



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Planning &  
Development  
Department No.: 053  
For Agenda Of: 9/21/10  
Placement: Departmental Letter  
Estimated Time: 0.4 hours  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Glenn Russell Ph.D., Director, 568-2085  
Director Planning and Development  
Contact Info: Dianne Black, Development Services Director, 568-2086  
Development Review Division-South County  
**SUBJECT: NextG Cellular Antenna ESB11 Appeal**  
**10APL-00000-000017, Right-of-Way of Santa Rosa Lane**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors consider the NextG appeal, (Case No. 10APL-00000-00017) of the Montecito Planning Commission's July 28, 2010 denial of the NextG Cellular Antenna ESB11 permit, Case No. 10CDP-00000-00032 located in the public right of way of Santa Rosa Lane (adjacent to APN 007-290-006) in Montecito, First Supervisorial District, and take the following actions:

1. Deny the appeal, Case No. 10APL-00000-00017, thereby upholding the Montecito Planning Commission's denial of 10CDP-00000-00032;
2. Make the required findings for denial of the project, included in Attachment A of this Board Letter;
3. Determine the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270; and
4. Deny the project, 10CDP-00000-00032.

**Summary Text:**

NextG's application for 10CDP-00000-00032 was submitted on May 7, 2010. The project is a request by the agent, Sharon James, for the applicant, NextG Networks of California, Inc., for a Coastal Development Permit to allow construction and use of an unmanned, telecommunications facility under provisions of the County Code zoning requirements for property zoned 20-R-1. The unmanned wireless facility would include one 26-inch whip omni antenna and an equipment box measuring 32"x6"x6".

The antenna is omnidirectional, mounted along with the equipment box on an existing metal pole in the public right of way. Planning & Development staff approved the permit application on May 21, 2010. An appeal by Julie Teufel, in addition to named co-appellants, was timely filed on June 1, 2010. Staff brought the appeal case (10APL-00000-00014) before the Montecito Planning Commission on July 28, 2010.

At the July 28, 2010 hearing, the Montecito Planning Commission upheld Ms. Teufel's appeal, and denied the project on the inability to make the required Coastal Development Permit and Commercial Telecommunications Facility Findings. The Commission's denial findings were based on the project's visibility along the roadway and exacerbation of "the already diminished semi-rural character of the roadway" where Montecito Community Plan Goal LU-M-2 requires the County to "*preserve roads as important aesthetic elements that help to define the semi-rural character of the community. Strive to ensure that all development along roads is designed in a manner that does not impinge upon the character of the roadway.*" An appeal of the Commission's decision was timely filed by Patrick Ryan, on behalf of NextG Networks, on August 9, 2010.

The attached letter from County's contracted telecommunications consultant, Attachment C, addresses the functionality of Distributed Antenna Systems, like the one proposed here by Next G. The letter states that:

- DAS nodes are not physically or electrically interconnected with other DAS nodes in a manner that would prevent one node from operating in the absence of any other; and
- Even if NextG were not permitted to install all of the DAS nodes that it has proposed, the remaining nodes and its fiber optic network would still function.

### **Background:**

#### ***GROUND'S FOR APPEAL***

The grounds for appeal are specified in Mr. Ryan's letter included in the appeal application. Responses to Mr. Ryan's letter are provided below under each appeal issue area. Please see Attachment F for a complete copy of the appeal application and letter (with enclosures), dated August 9, 2010.

#### ***I. "EMF Concerns"***

The appellant contends that "despite [the County's] attempt to pay lip service to aesthetic and other concerns, the core basis for these appeals an subsequent denials of NextG's nodes in Montecito are rooted in these unfounded concerns over EMF emissions, and...a fundamental lack of 'trust' in the FCC standards (even though NextG's proposal is less than 1% of the standard)."<sup>1</sup> "Moreover," the appellant asserts, "EMF considerations are completely and exclusively the province of the FCC" and "In other, similar contexts in California, courts have readily seen through a locality's pretextual justifications for denial and have reversed local decisions where a denial is clearly due, as it is here, to the overwhelming concern over EMF issues."<sup>2</sup>

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<sup>1</sup> NextG Appeal Application Attachment Letter, dated May 7, 2010 (included as an attachment to the appeal application letter dated August 9, 2010).

<sup>2</sup> NextG Appeal Application Attachment Letter, dated May 7, 2010.

P&D concurs that the County cannot regulate on the basis of perceived health effects per the Telecommunications Act that states “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.” (47 U.S.C.A. § 332 (c)(7)(B)iv.)

