



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: 7/13/10
Placement: Set Hearing
Estimated Tme: 0.5 hours on 8/3/10
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell Ph.D., Director, 568-2085
Director Planning and Development
Contact Info: Dave Ward, Deputy Director, 568-2520
Development Review Division-South County
SUBJECT: Set Hearing for the NextG Trenching ESBUFK39 Appeal

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors set a hearing for August 3, 2010 to consider the NextG appeal (Case No. 10APL-00000-00015) of the Montecito Planning Commission's June 10, 2010 denial of the NextG Trenching ESBUFK39 permit, Case No. 10CDH-00000-00012 located in the public road rights-of-way of N. Jameson Lane, Ortega Hill Road, Sheffield Drive and San Leandro Lane, in the Montecito area, First Supervisorial District.

Summary Text:

NextG's application for 10CDH-00000-00012 was submitted on March 31, 2010. The project is a request by the agent, Sharon James, for the applicant, NextG Networks of California, Inc., for a Coastal Development Permit for the boring, trenching and installation of approximately 1,295 feet of underground conduit along Sheffield Drive, Ortega Hill Road, North Jameson Lane and San Leandro Lane to support a new distributed antenna system. The project would require approximately 769 feet of directional drilling (boring) and 526 feet of traditional trenching. The trench would have a maximum depth of three (3) feet and a width of 18 inches. Approximately 120 cubic yards of material would be excavated.

The proposed project is located in the Coastal Commission Appeals Jurisdiction, and therefore required a public hearing under the jurisdiction of the Zoning Administrator. In the Montecito area, the Montecito Planning Commission acts as the Zoning Administrator. At the June 15, 2010 hearing, the

Montecito Planning Commission denied the project on the inability to make the required CEQA Finding. The Commission found that the California Public Utilities Commission's exemption determination for the proposed project did "not constitute adequate environmental review under CEQA because the cited exemptions are inapplicable when the cumulative impact of successive projects of the same type, in the same place, over time, is significant; and because the Applicant's submission of its project improperly split the whole of its project into multiple segments." An appeal of this decision was timely filed by Patrick Ryan on June 15, 2010.

Mr. Ryan's appeal has not yet been heard by your Board. Staff will provide the project analysis and action findings for this project in a separate Departmental Board Agenda Letter for the August 3, 2010 hearing.

Background:

Aerial and underground cabling on/to existing utility poles in the inland area are generally exempt from planning permit requirements per County Land Use Development Code (LUDC) Sec. 35.20.040.B.2.i and Montecito Land Use Development Code (MLUDC) Sec. 35.420.040.B.2.f under "Exempt Activities and Structures," which exempt "Utility facilities. Poles, wires, underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company."

Aerial cabling on/to existing utility poles in the coastal areas would also be exempt as repair and maintenance per Art. II, Sec. 35-169.2.a and Art. II, Appendix C "Repair and Maintenance," which states in paragraph II. B.3.c that "[p]lacement of additional aerial facilities on existing poles" is exempt as repair and maintenance and does not require a Coastal Development Permit.

However, underground cabling requiring trenching is not exempt in the coastal areas and therefore requires a Coastal Development Permit. NextG Networks has submitted 10 coastal underground trenching applications (CDP/CDH) to the County since September 17, 2009. The applications include areas in Goleta, Santa Barbara, Montecito and Summerland.

Fiscal Analysis:

The final action by the County on this Coastal Development Permit may be appealed to the California Coastal Commission. Therefore a fee is not required to file an appeal of this Coastal Development Permit. The total estimated cost to process this appeal is approximately \$2,366.00 (13 staff hours). These funds are budgeted in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-330 of the adopted 2010/2011 fiscal year budget.

Staffing Impacts:

None.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on August 3, 2010. The notice shall appear in the Santa Barbara Daily Sound. The Clerk of the Board shall fulfill the noticing requirements. Mailing labels for the mailed notice are attached. A minute order and a copy of

the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

Attachments:

None.

Authored by:

Megan Lowery, Planner II

cc:

Anne Almy, Planning Supervisor

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