

## CALIFORNIA COASTAL COMMISSION

10TH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

Th9c



September 17, 1997

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Deputy Director  
Gary Timm, District Manager  
Mark H. Capelli, Coastal Program Analyst

RE: SANTA BARBARA COUNTY LCP: Zoning Amendment 1-97 (A & B) Public Hearing  
and Final Action at the California Coastal Commission Hearing of  
October 7-10, 1997

Background

The County of Santa Barbara submitted Local Coastal Program Amendment (LCP) 1-97 on July 21, 1997. The submittal was deemed complete and filed on August 15, 1997.

The Amendment would (A) clarify the maximum square footage of accessory structures in the Montecito Community Plan Overlay District; (B) update and revise the permit process for communication facilities and update ordinance to provide consistency among County zoning ordinances; and (C) delete the Antiquated Subdivision Overlay District and Antiquated Subdivision Overlay lot area restrictions, and recind the Antiquated Subdivision Overlay District. This staff report deals only with parts A and B of the amendment submittal package. Part C will be the subject of a future staff report and Commission hearing.

Proposal and Staff Recommendation

The Amendment which is the subject of the staff report and recommendation consists of modifications to the County of Santa Barbara's Local Coastal Program Implementing Ordinances which: (A) clarify the methods for calculating maximum square footage of accessory structures in the Montecito Community Plan Overlay District; and (B) update and revise the permit process for communication facilities to streamline the review process and establish minimum standards for review, and update the implementation ordinance to provide consistency among other County zoning ordinances.

This staff report deals only with parts A and B of the amendment submittal package.

The staff is recommending approval of the of the Implementation Plan amendment as submitted.

Exhibits

1. Resolution No. 96-466 (Montecito Community Plan)
2. Ordinance No. 4250 (Montecito Community Plan)
3. Resolution No. 97-279 (Communication Facilities)
4. Ordinance 4263 (Communication Facilities)

I. STAFF RECOMMENDATION

A. Approval of Implementation Ordinance Amendment as Submitted

Staff recommends the adoption of the following Motion and Resolution:

Motion I.

I move that the Commission reject the Implementation Ordinance Amendment 1-97 (A & B) to the Santa Barbara County LCP as submitted.

Staff recommends a NO vote on motion I and adoption of the following resolution of certification and related findings. An Affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution I

The Commission hereby certifies amendment 1-97 to the Implementation Plan of the Santa Barbara County LCP on the grounds that the amendment to the Local Coastal Program Zoning Ordinance, as submitted, conforms to and is adequate to carry out the provisions of the LCP Land Use Plan as certified. There are no feasible alternatives available which would substantially lessen any significant impacts which the approval of the Implementation Plan amendment will have on the environment.

II. RECOMMENDED FINDINGS

A. Findings for Resolution I (Implementation Measures)

The standard of review of an amendment to the certified LCP Zoning Ordinance is whether the ordinance conforms with and is adequate to carry out the provisions of the certified LCP Land Use Plan (PRC Section 30513 (a)). In addition, procedural elements of the LCP Zoning Ordinance must conform to the applicable provisions of the California Coastal Act and the applicable provisions of the Commission's Administrative Regulations. The Coastal Act provides that the Commission may only reject the proposed zoning ordinance if a majority of the Commissioners present find that it does not conform with or is inadequate to carry out the provisions of the certified Land Use Plan.

1. Proposal

The following is a summary of the proposed changes to the County's Coastal Zoning Ordinance, arranged by section: (See Exhibits 2 and 4 for full texts of changes.)

Part A: Montecito Community Plan

Section 35-210: Accessory Structures:

Total building footprint of accessory structures shall not exceed 800 square feet. These limitations shall not apply to projects that have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed, as of May 16, 1995.

Section 35-211: Guest House, Artist studio, and Pool House/Cabana :

Total building footprint of any guest house, artist studio, or poolhouse/cabana shall not exceed 800 square feet. These structures may be attached to an accessory structure providing that the combined building footprint does not exceed 800 square feet. These limitations shall not apply to projects that have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed, as of May 16, 1995.

Part B: Communication Facilities

Section 35-58: Definitions

Adds new definitions of Antenna, Antenna Envelope, Antenna Support Structure, Co-located Communication Facility, Co-located Communication Site, Lattice, Tower, Monopole, Wireless Communication Facilities, and amends the definition of Master Television Antenna.

Section 35-127: Height

Clarifies that certain communication facilities may have towers/support structures and antennas up to 75 feet in height if technological requirements dictate such a height.

Section 35-144F: Communication Facilities

Adds a new section that governs the siting and development of communication facilities and establishes a four tiered permit process and development criteria for wireless communication facilities.

Section 35-145: Purposes and Intent

Clarifies that communication facilities will be governed by the new General Regulations of Section 35-144F.

Section 35-169: Coastal Development Permits

Adds language to exempt satellite antennas 1 meters or less in diameter that are used for private reception of communication signals (e.g., television) from Coastal Development Permits.

Section 35-172: Conditional Use Permits

Amends language that relates to the permitting of communication facilities.

Section 35-174: Development Plans

Adds language to allow the Director and the Zoning Administrator to be the decision-maker for certain communication facilities .

Section 35-184: Board of Architectural Review

Adds language to specify that communication facilities are subject to review by the Board of Architectural Review.

Section 35-191: Summerland

Adds clarifying language that the Summerland Community Plan Overlay does not supercede the Height Restrictions set forth in the General Regulations Division.

Section 35-2-4: Height of Structures

Adds clarifying language that the Montecito Community Plan Overlay does not supercede the Height Restrictions set forth in the General Regulations Division.

2. Consistency with County LCP

Part A: Montecito Community Plan

The proposed amendment clarifies that the maximum size of accessory structures, including guest houses, artists' studios, and cabanas in the Montecito Community Plan Overlay District is measured in terms of the building footprint rather than the gross floor area. As such, the proposed Implementation Plan Amendment does not modify or effect any of the existing zone designations in the established Coastal Zoning Ordinance. Nor does the Implementation Plan Amendment change or effect the definitions of the Zone District or principal permitted uses or uses allowed with a Conditional Use Permit for any of the previously certified Zone Districts in the Santa Barbara County Local Coastal Program Implementation Ordinances. The proposed amendment therefore does not create any inconsistency with County's certified Local Coastal Program Land Use Plan designations.

The proposed amendment clarifies the measurement methodology used to calculate the floor area of accessory structures, and provides that projects that received preliminary or final approval by the County Board of Architectural Review prior to May 16, 1995 are exempt from the 800 square foot limit on the footprint areas of accessory structures provided that the structures otherwise comply with all other applicable ordinance regulations. The proposed amendment would not result in an increase in permitted densities or increased floor areas, but would allow for the use thick exterior walls which are part of the vernacular architectural style of the planning area without penalizing the applicants. Nor would the amendment modify any resource protection policies. As such, the proposed Implementation Plan Amendment does not modify or effect any of the existing substantive development standards of the Coastal Zoning Ordinance, and therefore does not affect the consistency of the Coastal Zoning Ordinance with the Land Use Plan policies or its ability to carry out any of the other provisions of the Land Use Plan.

The Commission therefore finds that the proposed amendment as submitted is consistent with and adequate to carryout the provisions of the County of Santa Barbara's certified Land Use Plan.

#### Part B: Communication Facilities

The proposed amendment pertains to the wireless communication facilities such as cellular telephones, personal communication systems, and pagers. The proposed ordinance amendments are intended to clarify and streamline the permit process and to update the County's current zoning ordinances consistent with technological advances.

The ordinance amendments establish a new "Communications Facilities" section under the General Regulations Divisions designed to govern the siting and development of all communication facilities, including wireless communication facilities within the County. The provisions which presently regulate all other communication facilities would be relocated to the new General Regulations Section. The proposed amendment does not include changes in the permit requirements for these facilities (e.g., radio stations, television stations, amateur ham radios, etc.). The ordinance, does, however, include more stringent submittal requirements and abandonment procedures for all communication facilities.

