirements shall be satisfied. These staging, stockpiling, maintenance and washout areas and the signs identifying the areas shall be in place prior to the start of any ground disturbance, stockpiling of materials, and staging or parking of equipment or vehicles, and shall remain in place for the duration of the project. Monitoring: Permit Compliance, P&D staff and/or Grading and Building Inspectors shall ensure compliance with this condition and the proper use and maintenance of the designated area(s).

11. **Prevent Run-Off and Contamination:** During grading and/or construction, the following activities shall occur only in areas where all run-off, contaminated water and materials can be contained for subsequent removal from the site and which are located a minimum of 100 feet from any watercourse, storm drain, creek, waterbody or other sensitive biological resource: staging and parking of equipment and vehicles; stockpiling of materials and supplies; minor maintenance of equipment, vehicles and machinery; washdown of vehicles to remove dirt only; washout of concrete trucks and/or equipment. Equipment and vehicle washing and major maintenance are prohibited at the site. Run-off and wash water shall not be discharged to storm drains, street, drainage ditches, creeks, or wetlands. Migration of materials or run-off from the project area shall be prevented by implementation of Best Management Practices, including, but not limited to, the use of soil berms, visquine, silt fencing, straw bales, coir, and/or straw wattle and/or as directed by Permit Compliance, P&D staff and/or Grading and Building Inspectors. Plan Requirements: This condition shall be printed on all grading and building plans. Timing: Prior to issuance of this Coastal Development Permit this conditions shall be printed on all plans. Prior to start of ground disturbing activities all materials needed to implement Best Management Practices shall be present on-site or at an approved off-site location. Monitoring: P&D staff shall ensure this condition is printed on plans. Permit Compliance, P&D staff and/or Grading and Building Inspectors shall ensure compliance with this condition and the proper use and maintenance of the designated area(s).
12. **Erosion and Sediment Control:** Best available erosion and sediment control measures shall be implemented during grading and construction and/or as directed by Permit Compliance, P&D staff or grading and building inspectors. Best available erosion and sediment control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. Storm drain inlets, creeks and other water bodies shall be protected from sediment-laden

waters by use of protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. Plan Requirements: This condition shall be printed on all grading and building plans. Erosion and sediment control materials and measures shall be present on-site, or at an approved off-site location, and installed on-site prior to the start of any ground disturbing activities. The erosion and sediment control measures shall be maintained for the duration of the project. Timing: Prior to issuance of this Coastal Development Permit, this condition shall be printed on all plans. The erosion and sediment control materials and measures shall be installed on-site prior to the start of any ground-disturbing activities and/or as directed by Permit Compliance, P&D staff or Grading and Building inspectors. Monitoring: P&D staff shall ensure this condition is printed on all plans. Permit Compliance, P&D staff and/or Grading and Building Inspectors shall perform site inspections and ensure compliance with this condition.

13. **BMPs to Prevent Discharge:** The following measures shall be implemented to reduce erosion from construction activities, to prevent sediment in storm water discharges, and to minimize non-storm water pollutants at the project site.
- a) Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate and/or as directed by P&D staff and grading and building inspectors. If stockpiles are present during the rainy season (designated the following period for this project: November 15 to April 1) they shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover).
 - b) BMPs to prevent discharge of construction materials, contaminants, washings, concrete, fuels, and oils shall include the following measures:
 - i.) Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and other fluids, and shall be examined for leaks on a daily basis. All maintenance shall occur in designated offsite areas, which shall include spill containment devices and absorbent materials to clean up spills.
 - ii. Any accidental spill of hydrocarbons or other fluids that may occur at the work site shall be cleaned immediately. Spill containment devices and absorbent materials shall be maintained on the work site for this purpose.
 - iii. All fuel, lubricants, paints and other construction liquids shall be stored in

secured and covered containers within a bermed or otherwise contained area at least 100 feet from any creek, drainage or waterbody.

iv. All refueling of vehicles and heavy equipment shall occur only within designated refueling areas located at least 100 feet from any creek, drainage or waterbody. All refueling locations shall be contained with an impervious material surrounded by an earthen berm. Designated refueling areas shall include spill containment devices (e.g. drain pans) and absorbent materials to clean up spills.

v. Equipment washing and major maintenance is prohibited at the project site, except for washdown of vehicles to remove dirt only.

vi. Waste and debris generated during construction shall be stored in designated waste collection areas and containers away from drainage features, and shall be disposed of regularly.

vii. Convenient portable sanitary/septic facilities shall be provided during construction activities. These facilities shall be well maintained and serviced, and wastes shall be treated and disposed of in accordance with State and local requirements.

Plan Requirements. This condition shall be printed on all plans. Timing: Prior to issuance of this Coastal Development Permit, this condition shall be printed on all plans. Monitoring: P&D staff shall ensure this condition is printed on all plans. Permit Compliance, P&D staff and/or Grading and Building Inspectors shall conduct inspections of BMPs throughout grading and construction and shall ensure compliance with this condition.

14. Road Surfacing: To prevent storm water contamination during roadwork or pavement construction, concrete, asphalt, and seal coat shall be applied only during dry weather. Storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc. Plan Requirements: This condition shall be printed on all plans. Timing: Prior to issuance of the Coastal Development Permit this condition shall be printed on all plans. Monitoring: P&D staff shall ensure this condition is printed on all plans. Permit Compliance, Grading and Building Inspectors and P&D staff shall conduct spot checks and ensure compliance with this condition and shall respond to complaints.

15. Parking-02: Parking of all construction-related vehicles, private worker vehicles, and construction equipment shall be located onsite within the project staging and stockpiling areas. No parking shall occur on adjacent area roadways. The applicant or general contractor or designee thereof shall be available and responsible for immediately moving any vehicles found parked in violation of this condition. Plan Requirements: This condition shall be printed on all project plans. The applicant shall provide the name and contact information of the individual responsible for immediately moving any vehicles found parked in violation of this condition.

Timing: The condition shall be printed on plans and the name and contact

information of the responsible individual provided prior to issuance of this Coastal Development Permit. This restriction shall be maintained throughout construction.

Monitoring: P&D staff shall ensure this condition is printed on plans and that the name and contact information of the responsible individual has been provided prior to issuance of the CDP. Permit Compliance, Grading and Building Inspectors and P&D staff shall conduct spot checks and ensure compliance with this condition and shall respond to complaints.

16. **SolidW-03:** The Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up daily from the project site and adjacent roadways and shoulders, and shall ensure site is free of trash and debris when construction is complete.

