

CALIFORNIA COASTAL COMMISSION

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DATE: February 22, 2007

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Gary Timm, District Manager
Steve Hudson, Supervisor, Planning and Regulation
Shana Gray, Coastal Program Analyst

SUBJECT: Santa Barbara County Local Coastal Program Amendment No. MAJ-1-05-B (Structural Height Calculations) for Public Hearing and Commission Action at the March 15, 2007 Commission Meeting in Monterey.

DESCRIPTION OF THE SUBMITTAL

Santa Barbara County is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to revise the methodology for calculating the height of a structure. Under the proposed amendment, structures within Santa Barbara County, except structures located within the Summerland Community Plan Area, are subject to two major modifications: (1) the methodology for calculating the height of a structure has been revised; and (2) structures subject to the Ridgeline & Hillside Development Guidelines (Section 35-144 of the Zoning Ordinance) would be subject to an overall maximum height requirement.

Within the Summerland Community Plan Area, the method of calculating the height of a structure would be unchanged from the existing method. The method of calculating the height of a structure within the Montecito Community Plan Area would be subject to the new methodology; except that structures within the Montecito Planning Area zoned AG-1, R-1/E-1, R-2, DR and PRD that are not subject to the Ridgeline and Hillside Development Guidelines would be measured from finished grade in some cases.

The amendment consists of three separate changes to the County's certified LCP: (A) revision of the existing design review procedures and creation of regional Boards of Architectural Review; (B) modifications to calculating the height of structures in Santa Barbara County, other than structures within the Summerland Community Plan Area; and (C) new and revised development standards for commercial and non-commercial telecommunication facilities. This staff report and recommendation deals solely with Part B of the amendment. Part C is the subject of a separate staff report is scheduled to be heard at the same hearing in March 2007 and Part A will be the subject of a future staff report and public hearing.

The submittal was deemed complete and filed on November 24, 2006. At its January 2007 Commission meeting, the Commission extended the 60-day time limit to act on Local Coastal Program Amendment 1-05 for a period not to exceed one year, ending January 23, 2008.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends the Commission reject the proposed amendment and approve it only if modified so that the ordinances will be consistent with and adequate to carry out the certified LUP. The motions are found on **page 6-7** of this report.

The proposed Implementation Plan/Coastal Zoning Ordinance amendment modifies the way the height calculation is implemented in most parts of the County. The new methodology provides a more straightforward basis for determining the maximum height of a structure, as measured from the existing grade rather than the average finished grade. The height limits themselves would not be changed, only the methodology for calculating the height which includes various exceptions to the height calculation for: (1) specific structures that are not used for human activity; (2) roofs with a pitch of 4:12 (rise to run) or greater; and (3) architectural elements. The amendment also includes a maximum 32-foot height limit for structures that are subject to the Ridgeline and Hillside Development Guidelines (Exhibit 4c) with an exception to the height calculation for roofs with a pitch of 4:12 (rise to run) or greater.

The height methodologies are implemented differently within the County Zoning Ordinance, the Summerland Community Plan Area, and the Montecito Plan Area. The updated height methodology applies to most of Santa Barbara County; however, there are some minor differences within the Montecito Planning Area and the County chose not to update the methodology in the Summerland Community Plan asserting that the new methodology would penalize the small, steep lots (Therefore, structures within the Summerland Planning Area would continue to be measured as the vertical distance between the average finished grade of the lot covered by the building to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof (Exhibit 4a)).

The existing methodology for the majority of Santa Barbara County measures building height from the average finished grade to the highest points of a flat roof or the mean height of the highest gable of a pitched roof (Exhibit 4a). The mean height is determined by averaging the elevation of the roof ridge and the roof eave. The County has used the existing height methodology since approximately 1983. However, the County has found that while the building height calculation is relatively simple to implement for flat lots with standard house designs, it has proved more problematic for properties with undulating topography combined with house designs that have complex roof patterns. In an attempt to achieve taller structures than what would normally be allowed, designs are submitted that contain exaggerated roof eaves and other architectural “ornaments” that attempt to artificially lower the calculated height of a structure that would not otherwise meet the height requirement.

The proposed new methodology would eliminate this problem by providing fixed surfaces rather than *averaging* the elevation of the finished grade or roof eaves. The new methodology measures the lower surface from the existing grade (instead of the average finished grade), and the upper surface is established by the height limit applicable to the property (Exhibit 4b).

There are too many factors (topography, structural design) associated with the existing height calculation methodology combined with the additional exceptions to the new height calculation methodology to provide a specific analysis on the effect of the new methodology. In general, the new height calculation is designed to be roughly equivalent to the existing method but with a simplified system of measurement that is less susceptible to height increases resulting from exaggerated roof designs.

In addition to the countywide standards of the Coastal Land Use Plan, specific height standards are included within the Montecito Community Plan and Summerland Community Plan. The standard of review for the proposed amendment to the Coastal Zoning Ordinance is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County LCP. In this case, the zoning changes trigger consistency analysis under the visual resources, minimization of landform alteration, and community character policies of the certified LUP which includes the Santa Barbara County Coastal Land Use Plan as well as the Summerland Community and Montecito Community Plans.

Suggested Modification One includes some minor modifications to the proposed height ordinance to ensure consistency with specific Community Plan policies regarding height and a specific LUP policy regarding the calculation of heights within the View Corridor Overlay. Specifically, the measurement of height for structures that are located within the view corridor overlay could be misinterpreted. The new proposed language indicates that all structures that are not specifically identified as exceptions (in Sec. 35-127 Height) would be measured from existing grade. However, LUP Policy 4-11 and Sec. 35-96 of Article II, View Corridor Overlay District, indicates that structures within the view corridor overlay would be measured from average finished grade. Without the clarifying language provided by Suggested Modification One, the Ordinance would be internally inconsistent as well as inconsistent with the Land Use Plan and may cause applicants to interpret height on a case-by-case basis in a manner that provides the most height. This may have adverse impacts to the visual resources that are intended to be protected under the View Corridor Overlay District. Therefore Suggested Modification One provides clarifying language such that the height of structures within the View Corridor Overlay District is measured from average finished grade.

Suggested Modification One also addresses consistency of the proposed mechanical equipment exemption with the visual resource policies of the LUP and Community Plans. While it is appropriate to eliminate some minor mechanical equipment from the height calculation, an abundance of mechanical equipment can serve as a major impediment to views and community character. Therefore Suggested Modification One modifies the proposed ordinance to exempt only minor mechanical equipment housings from the height calculation, rather than all mechanical equipment.

Further, Suggested Modification Two is necessary to ensure internal consistency with the proposed ordinance amendment by eliminating an outdated reference to the definition of building height. This will ensure that the Ridgeline and Hillside Development Guidelines are subject to the new height calculation methodology.

TABLE OF CONTENTS

I. PROCEDURAL ISSUES.....	5
A. STANDARD OF REVIEW	5
B. PUBLIC PARTICIPATION.....	5
C. PROCEDURAL REQUIREMENTS	5
II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)	6
A. DENIAL AS SUBMITTED	6
B. CERTIFICATION WITH SUGGESTED MODIFICATIONS.....	7
III. SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)	7
1. <i>Height Calculation</i>	7
2. <i>Height Reference</i>	9
IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE LOCAL COASTAL PROGRAM IF MODIFIED AS SUGGESTED	10
A. AMENDMENT DESCRIPTION	10
B. PROPOSED CHANGES TO THE CERTIFIED LOCAL COASTAL PLAN.....	12
1. <i>Revised Height Calculations, General</i>	13
2. <i>Montecito Planning Area</i>	17
3. <i>Summerland Planning Area</i>	18
4. <i>Telecommunications Facilities</i>	19
C. CONSISTENCY ANALYSIS	19
1. <i>Relevant LUP and Community Plan Policies</i>	19
V. CALIFORNIA ENVIRONMENTAL QUALITY ACT	24

EXHIBITS

- Exhibit 1. Board of Supervisors Resolution 05-361
 - Exhibit 2. Board of Supervisors Resolution 05-335
 - Exhibit 3. Santa Barbara County Ordinance 4581
 - Exhibit 4. Example of Height Calculations
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Substantive File Documents