The new "Communication Facilities" section includes a four tiered permitting system for wireless communication facilities. The proposed tiering system would allow small facilities to obtain ministerial permits that are approved or denied at the staff level. The larger more complex projects would require greater review by either the Director of Planning & Development, the County Zoning Administrator, or the County Planning Commission. The decision making body under this scheme shifts upward as the size and complexity of the facility and the related environmental impacts or policy inconsistency increases. This tiered approach is intended to streamline the permit review process for minor projects, while providing for more thorough review of larger projects.

Under Tier 1 wireless communications would be installed within, or on the roof of an existing building or structure. These types of projects are called "Tenant Improvements". The equipment necessary for these facilities typically includes radio transceivers, air conditioning units, antennas, batteries, and cables. If the proposed facility complies with the established requirements, a Land Use or Coastal Development Permit would be the only permit/approval required. This permit would not be subjected to environmental analysis or a public hearing, and would be approved or denied at the staff level. Decisions on these permits would be appealable to the Planning Commission.

Tier 2 projects consists of microcells, or similar facilities, and Tenant Improvement facilities that do not meet the criteria/standards under Tier 1. (See Exhibit 4, pages II-5 through II-16.) These projects would be processed at a Director level as Development Plans. Such projects would be required to meet ordinance criteria and would be subject to full environmental review under the California Environmental Quality Act, but would not be subject to a public hearing. Decisions on these permits would be appealable to the Planning Commission.

Tier 3 projects consist of microcell or similar facilities and Tenant Improvement facilities that do not meet the criteria/standards of Tier 1 or 2 and Macrocells. If a project conforms to Tier 3 criteria projects will be subject to full environmental review under CEQA and a public hearing. Decisions by the Zoning Administrator are appealable to the Board of Supervisors.

Tier 4 projects would apply to all projects which do not meet the standards set forth in Tiers 1, 2, or 3. Tier 4 projects would require a Major Conditional Use Permit reviewed by the Planning Commission. Projects within a residential zone district, or within a Scenic Highway Corridor shall be subject to a Major Conditional Use Permit. Exceptions are provided in cases where the subject site has a Comprehensive Plan Use Designation or Overlay of Institutional/Government or where the facility is a minimum of 100 feet from the nearest dwelling unit and/or educational facility. Each project will be subject to full review under CEQA and a public hearing. Decisions by the Planning Commission are appealable to the Board of Supervisors. Major Conditional Use Permits are also appealable to the Coastal Commission.

The proposed ordinance amendment adds new language to the Height Section of the General Regulations Division. The existing language states that non-commercial antennas may be 50 feet in height. The Height Section does not address commercial facilities per se. The proposed text would allow commercial facilities up to 75 feet, but only if technical requirements required such a height. The existing ordinance is also silent on the installation of receive-only satellite dishes or wireless television antennas for private non-commercial reception of communication signals. The County ordinance exempts ground or roof mounted receive-only, private satellite dishes and wireless television antennas one meter in diameter or less from the Land Use or Coastal Development Permit requirements, but requires a Coastal Development Permit for those types of facilities which are over one meter in diameter, but not greater than 2 meters in diameter. For those over 2 meters, a Director Approved Development Plan would be required, as well as a Coastal Development Permit.

The amendment also establishes new abandonment procedures for commercial facilities which require that a performance security be posted prior to the approval of any permit for such facilities, and that all facilities which have not been used for twelve (12) months must be abandoned. All facilities must be removed within thirty days (30) from the receipt of notice to abate.

The proposed amendment would not result in an increase in permitted densities or modifications to resource protection policies. As such, the proposed Implementation Plan Amendment does not modify or effect any of the existing substantive development standards of the Coastal Zoning Ordinance, including the visual resource protection policies which apply to all project reviewed and the Communication ordinance, and which are adequate to protect the scenic and visual resources of the County's portion of the Coastal Zone. The amendment does not therefore affect the consistency of the Coastal Zoning Ordinance with the Land Use Plan policies or its ability to carry out any of the other provisions of the Land Use Plan.

The Commission therefore finds that the proposed amendment as submitted is consistent with and adequate to carry out the provisions of the County of Santa Barbara's certified Land Use Plan.

IV. LCP/CEQA

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program. The Commission originally certified the County's Local Program Land Use Plan and Zoning Ordinance in 1981 and 1982 respectively.

The Coastal Commission's Local Coastal Program process has been designated as the functional equivalent of CEQA. CEQA requires the consideration of less environmentally damaging alternatives and the consideration of mitigation measures to lessen significant environmental impacts to a level of insignificance. As discussed in the findings above, the proposed amendment, if modified as suggested, would adequately address the Coastal Development Permit appeal and emergency Coastal Development Permit requirements of the California Coastal Act and related Administrative Regulations, and therefore have no significant impacts within in the meaning of the California Environmental Quality Act.

The amendment is therefore consistent with the provisions of the California Environmental Quality Act and the California Coastal Act.

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<b>EXHIBIT NO.</b> 1
<b>APPLICATION NO.</b>
LCP Amend 1-97-A
Santa Barbara

RESOLUTION OF THE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

1 of 3

IN THE MATTER OF SUBMITTING TO THE )  
COASTAL COMMISSION AMENDMENTS TO THE )  
VARIOUS MAPS AND TEXTS OF THE SANTA )  
BARBARA COUNTY LOCAL COASTAL PROGRAM )

RESOLUTION NO. 96-466  
CASE NOS.: 96-OA-009

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WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, has amended the Local Coastal Program as specified below.
  - 1. (96-OA-009) Adopted amendments to the Santa Barbara County Local Coastal Program by amending Article II of Chapter 35 of the Santa Barbara County Code to amend Division 15, Montecito Community Plan Overlay District, to clarify the measurement methodology used to calculate the floor area of accessory structures, and provide that projects that received preliminary or final approval by the County Board of Architectural Review prior to May 16, 1995, are exempt from the 800 square foot limit on the footprint area of accessory structures provided said structures comply with all other applicable ordinance regulations and that they were not constructed as of May 16, 1995.
- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 of the Government Code, and the Planning Commission has sent its written recommendations to the Board pursuant to Section 65354 of the Government Code.
- E. This Board has held duly noticed public hearings, as required by Section 65355 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.



- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976.
- G. The Board now wishes to submit these amendments to the California Coastal Commission, and requests that each Amendment contained within be considered independently for determination of completeness, processing, and final action by the Commission so as to expedite certification and implementation where possible.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

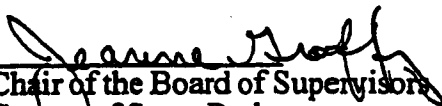
- 1. The above recitations are true and correct.
- 2. Pursuant to the provisions of Section 65356 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been adopted as amendments to the Santa Barbara County Local Coastal Program.
- 3. This Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the said California Coastal Act.
- 4. The Board submits these Local Coastal Program amendments to the California Coastal Commission for review and certification.
- 5. The Chairman and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 19th day of November, 1996, by the following vote:

AYES: Supervisors Schwartz, Graffy, Wallace, Staffel, Urbanske

NOES: None

ABSENT: None

  
Chair of the Board of Supervisors  
County of Santa Barbara

ATTEST:

Kent M. Taylor  
Clerk of the Board of Supervisors

By:   
Deputy Clerk-

APPROVED AS TO FORM:  
Stephen Shane Stark  
County Counsel

By: Stephen Shane Stark  
Deputy County Counsel

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: 96-OA-009

## ORDINANCE NO. 4250

1 of 3

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 15 MONTECITO COMMUNITY PLAN OVERLAY DISTRICT, TO CLARIFY THE MEASUREMENT METHODOLOGY USED TO CALCULATE THE FLOOR AREA OF ACCESSORY STRUCTURES, AND PROVIDE THAT PROJECTS WHICH RECEIVED PRELIMINARY OR FINAL APPROVAL BY THE COUNTY BOARD OF ARCHITECTURAL REVIEW PRIOR TO MAY 16, 1995, ARE EXEMPT FROM THE 800 SQUARE FOOT LIMIT ON THE FOOTPRINT AREA OF ACCESSORY STRUCTURES PROVIDED SAID STRUCTURES COMPLY WITH ALL OTHER APPLICABLE ORDINANCE REGULATIONS AND THAT THEY WERE NOT CONSTRUCTED AS OF MAY 16, 1995.