Plan Requirements: This condition shall be printed on all plans.

Timing: Prior to issuance of this Coastal Development Permit, this condition shall be printed on all plans and the applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Monitoring: P&D staff shall ensure this condition is printed on all plans and the trash contact person is designated. Permit compliance staff shall inspect periodically throughout grading and construction activities to ensure the site is free of all trash and debris.

17. **Road Closure:** On all roads on which work would occur, including but not limited to ~~North~~ Jameson Lane, Ortega Hill Road, Sheffield Drive and San Leandro Lane, at a minimum one lane shall remain open and passable for vehicles, pedestrians and bicyclists at all times for the duration of the project. Any proposed change to this condition shall require review and approval by both P&D and the Santa Barbara County Roads Division. Plan Requirements: This condition shall be printed on all grading and building plans. The applicant shall provide the name and contact information of the general contractor or designee thereof who shall be available and responsible for ensuring compliance with this condition. Timing: Prior to issuance of this Coastal Development Permit the applicant shall provide the name and contact information of the general contractor or designee thereof who shall be available and responsible for rectifying any violation of this condition as directed by P&D and/or the Roads Division. Monitoring: Permit Compliance, Grading and Building Inspectors and P&D staff shall conduct spot checks and ensure compliance with this condition and shall respond to complaints.

18. **Road Encroachment Permit:** Road Encroachment Permit. The applicant shall apply for and receive a Road Encroachment Permit from the Santa Barbara County Public Works Department, Transportation Division. Timing: The applicant shall provide a copy of the Road Encroachment Permit prior to issuance of this Coastal Development Permit. Monitoring: P&D staff shall ensure a Road Encroachment Permit has been issued.

County Rules and Regulations

19. **Rules-03:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
20. **Rules-05:** The applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the applicant.
21. **Rules-10:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Montecito Planning Commission. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. Prior to the expiration of such two year period the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.
22. **Rules-23:** Prior to issuance of this Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
23. **Rules-30:** The applicant shall ensure all final conditions of approval are printed in their entirety on the site, grading/construction or building plans submitted to P&D and/or the Building and Safety Division. These shall be graphically illustrated where feasible.
24. **Rules-31:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant shall:
 1. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 2. Pay a deposit fee of \$1,500.00 prior to issuance of the Coastal Development Permit as authorized by ordinance and fee schedules to cover costs of monitoring as described above, including costs for P&D to hire and manage outside

consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;

3. Note the following on each page of grading and building plans. "This project is subject to Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval";

4. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

5. In the event that staff determines that any portion of the project is not in compliance with the conditions of approval of this permit or the approved plans dated June 10, 2010, an immediate STOP WORK order may be issued.

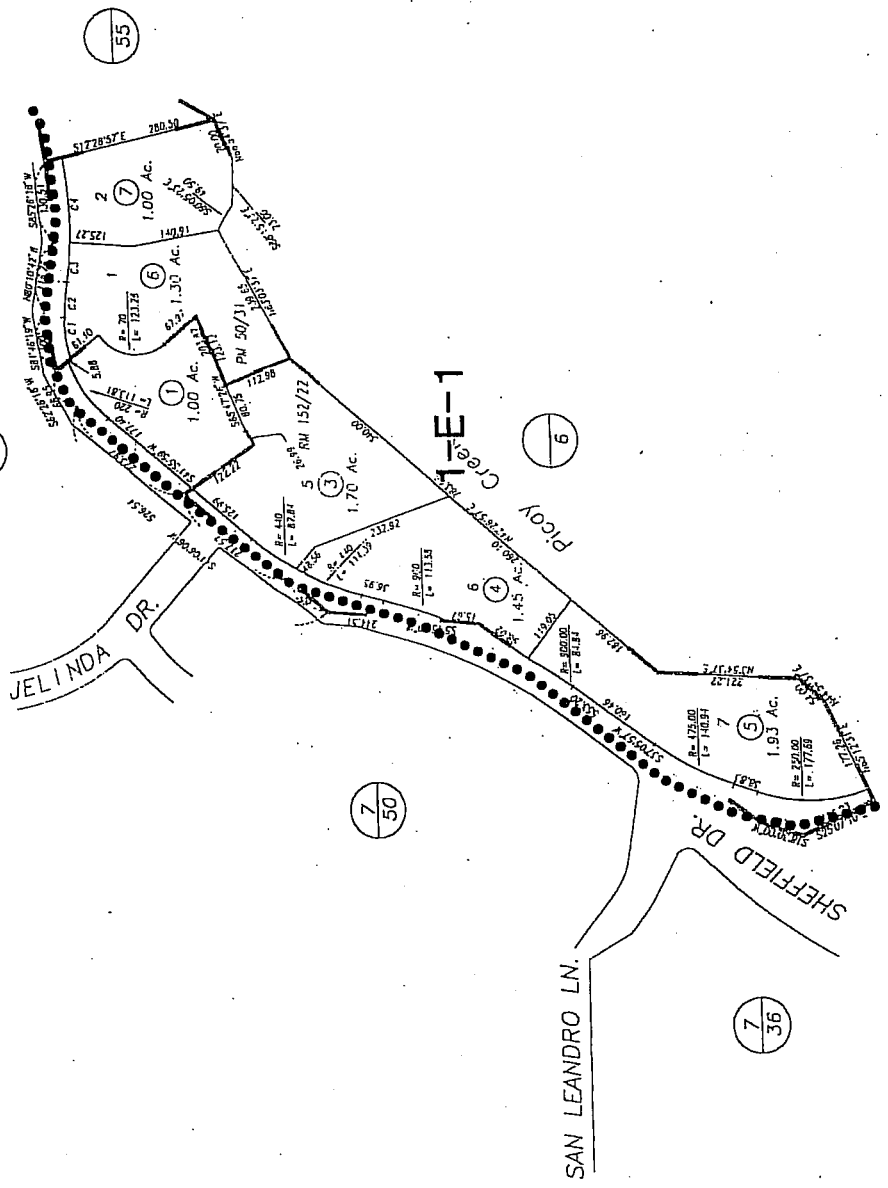
25. **Rules-33:** The applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Coastal Development Permit. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
26. **Rules-34:** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.
27. **Revocation:** Issuance of the Coastal Development Permit is contingent upon compliance with all conditions imposed as part of the project approval. If it is determined that development activity is occurring in violation of any or all such conditions, the Director may revoke this Permit and all authorization for development. Written notice of such Revocation shall be provided to the permittee. The decision of the Director to revoke the Coastal Development Permit may be appealed in compliance with Section 35-182 (Appeals) of Article II of the Santa Barbara County Code.

