

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



DATE: March 28, 2013
TO: Commissioners and Interested Persons
FROM: Jack Ainsworth, Senior Deputy Director
Steve Hudson, District Manager
Shana Gray, Supervisor, Planning and Regulation
Amber Geraghty, Coastal Program Analyst

W26a

SUBJECT: Santa Barbara County Local Coastal Program Amendment No. MAJ-3-11-B
(Commercial Telecommunications Facilities) for Public Hearing and Commission
Action at the April 10, 2013 Commission Meeting in Santa Barbara.

DESCRIPTION OF THE SUBMITTAL

Santa Barbara County is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of its certified Local Coastal Program (LCP) to provide new procedures and development standards that regulate the construction and use of commercial telecommunication facilities.

The County of Santa Barbara submitted the subject Local Coastal Program Amendment to the Commission on December 22, 2011. The amendment proposal was deemed incomplete on January 9, 2012, and again on February 29, 2012, and complete on May 11, 2012, the date of receipt of additional information requested by Commission staff. At the June 14, 2012 hearing, the Commission granted a one year time extension to act on this County of Santa Barbara LCP Amendment (No. MAJ-3-11-B) pursuant to Coastal Act Section 30517 and California Code of Regulations, Title 14, Section 13535(c).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, reject proposed Santa Barbara County LCP Amendment No. STB-MAJ-3-11-B, as submitted, and **approve only if modified** pursuant to the suggested modifications. The suggested modifications are necessary to ensure that the County's Implementation Plan/Coastal Zoning Ordinance (IP/CZO) is consistent with and adequate to carry out the certified LUP. The motions and resolutions for Commission action can be found starting on **page 5**. The suggested modification language can be found starting on **page 6**.

The proposed amendment would modify processing and permitting requirements for certain types of commercial telecommunication facilities. The proposed amendment is primarily intended to provide greater public noticing and strengthened permit standards for certain telecommunication projects through clarifications and changes to the existing code. Under the proposed amendment, all new commercial telecommunication facilities proposed to be located in residential zones would be required to receive a Conditional Use Permit under the jurisdiction of the Planning Commission (which would include a noticed public hearing appealable to the Coastal Commission if within the Coastal Zone). Additionally, under the proposed amendment,

all commercial telecommunication facilities, with the exception of “mobile telecommunication temporary facilities” (such as those used for unplanned events or emergencies) and “hub sites” (located within existing buildings), will receive discretionary review and an opportunity for public hearing. The amendment also adds new provisions for facilities not captured in the zoning code, including “mobile telecommunication temporary facilities” and “hub sites” and amends processing requirements for “collocated facilities” to provide for expedited review in certain circumstances to comply with FCC requirements. Further, the proposed amendment also adds new application requirements and additional decision maker findings requiring that (1) an applicant demonstrates a need for service coverage, such that the area proposed would not otherwise be served by the carrier proposing the facility, and (2) an applicant demonstrates that the facility location and design is the least intrusive means feasible to minimize visual impacts to the community.

Staff is recommending **approval** of the amendment with **four (4) Suggested Modifications** to ensure conformance with existing Coastal Act and LUP policies regarding environmentally sensitive habitat, cumulative impacts, visual resources, and agricultural resources and to eliminate internal inconsistencies. **Suggested Modifications One (1), Three (3), and Four (4)** clarify minor language and formatting issues and reinsert existing certified language. **Suggested Modification Two (2)** reinserts language proposed to be deleted from the definition of collocated telecommunications facilities to make clear that such facilities can be used by more than one public or private entity. **Suggested Modification Two (2)** proposes to add language to the new proposed definition of “hub site” to clarify that hub sites are required to be located within existing facilities, as intend in the proposed ordinance language. **Suggested Modification Four (4)** recommends language to provide that commercial telecommunication facilities be sited in manner to avoid ESHA and ESHA buffer impacts from fuel modification. Similarly, **Suggested Modification Four (4)** adds provisions to ensure that vegetation removal conducted to avoid signal interference to and from an approved facility will avoid ESHA and ESHA buffer impacts and will require new approvals pursuant to existing permitting standards. Additionally, to ensure that siting and design alternatives for new telecommunication facilities are evaluated to avoid impacts to sensitive habitat, in addition to minimizing visual impacts, **Suggested Modification Four (4)** adds clarifying language that design and location of telecommunication facilities should be the least *visually* and *environmentally* intrusive means feasible. Lastly, to ensure that the amendment will be consistent with policies protecting agriculture, **Suggested Modification 4** adds standards to provide that agricultural operations will not be adversely impacted by placement and operation of new telecommunications facilities.

The standard of review for the proposed amendment to the IP/CZO of the certified LCP 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. 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. For the reasons above, and as described in this report, the proposed IP/CZO amendment would not be consistent with or adequate to carryout the provisions of LUP with respect to the protection of coastal resources unless modified as suggested.

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EXHIBITS

- Exhibit 1. Proposed Amendment Language (strikeout and underline)
 - Exhibit 2. Santa Barbara County Ordinance 4789
 - Exhibit 3. Santa Barbara County Board of Supervisors Resolution 11-413
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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. (California Public Resources Code Section 30513)

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 (“proposed amendments to a certified [LCP] shall be submitted to, and processed by, the commission in accordance with the applicable procedures ... specified in Sections 30512 and 30513...”) of the Coastal Act, is that the Commission must approve it unless the proposed amendment is not in conformance with, or is inadequate 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 (Montecito Planning Commission Hearing on 3/23/11, County Planning Commission Hearing on 4/6/11, and Board of Supervisors Hearing on 5/17/11) and no written comments were received regarding the project from concerned parties and members of the public and no verbal comments were received at the Board of Supervisors hearing and the County Planning Commission Hearing. One public speaker slip was received at the Montecito Planning Commission hearing. The hearings were noticed to the public consistent with Sections 13515 of Title 14 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 Title 14 of the California Code of Regulations (“14 CCR”), the County, by resolution, 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. The Santa Barbara County Board of Supervisors submittal resolution did not specify whether or not this amendment shall take effect automatically after Commission action. Nevertheless, in this case, because staff is recommending that this approval

be subject to suggested modifications by the Commission, if the Commission approves this Amendment as recommended, 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 (14 CCR §§ 13544, 13555(b), and Section 13542(b)). 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) AMENDMENT

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-3-11-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-3-11-B and adopts the findings set forth below on grounds that the Implementation Program amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. 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-3-11-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-3-11-B if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program amendment with the suggested modifications will conform with, and will be adequate to carry out, the provisions of the certified Land Use Plan as amended. 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) AMENDMENT

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/Coastal Zoning Ordinance 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. Noticing Provisions

Sec. 35-181.2 Notice of Public Hearing and Decision-Maker Action.

1. Minimum Requirements. Notice shall be given in compliance with Sections 65090-65096 of the Government Code for all projects that require a noticed public hearing or notice of decision by the Director and the following minimum requirements:

...

- b. Mailed notice.** Notice shall be mailed at least 10 calendar days before the scheduled hearing or action by the decision-maker to:

...

7) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Sec. 35-144F.3 (Commercial Telecommunication Facilities).

...

Sec. 35-181.3 Coastal Development Permit and Land Use Permit Noticing.