The Board of Supervisors of the County of Santa Barbara ordains as follows:

**SECTION 1:**

Section 35-210., Accessory Structures, DIVISION 15, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-210.2., to read as follows:

2. Accessory structures containing one or more accessory use shall not exceed a total gross-floor building footprint area of 800 square feet as measured to the interior surface of exterior perimeter walls, excluding barns and stables. For the purposes of this subsection, footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure. This limitation shall not apply to projects that have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed, as of May 16, 1995.

**SECTION 2:**

Section 35-211., Guest House, Artist Studio, and Pool House/Cabaña, DIVISION 15, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-211.2., to read as follows:

2. The floor area of a such guest house, artist studio, or pool house/cabaña shall not exceed a building footprint area of 800 square feet as measured to the interior surface of exterior perimeter walls; however, such structure may be attached to an

accessory structure provided the ~~total area~~ building footprint of the combined structure does not exceed 800 square feet as measured to the interior surface of exterior perimeter walls, provided no interior access exists between the guest house, artist studio, or pool house/cabaña and the accessory structure. For the purposes of this subsection, footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure. The 800 square foot restriction on the building footprint area of a combined accessory structure shall not apply to projects that have received preliminary or final approval from the County Board of Architectural Review, and have not been constructed, as of May 16, 1995: such projects are still subject to the 800 square foot building footprint area limitation on guest houses, artist studios, or pool houses/cabañas and interior access between such uses and any other portion of a combined accessory structure may not be provided.

#### SECTION 3:

Except as amended by this ordinance, DIVISION 15 of Article II of Chapter 35, of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

#### SECTION 4:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force thirty (30) days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

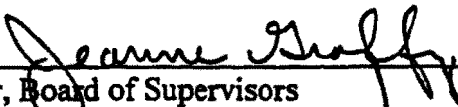
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 19th day of November, 1996, by the following vote:

AYES: Supervisors Schwartz, Graffy, Wallace, Staffell, Urbanske

NOES: None

ABSTAINED: None

ABSENT: None

  
\_\_\_\_\_  
Chair, Board of Supervisors  
County of Santa Barbara


ATTEST:

KENT F. TAYLOR  
Clerk of the Board of Supervisors

By   
\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK

By   
\_\_\_\_\_  
Deputy County Counsel

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RESOLUTION OF THE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

1 of 3

IN THE MATTER OF SUBMITTING TO THE	)	
COASTAL COMMISSION AMENDMENTS TO THE	)	RESOLUTION NO.: 97-279
TEXT OF THE SANTA BARBARA COUNTY	)	CASE NO.: 95-OA-008,
LOCAL COASTAL PROGRAM	)	94-OA-013, 94-RZ-010

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. It being deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, the Board of Supervisors has amended the Local Coastal Program as specified below:
  1. 95-OA-008: Adopted amendments to Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend Section 35-58., Definitions, Add new definitions of Antenna, Antenna Envelope, Antenna Support Structure, Co-located Communication Facility, Co-located Communication Site, Lattice Tower, Monopole, Wireless Communication Facilities, and amend the definition of Master Television Antenna; Section 35-127., Height, Clarify that certain communication facilities may have towers/support structures and antennas up to 75 feet in height, if technological requirements dictate; Section 35-144F., Communication Facilities, add a new section that governs the siting and development of communication facilities and establishes a four tiered permit process and development criteria for wireless communication facilities; Section 35-145., Purpose and Intent, to clarify that communication facilities will be governed by the new General Regulations Section 35-144F; Section 35-169., Coastal Development Permits: Add language to exempt satellite antennas 1 meter or less in diameter and are used for the private reception of communication signals (e.g., television) from Coastal Development Permits; Section 35-172., Conditional Use Permits, amend language that relates to the permitting of communication facilities; Section 35-174., Development Plans, add language to allow the Director and the Zoning

Administrator be the decision-maker for certain communication facilities; **Section 35-184., Board of Architectural Review**, Add language to specify that communication facilities are subject to review by the Board of Architectural Review; **Section 35-191., Summerland - SUM**, add clarifying language that the Summerland Community Plan Overlay does not supersede the Height Restrictions set forth in the General Regulations Division; and **Section 35-204., Height of Structures** add clarifying language that the Montecito Community Plan Overlay does not supersede the Height Restrictions set forth in the General Regulations Division. Said ordinance (Case Number 95-OA-008) is attached hereto as Exhibit A and is incorporated herein by reference.

2. 94-OA-013: Adopted amendments to Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend Section 35-53, **Overlay District Designations and Applicability**, delete the Antiquated Subdivision Overlay; **Section 35-102, AS - Antiquated Subdivision Overlay District**, delete the Antiquated Subdivision Overlay District; and **Section 35-128.5, Area Lots**, delete Antiquated Subdivision Overlay lot area restrictions.

3. 94-RZ-010: Adopted amendments to the Zoning Overlay and Map of Article II of Chapter 35 of the Santa Barbara County Code, to rescind the Antiquated Subdivision (AS) Overlay District.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 and 65854 of the Government Code, and the Planning Commission has sent its written recommendations to the Board by its Resolution No. 97-1 pursuant to Section 65354 and 65855 of the Government Code.
- E. This Board has held duly noticed public hearings, as required by Section 65355 and 65856 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.
- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of State Planning and Zoning laws as amended to this date.
- G. The Board now wishes to submit these amendments to the California Coastal Commission.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.

2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and section 30514 of the Public Resources Code, the above described changes are hereby adopted as amendments to the Santa Barbara County Coastal Plan and Coastal Zoning Ordinance text.
3. The Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the said California Coastal Act.
4. The Board submits these Local Coastal Program Amendments to the California Coastal Commission for review and certification.
5. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 24th day of June, 1997, by the following vote:

AYES: Supervisors Schwartz, Graffy, Marshall, Staffel, Urbanske

NOES: None

ABSENT: None

Thomas B. Ellsworth  
Chair of the Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
County Counsel

By: Robert Cohen  
Deputy Clerk

By: [Signature]  
Deputy County Counsel



AN ORDINANCE AMENDING ARTICLE II, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS; DIVISION 7, GENERAL REGULATIONS; DIVISION 8, SERVICES, UTILITIES AND OTHER RELATED FACILITIES; DIVISION 11, PERMIT PROCEDURES; DIVISION 12, ADMINISTRATION, DIVISION 13, SUMMERLAND COMMUNITY PLAN OVERLAY, AND DIVISION 15, MONTECITO COMMUNITY PLAN OVERLAY DISTRICT, TO DEFINE ANTENNA, ANTENNA ENVELOPE, ANTENNA SUPPORT STRUCTURE, COLLOCATED COMMUNICATION FACILITY, COLLOCATED COMMUNICATION SITE, LATTICE TOWER, MONOPOLE, WIRELESS COMMUNICATION FACILITIES, AND AMEND THE DEFINITION OF MASTER TELEVISION ANTENNA, TO AMEND GENERAL PROVISIONS TO ALLOW COMMERCIAL ANTENNA SUPPORT STRUCTURES AND ASSOCIATED ANTENNAS TO BE UP TO SEVENTY-FIVE (75) FEET IN HEIGHT, TO ADD A NEW SECTION TO ESTABLISH AND CLARIFY PERMIT PROCEDURES FOR COMMUNICATION FACILITIES, TO CLARIFY THAT RECEIVE-ONLY SATELLITE DISHES AND WIRELESS TELEVISION ANTENNAS FOR PRIVATE NONCOMMERCIAL USE THAT ARE ONE (1) METER OR LESS IN DIAMETER ARE EXEMPT FROM COASTAL DEVELOPMENT PERMITS, TO CLARIFY THAT RECEIVE-ONLY SATELLITE DISHES AND WIRELESS TELEVISION ANTENNAS FOR PRIVATE NONCOMMERCIAL USE THAT EXCEED ONE (1) METER BUT ARE NOT GREATER THAN TWO (2) METERS IN DIAMETER REQUIRE A COASTAL DEVELOPMENT PERMITS, TO CLARIFY THAT RECEIVE-ONLY SATELLITE DISHES AND WIRELESS TELEVISION ANTENNAS FOR PRIVATE NONCOMMERCIAL USE THAT EXCEED TWO (2) METERS IN DIAMETER REQUIRE A DIRECTOR LEVEL DEVELOPMENT PLAN, AND TO ADD CLARIFYING TEXT.