Resolution No. 05-361, County of Santa Barbara, *In the matter of submitting to the Coastal Commission amendments to the text of the Santa Barbara County Local Coastal Program*, passed, approved, and adopted by the Board of Supervisors December 13, 2005; Resolution No. 05-335, County of Santa Barbara, *In the matter of approving amendments to the Santa Barbara LCP to amend the CZO to amend Division 2, Definitions, Division 7 General Regulations, and Division 15, Montecito Community Plan Overlay to implement a new methodology to determine the height of a structure,*

passed, approved, and adopted by the Board of Supervisors November 22, 2005; Ordinance 4581, *Case Number 05ORD-00000-00001*, adopted by Board of Supervisors November 22, 2005;

Additional Information: Please contact Shana Gray, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA 93001. (805) 585-1800.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30514)

The standard of review for the proposed amendments to the Implementation Plan (Coastal Zoning Ordinance) of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County Local Coastal Program. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County LUP as guiding policies pursuant to Policy 1-1 of the LUP.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held a series of public hearings (Santa Barbara County Planning Commission Hearings 7/6/05 and 9/14/05; Montecito Planning Commission 4/20/05, 6/15/05; and Board of Supervisors Hearings 10/18/05 and 11/22/05) and received verbal and written comments regarding the project from concerned parties and members of the public. The hearings were noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of the California Code of Regulations, the County resolution for submittal may submit a Local Coastal Program Amendment that will either

require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves this Amendment, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (Section 13544.5; Section 13537 by reference;). Pursuant to Section 13544, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. If the Commission denies the LCP Amendment, as submitted, no further action is required by either the Commission or the County.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

A. DENIAL AS SUBMITTED

MOTION I: *I move that the Commission reject the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-05-B as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-05-B and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

B. CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-05-B if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the County of Santa Barbara Implementation Program/Coastal Zoning Ordinance Amendment STB-MAJ-1-05-B if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, if modified as suggested herein. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)

The staff recommends the Commission certify the following, with the modifications as shown below. The existing and proposed amended language to the certified LCP Implementation Plan is shown in straight type. Language recommended by Commission staff to be ~~deleted~~ is shown in ~~line-out~~. Language proposed by Commission staff to be inserted is shown underlined.

1. **Height Calculation**

Sec. 35-127. Height.

A. The following shall apply to structures located outside the Summerland Planning Area.

1. The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade except as provided in Sec. 35-

127.A.2. The height of any structure shall not exceed the applicable height limit except as provided below.

a. Exceptions.

1) Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents and similar structures which are not used for human activity may be up to 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. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.

2) Portions of a structure may exceed the height limit applicable to the subject structure by no more than three feet where the roof exhibits a pitch of 4 in 12 (rise to run) or greater.

3) In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Board of Architectural Review.

2. Measurement from finished grade.

a. Montecito Planning Area. For structures located within the Montecito Planning Area that ~~(1) are zoned AG-1, R-1/E-1, R-2, DR, and PRD, and (2) are not subject to Sec. 35-144 (Ridgeline and Hillside Development Guidelines)~~, the height of a structure shall be the vertical distance between the finished grade and the uppermost point of the structure directly above that grade if any portion of the structure is located above an area of the site where the finished grade is 10 feet or more above existing grade.

b. View Corridor (VC) Overlay District. For structures located within the View Corridor (VC) Overlay District, the height of a structure shall be the vertical distance between the average finished grade and the uppermost point of the structure directly above that grade as described in Sec. 35-96.

3. In addition to the height limit applicable to a structure as described in Sec. 35-127.A.1, a structure subject to the Ridgeline/Hillside Development Guidelines shall not exceed a maximum height of 32 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower. Except for structures located within the Montecito Planning Area, this 32 foot limit may be increased by no more than three feet where the highest part of the structure is part of a roof element that exhibits a pitch of four in 12 (rise to run) or greater.

B. The following shall apply to structures located within the Summerland Planning Area.

1. The height of a structure shall be the vertical distance between the average finished grade of the lot covered by the building to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof. The height of any structure shall not exceed the applicable height limit except as provided below.

a. Exceptions.

1) Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents and similar structures

which are not used for human activity may be up to 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. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.

C. Antennas and the associated support structure (e.g., lattice tower, monopole, or similar structure) used for the commercial reception and transmission of communication signals (e.g., radio, television, and wireless) or with amateur radio stations may be up to 50 feet in height. These facilities may exceed 50 feet up to a maximum of 75 feet in height where technical requirements dictate. Amateur radio antennas may exceed 75 feet when the County finds that an increased height is necessary in order to allow for the operational needs of the operator. Antennas used in connection with wireless communication facilities may exceed 75 feet in height if:

1. The antenna is mounted on or within an existing building and the highest point of the antenna does not protrude above the roof of the building, including parapet walls and architectural facades, that the antenna(s) is mounted on.
2. The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by Planning and Development, provided the highest point of the antenna does not exceed the height of the existing utility pole or similar structure that it is mounted on.

D. 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.

2. Height Reference

Sec. 35-144. *Ridgeline and Hillside Development Guidelines.*

Sec. 35-144.1 Purpose and Intent. The purpose of this section is to provide for the visual protection of the County's ridgelines and hillsides by require the Board of Architectural Review to review all proposed structures within the areas defined under Sec. 35-144.2, in terms of the guidelines as outlined in Sec. 35-144.3. The intent of this section is to encourage architectural designs and landscaping which conform to the natural topography on hillsides and ridgelines.

Sec. 35-144.2 Applicability. All structures proposed to be constructed in any zone district where there is a 16 foot drop in elevation within 100 feet in any direction from the proposed building footprint shall be reviewed by the Board of Architectural Review, for conformity with the Development Guidelines, as set forth in Sec. 35-144.3.

Sec. 144.3 Development Guidelines. The Board of Architectural Review shall have the discretion to interpret and apply the Ridgelines and Hillside Guidelines.

Urban Areas:

- A. The height of any structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location. (~~See definition of building height, page 3.~~)
- B. Proposed structures should be in character with adjacent structures.
- C. Large understories and exposed retaining walls should be minimized.
- D. Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.
- E. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Rural and Inner Rural Areas:

- A. The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structural location.
- B. Building rake and ridge line should conform to or reflect the surrounding terrain.
- C. Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
- D. Large, visually unbroken and/or exposed retaining walls should be minimized.
- E. Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.
- F. Grading shall be minimized, in accordance with the Comprehensive Plan goals.
- G. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE LOCAL COASTAL PROGRAM IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the LCP amendment as submitted, and approval of the LCP amendment if modified as indicated in Section III (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

Santa Barbara County is requesting an amendment to the Coastal Zoning Ordinance (Implementation Plan) portion of its certified Local Coastal Program (LCP) to revise the methodology for calculating the height of a structure. Under the proposed amendment, structures within Santa Barbara County, except structures located within the Summerland Community Plan Area, are subject to two major modifications: (1) the methodology for calculating the height of a structure has been revised; and (2) structures subject to the Ridgeline & Hillside Development Guidelines (Section 35-144

of the Zoning Ordinance) are limited to an overall maximum height of 32 feet. However, this 32 foot height limit may be increased by up to three feet to accommodate roof elements with a pitch of 4:12 (rise to run) or greater.

Within the Summerland Community Plan Area, the method of calculating the height of a structure would be unchanged from the existing method. Therefore, structures within the Summerland Planning area would continue to be measured as the vertical distance between the average finished grade of the lot covered by the building to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof (Exhibit 4a).

The method of calculating the height of a structure within the Montecito Community Plan Area would be subject to the new methodology (Exhibit 4b) with one exception. Structures within the Montecito Planning Area that are zoned AG-1, R-1/E-1, R-2, DR and PRD that are not subject to the Ridgeline and Hillside Development Guidelines would be measured from finished grade in some cases.

