

ATTACHMENT E: ACTION LETTER



COUNTY OF SANTA BARBARA CALIFORNIA

MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
PHONE: (805) 568-2000
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August 2, 2010

Julia and Robert Teufel
273 Santa Rosa Road
Santa Barbara, CA 93107

MONTECITO PLANNING COMMISSION
HEARING OF JULY 28, 2010

RE: Appeal of NextG Networks Cellular Antenna #ESB11; 10APL-00000-00014

Hearing on the request of Julia and Robert Teufel, in addition to named co-appellants, to consider the Appeal 10APL-00000-00014 [appeal filed on June 1, 2010] of the Director's decision to approve 10CDP-00000-00032, in compliance with Chapter 35-182 of the Coastal Zoning Ordinance Article II on property located in the 20-R-1 zone; and acknowledge that the California Public Utilities Commission is the appropriate agency for CEQA compliance on this project and the California Public Utilities Commission filed a Notice of Exemption on July 20, 2009 pursuant to California Environmental Quality Act sections 15061(b)(3), 15301(b), 15301(c), 15302(c), and 15304(f). The application involves the public right-of-way adjacent to AP No. 007-290-006, located on Santa Rosa Lane in the Montecito area, First Supervisorial District.

Dear Mr. and Ms. Teufel:

At the Montecito Planning Commission hearing of July 28, 2010, Commissioner Gottsdanker moved, seconded by Commissioner Eidelson and carried by a vote of 5 to 0 to:

1. Uphold the appeal, Case No. 10APL-00000-00014, thereby denying the Planning and Development Department's approval of Coastal Development Permit No. 10CDP-00000-00032; and
2. Make the required findings for denial of the project provided to the Montecito Planning Commission in the hearing of July 28, 2010, including CEQA findings;

The attached findings reflect the Montecito Planning Commission's actions of July 28, 2010.

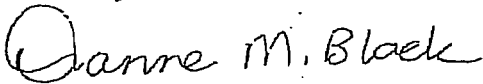
The action of the Montecito Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Montecito Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with

the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Montecito Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. The appeal period for this project ends on August 9, 2010.

If this decision is appealed, the filing fee for both non-applicant and applicant is \$643 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Dianne M. Black
Secretary to the Montecito Planning Commission

cc: Case File: 10APL-00000-00014
Montecito Planning Commission File
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Appellant: Mary Jacqueline Inskeep, 300 Santa Rosa Lane, Santa Barbara, CA 93108
Appellant: Jo & Ken Saxxon, 270 Santa Rosa Lane, Santa Barbara, CA 93108
Appellant: Wendy & William Drewry, 284 Santa Rosa Lane, Santa Barbara, CA 93108
Appellant: Bonnie & Jess Rand, 280 Santa Rosa Lane, Santa Barbara, CA 93108
Appellant: Bridget & Robert Colleary, 275 Santa Rosa Lane, Santa Barbara, CA 93108
Appellant: Steven & Joan Crossland, 1599 Sinaloa Drive, Santa Barbara, CA 93108
Appellant: John A. Powell, 425 Lemon Grove Lane, Santa Barbara, CA 93108
Applicant: NextG Networks, Sharon James, 5720 Thornwood Drive, Goleta, CA 93117
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Supervisor Carbajal, First District
Commissioner Eidelson
Commissioner Burrows
Commissioner Phillips
Commissioner Overall
Commissioner Gottsdanker
Rachel Van Mullem, Deputy County Counsel
Megan, Lowery, Planner

Attachments: Attachment A – Findings

DMB/dmv

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. Moreover, there are feasible design options that would reduce the visibility of the facility in this right of way, including undergrounding equipment and fiber optic cable as well as using an alternative more streamlined antenna design. Therefore this finding cannot be made.

3.0 Commercial Telecommunication Facility Findings

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

3.1 *The facility will be compatible with existing and surrounding development in terms of land use and visual qualities. (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. Additionally, the facility could continue to reduce its visibility by undergrounding the fiber optic cabling and using a more streamlined antenna design. Therefore the facility is not located to minimize its visibility from public view and this finding cannot be made.

3.3 *The facility is designed to blend into the surrounding environment to the greatest extent feasible. (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. Undergrounding the equipment box and fiber optic cable as well as use of a different, more streamlined antenna design would be a feasible way to blend into the environment to the extent feasible. Therefore this finding cannot be made.

3.4 *The facility ~~complies~~ with all required development standards unless granted a specific exemption by the 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. Therefore the project does not qualify for an exemption from the Telecommunications Development Standard 2.c and this finding cannot be made.