Case No. 95-OA-008

The Board of Supervisors of the County of Santa Barbara ordains as follows:

**SECTION 1:**

Section 35-58., Definitions, DIVISION 2, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add new definitions for Antenna, Antenna Envelope, Antenna Support Structure, Collocated Communication Facility, Lattice Tower, Monopole, Wireless Communication Transmission Facilities, and amend Master Television Antenna to read as follows:

"ANTENNA: A horizontal or vertical element, panel, or dish that may be attached to a pole, tower, building or other support structure for the purposes of transmitting and/or receiving communication signals (e.g., radio, microwave, television)

<b>EXHIBIT NO.</b>	4
<b>APPLICATION NO.</b>	
	LCP Amend 1-97-B

**ANTENNA ENVELOPE:** The three-dimensional cylinder shaped space that is occupied by antennas and the support structure on which the antennas are mounted. This area/space is measured from the portion of the antenna located furthest from the support structure.

**ANTENNA SUPPORT STRUCTURE:** A pole, lattice tower, water tower, building or other structure on which antennas, used for the purposes of receiving and/or transmitting communication signals, are mounted.

**COLLOCATED COMMUNICATION FACILITY:** Any communication facility where antennas are placed on a single antenna support structure (monopole, lattice tower, etc.) by two or more communication service providers (e.g., two macrocells share one support structure).

**COLLOCATED COMMUNICATION SITE:** Any site where more than one antenna support structure (monopole, lattice tower, etc.) is installed on one parcel (e.g., two separate macrocells).

**LATTICE TOWER:** A multiple sided open metal frame support structure which supports antennas and related equipment.

**MASTER TELEVISION ANTENNA:** Any antenna or antenna(s) designed to receive television and/or radio frequency modulation signals, excluding wireless radio communication signals associated with cellular service, personal communication services, and pagers or both such signals, and transmit them with or without amplification, to more than one television or radio receiving set by means of cables or lines which will cross over or under any public or private streets in the unincorporated territory of the County of Santa Barbara.

**MONOPOLE:** A single pole support structure to support communication antennas and connecting appurtenances.

**WIRELESS COMMUNICATION FACILITY:** A commercial facility that transmits and/or receives radio communication signals through the air for cellular, personal communication services, pagers, and/or similar services. The facility can include, but is not limited to: antennas, radio transmitters, equipment shelter or cabinet, air vents, antenna support structure, air conditioning units, fire suppression systems, and emergency back-up generators. Categories of facility types include:

- a) **Microcell:** A small low power radio transceiver facility (10 watts per radio transmitter) comprised of an unmanned equipment cabinet with a total volume of one hundred (100) cubic feet or less that is either under or aboveground, and one omni-directional whip antenna with a maximum length of five feet, or up to three small (approximately 1 ft. x 2 ft. or 1 ft. x 4 ft.) directional panel antennas, mounted on a single pole, an existing conventional utility pole, or other similar support structure.
- b) **Macrocell:** A low power radio transceiver (i.e., transmits and receives signals) facility (up to 100 watts per radio transmitter) that is comprised of an unmanned equipment shelter (above or below ground) approximately 300 square feet per licensed provider, omni-directional whip, panel or microwave dish antennas mounted on a support structure (e.g., monopole, lattice tower), or building. A Macrocell typically includes 60 radio transmitters.
- c) **Tenant Improvement:** A Microcell or Macrocell, or similar facility, that is entirely enclosed within, or on, the roof of an existing building or structure. If the facility is located on the roof of an existing building, the radio equipment is enclosed within an unmanned equipment shelter or cabinet. The associated antennas and necessary air vents are generally not enclosed within the building or the equipment shelter."

## **SECTION 2:**

DIVISION 7, General Regulations, or Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-118.1, Conformance to Regulations, as follows:

- "2. Height Restrictions. No building or structure shall be hereafter erected, nor shall any existing building or structure be moved, reconstructed, altered, enlarged or maintained to exceed the height limit established for the type of zone in which such building or structure is located unless a variance has been granted, except as

otherwise permitted in Sec. 35-127., Sec. 35-172.12, Sec. 35-174.8, and Sec. 35-179, and is in effect which authorized such construction."

### SECTION 3:

DIVISION 7, General Regulations, or Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-127., Height as follows:

#### "Sec. 35-127. Height

1. Chimneys; elevator and stair housings; television receiving antennae for individual receiving sets; ~~antennae for amateur radio short wave sending and receiving sets, for private sending and receiving sets and for citizens band service not in connection with the business of broadcasting radio or television programs for the general public~~; flag poles; monuments; oil and gas derricks; church spires; and similar architectural features and similar structures may be up to fifty (50) feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC, View Corridor Overlay District.
2. Antennas and the support structures (e.g., lattice tower, or similar structure) used for the commercial reception and transmission of communication signals (e.g., radio, television) and amateur "ham" radios may be up to fifty (50) feet in height. These facilities may exceed fifty (50) feet up to a maximum of seventy-five (75) feet in height where technical requirements dictate, unless prohibited by the F Airport Approach Area Overlay District.
3. Specific exceptions to this limitation for the height of temporary drilling rigs to explore and produce offshore oil and/or gas reservoirs from onshore sites may be permitted until cessation of drilling in accordance with an approved plan that requires due diligence; however, the height limitation shall not be exceeded for a total period of time of four years. Upon written request by the operator, the Director of Planning and Development may grant up to two one-year extensions provided that, for each extension, the operator has demonstrated it has proceeded with due diligence in completing an established drilling program, or for well maintenance, or for well abandonment."

SECTION 4:

DIVISION 7., General Regulations, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add a new Section 35-144F., Communication Facilities, as follows:

"Sec. 35-144F. Communication Facilities.Sec. 35-144F.1. Purpose and Intent.

The purpose of this Section is to provide for the siting of communication facilities and to set forth specific permit regulations for those communication facilities. The intent is to ensure that these facilities are properly sited and designed in a manner consistent with the provision of this Article, promote orderly development, and ensure that these facilities are compatible with surrounding land uses.

Sec. 35-144F.2. Applicability.

The provisions of this Section shall apply to all communication facilities for the transmission and reception of radio, television, and communication signals including, but not limited to, wireless communication services (personal communication, cellular, and paging). Such facilities shall be subject to all the provisions in Sec. 35-169. (Coastal Development Permits) Sec. 35-172. (Conditional Use Permits), and Sec. 35-174. (Development Plans), as applicable. Modifications to zone district regulations (e.g., setbacks) are allowed under Section 35-172 and Section 35-174, unless otherwise specified in this section.

Sec. 35-144F.3. Processing.

No permits for development subject to the provisions of this Section shall be approved except in conformance with the following requirements:

1. Development which requires a Coastal Development Permit (CDP) (Sec. 35-169, et seq.) shall include:
  - a) Tenant Improvement communication facility that conforms to the development criteria set forth in Sec. 35-144F.4.1., is allowed in all zone districts, except residential zone districts as identified in Section 35-52.
  - b) Ground or roof-mounted receive-only satellite dish antenna or wireless television antenna over one (1) meter in diameter but no greater than two (2)

meters in diameter, which is used solely for the non-commercial, private reception of communication signals (e.g., television), is allowed in all zone districts.