However, as stated, local agencies can ensure that a facility complies with the FCC’s regulations. The County required NextG to submit a report assessing the proposed project’s emissions and compliance with applicable safety limits. The report confirmed that the proposed facility would operate well below the applicable FCC safety limits (specifically at 0.3% of the Maximum Permissible Exposure limit at 26 ft. from the antenna). Therefore the County cannot regulate on this basis.

## ***II. “Additional Background”***

In this section the appellant recounts the Montecito Planning Commission’s findings for denial and asserts that “these conclusions are belied by the facts and evidence, and moreover are not reasonable justifiable grounds for denial.”

The findings made by the Montecito Planning Commission, as cited by the appellant, are driven by the project’s adverse aesthetic effect at the project location in the community of Montecito. The Ninth Court of Appeals determined in the *Sprint v. City of Palos Verdes Estates* that “California law does not prohibit local governments from taking into account aesthetic consideration in deciding whether to permit the development [of] WCFs [Wireless Communication Facilities] within their jurisdictions.”

The County’s Coastal Zoning Ordinance, Article II, authorizes the denial of telecommunications facilities permit applications on aesthetic grounds in the event the project does not comply with applicable Comprehensive Plan policies, including Community Plan policies, or ordinance requirements. In addition to the permit requirements specified in the Permit Tiers for telecommunications facilities, the County’s telecommunications ordinance establishes three levels of development standards that apply to all telecommunications facilities, including Tiers 1-4. Exceptions to these standards may only be made for development standards in Sections 35-144F.4.2 and 35-144F.4.3:

*“...if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access; or (b) it is required due to technical considerations that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) it would avoid or reduce the potential for environmental impacts...”*

The Montecito Planning Commission was unable to make an exemption for this project as not undergrounding the equipment box and cable causes the facility to be highly visible. Moreover, exemption from one or more development standards in Section 35-144F.4.3, also requires the approval of a Conditional Use Permit.

To ensure compliance with these development standards, the review authority must also make the additional findings specified in Section 35-144F.7 explicitly requiring the review authority find that *“The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Section 35-144F.4 (Additional development standards for telecommunication facilities).”* Should any project lack the ability to meet this, or any of the required findings, the Commission may deny the project, as they did in the instant case. Below are the four findings and the evidence on which the Commission based their decision.

**1. Coastal Development Permit Finding Sec. 35-169.5.1.a: The proposed development conforms: 1) To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan; 2) The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).**

*The proposed project is inconsistent with Montecito Community Plan Goal LU-M-2. “Preserve roads as important aesthetic elements that help to define the semi-rural character of the community. Strive to ensure that all development along roads is designed in a manner that does not impinge upon the character of the roadway.” Montecito’s roadways, including Santa Rosa Lane express a semi-rural aesthetic given the absence of curbs, gutters and sidewalks, the proliferation of trees and the generally low densities of surrounding development. Additionally, the Montecito community is explicit in regard to its interest in perpetuating the semi-rural roadway aesthetic with its intention to underground poles (the Montecito Association’s adopted Overhead Utility Policy as expressed in the appeal letter dated June 1, 2010). Santa Rosa Lane itself is currently encumbered by several existing utility poles at and around the proposed project site. These poles carry both high voltage distribution lines as well as lower voltage power lines and represent a departure from the aesthetic community values. Erection of additional infrastructure on one of these poles, proposed in the project, would serve to exacerbate the already diminished semi-rural character of the roadway. Moreover, there are feasible design options that would reduce the visibility of the facility in this right of way, including undergrounding equipment and fiber optic cable as well as using an alternative more streamlined antenna design. Therefore this finding cannot be made*

**2. Commercial Telecommunication Facility Finding Sec. 35-144F.7.1: The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.**

*The facility is proposed to be mounted on an existing utility pole in a semi-rural residential area. The proposed design does not camouflage the facility in any way. Rather, the antenna and equipment cabinet would be mounted directly on the existing pole. Furthermore, the pole on which the facility would be mounted is in the public right-of-way of Santa Rosa Lane and is readily visible by road users and nearby residents. This design adds clutter to the existing pole. Therefore the proposed project does not preserve the existing streetscape character of the area and this finding cannot be made.*

**3. Commercial Telecommunication Facility Finding Sec. 35-144F.7.2: The facility is located so as to minimize its visibility from public view.**