Specifically, the County proposes to (see Exhibit 3, Ordinance 4581):

1. Amend Section 35-58, *Definitions*, of the Zoning Code to add definitions for *Architectural Element*; *Grade, Existing*; *Grade, Finished*; *Height Limit*; and *Height, Structure*; and to delete the definition of *Building Height*.
2. Amend Section 35-58, *Definitions*, of the Zoning Code to delete the definition of *Building Height*.
3. Amend Section 35-127, *Height*, of the Zoning Code to define the height of a structure as the vertical distance between the existing grade and the uppermost point of the structure above that grade, except for: (1) structures within the Summerland Planning Area and (2) structures within the Montecito Planning Area that are zoned AG-1, R-1/E-1, R-2, DR and PRD which are not subject to the Ridgeline and Hillside Development Guidelines.
4. Amend Section 35-127, *Height*, of the Zoning Code to apply a maximum 32-ft. height limit to structures subject to the Ridgeline and Hillside Development Guidelines. This height shall be measured from the highest part of the structure (excluding certain architectural and non-habitable features) to the lowest point of the structures where an exterior wall intersects the finished grade or the existing grade, whichever is lower. This 32 foot height limit may be increased by no more than three feet to accommodate roof elements with a pitch of 4:12 (rise to run) or greater.
5. Amend Section 35-127, *Height*, of the Zoning Code to allow antennas for wireless communication facilities to exceed 75 feet in height in certain cases when an antenna is mounted on or within an existing building or when mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard); and to allow amateur radio antennas to exceed 75 feet where necessary for the operational need of the operator.

6. Amend Section 35-204, *Height of Structures*, of the Montecito Community Plan Overlay District to specify that any portion of a structure located where the finished grade is 10 feet or more above existing grade, then the structure is limited to 16 feet as measured from finished grade.

B. PROPOSED CHANGES TO THE CERTIFIED LOCAL COASTAL PLAN

The County proposes to revise its methodology for determining the height of structures in order to address the problems that staff have encountered in working with the existing definition, including:

- Lack of consistency in determining the height, based on how the average grade is calculated.
- Penalizing a structure that utilizes one or more ground levels (in an attempt to reduce grading and perceived building mass) due to the use of the highest mean roof height as required by the existing definition.
- Use of ornamental features located adjacent to the exterior walls of the structure (e.g., patios, planters) and exaggerated roof eave widths in order to lower the calculated height of a structure that would not otherwise meet the height requirement.

Under the proposed amendment, structures within Santa Barbara County, except structures located within the Summerland Community Plan Area, are subject to two major modifications: (1) the methodology for calculating the height of a structure has been revised; and (2) structures subject to the Ridgeline & Hillside Development Guidelines (Section 35-144 of the Zoning Ordinance) are limited to a maximum height of 32 feet from the highest point of the structure to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower (Exhibit 4c). However, this 32 foot height limit may be increased by up to three feet to accommodate roof elements with a pitch of 4:12 (rise to run) or greater.

Within the Summerland Community Plan Area, the method of calculating the height of a structure will be unchanged from the existing method, to maintain consistency with the specific height requirements outlined in the certified Summerland Community Plan. Therefore, structures within the Summerland Planning area would continue to be measured as the vertical distance between the average finished grade of the lot covered by the building to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof (Exhibit 4a).

The method of calculating the height of a structure within the Montecito Community Plan Area will be subject to the new height calculation (Exhibit 4b, as measured from existing grade rather than average finished grade) with one exception. As proposed, structures within the Montecito Planning Area that are zoned AG-1, R-1/E-1, R-2, DR and PRD that are not subject to the Ridgeline and Hillside Development Guidelines will be measured from finished grade if any portion of the structure is located above an area of

the site where the finished grade is 10 feet or more above existing grade. This exception is intended to maintain consistency with the specific height requirements outlined in the certified Montecito Community Plan.

1. Revised Height Calculations, General

Sec. 35-58, *Definitions*, of the Zoning Ordinance states:

Building Height: The vertical distance from the average finished grade of the lot covered by the building to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof.

Sec. 35-96, VC View Corridor Overlay District, states:

Sec. 35-96.1, Purpose and Intent. The purpose of this overlay district is to protect significant coastal view corridors from U.S. 101 to the ocean in areas of the County where such view corridors currently exist.

Sec. 35-96.2, Affect of VC Overlay District. Within the VC Overlay District, all uses of land shall comply with the additional standards set forth in this section.

Sec. 35-96.3, Processing.

1. Any structural development in areas within the View Corridor Overlay district shall be subject to approval by the Board of Architectural Review prior to issuance of a Coastal Development Permit.

2. The application to the Board of Architectural Review shall include a plot plan showing any landscaping, finished building elevations, data showing the proposed color scheme, materials of construction, and a drawing to scale showing any signs to be erected, attached to or painted on such structure.

3. The Board of Architectural Review shall approve the plans if it finds conformance with the following standards:

a. Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and shall be clustered to the maximum extent feasible.

b. Building height shall not exceed 15 feet above average finished grade, unless and increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean, in which case the height limitations of the base zone district shall apply.

c. Structures shall not be of an unsightly or undesirable appearance.

...

Sec. 35-127, *Height*, of the Zoning Ordinance states:

1. Chimneys; elevator and stair housings; television receiving antennae for individual receiving sets; 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,

Sec. 35-144, *Ridgeline and Hillside Development Guidelines*, of the Zoning Ordinance states:

Sec. 35-144.1 Purpose and Intent. The purpose of this section is to provide for the visual protection of the County’s ridgelines and hillsides by require the Board of Architectural Review to review all proposed structures within the areas defined under Sec. 35-144.2, in terms of the guidelines as outlined in Sec. 35-144.3. The intent of this section is to encourage architectural designs and landscaping which conform to the natural topography on hillsides and ridgelines.

Sec. 35-144.2 Applicability. All structures proposed to be constructed in any zone district where there is a 16 foot drop in elevation within 100 feet in any direction from the proposed building footprint shall be reviewed by the Board of Architectural Review, for conformity with the Development Guidelines, as set forth in Sec. 35-144.3.

Sec. 144.3 Development Guidelines. The Board of Architectural Review shall have the discretion to interpret and apply the Ridgelines and Hillside Guidelines.

Urban Areas:

A. The height of any structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure’s location. (See definition of building height, page 3.)

B. Proposed structures should be in character with adjacent structures.

C. Large understories and exposed retaining walls should be minimized.

D. Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.

E. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Rural and Inner Rural Areas:

A. The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structural location.

B. Building rake and ridge line should conform to or reflect the surrounding terrain.

C. Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.

D. Large, visually unbroken and/or exposed retaining walls should be minimized.

E. Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.

F. Grading shall be minimized, in accordance with the Comprehensive Plan goals.

G. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Exemptions:

In order for a proposed structure to be exempted from these guidelines, the BAR or Planning & Development Department (P&D), as stipulated below, must make one or more of the following findings:

1. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood. (BAR Finding)

2. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed. (BAR Finding)

3. The proposed site is on or adjacent to a minor topographic variation (i.e. gully), such that the 16 foot drop in elevation is not due to a true ridgeline or hillside condition. (P&D Finding)

4. Windmills and water tanks for agricultural purposes are exempt. (P&D Finding)

5. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications or similar service. (P&D Finding)

The existing methodology measures building height from the average finished grade to the highest points of a flat roof or the mean height of the highest gable of a pitched roof (Exhibit 4a). Essentially, the height of the building is determined by measuring between two surfaces, the lower surface being the average finished grade and the upper surface located at the highest point of a flat roof, or in the case of a sloping roof, the mean height of the highest roof element. The mean height is determined by averaging the elevation of the roof ridge and the roof eave.

The County has used the existing height methodology since approximately 1983. However, the County has found that while it is relatively simple to implement for flat lots with standard house designs, it has proved more problematic for properties with undulating topography combined with house designs that have complex roof patterns. In an attempt to achieve taller structures than what would normally be allowed, designs are submitted that contain exaggerated roof eaves and other architectural “ornaments” that attempt to artificially lower the calculated height of a structure that would not otherwise meet the height requirement.

The proposed new methodology would eliminate this problem by providing fixed surfaces rather than *averaging* the elevation of the finished grade or roof eaves. The new methodology measures the lower surface from the existing grade (instead of the average finished grade), and the upper surface is established by the height limit applicable to the property (Exhibit 4b). The upper height limit mimics the surface of the existing ground level except that it is raised in the air a distance equal to the height limit applicable to the property. In order to be consistent with the height limit, all parts of the structure must fit under the upper surface, with some exceptions described below.