2. Development which requires a Director Approved Development Plan (Sec. 35-174 et seq.) and a Coastal Development Permit (CDP) (Sec. 35-169, et seq.) shall include:

- a). Tenant Improvement facility that conforms to the development criteria set forth in Sec. 35-144F.4.2., is allowed in all zone districts.
- b). Microcell, or similar facility, that conforms to the development criteria set forth in Section 35-144F.4.2. is allowed in all zone districts.
- c). Ground or roof-mounted receive-only satellite dish antenna and wireless television antenna greater than two (2) meters in diameter, which is used solely for the non-commercial, private reception of communication signals (e.g., television), is allowed in all zone districts.

3. Development which requires a Minor Conditional Use Permit (CUP) (Sec. 35-172.4 et seq.) and a Coastal Development Permit (CDP) (Sec. 35-169, et seq.) shall include:

- a). Tenant Improvement facility that conforms to the development criteria set forth in Sec. 35-144F.4.3., is allowed in all zone districts.
- b). Microcell, or similar facility, that conforms to the development criteria set forth in Sec. 35-144F.4.3., is allowed in all zone districts.
- c). Macrocell, or similar facility, that conforms to the development criteria set forth in Section 35-144F.4.3., is allowed in all non-residential zone districts, except RES Resources Management zone districts, and in residential zone districts only where the subject site has a Comprehensive Plan Land Use Designation or Overlay of Institutional/Government Facility. If the applicant proposes to co-locate on an existing support structure, which has an existing valid Conditional Use Permit, the project may be processed as a Substantial Conformity Determination, an Amendment, a Revision to the existing Conditional Use Permit, or a new Conditional Use Permit consistent with the requirements of Sec. 35-172.11.

- d) Amateur "ham" radio operations used solely by the occupant of the property where the facility is located or is used solely by the Coast Guard or Coast Guard Auxiliary operations, are allowed in all zone districts.
  - e) Other communication facilities and/or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission or reception of radio, television and communication signals which are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission and do not exceed fifty (50) feet in height, are allowed in all zone districts, except residential zone districts as specified in Sec. 35-52.
  - f) Private, non-commercial communication facilities used in conjunction with and serving an agricultural operation located on the property on which the facilities are located, in all agricultural zone districts.
4. Development which requires a Major Conditional Use Permit (CUP) (Sec. 35-172.6. et seq.) and a Coastal Development Permit (CDP) (Sec. 35-169. et seq.) shall include:
- a) Tenant Improvement facility that conforms to the development criteria set forth in Sec. 35-144F.4.4., is allowed in all zone districts.
  - b) Microcell, or similar facility, that conforms to the development criteria set forth in Sec. 35-144F.4.4., is allowed in all zone districts.
  - c) Macrocell that conforms to the development criteria set forth in Sec. 35-144F.4.4., is allowed in all zone districts, except residential zone districts as identified in Section 35-52.
  - d) Other communication facilities that are subject to regulation by the Federal Communications Commission and/or the California Public Utilities (e.g., AM/FM radio stations, television stations) which include but are not limited to: equipment shelters, antennas, antenna support structures and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals, including Master Television Antenna(s) subject to the provisions of Sec. 35-144F.7., or other communication facilities which exceed fifty (50) feet in

height, except amateur "ham" radio facilities as specified in Sec. 35-144F.4.3. and Wireless Communication Facilities, are allowed in all zone districts, except residential zone districts as identified in Section 35-52. This section does not include development such as buildings or structures that house employees except for routine maintenance activities.

5. All Communication Facilities, except private ground or roof mounted satellite dishes and wireless television antennas, shall be subject to Sec. 35-184. (Board of Architectural Review).

Sec. 35-144F.4. Development Criteria for Wireless Communication Facilities.

1. A Tenant Improvement facility that requires a Coastal Development Permit only shall comply with all of the following development criteria:
  - a). The facility is entirely enclosed within an existing building or structure (except antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facilities and the associated antennas.
  - b). If the equipment shelter is proposed to be located on the roof of an existing building or structure, it shall be fully screened or incorporated into the architectural design of the structure.
  - c). Antennas installed on the roof or directly attached to an existing building or structure must be fully screened or integrated into the architectural design of the building or structure.
  - d). The highest point of the antenna and any supporting structure installed within or on an existing building or structure does not protrude above the highest point of the building or structure (including parapet walls and architectural facades) on which it is mounted. Antennas that are mounted on the exterior wall of an existing building or structure shall not protrude more than two feet horizontally from such building or structure.
  - e). Access to the facility is provided by existing roads and driveways.
  - f). The facility does not include night lighting.



- g) The facility is not located within a residential zone district and is a minimum of 50 feet from the nearest existing residential dwelling unit, residentially zoned parcel line, licensed day care facility, and educational facility.
  - h) Electricity provided by a public utility is the primary power source.
  - i) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
  - j) The noise levels associated with the facility do not exceed County and State standards or policies.
  - k) The maximum composite effective radiating (ERP) power of the facility, or sum of the power of all facilities collocated on the building or structure, is 1,000 watts or less. If a facility is sectorized (i.e., using more than one directional antenna), the maximum composite ERP shall be limited to 1,000 watts or less per sector. If the site is collocated with a sectorized and a non-sectorized (e.g., using an omni-directional whip antenna) facility, the maximum ERP associated with the site shall be calculated by adding the maximum ERP associated with the whip antenna(s) and the maximum ERP associated with one of the directional antennas.
  - l) Notice of the project shall be provided in accordance with Sec. 35-181.3. (Coastal Development Permit Noticing). If home mail delivery is not available to residents, the mailed notice requirement for residents shall be satisfied by posting notice at the local post office.
2. Tenant Improvement facilities that do not comply with the development criteria identified in Section 35-144F.4.1 and Microcells, or similar facilities, which require a Director Approved Development Plan shall comply with the following pertinent development criteria:
- a) Tenant Improvement Facility:
    - i) The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and

air vents), or is located on the roof of an existing building/structure within an equipment shelter where the general public does not have access to the transmission facilities and the associated antennas.

- ii) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
- iii) The maximum height of the antenna(s) conforms to the zone district height requirements. No modifications (Sec. 35-172. or Sec. 35-174.) of the height limit shall be allowed. If located on a flat roof of an existing building or structure, the height of the antenna shall be not greater than the distance the antenna is setback from the edge of the roof.
- iv) Notice of the project has been provided pursuant to Sec. 35-181, and no written request for a hearing has been submitted to Planning and Development within ten (10) calendar days of such notice. If such request is received the project shall be processed as a Zoning Administrator Development Plan.

**b). Microcell, or similar facility:**

- i) The general public is excluded from the facility (e.g., underground or locked cabinet).
- ii) The maximum height of the antenna(s) conforms to the zone district height requirements. No modifications (Sec. 35-172. or Sec. 35-174.) of the height limit shall be allowed, except as follows: the highest point of the antenna(s) may exceed district height requirements only when mounted on an existing, operational public utility pole or similar support structure, as determined by Planning and Development. In no case shall the highest point of the antenna exceed the height of the utility pole or similar support structure (e.g., street light standard) on which it is mounted.

iii) The location of the microcell or similar facility shall conform to the following:

- a) Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna may be located within setbacks or right-of-way if installed on an existing, operational, public utility pole, or similar existing support structure (e.g., street light).
- b) Underground equipment (e.g., equipment cabinet) and associated antenna(s) may be located within the zone district setbacks and the right-of-way provided that the antenna(s) is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right-of-way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.
- c) The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).

iv) Notice of the project has been provided pursuant to Sec. 35-181, and no written request for a hearing has been submitted to Planning and Development within ten (10) calendar days of such notice. If such request is received, the project shall be processed as a Zoning Administrator Development Plan.