005-56

EZ

POR. PUEBLO LANDS

NO.	CURVE TYPE	RADIUS	LENGTH
C1		275	28.37
C2		275	28.37
C3		275	28.37
C4		275	28.37



NOTICE
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

All Parcels Within Growth Management Ordinance (GMO)
 Assessor's Map Bk, 005-56
 County of Santa Barbara, Calif.

09/94
 02 into 6 & 7

07/29/87 R.M. Bk. 152, Pg. 22-28, Tract 13,508

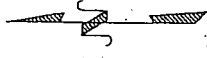
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POR. PUEBLO LANDS

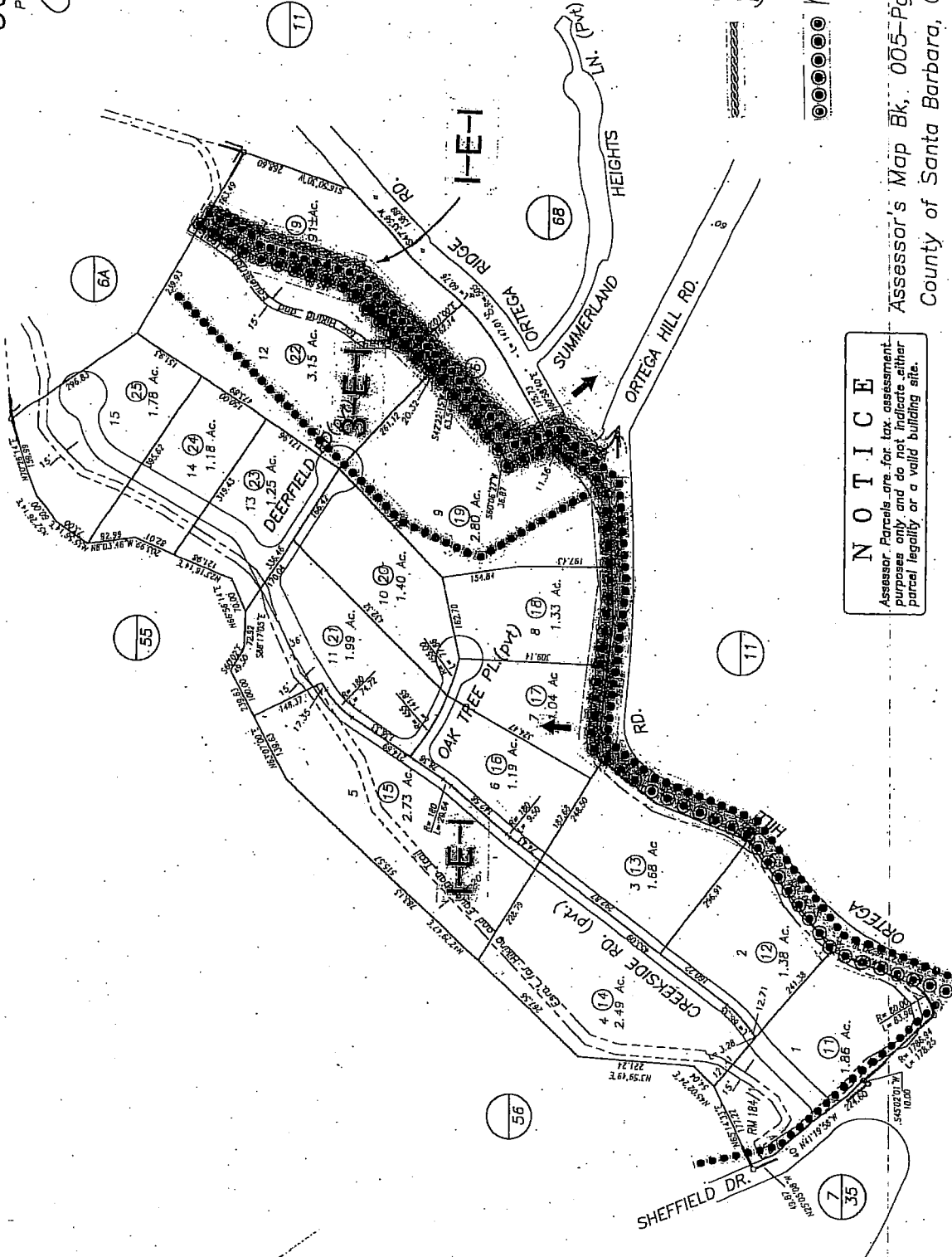
005-06

Page 1 of 2

CZ



1" = 200' SCALE



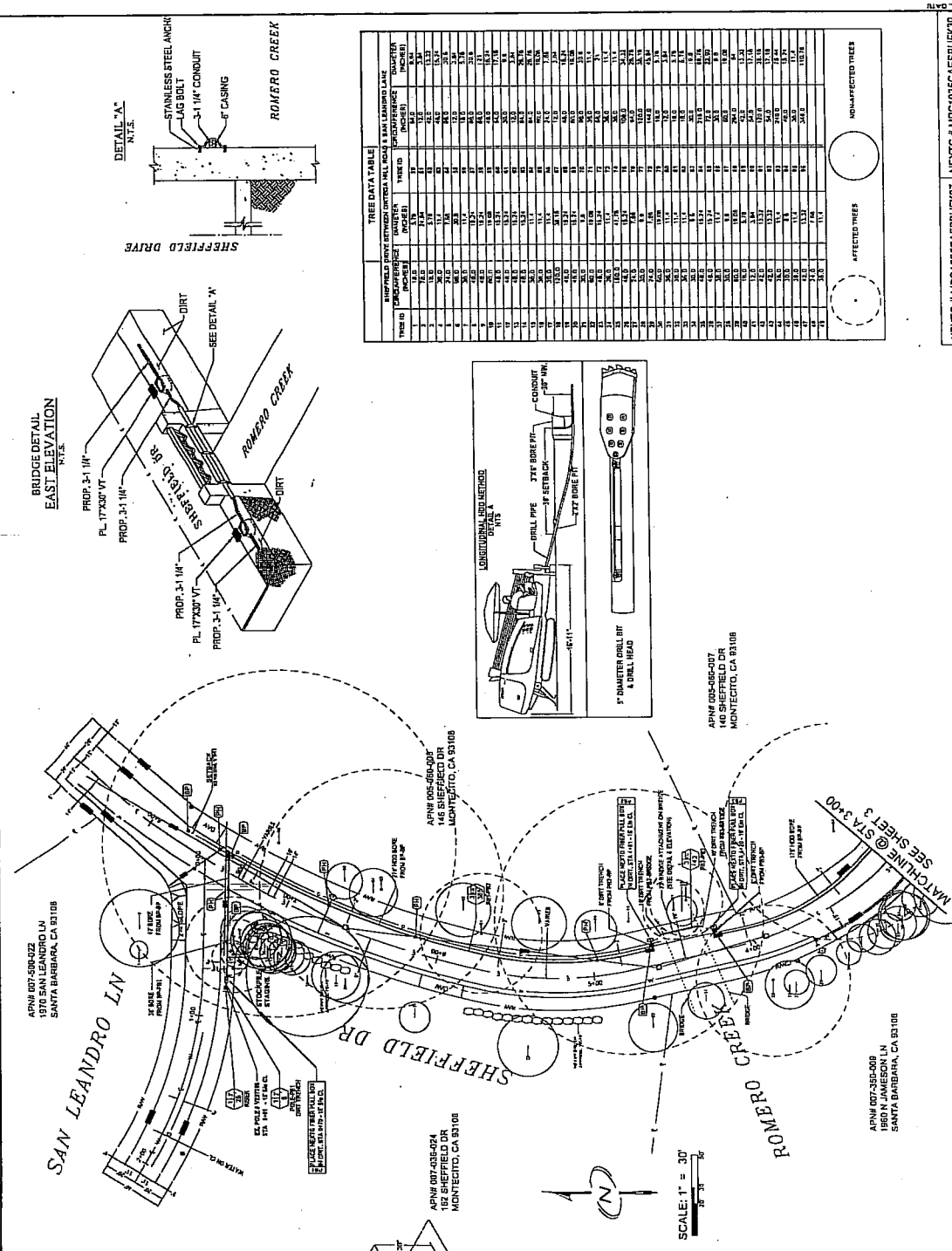
NOTICE

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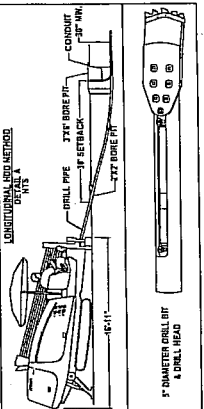
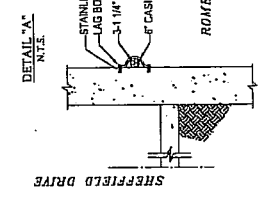
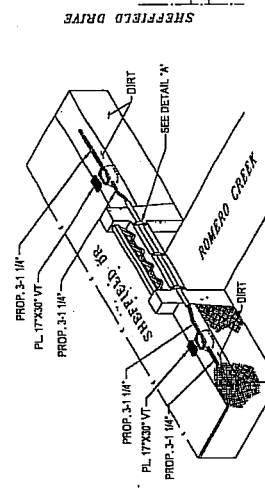
Assessor's Map Bk, 005-Pg, 06
County of Santa Barbara, Calif.

02/01/1999 R.M. Bk. 184, Pg. 1-12, Tract 14,038.

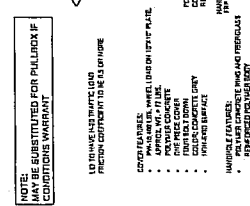
LD/01 Add hilling and easement trail area



BRIDGE DETAIL EAST ELEVATION N.T.S.



TREE DATA TABLE			EXISTING TREE			NEW TREE		
TREE #	DIAMETER	HEIGHT	TYPED	DATE	TYPED	DATE	TYPED	DATE
(INCHES)	(FEET)	(FEET)	(INCHES)	(INCHES)	(FEET)	(FEET)	(FEET)	(FEET)
1	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
2	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0
3	18.0	18.0	18.0	18.0	18.0	18.0	18.0	18.0
4	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0
5	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0
6	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0
7	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0
8	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
9	36.0	36.0	36.0	36.0	36.0	36.0	36.0	36.0
10	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
11	42.0	42.0	42.0	42.0	42.0	42.0	42.0	42.0
12	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0