1. Minimum Requirements. Notice of the application and pending decision on a Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and Land Use Permits that do not follow a previous discretionary action shall be given in compliance with the following:

- a. By the Planning and Development Department.** Notice shall be given by the Planning and Development Department in compliance with the following:

...

9) Mailed notice shall be provided to all owners of property located within a 300 foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below.

...

h) Commercial telecommunications facilities, and additions thereto, as maybe allowed in compliance with Section 35-144F.3.4 (Commercial Telecommunications Facilities); and...

10) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunications facility, and additions thereto, as may be allowed in compliance with Sections 35-144F.3.4 (Commercial Telecommunications Facilities).

2. Definitions

Sec. 35-58 Definitions.

Hub Site. A supplemental equipment site that is void of transceiving antennas operated as an accessory to a wireless telecommunications facility and located within a permitted building. Equipment may include cabinets, switchboards, computer servers, batteries, utility racks, air condition units, and emergency back-up generators, including fuel storage.”

Telecommunications Facility Collocated. A telecommunication facility composed of one or more antennas mounted to an existing tower or other structure used by one or more than one public or private entity.

3. Exempt Temporary Uses

Sec. 35-137.3.1 Exempt Temporary Uses

4.) Mobile telecommunications temporary facility. Where unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed, in compliance with all of the following:...

4. Commercial Telecommunications Facilities Development Standards

Sec. 35-144F.B Applicability.

Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Tier 1 (a) Project- Temporary Facilities	<u>Allowed as a "Permitted Use" in All zones</u>	Coastal Development Permit	35-144F.C.1.a
Tier 1(b) Project- Hub Sites	<u>Allowed as a "Permitted Use" in All zones</u>	Coastal Development Permit	35-144F.C.1.b 35-144F.D
Tier 2 (a) Project- Very small facilities	<u>Allowed as a "Permitted Use" in all Nonresidential zones</u>	Development Plan approved by the Director (2) and concurrent Coastal Development Permit	35-144F.C.2.a 35-144F.D
Tier 2 (b) Project- Tenant Improvements	<u>Allowed as a "Permitted Use" in all Nonresidential zones</u>	Development Plan approved by the Director (2) and concurrent Coastal Development Permit	35-144F.C.2.b 35-144F.D
Tier 2 (c) Project- Collocated Facilities	<u>Allowed as a "Permitted Use" in all Nonresidential zones</u>	Development Plan approved by the Director (2) and concurrent Coastal Development Permit	35-144F.C.2.c 35-144F.D
Tier 2 (d) Project- Facilities that comply with the zone height limit (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Development Plan approved by the Director	35-144F.C.2.d 35-144F.D
Tier 3 (a) Project- Facilities not exceeding 50 ft. in height (1)	<u>Allowed as a "Use Permitted with a Minor Conditional Use Permit" in Nonresidential zones, except not allowed in the Recreation (REC) zone</u>	Minor Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.3.a 35-144F.D
Tier 3 (b) Project- Satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception	<u>Allowed as a "Use Permitted with a Minor Conditional Use Permit" in Nonresidential zones</u>	Minor Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.3.b 35-144F.D
Tier 3 (c) - Facilities that comply with the zone height limit (1)	<u>Allowed as a "Use Permitted with a Minor Conditional Use Permit" in Nonresidential zones, except not allowed in the Recreation (REC) zone</u>	Minor Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.3.c 35-144F.D
Tier 4 (a) Project- Facilities that are not allowed in compliance with Tier 1 through Tier 3	<u>Allowed as a "Use Permitted with a Major Conditional Use Permit" in All zones</u>	Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.4.a 35-144F.D
Tier 4 (b) Project- Other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations	<u>Allowed as a "Use Permitted with a Major Conditional Use Permit" in Nonresidential zones</u>	Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.4.b 35-144F.D
Notes: <ol style="list-style-type: none"> (1) Not allowed in or within 300 feet of a residential zone. (2) The Director shall act as the decision-maker unless a public hearing is requested in compliance with Sec.35-181 (Noticing) and Sec. 35-174 (Development Plans). in which case the Zoning Administrator or Montecito Planning Commission shall be the decision-maker. 			

Sec. 35-144F.C Processing.

C. Processing. Permits for commercial telecommunications facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D through Subsection H unless otherwise specified. Modifications to ~~zone~~ regulations in compliance with Section 35-169 (Coastal Development Permits), Section 35-172 (Conditional Use Permits) or Section 35-174 (Development Plans) may be allowed for telecommunication facilities only as specified in this Section.

1. Tier 1 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 1 commercial facility:

...

b. Standards for Tier 1 projects, hub sites. Wireless telecommunication facilities that comply with all of the following may be allowed:

...

2. Tier 2 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility.

...

c. Standards for Tier 2 projects, collocated facilities. Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following. Any addition to an existing structure shall be subject to all applicable permit requirements (e.g., approval of a Coastal Development Permit pursuant to Section 35-169).

d. Standards for Tier 2 projects, facilities that comply with the zone height limit.
(This section shall be moved to Sec. 35-144F.C.3 and shall be renumbered accordingly, as Sec. 35-144F.C(3)(c))

Sec. 35-144F.D Additional development standards for telecommunication facilities.

In addition to the development standards contained in Subsection C (Processing) above, with the exception of temporary mobile telecommunications facilities, commercial telecommunication facilities regulated by this Section 35-144F (Commercial Telecommunication Facilities), shall also comply with the following development standards unless otherwise indicated below.

1. Telecommunication facilities shall comply in all instances with the following development standards:

a. Setbacks. The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:

(1) Antennas may be located within the setback area without approval of a modification in compliance with Section 35-1724.12 (Conditions, Restrictions, and Modifications) or

Section 35-174.8 (Conditions, Restrictions, and Modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.

(2) Underground Equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.

(3) A modification to the setback is granted in compliance with Section 35-1724.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications).

...

g. Lighting. The facility shall be unlit except for the following:

(1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.

(2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby residences and habitat.

...

k. Landscaping. The facility shall be constructed so as to maintain and enhance existing vegetation, without increasing the risk of fire hazards, through the implementation of the following measures:

(1) Facilities shall be sited to avoid the removal of trees and to avoid fuel modification within environmentally sensitive habitat and environmentally sensitive habitat buffers. Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility or to achieve fire safety clearances, shall be protected from damage during the construction period and for the life of the project.

...

(5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in a manner that would increase the visibility of the facility and associated access roads, power lines, and telephone lines, except:

(a) Where the alteration is specifically allowed by the approved project; or

(b) Where necessary to avoid signal interference to and from the approved facility: subject to all required approvals and permit requirements and provided that impacts to environmentally sensitive habitat, environmentally sensitive habitat buffers, and other coastal resources are avoided.

Any alteration of the vegetation, conducted pursuant to an approved permit, shall be ~~done~~ completed under the direction of a licensed arborist-, licensed landscape contractor, or licensed landscape architect.

...

2. Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. An exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts, and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters and public access.

...

b. Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils- and that agricultural operations will not be adversely impacted by placement and operation of the telecommunication facility.

...

3. Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Planning Commission in compliance with Section 35-172 (Conditional Use Permits). An exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts, and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters and public access.

Sec. 35-144F.E Project installation and post installation provisions.