One exception to the height limitation allows certain structures that are not used for human activity, including chimneys; church spires; elevator, mechanical, and stair housings; flag poles; oil and gas derricks, noncommercial antennas, towers, vents and similar structures, to be up to 50 feet in height in any zone district (provided such heights are not precluded by the F Airport Approach or VC View Corridor Overlay District). The use of towers or similar structures to provide higher ceiling heights for habitable space would not qualify under this exception.

A second exception to the height limit allows a structure to exceed the applicable height limit, by no more than three feet, where the roof is sloped at a minimum ratio of 4:12 (rise to run). This is to offset the height penalty that would otherwise occur since the proposed methodology measures to the uppermost point of the roof rather than the mean roof height as is the case under the existing methodology. Without the three foot additional height allowance, structures utilizing sloped roofs would be at a disadvantage compared to designs with flat roofs. Roofs with slopes steeper than 4:12 (e.g., Tudor styles) would not be given any greater allowance, above the additional three feet, under the proposed methodology.

The third and final exception to the height limit addresses architectural elements that may not qualify under the first exception (Sec 35-127.1.a.1.a) but may be desirable due to the architectural character they add to the structure. In order to provide for architectural character, architectural elements whose aggregate area is less than or equal to 10% of the roof area or 400 square feet, whichever is less, may exceed the height limit by no more than 8 feet when approved by the Board of Architectural Review.

In addition to the new height methodology described above, the proposed amendment would add another restriction on the overall height of structures that are subject to the Ridgeline and Hillside Development Guidelines. The purpose of this additional restriction is to control the visual impact of a multi-level structure on more steeply sloped lots as it spills down the hillside. This section limits the maximum height of a structure to 32 feet as measured from the highest point of the structure to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower (Exhibit 4c). This height limit may be increased up to three feet where the highest point is a roof element with a pitch of 4:12 (rise to run) or greater, except in the Montecito Planning Area.

2. Montecito Planning Area

Relevant Policies & Development Standards Provided in the *Land Use – Community Character* Section of the Montecito Community Plan:

Policy LU-M-1.2: Excessive grading for the sole purpose of creating or enhancing views shall not be permitted.

Development Standard LU-M-1.2.1: New structures shall be limited to an average height of 16 feet above finished grade where site preparation results in a maximum fill of 10 feet or greater in height.

Section 35-204, *Height of Structures*, as defined under the Montecito Overlay:

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 limit shall apply except as provided for in Sec. 35-127, Height.

Section 35-211, *Guest House, Artist Studio, and Pool House/Cabana*, as defined under the Montecito Overlay:

1. No guest house, artist studio or pool house/cabana shall exceed a height of sixteen (16) feet.

The method of calculating the height of a structure (from existing grade rather than average finished grade) within the Montecito Community Plan Area would be subject to the new methodology (Exhibit 4b) with one exception. The certified Montecito Community Plan Overlay District restricts the height of a structure to 16 feet when the finished grade is 10 feet or higher than the existing grade. This restriction was included to discourage applicants from placing excessive amounts of fill on a site in order to achieve a higher building pad. As proposed, the amendment would continue to require that the height of structures within the Montecito Planning Area that are zoned AG-1, R-1/E-1, R-2, DR and PRD and which are also not subject to the Ridgeline and Hillside

Development Guidelines be measured from finished grade if any portion of the structure is located above an area of the site where the finished grade is 10 feet or more above existing grade.

Structures that do not meet the above criteria would be subject to the new height methodology (measured from existing grade rather than average finished grade). Additionally, the maximum 32 ft. height limit for structures subject to the Ridgeline and Hillside Development Guidelines would apply (Exhibit 4c). However, the three-foot exception to the 32 ft. limit would not apply in the Montecito Planning Area.

3. Summerland Planning Area

Relevant Policies & Actions Provided in the *Visual and Aesthetics* Section of the Summerland Community Plan:

Policy VIS-S-3: Public views from Summerland to the ocean and from the Highway to the foothills shall be protected and enhanced. Where practical, private views shall also be protected.

Action VIS-S-3.1: The maximum height for structures within the urban area shall be 22 feet and the maximum height for structures in the rural area shall be 16 feet.

Action VIS-S-3.2: The County shall amend the zoning ordinance to include height limitations which must be adhered to for all development in Summerland.

Action VIS-S-3.3: SCA shall work with the Count to develop an ordinance that addresses the height of fences and hedges with consideration of minimizing view blockage. The ordinance shall also consider safety and aesthetics relating to the height and distance of fences and hedges from property lines.

Sec. 35-191.4, *Building Height*, as defined under the Summerland Overlay District:

Notwithstanding the height requirements contained in individual zone districts, the height for structures within the urban area shall be 22 feet and the height for structures within the rural area shall be 16 feet. 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 as designated on the "Summerland Community Land Use Map." These height limitations shall apply except as provided for in Sec. 35-127, Height.

As stated above, the amendment does not propose changes to the existing height calculation for property located within the Summerland Planning Area. Therefore, structures within the Summerland Planning area would continue to be measured as the vertical distance between the average finished grade of the lot covered by the building to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof (Exhibit 4a). The County indicates two reasons for not updating the height calculation in this area.

First, the proposed methodology includes a provision that allows a structure to exceed the height limit applicable to the property when the roof is sloped at a minimum ratio of 4:12 (rise to run). However, the Summerland Community Plan (unlike all other Community Plans) limits the heights of structures within the urban and rural areas to 22 and 16 feet respectively. These height limits are therefore mandated by the Community Plan and cannot be altered through the zoning ordinance.

Secondly, since the height limits are mandated by the Community Plan, the County asserts that a variance to the height limit cannot be approved when it is appropriate. The steeply sloping topography in the Summerland Planning Area, combined with the relatively small lot sizes, leads to situations where, if the new methodology that calculates the height based on existing grade is utilized, some lots could not be reasonably developed since a fair amount of fill would be required in order to provide, at a minimum, vehicular access to the property.

4. Telecommunications Facilities

Under the existing certified LCP, the maximum allowable height for any antennas, including wireless and amateur radio facilities, and associated support structures is 75 feet. Under the proposed amendment, antennas for wireless communication facilities may exceed 75 feet if (1) the antenna is on or within an existing building and the highest point does not protrude above the roof and (2) the antenna is on an existing operational public utility pole or similar support structure and the highest point does not exceed the height of the pole or structure. In addition, amateur radio antennas can exceed 75 feet only if the County finds that an increased height is necessary in order to allow for the operational needs of the operator. Therefore, in the proposed amendment there would be no maximum height requirement.

C. CONSISTENCY ANALYSIS

The standard of review for the proposed amendments to the Coastal Zoning Ordinance is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified Santa Barbara County LCP.

The LUP policies from the certified Santa Barbara County Coastal Plan, Montecito Community Plan, and Summerland Community Plan relevant to structural height are provided below.

1. Relevant LUP and Community Plan Policies

Policy 3-14:

All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for

development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

Policy 4-3:

In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

Policy 4-4:

In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

Policy 4-9 (View Corridor Overlay):

Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway #101, and shall be clustered to the maximum extent feasible.

Policy 4-11 (View Corridor Overlay):

Building height shall not exceed one story or 15 feet above average finished grade, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean.

Relevant Policies & Development Standards Provided in the *Land Use – Community Character* Section of the Montecito Community Plan:

Policy LU-M-1.2: Excessive grading for the sole purpose of creating or enhancing views shall not be permitted.

Development Standard LU-M-1.2.1: New structures shall be limited to an average height of 16 feet above finished grade where site preparations results in a maximum fill of 10 feet or greater in height.

Relevant Policies & Actions Provided in the *Visual and Aesthetics* Section of the Summerland Community Plan:

Policy VIS-S-3: Public views from Summerland to the ocean and from the Highway to the foothills shall be protected and enhanced. Where practical, private views shall also be protected.

Action VIS-S-3.1: The maximum height for structures within the urban area shall be 22 feet and the maximum height for structures in the rural area shall be 16 feet.