13	48.0	48.0	48.0	48.0	48.0	48.0	48.0	48.0
14	51.0	51.0	51.0	51.0	51.0	51.0	51.0	51.0
15	54.0	54.0	54.0	54.0	54.0	54.0	54.0	54.0
16	57.0	57.0	57.0	57.0	57.0	57.0	57.0	57.0
17	60.0	60.0	60.0	60.0	60.0	60.0	60.0	60.0
18	63.0	63.0	63.0	63.0	63.0	63.0	63.0	63.0
19	66.0	66.0	66.0	66.0	66.0	66.0	66.0	66.0
20	69.0	69.0	69.0	69.0	69.0	69.0	69.0	69.0
21	72.0	72.0	72.0	72.0	72.0	72.0	72.0	72.0
22	75.0	75.0	75.0	75.0	75.0	75.0	75.0	75.0
23	78.0	78.0	78.0	78.0	78.0	78.0	78.0	78.0
24	81.0	81.0	81.0	81.0	81.0	81.0	81.0	81.0
25	84.0	84.0	84.0	84.0	84.0	84.0	84.0	84.0
26	87.0	87.0	87.0	87.0	87.0	87.0	87.0	87.0
27	90.0	90.0	90.0	90.0	90.0	90.0	90.0	90.0
28	93.0	93.0	93.0	93.0	93.0	93.0	93.0	93.0
29	96.0	96.0	96.0	96.0	96.0	96.0	96.0	96.0
30	99.0	99.0	99.0	99.0	99.0	99.0	99.0	99.0
31	102.0	102.0	102.0	102.0	102.0	102.0	102.0	102.0
32	105.0	105.0	105.0	105.0	105.0	105.0	105.0	105.0
33	108.0	108.0	108.0	108.0	108.0	108.0	108.0	108.0
34	111.0	111.0	111.0	111.0	111.0	111.0	111.0	111.0
35	114.0	114.0	114.0	114.0	114.0	114.0	114.0	114.0
36	117.0	117.0	117.0	117.0	117.0	117.0	117.0	117.0
37	120.0	120.0	120.0	120.0	120.0	120.0	120.0	120.0
38	123.0	123.0	123.0	123.0	123.0	123.0	123.0	123.0
39	126.0	126.0	126.0	126.0	126.0	126.0	126.0	126.0
40	129.0	129.0	129.0	129.0	129.0	129.0	129.0	129.0
41	132.0	132.0	132.0	132.0	132.0	132.0	132.0	132.0
42	135.0	135.0	135.0	135.0	135.0	135.0	135.0	135.0
43	138.0	138.0	138.0	138.0	138.0	138.0	138.0	138.0
44	141.0	141.0	141.0	141.0	141.0	141.0	141.0	141.0
45	144.0	144.0	144.0	144.0	144.0	144.0	144.0	144.0
46	147.0	147.0	147.0	147.0	147.0	147.0	147.0	147.0
47	150.0	150.0	150.0	150.0	150.0	150.0	150.0	150.0
48	153.0	153.0	153.0	153.0	153.0	153.0	153.0	153.0
49	156.0	156.0	156.0	156.0	156.0	156.0	156.0	156.0
50	159.0	159.0	159.0	159.0	159.0	159.0	159.0	159.0