1. FCC Compliance. The facility should be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission (FCC), including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits, and any other similar requirements to ensure public protection and (ii) all other legally

binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction—provided that such requirements are consistent with the certified Local Coastal Program and will not result in impacts to coastal resources and provided that such provisions are incorporated into the Local Coastal Plan pursuant to a certified Local Coastal Plan Amendment.

Sec. 35-144F.F Public notice.

1. Notice of the application and pending decision on a Coastal Development Permit in compliance with Section 35-144F.C.1 shall be given in compliance with Section 35-181 (Noticing).
2. Notice of the pending decision of the Director on a Development Plan in compliance with Section 35-144F.C.2 shall be provided in compliance with Section 35-181 except that:
...

Sec. 35-144F.G Additional findings.

G. Additional findings. In addition to the findings required ~~by~~ to be adopted by the decision maker in compliance with Sections 35-169 (Coastal Development Permits), 35-172 (Conditional ~~u~~Use Permits), 35-174 (Development Plans) and 35-178 (Land Use Permits), in order to approve an application to develop a telecommunications facility, the decision-maker shall also make the following findings:

1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.
2. The facility is located so as to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker in compliance with Section 35-144F.G.4.a. below.

a. An exemption to one or more of the required development standards may be granted if the decision-maker additionally finds that in the specific instance that the granting of the exemption:

- (1) Would not increase the visibility of the facility ~~or, will not~~ decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or
- (2) Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or
- (3) Would avoid or reduce the potential for environmental impacts- and will not increase the visibility of the facility, will not decrease public safety, and will not result in greater impacts to coastal resources, including sensitive habitat, coastal waters, and public access.

...

7. The applicant has demonstrated that the proposed facility design and location is the least visually and environmentally intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

Sec. 35-144F.~~HI~~ Application requirements.

IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENT 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 provide new procedures and development standards that regulate the construction and use of commercial telecommunication facilities.

The County proposes to (see **Exhibit 1**):

1. Amend Section 35-58, *Definitions*, of the Zoning Code to add definitions for *Hub Site*, *Mobile Communications Temporary Facility*, and *Vault*.
2. Amend Section 35-58, *Definitions*, of the Zoning Code to modify definitions of *Substantially Visible* and *Telecommunication Facility Collocated*.
3. Amend Section 35-137, *Temporary Uses*, of the Zoning Code to add *Mobile Telecommunications Temporary Facility* as an exempt temporary use in compliance with new standards.
4. Amend Section 35-144F.1 through 35-144F.8., *Commercial Telecommunication Facilities*, of the Zoning Code by reorganizing the existing sections and adding new provisions in proposed new code Sections 35-144F.A through 35-144F.G as follows:
 - Sec. 35-144F.1 (*Purpose and Intent*) changed to Sec. 35-144F.A (*Purpose and Intent*): This Section includes minor revisions to existing language.
 - Sec. 35-144F.2 (*Applicability*) changed to Sec. 35-144F.B (*Applicability*) and Sec. 35-144F.3 (*Processing*) changed to Sect. 35-144F.C (*Processing*) : These Sections include new updated allowable zones and permit requirements, including a new table “*Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities*,” which reorganizes the current tiering system to

clearly establish the allowable zones, permit requirements, and development standards depending on the type of facility being proposed.

- Tier 1 Projects are proposed to include: (a) *Temporary Facilities* and (b) *Hub Sites* and will require a Coastal Development Permit. *Temporary Facilities* and *Hub Sites* are not currently captured in Article II.
- Tier 2 Projects are proposed to include: (a) *Very Small Facilities* and (b) *Tenant Improvements* and will require a Development Plan approved by the Director. *Very Small Facilities* are currently included in Article II as Tier 1 facilities. This amendment moves *Very Small Facilities* that are proposed to be located in non-residential areas to Tier 2 requiring a Director Approved Development Plan. *Very Small Facilities* that are proposed to be located in residential zone districts would be processed as Tier 4 projects requiring a Conditional Use Permit. Additionally, *Tenant Improvements* are currently included in two sets of development standards under Article II and this amendment would combine the two sets of standards into one category under Tier 2.
- Tier 3 Projects are proposed to include: (a) *Collocated Facilities*, (b) *facilities that comply with the zone height limit*, and (c) *satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception* and will require a Minor Conditional Use Permit. Although *Collocated Facilities* are currently provided for in the certified zoning code, the amendment proposes the addition of a permitting tier specifically for *Collocated Facilities* that will require such facilities be processed pursuant to a Development Plan approved by the Director. Additionally, an existing provision specifically for private telecommunication facilities serving Agricultural Operations is proposed to be removed from Tier 3.
- Tier 4 Projects are proposed to include: (a) facilities that are not allowed in compliance with Tier 1 through Tier 3 and (b) other facilities that are subject to regulation by the FCC or CPUC (e.g. AM/FM radio stations, television stations) and will require a Conditional Use Permit.
- Sec. 35-144F.4 (*Additional Development Standards for Telecommunication Facilities*) changed to Sect. 35-144F.D (*Additional Development Standards for Telecommunication Facilities*): This Section adds a new provision (Sec. 35-144F.D.1.b.) for height limits and exceptions. The existing height limit in Sec. 35-144F.D3.4.a (1) in Article II for Tier 4 project is 75 feet. The new Section (Sec. 35-144F.D.1.b.) is a restatement of the existing standard, but also adds a new

standard requiring that any facilities over 50 feet must demonstrate a *technical need* for a facility of that height. This new provision also specifies that even if the additional height is required for technical reasons, the height cannot exceed 75 feet unless the antenna is mounted to an existing structure. Permitting requirements for facilities not exceeding 50 ft. in height are listed in proposed Tier 3(a). Further, this Section also adds a new provision (Sec. 35-144F.D.1.k.1) requiring landscaping standards to consider fire clearances and allowing existing trees and other vegetation to be removed “to achieve fire safety clearances.” (Sec. 35-144F.D.1.k.1)

- Sec. 35-144F.5 (*Project Installation and Post Installation Provisions*) changed to Sect. 35-144F.E (*Project Installation and Post Installation Provisions*): This existing section contains provisions that specify installation requirements to ensure public safety; to allow for inspection of the project every five years to determine if there are more effective means of ensuring aesthetic compatibility and compliance with safety requirements; to provide hierarchy of collocation standards; to require site removal and site restoration for abandoned facilities; to specify requirements for transfer of ownership; and to detail color compatibility protocols. This proposed amendment includes revisions to the existing language regarding FCC Compliance and lists specific conditions of approval that the permit may include to ensure that the facility is operated in a manner that does not pose a threat to public safety.
- Sec. 35-144F.6 (*Noticing*) changed to Sec. 35-144F.F (*Public Notice*): This Section includes minor code section revisions consistent with the proposed amendment numbering.
- Sec. 35-144F.7 (*Additional Findings*) changed to Sec. 35-144F.G (*Additional Findings*): In addition to the existing findings required to approve an application, this Section includes new requirements that, in order to approve an application to develop a telecommunication facility, the decision maker shall make the additional findings that: 1) the applicant has demonstrated a need for service (i.e., coverage or capacity) and that the area proposed to be served would not otherwise be served by the carrier proposing the facility and 2) the applicant has demonstrated that the proposed facility design and location is the “least intrusive means feasible” for the carrier proposing the facility to provide the needed coverage.
- Sec. 35-144F.8 (*Contents of an Application*) Sec. 35-144 F.I (*Application Requirements*). This Section includes a provision requiring Board of Architectural review in certain circumstances. Also, in addition to the existing contents of a

commercial telecommunications facility application, this amendment includes new filing requirements that: 1) the applicant must demonstrate a need for service (i.e., coverage or capacity) as part of the project application and provide reasonable evidence that the area proposed to be served would not otherwise be served by the carrier proposing the facility and 2) the applicant must demonstrate as part of the application that the proposed facility design and location is the “least intrusive means feasible” for the carrier proposing the facility to provide the needed coverage.