3. Tenant Improvement facilities and Microcells, or similar facilities, that do not conform to the development criteria outlined in Sections 35-144F.4.1., and 35-144F.4.2., and Macrocells require a Minor Conditional Use Permit and shall conform to the following development criteria:

- a) Tenant Improvement Facility:

- i) The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facilities and the associated antennas.
  - ii) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
  - iii) The height of the antenna(s) and supporting structure shall not exceed 50 feet. No modifications (Sec. 35-172, or Sec. 35-174.) of the height limit shall be allowed. If the antenna is located on an existing building or structure, the antenna(s) shall not exceed fifteen (15) feet above the highest point of the structure. If the antenna(s) are located on a flat roof, the height of the antenna(s) shall be no greater than the distance the antenna(s) is setback from the edge of the roof up to a maximum of fifteen (15) feet.
- b) Microcell, or similar facility:
- i) The general public is excluded from the facility (e.g., underground or locked cabinet).
  - ii) The height of the antenna(s) and supporting structure shall not exceed fifty (50) feet. No modifications (Sec. 35-172, or Sec. 35-174.) of the height limit shall be allowed, except as provided below. If the antenna is located on an existing building or structure, the antenna(s) shall not exceed fifteen (15) feet above the highest point of the structure. If the antenna(s) are located on a flat roof, the height of the antenna(s) shall be no greater than the distance the antenna(s) is setback from the edge of the roof up to a maximum of fifteen (15) feet. The highest point of the antenna(s) may exceed fifty (50) feet only when mounted on an existing

operational public utility pole or similar support structure, as determined by Planning and Development, but in no case shall the highest point of the antenna(s) exceed the height of the utility pole or similar base on which it is mounted.

iii) The location of the microcell or similar facility shall conform to the following:

- a) Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna(s) may be located within setbacks or right-of-way if installed on an existing utility pole, or similar existing support structure (e.g., street light).
- b) Underground equipment (e.g., equipment cabinet) and associated antennas may be located within the zone district setbacks and the right-of-way provided that the antenna is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right-of-way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.
- c) The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).

c) Macrocell, or similar facility.

- i) The general public will be excluded from the facility (e.g., fenced).
- ii) The height of the antenna(s) and supporting structure shall not exceed 50 feet. No modifications (Sec. 35-172, or Sec. 35-174.) of the height limit shall be allowed.

- iii) The support structure and associated antennas are : 1) a monopole with an antenna envelope of no more than 2 feet in diameter, or 2) designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or 3) designed to integrate into the natural environment (e.g., imbedded in a hillside), do not protrude into the skyline, and include a maximum of two sectors (i.e., antennas transmitting in two directions) and 6 antennas.
- iv) The facility is not located within a residential zone district, unless the subject site has a Comprehensive Plan Land Use Designation or overlay of Institutional/Government Facility and the facility is a minimum of 100 feet from the nearest dwelling unit, other residentially zoned parcel line, and educational facility, including licensed day care centers, on an adjacent parcel.
- v) The facility is not located within a Scenic Highway Corridor.
- vi) The project, including the support structure, shall meet all setback regulations provided in the applicable zone district, unless a modification of such setbacks is approved.
- vii) Co-location of macrocells on an existing support structure shall be required unless:
  - a) The applicant can demonstrate that reasonable efforts, as determined by Planning and Development, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or
  - b) Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or
  - c) Planning and Development determines that co-location of the proposed facility would result in greater visual impacts than if a new/separate support structure (e.g., monopole, lattice tower) were constructed.

4. Wireless communication facilities that do not conform to the development criteria set forth in Sec. 35-144F.4.1., Sec. 35-144F.4.2., or Sec. 35-144F.4.3., require a Major Conditional Use Permit and shall comply with the following development criteria:

a). Tenant Improvement Facility:

- i). The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facilities and the associated antennas.
- ii). If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.

b). Microcell, or similar facility:

- i). The general public is excluded from the facility (e.g., underground or locked cabinet).
- ii). The location of the microcell or similar facility shall conform to the following:
  - a). Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna(s) may be located within setbacks or right-of-way if installed on an existing utility pole, or similar existing support structure (e.g., street light).
  - b). Underground equipment (e.g., equipment cabinet) and associated antennas may be located within the zone district setbacks and the right-of-way provided that the antenna is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the

facility is located within the road right-of-way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.

- c) The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).

c) Macrocell, or similar facility.

- i) The general public will be excluded from the facility (e.g., fenced).
- ii) Macrocell facilities that do not conform to the development criteria set forth in Section 35-144F.4.3, shall be prohibited in all residential zone districts, as specified in Sec. 35-52.
- iii) Macrocell facilities shall be a minimum of 100 feet from the nearest residential dwelling unit, residentially zoned parcel line, and educational facility, including licensed day care centers, on an adjacent parcel.
- iv) The project, including the support structure, shall meet all setback regulations provided in the applicable zone district, unless a modification of such setbacks is approved.
- v) Macrocells, or similar facilities, shall be collocated on an existing support structure unless:
  - a) The applicant can demonstrate that reasonable efforts, as determined by Planning and Development, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful, or
  - b) Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility, or
  - c) Planning and Development determines that co-location of the proposed facility would result in greater visual impacts



than if a new/separate support structure (e.g., monopole, lattice tower) were constructed.

#### Sec. 35-144F.5 Abandonment Procedures

If a commercial facility used for the transmission and/or reception of communication signals including radio equipment and antennas, has not been in use for twelve (12) continuous months, the facility and all appurtenant structures shall be considered abandoned. Prior to permit approval, the applicant shall post a performance security in an amount sufficient to cover the cost of removal of the facility in the event that such facility is abandoned. If Planning and Development determines that the facility has been abandoned, the applicant may be required to remove all equipment from the premise within 30 calendar days of receipt of notice to abate. If such facilities are not removed within 30 days, the County may remove the facilities at the applicants expense.

#### Sec. 35-144F.6. Contents of an Application

Unless otherwise specified by the Planning and Development Director, ten copies of the following information shall be included in an application for any Communication Facility:

1. A site plan of the proposed development which meets the requirements of Planning and Development (Refer to Site Plan requirements for Development Plans). The Site Plan shall also include to following information:
  - a) Location of existing, on-site prime scenic quality areas, habitat resources, water bodies and vegetation.
  - b) Existing and proposed walls and fences
  - c) Proposed landscaping or screening
  - d) Proposed lighting
2. A topographic map that meets Planning and Development requirements and shows existing and proposed contours.
3. Proposed elevations of the building or structure including building height and other physical dimensions drawn in graphic scale.

4. Visual Impact assessments including mock-ups and photo montages. The assessment shall identify any proposed trimming of existing vegetation that will be required for the normal operation of the facility.
5. Site photos from three vantage points.
6. A statement of intent regarding the establishment of utilities and services (e.g., electricity).
7. Evidence that the parcel is valid (i.e., legally created).
8. Report prepared by a County approved radio frequency engineer showing that radio frequency radiation/electromagnetic frequency (RFR/EMF) emitted by the proposed facility conforms to safety standards adopted by the Federal Communications Commission, if applicable. The RFR reports prepared for wireless communication facilities shall conform to the reporting requirements set by the FCC. If a wireless communication facility meets the federal environmental evaluation exemption standards identified in Title 47 of the Code of Federal Regulations, as may be amended, a RFR/EMF report shall not be required. If the project permit does not clearly identify the maximum number of radio transceivers and effective radiated power associated with the facility, the County may require annual post-construction RFR/EMF reports for up to five years to verify that actual radiation levels emitted are consistent with those anticipated in the pre-approval report and do not exceed County/Federal safety standards.
9. Documentation showing that the noise generated by the proposed facility does not exceed County and State noise thresholds.
10. Hazardous Materials Business Plan, if required by the County Fire Department -- Hazardous Materials Division.
11. A title report or other legal instrument demonstrating legal access to the proposed site.
12. If proposed macrocell is not collocated the following information shall be submitted:
  - a) Documentation regarding the proposed service area and attempts to contact the owners of the existing facilities within that service area, and/or documentation why co-location is impractical.

- b) An agreement to lease space on the proposed support structure to other users in "good faith."
  - c) Documentation identifying the total capacity of the structure, including the number and types of antennas that can be accommodated over the life of the project
  - d) Documentation which identifies failure characteristics of the tower and demonstrates that the site and setbacks are of adequate size to contain falling debris.
  - e) Evidence demonstrating that the selected tower design is as visually unobtrusive as possible, given the technical and engineering considerations.
13. Evidence that the applicant has provided notice to all wireless communication service carriers of the plans to develop the proposed facility.
14. Verification of an operating license from the Federal Communications Commission.