PROJECT NO. 1035CAE5BURN07 **NEXTIG #** MPC1035CAE5BURNK39 **SHEET NO.** 2 OF 3

DESIGNED BY: **NextIG Networks**
 of California, Inc.
 1430 WILSON AVENUE
 SANTA BARBARA, CA 93108

CHECKED BY: **Scale** 1" = 30'

DRAWN BY: **UN**

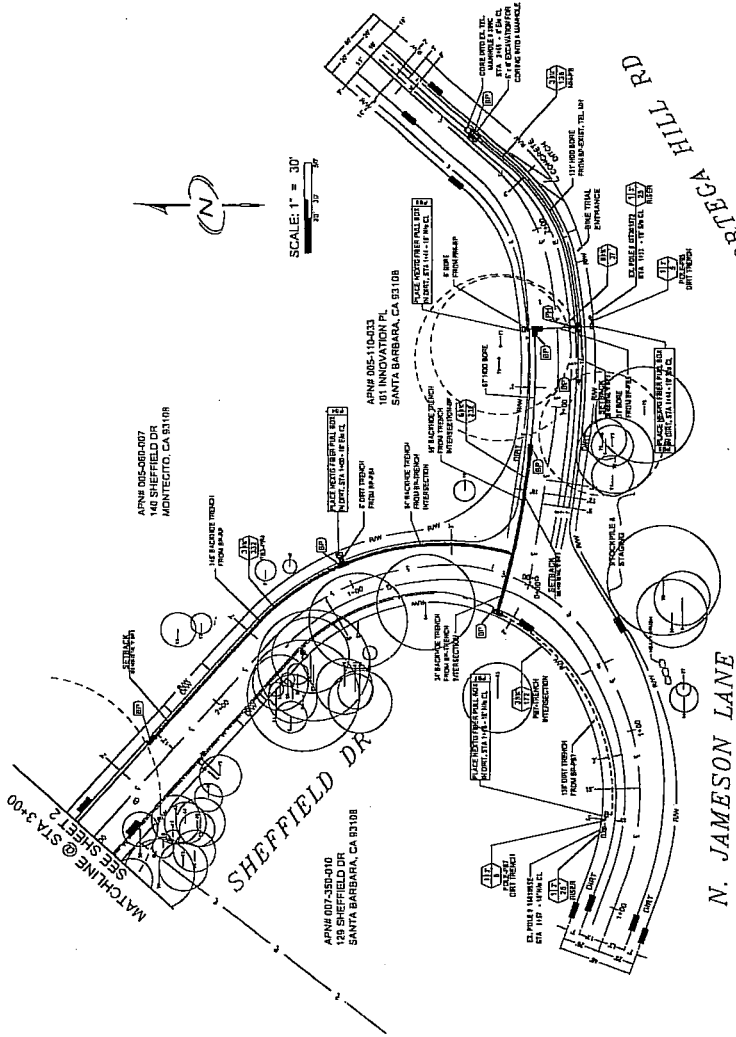
DATE:

PLANS PREPARED UNDER SUPERVISION OF: **WILLIAM TORRES**
 P.E. No. 4934
 2550 WEST 15TH AVENUE
 SANTA BARBARA, CA 93101

REV.	DATE	DESCRIPTION

DRAFTED BY: **LAB ENGINEERING**
 1897 CALIFORNIA AVE
 SHERMANTON, CA 92082
 (949) 584-8100
 FAX: (949) 584-9518

COUNTY OF SANTA BARBARA
 DEPARTMENT OF PUBLIC WORKS

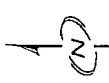


SCALE: 1" = 30'

APN# 065-408-007
155 SHEFFIELD DR
MONTESQUITO, CA 93108

APN# 065-110-033
151 INNOVATION PL
SANTA BARBARA, CA 93108

APN# 017-355-010
129 SHEFFIELD DR
SANTA BARBARA, CA 93108



DIG ALERT!
ATTITUDE BEFORE YOU DIG
UNDERGROUND SERVICE ALERT

PLANT PREPARED UNDER SUPERVISION OF _____ DATE _____

REVISIONS
NO. DATE DESCRIPTION

PROJECT NO. 1035CAE8BUN07
NEXTG # MFC1035CAE8BUN07

DESIGN BY: LW
DRAWN BY: LW
CHECKED BY: JW

COUNTY OF SANTA BARBARA
DEPARTMENT OF PUBLIC WORKS

APPROVED BY: _____ DATE: _____
DIRECTOR OF PUBLIC WORKS

APPROVED BY: _____ DATE: _____
SUPERVISOR

DRAFTED BY: A.B.
1837 CALIFORNIA AVE
CORONA, CA 92709
360-820-2424
FAX: 951-808-9519
ENGINEERING

PROJECT NO. 1035CAE8BUN07
NEXTG # MFC1035CAE8BUN07

DESIGN BY: LW
DRAWN BY: LW
CHECKED BY: JW

COUNTY OF SANTA BARBARA
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DIRECTOR OF PUBLIC WORKS

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360-820-2424
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ENGINEERING



COUNTY OF SANTA BARBARA

Planning and Development

COASTAL DEVELOPMENT PERMIT

Case No.: 10CDH-00000-00012

Project Name: NextG Trenching – Ortega Hill

Project Address: n/a

Assessor's Parcel No.: n/a

Applicant Name: Sharon James, NextG Networks of California

The Montecito Planning Commission hereby approves this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

Associated Case Number(s): N/A

Project Description Summary: See Attached

Project Specific Conditions: See Attached

Permit Compliance Case: Yes No

Permit Compliance Case No.: _____

Appeals: The approval of this Coastal Development Permit may be appealed to the by the applicant or an aggrieved person. The written appeal and accompanying fee must be filed with the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, by 5:00 p.m. on or before .