B. PAST COMMISSION ACTION

Three LCP Amendments incorporating changes to the commercial telecommunication provisions of the IP/CZO have been submitted to the Commission by Santa Barbara County since 2003, including STB-MAJ-1-03-C, STB-MAJ-1-05-C, and STB-MAJ-1-09-A. The Commission approved LCP Amendment STB-MAJ-03-C on June 9, 2004, which provided new procedures and development standards to regulate the use and construction of commercial telecommunications facilities, with five suggested modifications. However, LCP Amendment STB-MAJ-1-03-C did not become a certified part of the LCP because the local government did not transmit acceptance of the suggested modifications. Therefore, the approval expired six-months from the date of Commission action.

Subsequently, the Commission approved LCP Amendment STB-MAJ-1-05-C on March 15, 2007, which included the previous language proposed under LCP Amendment 1-03-C, all of the Commission’s approved Suggested Modifications for LCP Amendment 1-03-C verbatim, and additional modifications and clarifications to the language proposed under LCP Amendment 1-03-C. These provisions were certified as part of the Local Coastal Program on June 14, 2007.

LCP Amendment STB-MAJ-1-09-A, for IP/CZO revisions as part of the Land Use and Development Code, also included changes to the telecommunication provisions of the IP/CZO, as part of a much larger overhaul of the IP/CZO. However, the telecommunication provisions that were part of that amendment failed to incorporate the certified language approved as part of LCP Amendment STB-MAJ-1-05-C. On November 18, 2010, the Commission approved a Suggested Modification (Suggested Modification #20 of STB-MAJ-1-09-A) to re-insert certified IP/CZO language (approved per LCPA 1-05-C) for protection of coastal resources, including visual resources, public access and recreation, and environmentally sensitive habitat. However, LCP Amendment STB-MAJ-1-09-A did not become a certified part of the LCP because the local government declined to accept the suggested modifications. Therefore, the approval expired six-months from the date of Commission Action.

The County has included the certified language per LCP Amendment STB-MAJ-1-05-C and revised language approved per LCP Amendment STB-1-09-A in the proposed amendment as part of the reorganization of some subsections of the telecommunications provisions. However, minor changes to the proposed amendment are included as part of the Suggested Modifications, as shown in Section III, above, to correct typographical errors and internal inconsistencies in order to reflect these previous Commission actions.

C. BACKGROUND ON PROPOSED CHANGES

The background of the proposed changes to the certified LCP are discussed below.

1. New Definitions and Processing Procedures for *Mobile Communications Temporary Facilities Hub Sites and Vaults*

Mobile Communications Temporary Facilities

The County proposes to add processing provisions for *Mobile Telecommunications Temporary Facilities* pursuant to Federal Communications Commission (FCC) timeframe standards to allow such temporary facilities to be available during natural disasters (e.g., fires) or large events when cell service is relied upon for the community's health and safety. Temporary facilities are not currently captured in Article II. "Mobile Telecommunications Temporary Facilities" are proposed to be defined as "facilities that transmit or receive electromagnetic signals for communication purposes including data transfer function that would operate for a limited duration (determined on a case-by-case basis) and is wholly contained within and/or on a mobile non-permanent vehicle (e.g., trailer, van, or truck). Facility equipment including poles, masts, antennas, computer servers, batteries, generators or similar equipment must be mounted on the vehicle, or located inside."

Mobile telecommunications temporary facilities are proposed to be added to the "Tier 1" processing category, which would require a Coastal Development Permit or Exemption determination pursuant to proposed Section 35-137.3.1.4. Proposed Section 35-137.3.1.4 provides that "[w]here unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed in compliance with the following: [t]he facility qualifies as a mobile telecommunications temporary facility, [t]he Director in consultation with the County Sheriff and Fire Departments has determined that a reasonable public health and safety issue would exist without the operation of a temporary telecommunications facility, [t]he applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards, and "[t]he facility would only be permitted onsite for the duration of the event or emergency not to exceed two weeks, or other period of time, as approved by the Director."

Hub Sites and Vaults

The current ordinance does not explicitly provide definitions for hub sites and vaults. A "hub site" is described as "a supplemental equipment site that is void of transceiving antennas operated as an accessory to a wireless telecommunications facility. Equipment may include cabinets, switchboards, computer servers, batteries, utility racks, air condition units, and emergency back-up generators, including fuel storage." A "vault" is "a subterranean room allowing placement and storage of facility support equipment underground. Components of the vault may also include a ventilation system, drainage system, utility meters and personnel access such as a door, hatch, manhole or cover."

2. Amended Definitions of *Substantially Visible* and *Telecommunications Facility Collocated*

The County proposes to amend the definition of *Telecommunications Facility Collocated* in order to reflect the definition of “collocation” promulgated pursuant to the Federal Communication Commission’s Declaratory Ruling on November 18, 2009. The amended definition is broader than the current definition; however, such facilities would still be subject the LCP’s existing development standards.

The County also proposes to amend the definition of *Substantially Visible*. Currently, the definition of *Substantially Visible* provides an exception to the visible impacts of facilities that are used to camouflage or minimize visual impacts (e.g., faux water tanks, faux trees) since the telecommunication facility equipment itself is concealed within the faux structure. The proposed change would eliminate this exception.

3. Reorganization of Current Permitting Tier Structure for Commercial Telecommunication Facilities

Existing Permitting Tier Structure:

The Commercial Telecommunications section of the existing IP/CZO currently divides telecommunications facilities into four categories or “tiers.” The four-tiered permitting system requires Land Use/Coastal Development Permits for “very small facilities” and “other than small facilities,” Director level review for “tenant improvements” and “other than tenant improvements,” and Zoning Administrator or County Planning Commission review pursuant to a Conditional Use Permit or Minor Conditional Use Permit for all other projects. Thus, the existing tiering system allows small facilities to obtain Coastal Development Permits (CDPs), that can be processed without a public hearing in some cases (unless the facility is in the appeals jurisdiction of the Coastal Commission and a public hearing is not waived) and requires larger more complex projects with a higher potential for environmental impacts or policy inconsistencies to receive more detailed review and public hearing, such as through a Development Plan or Conditional Use Permit, concurrently processed with the Coastal Development Permit.

Existing noticing and public hearings requirements for Commercial Telecommunications Facilities not requiring a Minor Conditional Use Permit or Conditional Use Permit pursuant to Sec.35-172:

Higher permitting tier levels require increased public noticing and public hearing requirements. For Coastal Development Permits (CDP), pursuant to the existing zoning code, notice of applications for a CDP for commercial telecommunication facilities is required to be mailed a minimum of ten days before a decision-maker action to property owners and residents within 300 feet of the exterior boundaries of the parcel and to any person filing a written request for mailed notice. Additionally, if the CDP is appealable, pursuant to Section 35-169, at least one public hearing is required, unless the applicant requests a waived hearing, and notice of the hearing is required to be published a minimum of ten calendar days prior to the hearing.