Action VIS-S-3.2: The County shall amend the zoning ordinance to include height limitations which must be adhered to for all development in Summerland.

Action VIS-S-3.3: SCA shall work with the Count to develop an ordinance that addresses the height of fences and hedges with consideration of minimizing view blockage. The ordinance shall also consider safety and aesthetics relating to the height and distance of fences and hedges from property lines.

The County Local Coastal Program contains Land Use Plan provisions for the protection of coastal resources, including policies addressing new development, visual resources, environmentally sensitive habitat, water quality, public access and recreation policies. In this case, the zoning changes trigger consistency analysis under the visual resources, minimization of landform alteration, and community character policies of the certified LUP which includes the Santa Barbara County Coastal Land Use Plan as well as the Summerland Community and Montecito Community Plans. The proposed amendment's consistency with the certified LUP provisions is detailed below.

The proposed ordinance modifies the way the height calculation is implemented in most parts of the County. The new methodology provides a more straightforward basis for determining the maximum height of a structure, as measured from the existing grade rather than the average finished grade. The height limits themselves would not be changed, only the methodology for calculating the height and the exceptions to the height. The proposed ordinance amendment allows a new exception to the height limit that would allow more steeply sloping roofs to exceed the height limits by no more than three feet. The amendment also includes a maximum 32-foot height limit for structures that are subject to the Ridgeline and Hillside Development Guidelines, but also allows more steeply sloping roofs to exceed the height limits by no more than three feet.

The height methodologies are implemented differently within the overall County Zoning Ordinance, the Summerland Community Plan Area, and the Montecito Plan Area. The height methodology applies to most of Santa Barbara County; however, there are some minor differences within the Montecito Planning Area; and the County chose not to update the methodology in the Summerland Community Plan asserting that the new methodology would penalize the small, steep lots.

There are too many factors (topography, structural design) associated with the existing height calculation methodology combined with the additional exceptions to the new height calculation methodology to provide a specific analysis on the effect of the new methodology. In general, the new height calculation is designed to be roughly equivalent to the existing method but with a simplified system of measurement that is less susceptible to height increases resulting from exaggerated roof designs.

The amendment includes a change to the existing ordinance that will apply an overall maximum height to structures subject to the certified Ridgeline and Hillside Guidelines. The application of this maximum height limit on more steeply sloped lots would result in reduced visual impacts.

In order to ensure that new development is sited in areas able to accommodate it and where it will not have significant cumulative impacts on coastal resources, as required by Section 30250 of the Coastal Act (incorporated by reference into the certified LUP),

siting and design must also take into account the requirements of other applicable policies of the certified LUP, including public access, recreation, environmentally sensitive habitat areas, and scenic and visual quality. Coastal Act Section 30251 (incorporated by reference into the certified LUP) requires that visual qualities of coastal areas be protected, landform alteration be minimized, and where feasible, degraded areas shall be enhanced and restored. This policy requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. This policy also requires that development be sited and designed to be visually compatible with the character of surrounding areas. New development must also minimize the alteration of natural landforms, and, where feasible, include measures to restore and enhance visual quality where it has been degraded.

Additionally, Policy 4-3 of the certified LUP requires that new development in rural areas be compatible with the character of the surrounding natural environment in height, scale, and design. LUP Policy 3-14 requires that new development be designed to fit the topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Policy 4-11 describes a maximum building height for structures within the designated view corridor overlay.

In addition to the countywide standards of the Coastal Land Use Plan, specific height standards are included within the Montecito Community Plan and Summerland Community Plan. Development Standard LU-M-1.2.1 limits new structures within the Montecito Community Plan area to an average of 16 feet above finished grade where the site is on fill of 10 feet or greater. Action VIS-S-3.1 establishes a maximum height of 22 feet for structures within the urban area and 16 feet for structures within rural areas of the Summerland Community Plan Area.

For designated View Corridor areas, LUP Policy 4-11 specifically states that the “building height shall not exceed one story or 15 feet above average finished grade, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean.” This policy specifically states that the 15 foot height limit be measured from average finished grade. However, though the modifications to the height ordinance appear to be comprehensive, the modifications do not reflect the special height requirements for structures located within the View Corridor Overlay District.

As a result, the measurement of height for structures that are located within the view corridor overlay could be misinterpreted. The new proposed language indicates that all structures that are not specifically identified as exceptions (in Sec. 35-127 Height) would be measured from existing grade. However, Sec. 35-96 View Corridor Overlay District indicates that structures within the view corridor overlay would be measured from average finished grade. Without the clarifying language provided by Suggested Modification One, the Ordinance would be internally inconsistent as well as inconsistent with the Land Use Plan and may cause applicants to interpret height on a case-by-case basis in a manner that provides the most height. This may have adverse impacts to the visual resources that are intended to be protected under the View Corridor Overlay District.

Therefore to ensure consistency of the height measurement with LUP Policy 4-11, the Commission finds it necessary to require Suggested Modification One to clarify that the height of structures within the View Corridor Overlay District is measured from average finished grade. Specifically, Section 35-127.A.2 shall be modified to define the height of structures located within the View Corridor Overlay District as the vertical distance between the average finished grade and the uppermost point of the structure directly above that grade consistent with Sec 35-96.

Another modification to the height ordinance exempts mechanical equipment housings from the calculation of height. The Commission finds that while it is appropriate to eliminate some minor mechanical equipment from the height calculation, an abundance of mechanical equipment can serve as a major impediment to views and community character. In addition, the Commission finds that the installation of large amounts or sizes of mechanical housings/devices could result in potential adverse impacts to public views. Therefore, to ensure protection of visual resources, the Commission finds it necessary to make the following change to the proposed language pursuant to Suggested Modification One: "Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents and similar structures which are not used for human activity may be up to 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. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity. "

Within the Montecito Community Plan, Development Standard LU-M-1.2.1 states that "new structures shall be limited to an average height of 16 feet above finished grade where site preparations results in a maximum fill of 10 feet or greater in height." Though this language establishes a maximum height range for all structures within the Montecito Community Plan area under the specified circumstances, the proposed ordinance would only apply to structures within five designated zone districts in the Montecito Area that meet the specified circumstances. As a result, the application of the new ordinance language only to limited areas is inconsistent with Development Standard LU-M-1.2.1 and would require a Land Use Plan amendment which is not currently proposed. Therefore, in order to ensure that the new proposed ordinance language will apply to all areas in order to ensure consistency with the requisite Montecito Community Plan, the Commission finds it necessary to eliminate the limitation to specific zone districts pursuant to Suggested Modification One as follows: "For structures located within the Montecito Planning Area that ~~(1) are zoned AG-1, R-1/E-1, R-2, DR, and PRD, and (2) are not subject to Sec. 35-144 (Ridgeline and Hillside Development Guidelines)~~, the height of a structure shall be the vertical distance between the finished grade and the uppermost point of the structure directly above that grade if any portion of the structure is located above an area of the site where the finished grade is 10 feet or more above existing grade."

The amendment also makes special allowances for telecommunications facilities. Because amateur radio communications are only as effective as the antennas employed, antenna height restrictions directly impact the effectiveness of amateur communications. Given federal preemption laws, state or local regulations which involve

placement, screening, or height of antennas based on health, safety, or aesthetic considerations must be crafted to reasonably accommodate amateur communications, and to represent the minimum practicable regulation to accomplish the governing authority's legitimate purpose. The proposed ordinance allows amateur radio antennas to exceed 75 feet when the County finds that the increased height is necessary to allow for the operational needs of the operator.

The modifications to the height of telecommunications antennas used in connection with wireless communication facilities would be allowed to exceed the current maximum of 75 feet in height if the antenna does not protrude above the highest point of a building or existing utility pole or similar structure to which the antenna is directly attached. In these cases, the antennas would have a minor impact to visual resources by joining with an existing structure and by limiting the antenna to a height that would not extend beyond the highest point of the attached structure. This will minimize impacts to visual resources while meeting federal requirements to encourage telecommunication facilities.