The final action by the County on this Coastal Development Permit may be appealed to the California Coastal Commission after the appellant has exhausted all local appeals. Therefore a fee is not required to file an appeal of this Coastal Development Permit.

Terms of Permit Issuance:

- 1. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**
- 2. Date of Permit Issuance.** This Permit shall be deemed effective and issued on above, provided an appeal of this approval has not been filed.
- 3. Time Limit.** The approval of this Coastal Development Permit shall be valid for one year from the date of approval. Failure to obtain a required construction, demolition, or grading permit and to lawfully commence development within two years of permit issuance shall render this Coastal Development Permit null and void.

NOTE: Approval and issuance of a Coastal Development Permit for this project does not allow construction or use outside of the project description, terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

Owner/Applicant Acknowledgement: Undersigned permittee acknowledges receipt of this pending approval and agrees to abide by all terms and conditions thereof.

Print Name	Signature	/ Date
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Date of Montecito Planning Commission Approval: _____

Planning and Development Department Issuance by:

Print Name	Signature	/ Date
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ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

1. **ProjDes-01:** This Coastal Development Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Attachment E, dated June 10, 2010, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project is for the boring, trenching and installation of approximately 1,295 feet of underground conduit and telecommunications fiber along Sheffield Drive, Ortega Hill Road, North Jameson Lane and San Leandro Lane. The new underground conduit and fiber are to support a new distributed antenna system. The project will require approximately 769 feet of directional drilling (boring) and 526 feet of traditional trenching. The trench will have a maximum depth of three (3) feet and a width of 18 inches. Approximately 120 cubic yards of material will be excavated. No export or import of soil is proposed. Trenching and boring will take place entirely within the rights-of-way of the subject roads, with connections to existing above-ground utility poles. Seven (7) at-grade "pull boxes" will be installed in the dirt shoulders of the subject roadways. There are 96 trees within 75 feet of the project area. Trenching within the critical root zones of adjacent trees will be limited to five (5) discrete, short, non-contiguous lengths of hand-dug trench, with a maximum length of 10 feet. The total amount of trench located within the critical root zones will be 37 feet. The project will require and implement lane closures and traffic control. Parking and staging of materials and equipment will occur at the southwest corner of Sheffield and San Leandro and at the southeast corner of Ortega Hill and Jameson.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans) such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will

constitute a violation of permit approval.

Conditions By Issue Area

2. **Air-01:** The Applicant shall comply with the following dust control components at all times including weekends and holidays:
 - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.
 - g. Trucks transporting soils, gravel or other similar materials to and/or from the site shall be tarped from the point of origin.
 - h. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
 - i. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
 - j. Seed and water to re-vegetate graded areas; and/or
 - ii. Spread soil binders; and/or
 - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

Plan Requirements: This condition shall be printed on all plans.

Pre-construction Requirements: The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

Timing: This condition shall be printed on all plans and the dust monitor designated prior to issuance of this Coastal Development Permit. The dust control components apply from the beginning of any grading or construction throughout all development activities for the duration of the project.

Monitoring: P&D staff shall ensure the condition is printed on plans and the dust monitor designated. Permit Compliance staff and grading and building inspectors shall spot check; Permit Compliance staff and Grading and Building inspectors shall ensure compliance onsite.

3. **Arborist Supervision of Trenching:** All trenching within the critical root zones of the trees identified on the project plans shall be conducted by hand. A qualified, County-approved arborist shall supervise all hand trenching within the root zones of the subject trees. The direction of the arborist to prevent or repair damage to tree roots during trenching shall be implemented. Plan Requirements: This condition shall be printed on all plans. The applicant shall provide the name and contact information of the qualified arborist retained to supervise the project. Timing: Prior to issuance of the Coastal Development Permit, the condition shall be printed on plans and the name and contact information provided. Monitoring: P&D staff shall ensure the condition is printed on plans and the arborist information provided. Permit Compliance staff and/or P&D staff shall conduct spot checks in the field and ensure compliance with this condition.
4. **Bio-01:** No tree removal or damage is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 (15:1 for Valley or Blue Oaks) ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance.
Plan Requirements: This condition shall be printed on all plans. Timing: This condition shall be printed on project plans prior to issuance of this Coastal Development Permit.
Monitoring: P&D staff shall ensure this condition is on plans. Permit compliance staff shall conduct site inspections to ensure compliance during grading and construction.
5. **Bird Survey:** The applicant shall retain a qualified, County-approved biologist to conduct pre-construction surveys to avoid impacts to raptors, special status breeding birds and other nesting birds protected by the Migratory Bird Treaty Act. The survey area shall include approximately 500 feet around construction work areas or to the limits of the property lines if they are closer than 500 feet from the work areas. If an active nest of a common migratory or resident bird species is located, a 100 foot buffer (i.e. no work zone) or greater shall be implemented as determined by the County-approved biologist. Construction personnel entry shall be prohibited within the buffer zone. In the event that an active nest of any raptor or other special status breeding birds are observed within construction work areas or within 500 feet of these areas, the applicant shall delay construction work until (a) after September 15; or (b) until continued monitoring demonstrates that the nest is vacated and juveniles have fledged; or (c) a buffer zone sufficient to prevent disturbance of nesting activities, as determined by P&D in consultation with CDFG and/or U.S. Fish and Wildlife Service as appropriate, is implemented.

Results of the surveys shall be provided to the County and CDFG and shall include a description of any nests located and measures to be implemented to avoid nest sites.

Plan Requirements: This condition shall be printed on all plans. The pre-construction survey shall be conducted no more than 30 days prior to the start of construction. The applicant shall submit to P&D the name of the biologist selected to conduct the survey and shall provide the survey report to P&D.

Timing: Prior to issuance of this Coastal Development Permit, this condition shall be printed on all plans and the applicant shall provide the name of the qualified biologist. The survey report shall be provided prior to the start of any ground disturbing activities.

Monitoring: P&D staff shall ensure the condition is printed on plans and the qualified biologist is identified and retained. Permit Compliance and P&D staff shall verify compliance in the field and shall perform site inspections throughout the grading and construction phases. P&D staff shall review the survey report.