A Director level Development Plan (DP) requires that a notice be mailed 10 days prior to the Director’s decision. If during this time a public hearing is requested, the Director will not take an action on the project and the project will be heard by the Zoning Administrator or the Montecito

Planning Commission in a noticed public hearing. If a public hearing is not requested, the hearing is waived, and the Director may take action on the project. The Director's decision is appealable for 10 days from the decision date. For facilities requiring approval of a Development Plan, the notice is required to state that the person receiving the notice may request a public hearing by written request. Additionally, if the project is located in a residential zone district or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then in addition to all other noticing requirements, notice is required to be mailed to all property owners within 1000 feet of the exterior boundary of the facility lease area. Coastal Development Permits for these projects are required to be processed concurrently with the Development Plan (Sec.35-169.4.3). Where the CDP, processed in conjunction with a Development Plan, is appealable to the Commission, a public hearing may not be waived pursuant to Coastal Act Section 30624.9 because it does not meet the criteria to be considered "minor" development.

Rationale for Proposed Tier Structure Changes:

As noted above, the County is proposing to change the permitting requirements for certain facilities and modify the tiering system for commercial telecommunications facilities, which would increase noticing requirements, and in some cases public hearing requirements, for most facilities. Under the proposed new tier system, all *new permanent* facilities would require discretionary permits with an opportunity for public hearing, including the Tier 2 "Director Level Development Plans." The only two *new types* of facilities added to the tiering system (Tier 1) are "temporary facilities" and "hub sites" proposed changes to the tiering system are as follows:

- Tier 1 Projects are proposed to include: (a) *Temporary Facilities* and (b) *Hub Sites* and will require a Coastal Development Permit if not found to be exempt. *Temporary Facilities* and *Hub Sites* are not currently captured in the zoning code. These types of facilities would not require new construction and would be located within a permitted building. Therefore, the County has determined that these types of facilities would be appropriate for a staff level review.
- Tier 2 Projects are proposed to include: (a) *Very Small Facilities* and (b) *Tenant Improvements* and will require a Development Plan approved by the Director. *Very Small Facilities* are currently included in Article II as Tier 1 facilities. This amendment moves *Very Small Facilities* that are proposed to be located in non-residential areas to Tier 2 requiring a Director Approved Development Plan. *Very Small Facilities* that are proposed to be located in residential zone districts would be processed as Tier 4 projects requiring a Conditional Use Permit. Additionally, *Tenant Improvements* are currently included in two sets of development standards under Article II and this amendment would combine the two sets of standards into one category under Tier 2.

The County has proposed this change to ensure that "very small facilities," such as facilities known as "Distributed Antenna System" (DAS) networks, would receive a Development Plan approved by the Director, requiring a heightened level of review and public noticing. A Director level Development Plan requires that a notice be mailed 10

days prior to the Director's decision. If during this time a public hearing is requested, the Director will not take an action on the project and the project will be heard by the Zoning Administrator or the Montecito Planning Commission in a noticed public hearing, as described above. Coastal Development Permits for these projects are required to be processed concurrently with the Development Plan (Sec.35-169.4.3). Where the CDP, processed in conjunction with a Development Plan, is appealable to the Commission, a public hearing may not be waived pursuant to Coastal Act Section 30624.9 because it does not meet the criteria to be considered "minor" development.

- Tier 3 Projects are proposed to include: (a) *collocated facilities*, (b) *facilities that comply with the zone height limit*, and (c) *satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception* and will require a Minor Conditional Use Permit.

Although *Collocated Facilities* are currently allowed in the zoning code, such facilities do not fall within a specific tier, the permitting requirements depend on the circumstances of the particular collocation project proposed. The proposed amendment adds a specific tier for *Collocated Facilities* (Tier 2(c)) which provides that such facilities within *nonresidential zones* be processed pursuant to a Development Plan approved by the Director. According to the County, the new processing standard will have processing timeframes that would conform to the recent FCC Declaratory Ruling on November 18, 2009 regarding shorter processing requirements. Coastal Development Permits for these projects are required to be processed concurrently with the Conditional Use Permit (Sec.35-169.4.3). Where the CDP, processed in conjunction with a Conditional Use Permit, is appealable to the Commission, a public hearing may not be waived pursuant to Coastal Act Section 30624.9 because it does not meet the criteria to be considered "minor" development.

Additionally, an existing provision in the code includes a separate category in Tier 3 for "private facilities serving Agricultural Operations." This specific category was apparently carried over from an antiquated zoning ordinance into Article II that attempted to provide for advances in communication technology used for agricultural operations. However, that type of cellular system has not been used to date, according to the County, and is proposed for deletion from the code as part of the subject amendment.

- Tier 4 Projects are proposed to include: (a) facilities that are not allowed in compliance with Tier 1 through Tier 3 and (b) other facilities that are subject to regulation by the FCC or CPUC (e.g. AM/FM radio stations, television stations) and will require a Conditional Use Permit. Thus, consistent with the County's intent to provide heightened public awareness of facilities proposed to be located in residential zone districts, this proposed amendment requires that all facilities in residential zone districts be processed

under Tier 4 requiring a Major Conditional Use Permit approved by the Planning Commission. Tier 4 will include “very small facilities” (such as DAS systems) proposed to be located in residential zones. Coastal Development Permits for these projects are required to be processed concurrently with the Conditional Use Permit (Sec.35-169.4.3). Where the CDP, processed in conjunction with a Conditional Use Permit, is appealable to the Commission, a public hearing may not be waived pursuant to Coastal Act Section 30624.9 because it does not meet the criteria to be considered “minor” development.

4. New Fuel Modification Requirements

The proposed amendment adds a requirement that landscaping standards for approved commercial telecommunication facilities must take into consideration Fire Department mandated vegetation clearance (fuel modification) requirements. The County is proposing this provision to comply with the Presidential Proclamation of December 8, 2009 regarding the protection of cellular facilities, which were deemed “critical infrastructure,” during emergencies and natural disasters.

5. New Technical Need Requirement for Height Increases

Under the existing zoning code Sec. 35-144F.3.4.a(1) and Sec. 35-127 (*Height*), the maximum allowable height for any antennas and associated support structures is 75 feet and antennas for wireless communication facilities may exceed 75 feet if (1) the antenna is on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural facades, that the antenna is mounted on; or (2) the antenna is mounted 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 the subject amendment, permitting requirements for facilities not exceeding 50 ft. in height are listed in proposed Tier 3(a).

The proposed amendment restates the existing height requirements in proposed Sec. 35-144F.D.1.b. However, the amended language includes a requirement that any facilities over 50 feet must also demonstrate a *technical need* for a facility of that height. It also specifies that even if the additional height is required for technical reasons, the height cannot exceed 75 feet unless the antenna is mounted on an existing structure. This amendment is designed to be more protective of visual resources and heighten standards and permit requirements for taller structures and promote collocation.