Sec. 35-144F.7. Additional Requirements

Master Television Antennas.

1. Any and all reasonable conditions related to the public health, safety, and welfare and not in conflict with general laws may be imposed on Conditional Use Permits granted as provided in this Article, including among other things, regulation of height, general appearance, and location of guy wires, provided, however, that in all cases the following express conditions shall apply whether expressly set out in the Conditional Use Permit or not:
- a) No part of any Master Television Antenna(s), nor the cables or lines or other appurtenances thereto shall be permitted to encroach into, under, over, or upon, or cross under or over any public streets in the unincorporated territory of the County of Santa Barbara, unless either a franchise or an encroachment permit shall first have been obtained from the County of Santa Barbara, and no such encroachment or crossing shall be permitted to

be so maintained except pursuant to the terms of a valid existing franchise or encroachment permit from said County.

- b) Cables and lines and other appurtenances of Master Television Antenna(s) which are owned and operated by a nonprofit organization or entity may be permitted to use public streets in the unincorporated territory of said County pursuant to encroachment permits after first obtaining a Conditional Use Permit as provided herein. All such encroachment permits and all Conditional Use Permits granted hereunder shall automatically terminate and become null and void in the event any Master Television Antenna(s) or any part thereof, or cables, lines or other appurtenances thereto, or parts thereof owned and operated by a nonprofit organization or entity shall be transferred to or operated by any person, or entity organized or operating for profit-making purposes. This provision shall not be deemed to prevent the acquisition or operation of such Master Television Antenna(s) or parts thereof as set out hereinabove, by any person or entity organized or operating for profit-making purposes, which shall first have obtained a valid franchise and a valid Conditional Use Permit as provided herein, for such purposes.
- c) Transmission of television and radio frequency modulation signals shall be by cable conforming to Federal Communications Commission standards to prohibit radiation interference, unless otherwise expressly permitted by the Board of Supervisors upon satisfactory evidence that no such radiation interference is likely to result."

#### **SECTION 5:**

Section 35-145., Purpose and Intent, DIVISION 8, Services, Utilities and Other Related Facilities, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to read as follows:

#### **"Sec. 35-145. Purpose and Intent**

The purpose of this Division is to provide for the siting of small scale public works, utilities and private service facilities in all zone districts, excluding Communication

Facilities governed by and specified in Section 35-144E., Communication Facilities. The intent is to ensure that these facilities are sited and designed in a manner consistent with the provisions of this Article and compatible with surrounding land uses."

#### **SECTION 6:**

Section 35-169., Coastal Development Permits, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-169.2., Applicability, to add a new subsection v. as follows:

"15. Ground or roof mounted receive only satellite dish and wireless television antenna one (1) meter in diameter or less which is used solely by the occupants of the property on which the antenna is located for the non-commercial, private reception of communication signals (e.g., television)."

#### **SECTION 7:**

Section 35-172., Conditional Use Permits, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-172.4, Minor conditional Use Permits, to amend Section 35-172.5., Major Conditional Use Permits, and to amend Section 35-172.13., Additional Requirements, as follows:

**7.1** Amend Section 35-172.4, Minor Conditional Use Permits, to amend subsection 3. and to add subsection 6. to read:

#### **"Sec. 35-172.4. Minor Conditional Use Permits**

The following uses may be permitted in any zone district in which they are not otherwise permitted, with a Minor Conditional Use Permit, provided the Zoning Administrator can make the findings set forth in Section 35-172.9. (Findings).

1. Fences and walls of more than six (6) feet and gate posts of more than eight (8) feet in height when located within the front yard setback or when located within the side yard setback and closer than twenty (20) feet to the right-of-way of any street. Within areas of the side yard setback that are more than twenty (20) feet from the right-of-way of any street or within the rear yard setback, fences and walls of more than eight (8) feet and gateposts of more than ten (10) feet in height.

2. Special Care Homes.
3. Sale of agricultural products grown on the premises, subject to the provisions of Section 35-172.123.9.
4. Animals, use of property for animals different in kind or greater in number than otherwise permitted in this Article.
5. Uses, buildings, and structures accessory and customarily incidental to the above uses.
6. Communication facilities, as specified in and governed by Sec. 35-144F."

**7.2** Amend Section 35-172.5, Major Conditional Use Permits, to amend Section 35-172.5.2, subsection d, to amend Section 35-172.5.2, subsection k, and to amend Section 35-172.5.2, subsection o. to read:

"Sec. 35-172.5 Major Conditional Use Permits.

The following uses may be permitted provided the Planning Commission can make the findings set forth in Section 35-172.9. (Findings).

1. Except for the AG-I, AG-II, ~~Rural Residential Ranchette~~ and Resource Management Zone Districts, the following uses may be permitted in any zone district in which they are not otherwise permitted, with a Major Conditional Use Permit:
  - a. Clinics
  - b. Club
  - c. Conference center
  - d. Country Clubs
  - e. Hospitals, sanitariums, nursing homes, and rest homes
  - f. Library
  - g. Mausoleum
  - h. Mortuary, crematory or funeral home
  - i. Museum
2. The following uses may be permitted in any zone district that they are not otherwise permitted, with a Major Conditional Use Permit:
  - a. Airstrip - temporary
  - b. Cemetery

- c. Church
- d. Drive-through facilities for a use otherwise permitted in the zone district subject to the provisions of Sec. 35-172.11.
- e. Educational facilities, including nursery schools and day nurseries.
- f. Eleemosynary and philanthropic institutions (except when human beings are housed under restraint).
- g. Extraction and processing of natural, carbonated or mineral waters for sale including but not limited to, storage, bottling and shipping operations.
- h. Fairgrounds
- i. Golf courses and driving ranges
- j. Helistops
- k. ~~Master television antennae system subject to the provisions of Sec. 35-172.12.~~ Communication facilities, as specified in and governed by Sec. 35-144E.
- l. Mining, extraction and quarrying of natural resources, except gas, oil and other hydrocarbons subject to the provisions of Sec. 35-177. (Reclamation Plans).
- m. Polo fields and playing field for outdoor sports.
- n. Rodeo
- o. Sea walls, revetments, groins and other shoreline structures subject to the provisions of Sec. 35-172.11.
- p. Stable, commercial (including riding and boarding).
- q. Certified Farmer's Market incidental to a conference center, club facility, fairground, church, school, or governmental or philanthropic institution."

7.3 Amend Section 35-172.12, Additional Requirements, to delete subsection 1., renumber subsequent subsections and amend subsection 2.(renumbered to subsection 1.) to read:

"Sec. 35-172.12. Additional Requirements.

In addition to the provisions set forth above, the following uses shall be subject to additional requirements as set forth below:

~~1. Master Television Antennae.~~

~~Any Conditional Use Permit granted by the Planning Commission for Master Television Antenna or Antennae shall become effective only upon approval by the Board of Supervisors. Any and all conditions reasonably related to the public health, safety, and welfare and not in conflict with general laws may be imposed on Conditional Use Permits granted as provided in this Article, including among other things regulation of height, general appearance, and location of guy wires, provided, however, that in all cases the following express conditions shall apply whether expressly set out in the Conditional Use Permit or not:~~

- a. ~~No part of any Master Television Antenna or Antennae, nor the cables or lines or other appurtenances thereto shall be permitted to encroach into, under, over, or upon, or cross under or over any public streets in the unincorporated territory of the County of Santa Barbara unless either a franchise or an encroachment permit shall first have been obtained from the County of Santa Barbara, and no such encroachment or crossing shall be permitted to be so maintained except pursuant to the terms of a valid existing franchise or encroachment permit from said County.~~
- b. ~~Cables and lines and other appurtenances of Master Television Antenna or Antennae which are owned and operated by a nonprofit organization or entity may be permitted to use public streets in the unincorporated territory of said County pursuant to encroachment permits after first obtaining a Conditional Use Permit as provided herein. All such encroachment permits and all Conditional Use Permits granted hereunder shall automatically terminate and become null and void in the event any Master Television Antennae or any part thereof, or cables, lines, or other appurtenances thereto, or parts thereof owned and operated by a nonprofit organization or entity shall be transferred to or operated by any person, or entity organized or operating for profit making purposes. This provision shall not be deemed to prevent the acquisition or operation of such Master Television Antennae or parts thereof as set out hereinabove, by any person or entity organized or operating for profit making purposes, which shall first have obtained a valid~~