*The project includes one metal equipment box painted brown measuring 6” x 6” x 32” and one omni-directional whip antenna measuring 26” in height. These facilities, to be mounted on an existing utility pole devoid of equipment on Santa Rosa Lane, would be readily visible to all roadway users, including users of the Board adopted pedestrian trail along Santa Rosa Lane. A more suitable location for the equipment in this right of way area would be in an underground vault, removing its visibility to roadway users. Additionally, the facility could continue to reduce its visibility by undergrounding the fiber optic cabling and using a more streamlined antenna design. Therefore the facility is not located to minimize its visibility from public view and this finding cannot be made.*

**4. Commercial Telecommunication Facility Finding Sec. 35-144F.7.3: The facility is designed to blend into the surrounding environment to the greatest extent feasible.**

*Santa Rosa Lane perpetuates the Montecito semi-rural aesthetic. The existing utility pole proposed to be used in association with the project is isolated from the surrounding urban forest projecting into the sky as viewed from the road. Installation of equipment on that pole would be especially prominent as a result. The equipment box would extrude 6" or more beyond the existing pole width at a height of nine feet above ground level, readily visible to the public. Undergrounding the equipment box and fiber optic cable as well as use of a different, more streamlined antenna design would be a feasible way to blend into the environment to the extent feasible. Therefore this finding cannot be made.*

**5. Commercial Telecommunication Facility Finding Sec. 35-144F.7.4: The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Section 35-144F.4.**

*Article II, Section 35-144F.4.2.c.: Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas).*

*The project does not comply with Development standard 2.c, above, which requires support facilities (i.e. cabinets and shelters) be undergrounded, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas). Mounting the equipment on the existing utility pole, as proposed, makes the facility extremely visible from road. Furthermore, the applicant has not demonstrated that undergrounding of the equipment would be infeasible and in fact NextG has undergrounded its utilities in other California jurisdictions such as the Cities of Rolling Hills Estates and Norwalk. Therefore the project does not qualify for an exemption from the Telecommunications Development Standard 2.c and this finding cannot be made.*

***III. "The Commission's Decision Is Inconsistent With Law  
NextG's Proposed Node Must Be Granted as a Tier 1 Facility"***

Staff concurs that the proposed project qualifies as a Tier 1 facility, and as Mr. Ryan stated, "the Commission made no findings to the contrary."

***IV. "NextG's Proposed Node Is Consistent with the Montecito Community Plan"***

Mr. Ryan argues that "the proposed location of the node at issue, already has multiple utility poles housing various utility lines and equipment. Accordingly, NextG's very small facilities would be completely consistent with the existing character and nature of [Santa Rosa Lane]. Indeed, as addressed below, the addition of NextG's node would hardly be noticed among the existing right-of-way infrastructure." After which, Mr. Ryan asserts that NextG, per CPUC Section 7901, "has an absolute right to deploy its facilities in the public rights of way that cannot be denied," and "under Section 7901.1 of the Public Utilities Code, local regulations governing right of way deployment must treat all entities equally. Thus, neither the Commission, nor the Board, can deny NextG the right to install its equipment on an existing utility pole where all other telephone and utility companies have already been allowed to do so."

Staff concurs that NextG has rights defined in CPUC Section 7901 to deploy its facilities, however Section 7901 does not prohibit the County from considering aesthetics in regulation of such facilities subject to Section 7901, which specifies that such facilities should only be allowed “in such manner and at such points as not to incommode the public use of the road or highway.” Consistent with this, the Montecito Community Plan Goal LU-M-2 requires the County to “preserve roads at important aesthetic elements that help to define the semi-rural character of the community” and “strive to ensure that all development along roads is designed in a manner that does not impinge upon the character of the roadway.” These goals require development immediately along the road corridors be minimized to the extent feasible to maintain the existing character of the area. Although a number of poles exist along Santa Rosa Lane, the equipment would be mounted at a height of nine feet above ground level, which would be directly within view of roadway users and nearby residences. Furthermore, undergrounding at this location would require the removal of significant vegetation including the majority of the existing hedge and is therefore not a feasible option. Therefore the proposed project cannot meet the requirements of the Coastal Zoning Ordinance or the Montecito Community Plan at this location.

#### ***V. “NextG’s Proposed Node Is Located To Minimize Its Visibility From Public View”***

First, it should be noted that not all utility poles are in the public right of way; some utility poles cross through the interior of privately-owned parcels. In fact, several existing utility pole-mounted telecommunications facilities have been permitted on such poles, including but not limited to Verizon at Edwards Property (01CUP-00000-00154), Sprint at Vargas Ranch (01CUP-00000-00151), and T-Mobile at Chamberlin Ranch (04DVP-00000-00006).