6. New Requirements to Demonstrate Existing Coverage and Present Alternative Siting Information

According to the existing code provisions, when decision-makers approve any commercial telecommunications facility, they must be able to make all of the findings listed in Sec. 35-144F.7 (*Additional Findings*) (proposed to be changed to Sec. 35-144F.G (*Additional Findings*)). These findings require telecommunications facilities to be designed in ways that reduce their prominence in the community, achieve compatibility with the landscape of the area, minimize their visibility from public views, and comply with specific designed standards, etc. The

proposed amendment includes new requirements that the decision-maker also find that: 1) the applicant has demonstrated a need for service (i.e., coverage or capacity) and that the area proposed to be served would not otherwise be served by the carrier proposing the facility and 2) the applicant has demonstrated that the proposed facility design and location is the “least intrusive means feasible” for the carrier proposing the facility to provide the needed coverage.

In addition to the existing contents of a commercial telecommunications facility application, this amendment includes new filing requirements in proposed Sec. 35-144 F.I (*Application Requirements*), including: 1) the applicant must demonstrate a need for service (i.e., coverage or capacity) as part of the project application and provide reasonable evidence that the area proposed to be served would not otherwise be served by the carrier proposing the facility and 2) the applicant must demonstrate as part of the application that the proposed facility design and location is the “least intrusive means feasible” for the carrier proposing the facility to provide the needed coverage. It is the County’s stated intent that the “least intrusive means feasible” refers to the least intrusive design and the least intrusive location in terms of visual impact. Thus, the amendment effectively requires an applicant for a telecommunications facility to provide an alternatives analysis of siting and design as part of the application filing requirements.

7. New Facility Installation and Post Installation Requirements

Additionally, the amendment includes new provisions regarding project installation, post installation, abandonment and site restoration. These provisions include five-year reviews by the County’s Planning & Development Department and extensive requirements for the applicant to make a good faith effort to utilize and allow for collocation of commercial facilities with other operators whenever feasible.

D. BACKGROUND FEDERAL PREEMPTION

The subject LCP amendment proposes to regulate wireless service facilities that are also regulated by federal law. The consideration of this LCP amendment is bound by federal law, as further discussed below.

Regulated Communication Type	Federal Authority Which Limits State and Local Regulation of Communication Device	Federal Limitation on State and Local Regulation of Communication Device
Personal Wireless Services Facilities	47 U.S.C. 332(c)	<ol style="list-style-type: none">1. Federal statute prohibits state and local regulations that unreasonably discriminate among providers of functionally equivalent services.2. Federal statute prohibits state and local regulations that prohibit or have the effect of prohibiting the provision of personal wireless services.3. Federal statute prohibits state and local regulation of personal wireless service

		facilities on the basis of the environmental effects of radio frequency emissions. 4. Any decision to deny a permit for a personal wireless service facility must be in writing and must be supported by substantial evidence.
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1. Personal Wireless Service Facilities

Under section 704 of the Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B), state and local governments may not, among other things, unreasonably discriminate among providers or apply regulations that have the effect of prohibiting the provision of personal wireless services. In addition, any decision to deny a permit for a personal wireless service facility must be in writing and must be supported by substantial evidence. Section 704 of the Telecommunications Act also prevents state and local governments from regulating the placement of wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the regulations of the Federal Communications Commission concerning such emissions.

The County's certified zoning ordinance provides an applicant the ability to receive an exemption (exception) from existing commercial telecommunications facilities development standards in certain limited circumstances in order to satisfy the requirements of overriding federal laws to accommodate certain types of facilities. The proposed amendment does not modify these existing exceptions.

2. Processing Requirements for Collocated Wireless Telecommunication Facilities

On November 18, 2009, the Federal Communications Commission adopted and released its Declaratory Ruling concerning provisions in 47 U.S.C. Sections 253 (Removal of Barriers to Entry) and 332(c)(7), regarding state and local review of wireless facility siting options. This Declaratory Ruling defined what is a presumptively "reasonable time" beyond which a local jurisdictions inaction on a siting application may constitute a prohibited "failure to act" under 47 U.S.C. Section 332(c)(7). The FCC found that a "reasonable period of time" upon application completeness is, presumptively, 90 days to process personal wireless service facility siting applications requesting collocations and 150 days to process all other applications. Therefore, if state or local governments do not act upon applications within those timeframes, then a personal wireless service provider may claim that a prohibited "failure to act" has occurred and personal wireless service providers may seek redress in court within 30 days, as provided in 47 U.S.C. Section 332(c)(7)(B)(v). The state or local government would have the opportunity to rebut the presumption of reasonableness.

The proposed amendment adds a specific tier for *Collocated Facilities* (Tier 2(c)), which provides that such facilities within *nonresidential zones* be processed pursuant to a Development Plan approved by the Director. According to the County, the new processing standard will have processing timeframes that would conform to the recent FCC Declaratory Ruling on November

18, 2009 regarding shorter processing timing requirements. The suggested modifications do not make any changes to this new processing requirement in the amendment.

E. CONSISTENCY ANALYSIS

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

1. Environmentally Sensitive Habitat Areas

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.

Section 30107.5 of the Coastal Act and Article II, Section 35-58 of the certified LCP states:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

Policy 1-2 Resource Protection:

Where policies within the land use plan overlap, the policy which is most protective of coastal resources shall take precedence.

Policy 2-11 (Development Policies):

All development, including agriculture, adjacent to areas designated on the land use plan or resources maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

Policy 9-35 Native Plant Communities (e.g., coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species & other plants of special interest):

Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.

Policy 9-36 Native Plant Communities:

When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

Sec. 35-97.7. Conditions on Coastal Development Permits in ESH:

A coastal development permit may be issued subject to compliance with conditions set forth in the permit which are necessary to ensure protection of the habitat area(s). Such conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat. The conditions may also include deed restrictions and conservation and resource easements. Any regulation, except the permitted or conditionally permitted uses, of the base zone district may be altered in furtherance of the purpose of this overlay district by express condition in the permit.

Sec. 35-97.18. Development Standards for Native Plant Community Habitats:

Examples of such native plant communities are: coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species as designated by the California Native Plant Society, and other plants of special interest such as endemics.

1. Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.

2. When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and

erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

The Coastal Act requires the protection of environmentally sensitive habitat areas (ESHA) against any significant disruption of habitat value. No development may be permitted within ESHA, except for uses that are dependent on the resource. Section 30240 (incorporated by reference into the certified LUP) of the Coastal Act further requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. LUP Policy 2-11 requires all development adjacent to environmentally sensitive habitat areas be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

The proposed amendment adds a new provision requiring that landscaping for approved commercial telecommunication facilities must take into consideration Fire Department mandated vegetation clearance (fuel modification) requirements. The County is proposing this provision to comply with the Presidential Proclamation of December 8, 2009 regarding the protection of cellular facilities, which were deemed “critical infrastructure,” during emergencies and natural disasters. Although Sec. 35-144F.D(k) states that telecommunication facilities “shall be constructed so as to maintain and enhance existing vegetation,” this section does not specify that avoidance of ESHA and ESHA buffer that may be impacted for fuel modification must also be considered in accordance with the certified LCP. Therefore, **Suggested Modification Four** recommends that language be added to proposed Sec. 35-144F.D(k)(1) to provide that commercial telecommunication facilities be sited in manner to avoid ESHA and ESHA buffer impacts from fuel modification. Similarly, **Suggested Modification Four** also adds language in proposed Sec.35-144F.D(k)(5) to clarify the requirement that vegetation removal to avoid signal interference to and from an approved facility will require new approvals pursuant to existing permitting requirements and to clarify the requirement that that vegetation removal to avoid signal interference shall not impact ESHA, ESHA buffers, and will avoid other coastal resource impacts.