6. **Archaeological Monitoring and Sampling Plan:** The applicant shall retain a qualified, County-approved archaeologist to conduct a records search at the Central Coast Information Center of the University of California, Santa Barbara, for sites CA-SBA-16, CA-SBA-1578 and CA-SBA-2173. Based on the results of the record search, the archaeologist shall prepare a monitoring and sampling plan for ground-disturbance associated with the proposed project in consultation with the Staff Archaeologist of P&D. The archaeological monitor shall have the authority to stop or re-direct work in the event that archaeological remains are encountered. If archaeological remains are encountered during grading or any other construction activities, work shall be stopped immediately or redirected until a County-approved archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the permittee. At the conclusion of the monitoring activities, the archaeologist shall prepare a report, consistent with County guidelines, that presents and discusses the results of the testing program. **Plan Requirements:** This condition shall be printed on all plans. The applicant shall provide the name and contact information of the County-approved archaeologist and shall provide the proposed monitoring and sampling plan for review and approval by P&D. **Timing:** This condition shall be printed on all plans and the results of the record search and monitoring/sampling plan provided for review prior to issuance of the Coastal Development Permit. **Monitoring:** P&D staff shall ensure the condition is on plans and the records search and plan provided. Permit Compliance and P&D staff shall conduct spot checks in the field and shall ensure compliance with this condition.
7. **Human Remains:** If human remains are discovered during the project the specific protocol, guidelines and channels of communication outlined by the

Native American Heritage Commission (NAHC), and in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and SB 447 (Chapter 44, Statutes of 1987) shall be followed. Section 7050.5 (c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County Coroner. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she will contact the NAHC by telephone within 24 hours.

Plan Requirements: This condition shall be printed on all plans.

Timing: This condition shall be printed on plans prior to issuance of the Coastal Development Permit. Monitoring: P&D staff shall ensure condition is printed on plans. Permit Compliance and/or P&D staff shall conduct spot checks in the field and shall ensure compliance with this condition.

8. **Noise-02:** Construction activity for site preparation and future development shall be strictly limited to the hours between 8:30 a.m. and 3:30 p.m., Monday through Friday. No construction shall occur on weekends or State or national holidays. Construction equipment maintenance shall be limited to the same hours. Plan Requirements: The Applicant shall provide and post three signs stating these restrictions on-site. This conditions shall be printed on all grading and building plans.

Timing: Signs shall be posted prior to commencement of construction and maintained for the duration of the project.

Monitoring: The Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building and Grading inspectors and permit compliance staff shall spot check and respond to complaints.

9. **Noise-04:** Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded with appropriate acoustic shielding to P&D's satisfaction.

Plan Requirements: This condition shall be printed on all plans.

Timing: Equipment and shielding shall be installed prior to grading and/or construction and shall remain in place for the duration of the project.

Monitoring: P&D compliance staff shall ensure that that the acoustic shielding is in place prior to commencement of grading or construction activities and shall perform site inspections for the duration of the project to ensure compliance.

10. **Staging and Stockpiling:** Prior to issuance of this Coastal Development Permit, the applicant shall designate areas for staging, maintenance and stockpiling of equipment, materials, grading spoils or fill material and for concrete washout. Areas designated for staging, maintenance, and stockpiling functions and concrete washout shall be located at least 100 feet from any storm drain, creek, water body or sensitive biological resource. The location(s) of said staging, washout and

stockpiling area(s) shall be clearly noted at the construction site with signs and these areas and signs shall be in place prior to initiation of any project activities and shall be maintained for the duration of the project. Plan Requirements: This condition shall be printed on all grading and building plans. The applicant shall designate staging, maintenance, stockpiling and washout areas acceptable to P&D and these areas shall be shown on the site, grading and building plans. Timing: Prior to issuance of this Coastal Development Permit, all Plan Requirements shall be satisfied. These staging, stockpiling, maintenance and washout areas and the signs identifying the areas shall be in place prior to the start of any ground disturbance, stockpiling of materials, and staging or parking of equipment or vehicles, and shall remain in place for the duration of the project. Monitoring: Permit Compliance, P&D staff and/or Grading and Building Inspectors shall ensure compliance with this condition and the proper use and maintenance of the designated area(s).

11. **Prevent Run-Off and Contamination:** During grading and/or construction, the following activities shall occur only in areas where all run-off, contaminated water and materials can be contained for subsequent removal from the site and which are located a minimum of 100 feet from any watercourse, storm drain, creek, waterbody or other sensitive biological resource: staging and parking of equipment and vehicles; stockpiling of materials and supplies; minor maintenance of equipment, vehicles and machinery; washdown of vehicles to remove dirt only; washout of concrete trucks and/or equipment. Equipment and vehicle washing and major maintenance are prohibited at the site. Run-off and wash water shall not be discharged to storm drains, street, drainage ditches, creeks, or wetlands. Migration of materials or run-off from the project area shall be prevented by implementation of Best Management Practices, including, but not limited to, the use of soil berms, visquine, silt fencing, straw bales, coir, and/or straw wattle and/or as directed by Permit Compliance, P&D staff and/or Grading and Building Inspectors. Plan Requirements: This condition shall be printed on all grading and building plans. Timing: Prior to issuance of this Coastal Development Permit this conditions shall be printed on all plans. Prior to start of ground disturbing activities all materials needed to implement Best Management Practices shall be present on-site or at an approved off-site location. Monitoring: P&D staff shall ensure this condition is printed on plans. Permit Compliance, P&D staff and/or Grading and Building Inspectors shall ensure compliance with this condition and the proper use and maintenance of the designated area(s).
12. **Erosion and Sediment Control:** Best available erosion and sediment control measures shall be implemented during grading and construction and/or as directed by Permit Compliance, P&D staff or grading and building inspectors. Best available erosion and sediment control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. Storm drain inlets, creeks and other water bodies shall be protected from sediment-laden

waters by use of protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. Plan Requirements: This condition shall be printed on all grading and building plans. Erosion and sediment control materials and measures shall be present on-site, or at an approved off-site location. , and installed on-site prior to the start of any ground disturbing activities The erosion and sediment control measures shall be maintained for the duration of the project. Timing: Prior to issuance of this Coastal Development Permit, this condition shall be printed on all plans. The erosion and sediment control materials and measures shall be installed on-site prior to the start of any ground-disturbing activities and/or as directed by Permit Compliance, P&D staff or Grading and Building inspectors. Monitoring: P&D staff shall ensure this condition is printed on all plans. Permit Compliance, P&D staff and/or Grading and Building Inspectors shall perform site inspections and ensure compliance with this condition.