~~franchise and a valid Conditional Use Permit as provided herein, for such purposes.~~

- ~~e. Transmission of television and radio frequency modulation signals shall be by coaxial cable conforming to Federal Communications Commission standards to prohibit radiation interference, unless otherwise expressly permitted by the Board of Supervisors upon satisfactory evidence that no such radiation interference is likely to result.~~
- ~~d. All Master Television Antennae Systems shall be so designed, constructed, and oriented as to be able to receive all local television and radio frequency modulation station signals which include the Master Television antennae system within their class "A" signal areas as the same are designated by the Federal Communications Commission.~~

**21. Mortuaries, Crematories, and Funeral Homes.**

Subject to the issuance of a Conditional Use Permit, mortuaries, crematories, and funeral homes may be permitted in the following locations:

- a. Within cemeteries operating under a valid Coastal Development Permit,
- b. On any parcel of land abutting such a cemetery, or
- c. On property zoned to permit multiple family dwellings where such property abuts upon or is directly across the street from property zoned for industrial purposes.

In all such locations, the Planning Commission shall impose conditions requiring that the architectural design of all buildings and structures be compatible with neighboring residential buildings, that signs are unobtrusive, and that adequate off-street parking space is provided for funeral procession assembly areas.

**32. Handicraft Industries.**

A Conditional Use permit may be issued under the provisions of this section for the manufacture in C-2 and C-3 Districts of handicraft items, jewelry, notions, and other items on a small scale, and involving no effects on surrounding property which would constitute a greater nuisance than those created by other uses permitted in the district in which such manufacture is allowed.

A Conditional Use Permit for such use may only be issued subject to the provisions of this section and to the following conditions and to any further conditions which are necessary to protect the public peace, health, safety, and general welfare, to maintain property values in the neighborhood, and to safeguard essential community services and values such as traffic circulation, sewage disposal, water supply, fire protection, and neighborhood character:

- a. All manufacturing activities shall be conducted within a completely enclosed building having a total floor area which is not to exceed 2,500 square feet.
- b. All storage of materials and equipment shall be screened from view from surrounding properties by a solid fence or wall approved by the Zoning Administrator.
- c. No fumes, noxious gases, objectionable odors, heat, glare, or radiation generated by or resulting from such use shall be detectable at any point along the boundary of the property upon which the use is located.
- d. The use shall create no objectionable noise or vibration.
- e. No smoke or dust shall be created except from the heating of buildings.
- f. Not more than five persons shall be employed on the premises in connection with such use.

#### **43 Seawalls and Shoreline Structures**

- a. Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible, natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.

- b. Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.

**54. Electrical Transmission Lines.**

- a. Transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the coastal zone, especially in scenic rural areas, and to avoid locations which are on or near habitat, recreational, or archaeological resources, whenever feasible. Scarring, grading, or other vegetative removal shall be repaired, and the affected areas revegetated with plants similar to those in the area to the extent safety and economic considerations allow.
- b. In important scenic areas, where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.

**65. Drive-through Facilities.**

In considering an application for such a Conditional Use Permit, in addition to the findings in Sec. 35-172.8., the permit shall be granted only if the drive-through facility is found to have no greater adverse impact upon air quality than the same use without the drive-through facility.

**76. Sale of agricultural products grown on the premises.**

- a. This use shall not be permitted in the EX-1 Zoning District.
- b. The premises shall consist of two (2) or more contiguous acres.
- c. If a building or structure is required for the sale of such products, the sale shall be conducted either within an existing accessory building or from a separate stand not to exceed two hundred (200) square feet of sales and storage area except that if the premises consist of five (5) or more contiguous acres, such building shall not exceed six hundred (600) square

feet. The building or structure shall be located no closer than 20 feet to the right-of-way line of any street; this requirement shall apply in lieu of any other setback requirements of the zone district or the sign regulations. Only one (1) stand shall be allowed on the premises.

- d. New structures shall be approved by the County Board of Architectural Review.
- e. A building permit shall be obtained, if required by the Division of Building and Safety.
- f. Signs advertising the sale of agricultural products shall conform to Section 35-16.2 of Article I of Chapter 35 of the Santa Barbara County Code.
- g. A minimum of two (2) permanently maintained on-site parking spaces shall be provided, which shall not be located closer than 20 feet to the right-of-way line of any street.
- h. Prior to the issuance of a Coastal Development Permit, a permit for the sale of agricultural products shall be obtained from the Department of Health Care Services pursuant to Title 17, California Administrative Code Section 13653."

#### **SECTION 8:**

Section 35-174., Development Plans, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-174.2, Applicability, subsection 2 as follows:

- "2. The following shall be under the jurisdiction of the Director and shall be processed as set forth herein:
  - a) In the Highway Commercial (CH), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Shopping Center Commercial (SC), Professional and Institutional (PI), zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 10,000 square feet in gross floor area when combined with all structural development on the parcel, ~~shall be under the jurisdiction of the Director and shall be processed as set forth herein.~~
  - b) Communication facilities as specified in Sec. 35-144F."

**SECTION 9:**

Section 35-174., Development Plans, DIVISION 10, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-174.2, Applicability, subsection 3 as follows:

- "3. The following shall be under the jurisdiction of the Zoning Administrator and shall be processed as set forth herein:
- a) In the Visitor Serving Commercial (CV), Public Utilities (PU), and Recreation (REC), zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 10,000 square feet in gross floor area when combined with all structural development on the parcel, ~~shall be under the jurisdiction of the Director and shall be processed as set forth herein.~~
  - b) Communication facilities as specified in Sec. 35-144F."

**SECTION 10:**

Section 35-184., Board of Architectural Review, DIVISION 12, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-184.2, Applicability, by addition a new subsection 8. as follows:

- "8. Communication facilities as specified in Sec. 35-144F."

**SECTION 11:**

Summerland Community Plan Overlay, DIVISION 13, of Article II of Chapter 35 of the Santa Barbara county Code is hereby amended to amend Section 35-191.4 as follows:

"Sec. 35-191.4. Building Height

The maximum height for structures within the urban area shall be 22 feet and the maximum height for structure within the rural area shall be 16. The height limitations as identified in the BAR Guidelines for Summerland must be adhered to for all development within the SUM Overlay District. For the purposes of this Section, "urban" and "rural" are shown on the "Summerland Community Land Use Map." These height limitations shall apply except as provided for in Sec. 35-127.. Height."

**SECTION 12:**

Montecito Community Plan Overlay District , DIVISION 15, of Article II of Chapter 35 of the Santa Barbara county Code is hereby amended to amend Section 35-191.4 as follows:

**"Sec. 35-204. Height of Structures**

1. New structures shall be limited to an average height of sixteen (16) feet above finished grade where site preparation results in a maximum fill of ten (10) feet or greater in height. This height limitation shall apply except as provided for in Sec. 35-127.. Height."

**SECTION 13:**

Except as amended by this ordinance, Division 2, 7, 8, 11, 12, 13, and 15 of Article II of Chapter 35, of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

**SECTION 14:**

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force thirty (30) days from the date of its passage or upon the date that it is certified by Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later, and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 24th day of June, 1997, by the following vote:

AYES: Supervisors Graffy, Staffel, Urbanske

NOES: Supervisors Schwartz, Marshall

ABSTAINED: None

ABSENT: None

Thomas B. Urbanske  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By Robert Cohen  
Deputy Clerk

APPROVED AS TO FORM:

SHANE STARK  
County Counsel

By Paula Stark  
Deputy County Counsel

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