Additionally, the proposed LCP amendment has omitted language from the *existing* coastal zoning ordinance in the amended sections of the proposed ordinance that provide siting and design standards for habitat protection. Thus, **Suggested Modification Four** reinserts the words “and habitat” from the currently certified code that was inadvertently omitted from the proposed amendment language in Sec. 35-144F.D(1)(g)(2). This modification will ensure that habitat impacts will considered, as well as visual resources, where lighting is required.

Further, the Commission has previously approved and certified language in the commercial telecommunications facility ordinance that requires the County to demonstrate that any exemption (exception) from applicable development standards would not result in greater impacts to coastal resources, including sensitive habitat, coastal waters, and public access. However, this existing certified zoning code language in Sec. 35-144F.4(2) and (3), approved pursuant to LCP Amendment 1-03-C and 1-05-C, was inadvertently omitted from new language proposed in Sec. 35-144F.D(4)(a). **Suggested Modification Four** adds this *existing* language into proposed Sec. 35-144F.D(4)(a) to ensure that any exemption from a specific telecommunication facility development standard will not result in a greater impact to coastal

resources, including sensitive habitat, coastal waters, and public access. As a result of this modification, the exemptions would be more protective of environmentally sensitive habitat consistent with the requirements of the Land Use Plan.

Lastly, the amendment adds new required findings and application requirements in proposed Sec. 35-144F.G (*Additional Findings*) and Sec. 35-144 F.I (*Application Requirements*) that will require an applicant to demonstrate that the proposed facility design and location is the “least intrusive means feasible” for the carrier proposing the facility to provide the needed coverage. Subsequent to submittal of the subject amendment, the County clarified that the intent of the term “least intrusive means feasible” is the least *visually* intrusive means feasible. To ensure that siting and design alternatives for new telecommunication facilities are analyzed not only to reduce visual impacts, but to also avoid impacts to sensitive habitat, **Suggested Modification Four** adds clarifying language that design and location should be the least *visually* and *environmentally* intrusive means feasible.

The Commission finds that these modifications are necessary to bring the proposed IP/CZO amendment into conformance with the LUP policies that require development to be sited and designed to avoid impacts to environmentally sensitive habitat area.

2. New Development/Cumulative Impacts

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.

Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

[T]he incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

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.

The proposed amendment includes revisions to definitions and processing requirements for collocated facilities, which serve to reduce cumulative impacts as a result of development of commercial telecommunication facilities. As described above, although the certified zoning code contains standards for *Collocated Facilities*, such facilities do not currently fall within a specific permitting tier, but depend on the circumstances of the particular collocation project proposed. The proposed amendment adds a specific tier for *Collocated Facilities* (Tier 2(c)) which provides that such facilities within *nonresidential zones* be processed pursuant to a Development Plan approved by the Director. **Suggested Modification Two** proposes to retain language that is proposed to be removed from the definition of “telecommunications facility collocated” (Sec. 35-58 (*Definitions*)) stating that a collocated telecommunication facility may be “owned or used by more than one public or private entity.” This modification serves to clarify that collocation by more than one entity is encouraged and will serve to prevent cumulative impacts from new development. Additionally, **Suggested Modification Four** clarifies within proposed Sec. 35-144F.C(2)(c) that any addition to an existing structure for a collocated facility is still subject to all applicable permit requirements (e.g., approval of a Coastal Development Permit pursuant to Sec. 35-169).

Additionally, **Suggested Modification Two** proposes to revise the new definition for “hub site” (Sec. 35-58 (*Definitions*)) to add language requiring that hub sites shall be located *within a permitted building*. This suggested modification reflects the proposed Tier 1(b) standard for hub sites, as proposed in amended Sec. 34-144F.C.1.a, which requires hub site facilities to be located within a permitted building.

Further, the Commission has previously approved and certified language in the commercial telecommunications facility ordinance that requires the County to demonstrate that any exemption (exception) from applicable development standards would not result in greater impacts to coastal resources, including sensitive habitat, coastal waters, and public access. However, this existing certified zoning code language in Sec. 35-144F.4(2) and (3), approved pursuant to LCP Amendment 1-03-C and 1-05-C, was inadvertently omitted from new language proposed in Sec. 35-144F.D(4)(a). **Suggested Modification Four** adds this *existing* language into proposed Sec. 35-144F.D(4)(a) to ensure that any exemption from a specific telecommunication facility development standard will not result in greater cumulative impact to coastal resources, including sensitive habitat, coastal waters, and public access.

Additionally, the proposed amendment adds new language in Sec. 35-144F.E (*Project Installation and Post Installation Provisions*) requiring a facility to be operation in conformance with rules published by the FCC, as well as “all other legally binding, more restrictive standards subsequently adopted by federal agencies.” **Suggested Modification Four** adds a provision to Sec. 35-144F.E to ensure that, if new regulations will be used as the standard of review, such new regulations must incorporated into the LCP through a LCP Amendment.

The Commission finds that these modifications are necessary to bring the proposed IP/CZO amendment into conformance with the LUP policies that require development to be sited and designed to reduce cumulative impacts to all coastal resources.

3. Visual Resources

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.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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.

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. Furthermore, 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. Additionally 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.

Under the certified zoning code, Sec. 35-144F.3.4.a(1) and Sec. 35-127 (Height), the maximum allowable height for any antennas and associated support structures is 75 feet. Antennas for wireless communication facilities may exceed 75 feet if (1) the antenna is on or within an

existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural facades, that the antenna is mounted on; or (2) the antenna is mounted 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. Under the existing and proposed code, facilities not exceeding 50 ft. in height (not allowed in a or within 300 feet of a residential zone) require a Minor Conditional Use Permit and facilities 50 ft. in height or more are required to receive a Conditional Use Permit.

Consistent with the above policies for protection of visual resources, the amendment includes new development standards for commercial telecommunication facilities that serve to minimize visual impacts from the construction of new telecommunication facilities. The amendment includes a new requirement that any facilities over 50 feet must also demonstrate a *technical need* for a facility of that height. It also specifies that even if the additional height is required for technical reasons, the height cannot exceed 75 feet unless the antenna is mounted on an existing structure. This amendment is designed to be more protective of visual resources and strengthen standards and permit requirements for taller structures and promote collocation.

The amendment adds new required findings and application requirements in proposed Sec. 35-144F.G (*Additional Findings*) and Sec. 35-144 F.I (*Application Requirements*) that will require an applicant to demonstrate that the proposed facility design and location is the “least intrusive means feasible” for the carrier proposing the facility to provide the needed coverage. Subsequent to submittal of the subject amendment, the County clarified that the intent of the term “least intrusive means feasible” is the least *visually* intrusive means feasible. To implement the County’s intent and to clarify the new standard, **Suggested Modification Four** adds clarifying language that design and location should be the least *visually*, as well as least and *environmentally* intrusive means feasible.

Therefore the Commission finds that, if modified as suggested above, the proposed IP/CZO amendment is adequate to carry out the visual resource protection policies of the certified LUP.

4. Agriculture

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.