In addition to consistency with the prevailing Land Use Plan policies, the proposed amendment must be internally consistent with the other sections of the Implementation Plan/ Coastal Zoning Ordinance. In this case there is a minor discrepancy within the Ridgeline and Hillside Development Guidelines that should be addressed. Section 35-144.3 of the Guidelines references the definition of "building height" that would be deleted under the proposed amendment. Therefore to ensure the internal consistency of the Zoning Ordinance, the Commission finds that the reference to the building height definition shall be eliminated, pursuant to Suggested Modification Two, as follows: "The height of any structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location. ~~(See definition of building height, page 3.)~~" This modification will ensure that the new height calculation is applied to the Ridgeline and Hillside Development Guidelines, as proposed.

For the reasons above, the Commission finds that the proposed IP amendment is not consistent with or adequate to carryout the provisions of LUP Policies with respect visual resources and height unless modified as suggested above.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Local Coastal Programs for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LCPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program Implementation Ordinance. The Commission originally certified the County of Santa Barbara's Local Coastal Program Land Use Plan and Implementation Ordinance in 1981 and 1982, respectively. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the applicable policies of the Coastal Act, as incorporated by reference into the Land Use Plan, and the certified Land Use Plan and feasible alternatives and mitigation are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Land Use Plan and Implementation Plan components of the LCP into conformity with the certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

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

IN THE MATTER OF SUBMITTING TO THE)
COASTAL COMMISSION AMENDMENTS TO)
THE TEXT OF THE SANTA BARBARA)
COUNTY LOCAL COASTAL PROGRAM)

RESOLUTION NO: 05-361
CASE NOS.:
05ORD-00000-00001;
05ORD-00000-00004;
05ORD-00000-00014.

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. 05ORD-00000-00001 Height Calculation Methodology, attached as Exhibit A:

05ORD-00000-00001 amends Article II of Chapter 35 of the Santa Barbara County Code by amending Division 2 (Definitions), Division 4 (Zoning Districts), Division 7 (General Regulations) and Division 15 (Montecito Overlay) to amend the existing definitions, zone district standards, general regulations and overlay requirements regarding the height of structures to implement a new definition of height and a new methodology to determine the height of a structure.

2. 05ORD-00000-00004 Telecommunications Permitting Revisions, attached as Exhibit B:

05ORD-00000-00004 amends Article II of Chapter 35 of the Santa Barbara County Code by amending Division 2 (Definitions), Division 7 (General Regulations) and Division 11 (Permit Procedures) to amend the existing definitions, zone district standards, general regulations and procedures regarding commercial and noncommercial telecommunication facilities.

3. 05ORD-00000-00014 Board of Architectural Review Process Revisions, attached as Exhibit C:

05ORD-00000-00014 to amend Article II of Chapter 35 of the Santa Barbara County Code by amending Division 2 (Definitions), Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division

EXHIBIT 1
STB-MAJ-1-05-B
Board of Supervisors Resolution 05-361

Structures and Uses), Division 11 (Permit Process), and Division 12 (Administration) to amend the existing definitions, zone district standards, overlay district standards, general regulations, standards regarding nonconforming structures and uses, permit procedures, and administrative procedures regarding proposed revisions to the Board of Architectural process.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission and the Montecito Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 of the Government Code, and the County Planning Commission and the Montecito Planning Commission have sent their 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 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 have been previously adopted as amendments to the Santa Barbara County Coastal Plan, Coastal Zoning Ordinance text, and Coastal Zoning Maps.
- 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 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.

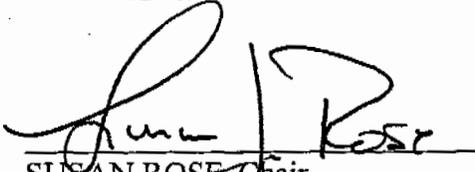
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of December, 2005, by the following vote:

AYES: Supervisor Firestone, Supervisor Gray and Supervisor Centeno

NOES: Supervisor Carbajal, Supervisor Rose

ABSTAIN: None

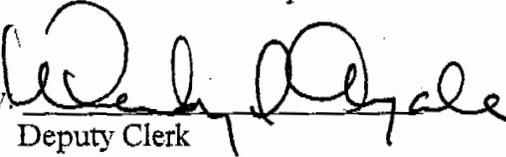
ABSENT:



SUSAN ROSE, Chair
Board of Supervisors, County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: 
Deputy County Counsel

ATTACHMENT C: ARTICLE II RESOLUTION AND ORDINANCE AMENDMENT

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

IN THE MATTER OF ADOPTING)
AMENDMENTS TO THE SANTA BARBARA)
COUNTY LOCAL COASTAL PROGRAM TO)
AMEND THE COASTAL ZONING ORDINANCE)
ARTICLE II OF CHAPTER 35 OF THE SANTA)
BARBARA COUNTY CODE TO AMEND)
DIVISION 2, DEFINITIONS, DIVISION 7)
GENERAL REGULATIONS, AND DIVISION 15,)
MONTECITO COMMUNITY PLAN OVERLAY,)
TO IMPLEMENT A NEW METHODOLOGY TO)
DETERMINE THE HEIGHT OF A STRUCTURE.)

RESOLUTION NO.: 05-335
CASE NO.: 05ORD-00000-00001

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. It is 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 the County that the Board of Supervisors amends the text of the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, as specified below:

05ORD-00000-0001: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend DIVISION 2, Definitions, DIVISION 7, General Regulations, and DIVISION 15, Montecito Community Plan Overlay, to implement a new methodology to determine the height of a structure.

Said ordinance (Case Number 05ORD-00000-00001) is attached hereto as Exhibit 1 and is incorporated herein by reference.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendment in a duly noticed public hearing pursuant to Section 65353 of the Government Code.
- E. The Planning Commission, after holding duly noticed public hearings on the above described items, has endorsed and submitted this recommended amendment to the Board of Supervisors pursuant to Section 65354 of the Government Code.

EXHIBIT 2
STB-MAJ-1-05-B
Board of Supervisors Resolution 05-335

- F. The Board of Supervisors has held a duly noticed public hearing, as required by Section 65355 and Section 65856 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- G. The proposed amendment to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Local Coastal Program, and the requirements of the State Planning and Zoning Laws as amended to this date.
- H. The Board of Supervisors will submit this amendment to the California Coastal Commission at a later date.

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 adopted as amendments to the Local Coastal Program (Coastal Zoning Ordinance text) of Santa Barbara County.
- 3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act.
- 4. The Board of Supervisors will submit this Local Coastal Program amendment to the California Coastal Commission for review and certification on the appropriate date.
- 5. The Chair and Clerk of the Board of Supervisors 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.

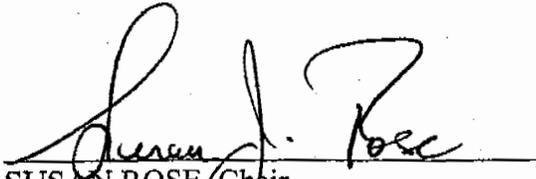
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 22 day of November, 2005 by the following vote:

AYES: Supervisors Carbajal, Rose, Firestone, Gray and Centeno

NOES: None

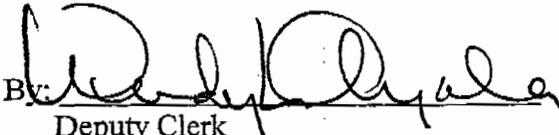
ABSTAIN: None

ABSENT: None


SUSAN ROSE, Chair
Board of Supervisors, County of Santa Barbara

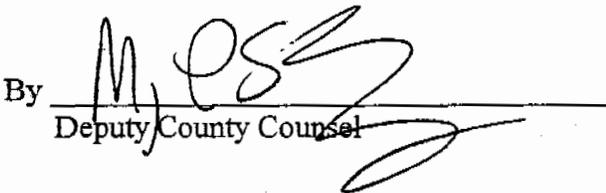
ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: 
Deputy County Counsel

EXHIBITS:

1. Ordinance - Article II (05ORD-00000-00001)

EXHIBIT 1: ARTICLE II ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 4581

AN ORDINANCE AMENDING ARTICLE II, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, AND DIVISION 15, MONTECITO COMMUNITY PLAN OVERLAY DISTRICT, TO AMEND THE EXISTING DEFINITIONS, GENERAL REGULATIONS AND OVERLAY REQUIREMENTS REGARDING THE HEIGHT OF STRUCTURES TO IMPLEMENT A NEW METHODOLOGY TO DETERMINE THE HEIGHT OF A STRUCTURE.