13. **BMPs to Prevent Discharge:** The following measures shall be implemented to reduce erosion from construction activities, to prevent sediment in storm water discharges, and to minimize non-storm water pollutants at the project site.
- a) Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate and/or as directed by P&D staff and grading and building inspectors. If stockpiles are present during the rainy season (designated the following period for this project: November 15 to April 1) they shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover).
 - b) BMPs to prevent discharge of construction materials, contaminants, washings, concrete, fuels, and oils shall include the following measures:
 - i.) Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and other fluids, and shall be examined for leaks on a daily basis. All maintenance shall occur in designated offsite areas, which shall include spill containment devices and absorbent materials to clean up spills.
 - ii. Any accidental spill of hydrocarbons or other fluids that may occur at the work site shall be cleaned immediately. Spill containment devices and absorbent materials shall be maintained on the work site for this purpose.
 - iii. All fuel, lubricants, paints and other construction liquids shall be stored in

secured and covered containers within a bermed or otherwise contained area at least 100 feet from any creek, drainage or waterbody.

iv. All refueling of vehicles and heavy equipment shall occur only within designated refueling areas located at least 100 feet from any creek, drainage or waterbody. All refueling locations shall be contained with an impervious material surrounded by an earthen berm. Designated refueling areas shall include spill containment devices (e.g. drain pans) and absorbent materials to clean up spills.

v. Equipment washing and major maintenance is prohibited at the project site, except for washdown of vehicles to remove dirt only.

vi. Waste and debris generated during construction shall be stored in designated waste collection areas and containers away from drainage features, and shall be disposed of regularly.

vii. Convenient portable sanitary/septic facilities shall be provided during construction activities. These facilities shall be well maintained and serviced, and wastes shall be treated and disposed of in accordance with State and local requirements.

Plan Requirements. This condition shall be printed on all plans. Timing: Prior to issuance of this Coastal Development Permit, this condition shall be printed on all plans. Monitoring: P&D staff shall ensure this condition is printed on all plans. Permit Compliance, P&D staff and/or Grading and Building Inspectors shall conduct inspections of BMPs throughout grading and construction and shall ensure compliance with this condition.

14. Road Surfacing: To prevent storm water contamination during roadwork or pavement construction, concrete, asphalt, and seal coat shall be applied only during dry weather. Storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc. Plan Requirements: This condition shall be printed on all plans. Timing: Prior to issuance of the Coastal Development Permit this condition shall be printed on all plans. Monitoring: P&D staff shall ensure this condition is printed on all plans. Permit Compliance, Grading and Building Inspectors and P&D staff shall conduct spot checks and ensure compliance with this condition and shall respond to complaints.

15. Parking-02: Parking of all construction-related vehicles, private worker vehicles, and construction equipment shall be located onsite within the project staging and stockpiling areas. No parking shall occur on adjacent area roadways. The applicant or general contractor or designee thereof shall be available and responsible for immediately moving any vehicles found parked in violation of this condition. Plan Requirements: This condition shall be printed on all project plans. The applicant shall provide the name and contact information of the individual responsible for immediately moving any vehicles found parked in violation of this condition.

Timing: The condition shall be printed on plans and the name and contact

information of the responsible individual provided prior to issuance of this Coastal Development Permit. This restriction shall be maintained throughout construction.

Monitoring: P&D staff shall ensure this condition is printed on plans and that the name and contact information of the responsible individual has been provided prior to issuance of the CDP. Permit Compliance, Grading and Building Inspectors and P&D staff shall conduct spot checks and ensure compliance with this condition and shall respond to complaints.

16. **SolidW-03:** The Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up daily from the project site and adjacent roadways and shoulders, and shall ensure site is free of trash and debris when construction is complete.

Plan Requirements: This condition shall be printed on all plans.

Timing: Prior to issuance of this Coastal Development Permit, this condition shall be printed on all plans and the applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Monitoring: P&D staff shall ensure this condition is printed on all plans and the trash contact person is designated. Permit compliance staff shall inspect periodically throughout grading and construction activities to ensure the site is free of all trash and debris.

17. **Road Closure:** On all roads on which work would occur, including but not limited to North Jameson Lane, Ortega Hill Road, Sheffield Drive and San Leandro Lane, at a minimum one lane shall remain open and passable for vehicles, pedestrians and bicyclists at all times for the duration of the project. Any proposed change to this condition shall require review and approval by both P&D and the Santa Barbara County Roads Division. Plan Requirements: This condition shall be printed on all grading and building plans. The applicant shall provide the name and contact information of the general contractor or designee thereof who shall be available and responsible for ensuring compliance with this condition. Timing: Prior to issuance of this Coastal Development Permit the applicant shall provide the name and contact information of the general contractor or designee thereof who shall be available and responsible for rectifying any violation of this condition as directed by P&D and/or the Roads Division. Monitoring: Permit Compliance, Grading and Building Inspectors and P&D staff shall conduct spot checks and ensure compliance with this condition and shall respond to complaints.

18. **Road Encroachment Permit:** Road Encroachment Permit. The applicant shall apply for and receive a Road Encroachment Permit from the Santa Barbara County Public Works Department, Transportation Division. Timing: The applicant shall provide a copy of the Road Encroachment Permit prior to issuance of this Coastal Development Permit. Monitoring: P&D staff shall ensure a Road Encroachment Permit has been issued.

County Rules and Regulations

19. **Rules-03:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
20. **Rules-05:** The applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the applicant.
21. **Rules-10:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Montecito Planning Commission. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. Prior to the expiration of such two year period the Director may extend such period one time ~~for one~~ year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.
22. **Rules-23:** Prior to issuance of this Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
23. **Rules-30:** The applicant shall ensure all final conditions of approval are printed in their entirety on the site, grading/construction or building plans submitted to P&D and/or the Building and Safety Division. These shall be graphically illustrated where feasible.
24. **Rules-31:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant shall:
 1. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 2. Pay a deposit fee of \$1,500.00 prior to issuance of the Coastal Development Permit as authorized by ordinance and fee schedules to cover costs of monitoring as described above, including costs for P&D to hire and manage outside

consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;

3. Note the following on each page of grading and building plans "This project is subject to Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval";

4. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

5. In the event that staff determines that any portion of the project is not in compliance with the conditions of approval of this permit or the approved plans dated June 10, 2010, an immediate STOP WORK order may be issued.

25. **Rules-33:** The applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Coastal Development Permit. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
26. **Rules-34:** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.
27. **Revocation:** Issuance of the Coastal Development Permit is contingent upon compliance with all conditions imposed as part of the project approval. If it is determined that development activity is occurring in violation of any or all such conditions, the Director may revoke this Permit and all authorization for development. Written notice of such Revocation shall be provided to the permittee. The decision of the Director to revoke the Coastal Development Permit may be appealed in compliance with Section 35-182 (Appeals) of Article II of the Santa Barbara County Code.