For poles that are in the right of way, it is imperative that the County apply the design standards prescribed in the ordinance to maintain the character of the County’s communities for the very reason that Mr. Ryan points out, since “by their very nature, [they] are visible from public view.”<sup>3</sup> Staff concurs that the “The requirement that a telecommunications facility be located to minimize its visibility from public view does not demand that the facility be invisible from public view”<sup>4</sup> but rather that the most effective designs are employed in a site-specific manner to “minimize their visibility to the extent feasible.” As demonstrated in the NextG equipment currently installed throughout the community, the equipment is readily visible despite meeting the “very small facility” standards because the equipment box is clustered with small mounting components that clutter the pole. See Attachment B for photos of existing NextG equipment examples.

As discussed above, the option of undergrounding was considered as a means to reduce the visibility of the facility at this location. However, it was determined that undergrounding the equipment in a vault would require the removal of a large portion of the existing hedge and therefore is not a good option.

The Montecito Community is distinguished by its low intensity development and semi-rural character. With small meandering roads, lined with mature foliage, absent of sidewalks, curbs or gutters, and minimal lighting and utility infrastructure, the roadways largely contribute to the semi-rural character of the area. As stated above, the Montecito Community Plan Goal LU-M-2 requires the County to “preserve roads at important aesthetic elements that help to define the semi-rural character of the community” and “strive to ensure that all development along roads is designed in a manner that does not

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<sup>3</sup> Patrick Ryan Appeal Letter dated May 7, 2010, p. 10.

<sup>4</sup> Patrick Ryan, p.10.

impinge upon the character of the roadway.” Therefore, development immediately along the road corridors should be minimized to the extent feasible to maintain the existing character of the area. As is discussed above, telecommunications facilities can minimize their presence along road corridors by undergrounding the support equipment and fiber optic cable and by using a more streamlined antenna design. Because the NextG facility under appeal would be highly visible at this location, without the option of undergrounding, the project is not consistent with the goals of the Montecito Community Plan.

***VI. “NextG’s Proposed Node Is Compatible With And Blends In With The Surrounding Environment”***

As discussed in Section IV above, although a number of poles exist along Santa Rosa Lane, the equipment would be mounted at a height of nine feet above ground level, which would be directly within view of roadway users and nearby residences. Moreover, because undergrounding the equipment in a vault is not feasible without removing a significant amount of vegetation, the proposed project would not blend with the surrounding environment and is therefore not suitable for the proposed location.

***VII. “There Is No Applicable Undergrounding Standard That Supports Denial Of NextG’s Proposed Node”***

Article II Section 35-144F.4.2.c requires “Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).” This standard is applicable to all telecommunications facilities, regardless of Tier, unless the decision-maker finds that “failure to adhere to the standard in the specific instance either will not increase the visibility of the facility or decrease public safety, or it is required due to technical considerations...” The Montecito Commission found that the proposed project does not qualify for an exemption from this standard due to the project’s inherent visibility.

***VIII. “NextG’s Proposed Node Meets All Other Applicable [Article II] Requirements For Commercial Telecommunications Facilities”***

Comments in this section have been noted, and staff concurs that the proposed project meets the applicable Article II requirements cited by Mr. Ryan.

***IX. “NextG Is Not Required To Establish That A Gap In Service Exists Or Eliminate Potential Alternative Sites”***

The findings made by the Commission are driven by the project’s aesthetic effect at the project location, in the community of Montecito, not on an assessment of coverage.

***X. “NextG’s Proposed Node Meets All Relevant CEQA Requirements”***

Staff concurs that the California Public Utilities Commission (CPUC), who assumed the lead agency status for purposes of CEQA, reviewed the proposed antenna and equipment installation as part of a

larger “project” under CEQA that included all of the components of the Distributed Antennas System network (i.e. cabling, trenching, equipment boxes, antennas, etc.) across the South Coast of Santa Barbara County (including the cities of Goleta, Santa Barbara, and Carpinteria). On July 20, 2009, the CPUC found the entirety of the “project” exempt under guidelines sections 15061(b)(3), 15301(b), 15301(c), 15302(c), and 15304(f) and was not challenged.

**Fiscal Analysis:**

The costs for processing appeals are partially offset through payment of a fixed appeal fee of \$643 (\$500 of which covers P&D costs). The total estimated cost to process this appeal is approximately \$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 September 21, 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:**

- A) Findings
- B) Existing NextG Facility Photos
- C) Kramer Letter dated July 16, 2010
- D) Staff Report, Montecito Planning Commission Hearing June 28, 2010
- E) Action Letter, Montecito Planning Commission Action Letter August 2, 2010
- F) Appeal Application, and Letter dated August 9, 2010 (with enclosures)
- G) NextG Letter, dated August 24, 2010

**Authored by:**

Megan Lowery, Planner II

**cc:**

Anne Almy, Planning Supervisor



## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA**

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

The proposed project was found to be exempt from environmental review pursuant to Section 15270(a) which states that “CEQA does not apply to projects which a public agency rejects or disapproves.”