Case No. 05ORD-00000-00001

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

SECTION 1:

DIVISION 2, DEFINITIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add the following definitions of Architectural Element, Grade, Existing, Grade, Finished, Height Limit and Height, Structure, to read as follows:

ARCHITECTURAL ELEMENT: A portion of a building that exceeds the height limit and extends beyond the roof of the building.

GRADE, EXISTING: The existing condition of the ground elevation of the surface of a building site at the time of permit application, including Board of Architectural Review applications, that represents either (1) the natural grade prior to the placement of any fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of the site.

GRADE, FINISHED: The level of the finished surface of the site after any permitted grading activities, including but not limited to cut and fill of existing slopes, associated with a specific permit application.

HEIGHT LIMIT: The maximum allowed height of a structure as established by an imaginary surface located at the allowed number of feet above and parallel to the existing ~~grade~~

EXHIBIT 3
STB-MAJ-1-05-B
Ordinance 4851

HEIGHT, STRUCTURE: See Sec. 35-127, Height.

SECTION 2:

DIVISION 2, DEFINITIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to delete the existing definition of Building Height.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-127, Height, to read as follows:

Sec. 35 127. Height.

A. The following shall apply to structures located outside the Summerland Planning Area.

1. The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade except as provided in Sec. 35-127.A.2. The height of any structure shall not exceed the applicable height limit except as provided below.

a. Exceptions.

- 1) Chimneys, church spires, elevator, mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents, and similar structures which are not used for human activity may be up to 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. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.
- 2) Portions of a structure may exceed the height limit applicable to the subject structure by no more than three feet where the roof exhibits a pitch of 4 in 12 (rise to run) or greater.
- 3) In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the

height limit by no more than eight feet when approved by the Board of Architectural Review.

2. For structures located within the Montecito Planning Area that (1) are zoned AG-I, R-1/E-1, R-2, DR and PRD, and (2) are not subject to Sec. 35-144 (Ridgeline and Hillside Development Guidelines), the height of a structure shall be the vertical distance between the finished grade and the uppermost point of the structure directly above that grade if any portion of the structure is located above an area of the site where the finished grade is 10 feet or more above existing grade.
 3. In addition to the height limit applicable to a structure as described in Sec. 35-127.A.1, a structure subject to the Ridgeline/Hillside Development Guidelines shall not exceed a maximum height of 32 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower. Except for structures located within the Montecito Planning Area, this 32 foot limit may be increased by no more than three feet where the highest part of the structure is part of a roof element that exhibits a pitch of four in 12 (rise to run) or greater.
- B. The following shall apply to structures located within the Summerland Planning Area.
1. The height of a structure shall be the vertical distance between the average finished grade of the lot covered by the building to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof. The height of any structure shall not exceed the applicable height limit except as provided below.
 - a. Exceptions.
 - 1) Chimneys, church spires, elevator, mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents, and similar structures which are not used for human activity may be up to 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. The use of towers or similar structures to provide higher ceiling

heights for habitable space shall be deemed a use intended for human activity.

- C. Antennas and the associated support structure (e.g., lattice tower, monopole, or similar structure) used for the commercial reception and transmission of communication signals (e.g., radio, television, and wireless) or with amateur radio stations may be up to 50 feet in height. These facilities may exceed 50 feet up to a maximum of 75 feet in height where technical requirements dictate. Amateur radio antennas may exceed 75 feet when the County finds that an increased height is necessary in order to allow for the operational needs of the operator. Antennas used in connection with wireless communication facilities may exceed 75 in height feet if:
1. The antenna is mounted on or within an existing building and the highest point of the antenna does not protrude above the roof of the building, including parapet walls and architectural facades, that the antenna(s) is mounted on.
 2. The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by Planning and Development, provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
- D. 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 15, MONTECITO COMMUNITY PLAN OVERLAY DISTRICT, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-204, Height of Structures, to read as follows:

Sec. 35-204. Height of Structures.

1. If any portion of a structure is located above an area of the site where the finished grade is 10 feet or more above existing grade, then the structure shall be limited to 16 feet in height as calculated pursuant to Sec. 35-127.A.2 except as otherwise allowed pursuant to Sec. 35-127.A.1.a.

SECTION 5:

Applicability. The determination of conformity with the height limits of this Article for projects that received preliminary approval from the Board of Architectural Review prior to the effective date of this ordinance in compliance with Section 7, below, shall be based on this Article as it as it existed at the time of preliminary approval provided that the Coastal Development Permit for said project is approved prior to the expiration of 12 months following the effective date of this ordinance in compliance with Section 7, below. However, the applicant for such a project may elect to have the determination of conformity with the height limits of this Article be based on this Article as it exists after the effective date of this ordinance.

SECTION 6:

Except as amended by this Ordinance, Divisions 2, 7 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 7:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 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 30514, whichever occurs later; and before the expiration of 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 18th day of October, 2005, by the following vote:

- F. The Board of Supervisors has held a duly noticed public hearing, as required by Section 65355 and Section 65856 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- G. The proposed amendment to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Local Coastal Program, and the requirements of the State Planning and Zoning Laws as amended to this date.
- H. The Board of Supervisors will submit this amendment to the California Coastal Commission at a later date.

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 adopted as amendments to the Local Coastal Program (Coastal Zoning Ordinance text) of Santa Barbara County.
3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act.
4. The Board of Supervisors will submit this Local Coastal Program amendment to the California Coastal Commission for review and certification on the appropriate date.
5. The Chair and Clerk of the Board of Supervisors 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 22nd day of November, 2005 by the following vote:

AYES: Supervisors Carbajal, Rose, Firestone, Gray and Centeno

NOES: None

ABSTAIN: None

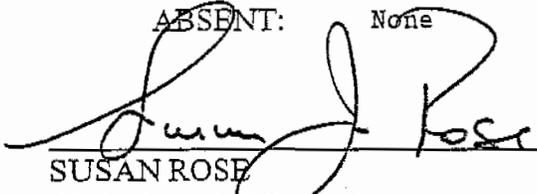
ABSENT: None

AYES: Supervisors Carbajal, Rose, Firestone, Gray and Centeno

NOES: None

ABSTAINED: None

ABSENT: None



SUSAN ROSE
Chair, Board of Supervisors
County of Santa Barbara

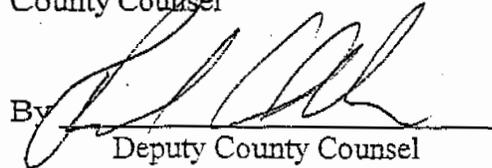
ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors



By _____
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel



By _____
Deputy County Counsel

Background

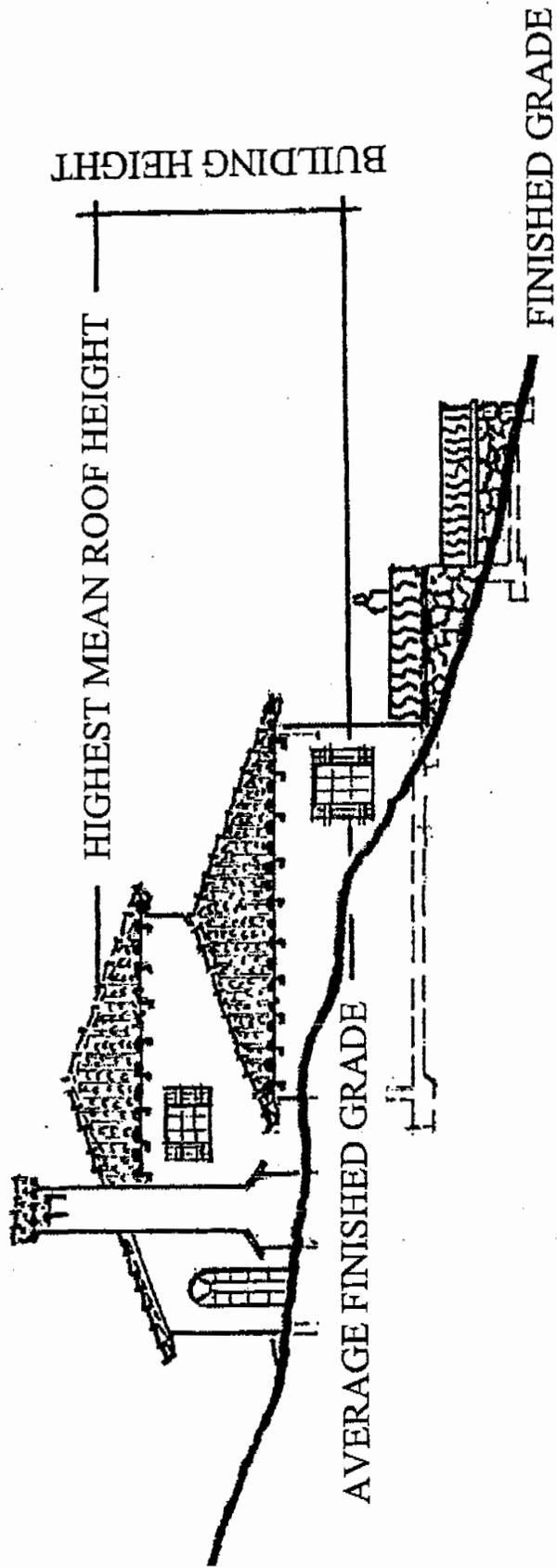


EXHIBIT 4a
STB-MAJ-1-05-B
Existing Height Calculation Method

Proposed Methodology

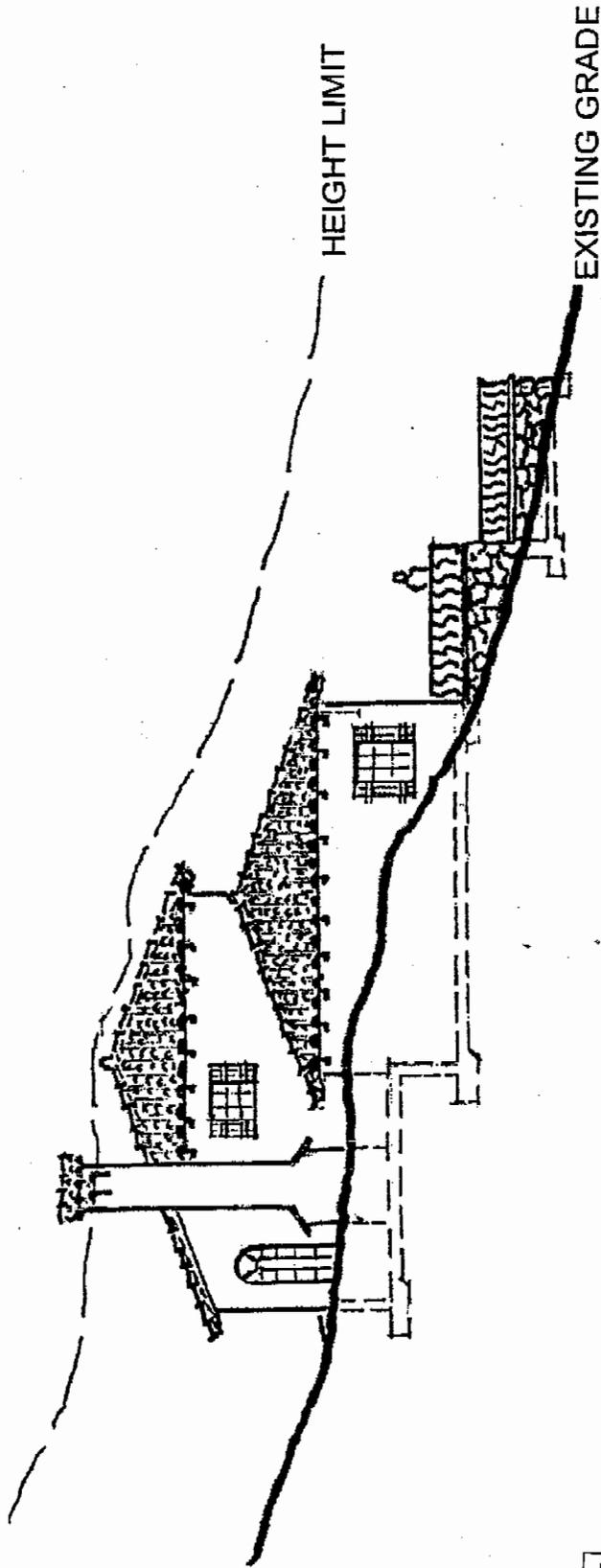


EXHIBIT 4b
STB-MAJ-1-05-B
Proposed Height Calculation Method

Proposed Methodology

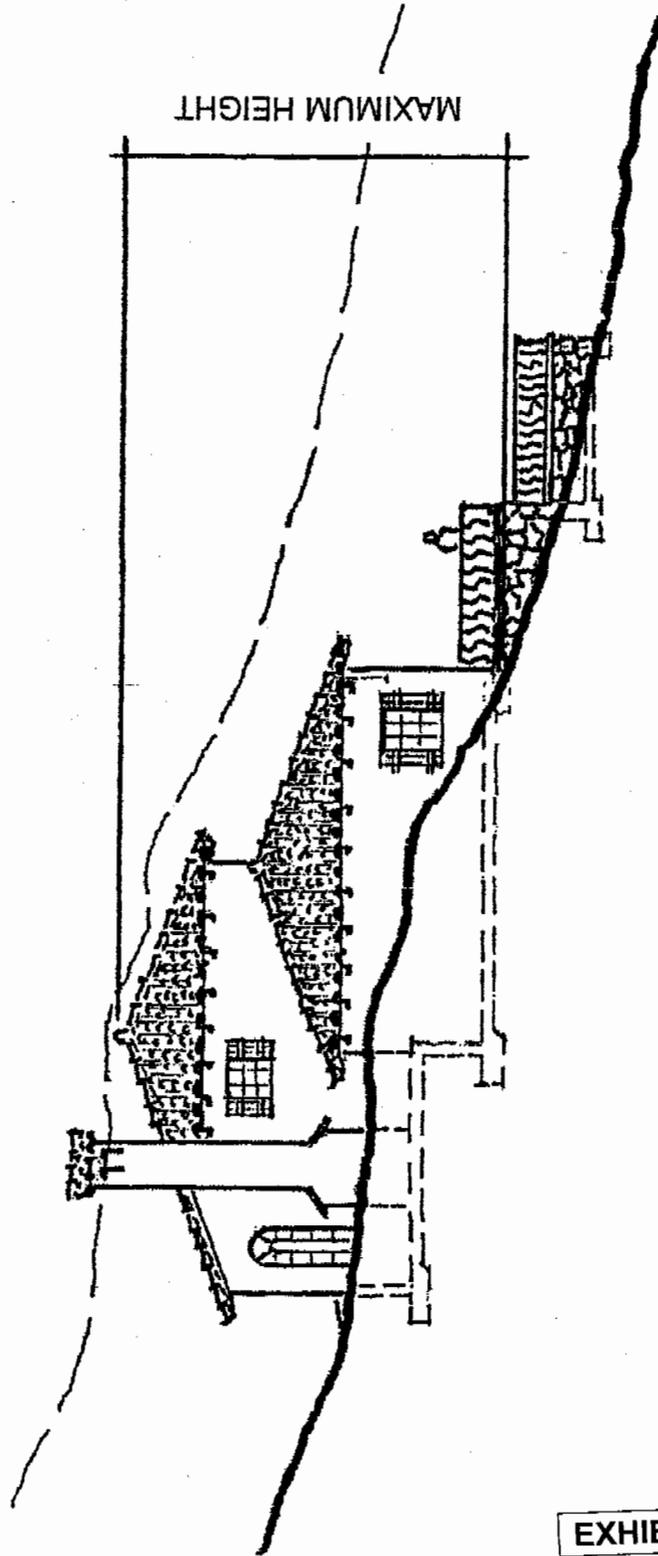


EXHIBIT 4c
STB-MAJ-1-05-B
Proposed Maximum
Height for Structures
on Hillsides