### **2.0 Coastal Development Permit Findings**

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

**2.1 *The proposed development conforms: 1) To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan; 2) The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 35-161 (Nonconforming Use of Land, Buildings and Structures). (Article II, Section 35-169.5.1.a.)***

The proposed project is inconsistent with Montecito Community Plan Goal LU-M-2. “*Preserve roads as important aesthetic elements that help to define the semi-rural character of the community. Strive to ensure that all development along roads is designed in a manner that does not impinge upon the character of the roadway.*” Montecito’s roadways, including Santa Rosa Lane express a semi-rural aesthetic given the absence of curbs, gutters and sidewalks, the proliferation of trees and the generally low densities of surrounding development. Additionally, the Montecito community is explicit in regard to its interest in perpetuating the semi-rural roadway aesthetic with its intention to underground poles (the Montecito Association’s adopted Overhead Utility Policy as expressed in the appeal letter dated June 1, 2010). Santa Rosa Lane itself is currently encumbered by several existing utility poles at and around the proposed project site. These poles carry both high voltage distribution lines as well as lower voltage power lines and represent a departure from the aesthetic community values. Erection of additional infrastructure on one of these poles, proposed in the project, would serve to exacerbate the already diminished semi-rural character of the roadway. Therefore this finding cannot be made.

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

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

**3.1 *The facility will be compatible with existing and surrounding development in terms of land use and visual qualities. (Article II, Section 35-144F.7.1.)***

The facility is proposed to be mounted on an existing utility pole in a semi-rural residential area. The proposed design does not camouflage the facility in any way. Rather, the antenna and equipment cabinet would be mounted directly on the existing pole. Furthermore, the pole on which the facility would be mounted is in the public right-of-way of Santa Rosa Lane and is readily visible by road users and nearby residents. This design adds clutter to the existing pole. Therefore the proposed project does not preserve the existing streetscape character of the area and this finding cannot be made.

**3.2     *The facility is located so as to minimize its visibility from public view. (Article II, Section 35-144F.7.2.)***

The project includes one metal equipment box painted brown measuring 6" x 6" x 32" and one omni-directional whip antenna measuring 26" in height. These facilities, to be mounted on an existing utility pole devoid of equipment on Santa Rosa Lane, would be readily visible to all roadway users, including users of the Board adopted pedestrian trail along Santa Rosa Lane. A more suitable location for the equipment in this right of way area would be in an underground vault, removing its visibility to roadway users. However, vaulting the equipment at this location would require the removal of a significant amount of existing vegetation and therefore is not a feasible option. Therefore the proposed location does not minimize its visibility from public view and this finding cannot be made.

**3.3     *The facility is designed to blend into the surrounding environment to the greatest extent feasible. (Article II, Section 35-144F.7.3.)***

Santa Rosa Lane perpetuates the Montecito semi-rural aesthetic. The existing utility pole proposed to be used in association with the project is isolated from the surrounding urban forest projecting into the sky as viewed from the road. Installation of equipment on that pole would be especially prominent as a result. The equipment box would extrude 6" or more beyond the existing pole width at a height of nine feet above ground level, readily visible to the public. Therefore this finding cannot be made.

**3.4     *The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Section 35-144F.4. (Article II, Section 35-144F.7.4.)***

***Article II, Section 35-144F.4.2.c.:*** *Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas).*

The project does not comply with Development standard 2.c, above, which requires support facilities (i.e. cabinets and shelters) be undergrounded, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas). Mounting the equipment on the existing utility pole, as proposed, makes the facility extremely visible from road. Furthermore, the applicant has not demonstrated that undergrounding of the equipment would be infeasible and in fact NextG has undergrounded its utilities in other California jurisdictions such as the Cities of Rolling Hills Estates and Norwalk, and most recently in the City of Santa Barbara. Therefore the project does not qualify for an exemption from the Telecommunications Development Standard 2.c and this finding cannot be made.

**ATTACHMENT B: EXISTING NEXTG FACILITY PHOTOS**

**ATTACHMENT C: KRAMER LETTER**

**ATTACHEMENT D: STAFF REPORT**

**ATTACHMENT E: ACTION LETTER**

**ATTACHMENT F: APPEAL APPLICATION WITH ATTACHMENTS**

**ATTACHMENT G: NEXTG LETTER**