Coastal Act Section 30241, as incorporated in the LCP, states:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Coastal Act Section 30242 states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250 such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Coastal Act Sections 30241 and 30242 provide protections for agricultural land such that the maximum amount of prime agricultural land shall be maintained in agricultural production and conflicts shall be minimized between agricultural and urban land or nonagricultural uses.

Although the proposed amendment includes provisions to protect agricultural lands and provides that disturbed areas associated with the development of commercial telecommunications facilities shall be prohibited on prime agricultural soils, the language allows development of such facilities on prime agricultural soils if there is no other feasible location in the area or alternative facility configuration. To ensure that the amendment will be consistent with policies protecting agricultural as incorporated into the LUP, **Suggested Modification 4** adds language to Sec. 35-144F.D(2)(b) to provide that agricultural operations shall not be adversely impacted by placement and operation of the telecommunications facility. The intent is to ensure that any exemption (exception) from a specific standard granted pursuant to the existing code will not undermine or adversely impact agricultural productivity.

Therefore, if modified as suggested, the Commission finds that the proposed suggested modification is adequate to carry out the agricultural protection policies of the certified LUP.

5. Processing Changes and Minor Format Changes for Conformity with Existing LCP

Additional proposed modifications to the subject amendment are necessary for conformance with the LCP and Coastal Act. **Suggested Modification Four (4)** modifies the table in proposed Section 35-144F.B “Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities” by clarifying the zones in which certain telecommunication facilities are allowed as a “Permitted Use,” a “Permitted Use with a Minor Conditional Use Permit,” or as a “Permitted Use with a Major Conditional Use Permit.” These changes are necessary to eliminate internal conflicts regarding the types of development that would be appealable to the Coastal Commission based on whether the development is identified as a principal permitted use. **Suggested Modification Four (4)** further modifies the table “Allowable Zones and Permit Requirements for Commercial Telecommunication Facilities” by changing the

permit requirements for processing Tier 2(d) facilities (facilities that comply with zone height limit) to be processed as Tier 3 facilities. The proposed amendment requires Tier 2(d) facilities, not located in a residential or a recreational zone, to obtain a Development Plan approved by the Director. Suggested **Modification Four (4)** would require Tier 2(d) facilities, not located in a residential or recreational zone, to be changed to a Tier 3(c) facility and required to obtain a Minor Conditional Use Permit instead of a Development Plan approved by the Director. This suggested modification is necessary to ensure that development of telecommunication facilities meeting the zone height limit, that nevertheless may impact Coastal Act high priority land uses (such as visitor-serving uses, agricultural uses, coastal-dependent uses), require a Minor Conditional Use Permit, receive a public hearing, and are appealable to the Coastal Commission. Lastly, **Suggested Modification 1** is necessary to bring the *existing* noticing provisions in Sec. 35-181 (*Noticing*) of the existing code into conformance with the *proposed* code section numbers.

Therefore, in conclusion, the proposed amendment to the IP/CZO, as proposed, will not be fully adequate to carry out the certified Land Use Plan, and incorporated Coastal Act policies, for the above-stated reasons and is denied as submitted. With the suggested modification, the proposed IP/CZO amendment can be approved as being consistent with and adequate to carry out the certified land use plan.

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 Implementation Plan component 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.

APPENDIX 1

Substantive File Documents

Resolution No. 11-413, County of Santa Barbara, *In the matter of submitting to the California Coastal Commission amendments to the text of the Article II Coastal Zoning Ordinance of Chapter 35 of the Santa Barbara County Code, a portion of the Santa Barbara County Local Coastal Program, , passed, approved, and adopted by the Board of Supervisors December 13, 2011; Ordinance 4789, Case No. 11-ORD-00000-00007, An Ordinance Amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code by Amending Division 7, General Regulations, to amend the existing definitions of substantially visible and telecommunications facility collocated, add new definitions of hub site, mobile communications temporary facility, and vault, amend processing requirements for very small facilities and tenant improvements, add new findings requiring demonstration of need for service and demonstration of efforts to reduce the intrusiveness of the facility through design and siting, and make other minor revisions to the existing procedures and development standards that regulate the construction and use of commercial telecommunication facilities*, adopted by Board of Supervisors on May 17, 2011.

EXHIBIT 1

ORDINANCE NO. ____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, AND DIVISION 7, GENERAL REGULATIONS, TO AMEND THE EXISTING DEFINITIONS OF SUBSTANTIALLY VISIBLE AND TELECOMMUNICATIONS FACILITY COLLOCATED, ADD NEW DEFINITIONS OF HUB SITE, MOBILE COMMUNICATIONS TEMPORARY FACILITY, AND VAULT, AMEND PROCESSING REQUIREMENTS FOR VERY SMALL FACILITIES AND TENANT IMPROVEMENTS, ADD NEW FINDINGS REQUIRING DEMONSTRATION OF NEED FOR SERVICE AND DEMONSTRATION OF EFFORTS TO REDUCE THE INTRUSIVENESS OF THE FACILITY THROUGH DESIGN AND SITING, AND MAKE OTHER MINOR REVISIONS TO THE EXISTING PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF COMMERCIAL TELECOMMUNICATION FACILITIES.

Case No. 11ORD-00000-00007 (Article II)

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

SECTION 1:

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-58, Definitions, to amend the existing definitions of “Collocated Telecommunications Facility” and “Substantially Visible” to read as follows:

Substantially Visible. ~~An object-facility is considered to be substantially visible if any portion of the facility # stands out as a conspicuous feature of the landscape or breaks the skyline when viewed with the naked eye. This shall not apply to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility.~~

Telecommunications Facility Collocated. A telecommunication facility ~~comprised~~ composed of a single telecommunications pole, tower, or building supporting one or more antennas, dishes, or similar devices ~~owned or used by more than one public or private entity~~ one or more antennas mounted to an existing tower or other structure.

SECTION 2:

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-58, Definitions, to add new definitions of “Hub Site,” “Temporary Facility” and “Vault” to read as follows and renumber the remaining definitions as appropriate:

Hub Site. A supplemental equipment site that is void of transceiving antennas operated as an accessory to a wireless telecommunications facility. Equipment may include cabinets, switchboards, computer servers, batteries, utility racks, air conditioning units, and emergency back-up generators including fuel storage.

Mobile Telecommunications Temporary Facility. A facility that transmits or receives electromagnetic signals for communication purposes including data transfer function that would operate for a limited duration (determined on a case by case basis) and is wholly contained within and/or on a mobile non-permanent vehicle (e.g. trailer, van, or truck). Facility equipment including poles, masts, antennas, computer servers, batteries, generators or similar equipment must be mounted on the vehicle, or located

inside.

Vault. A subterranean room allowing placement and storage of facility support equipment underground. Components of the vault may also include a ventilation system, drainage system, utility meters and personnel access such as a door, hatch, manhole or cover.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-137.3, Processing, of Section 35-137, Temporary Uses to amend Section 35-137.3.1, Exempt temporary uses, to read as follows:

1. **Exempt temporary uses.** The following temporary uses of property, as defined in this ordinance and which meet all of the criteria in a. through c. of this section, which may include, but are not limited to, the erection of temporary structures such as fences, booths, tents or the parking of trailers, are exempt from any Coastal Development Permit or Conditional Use Permit requirements:
 - a. The temporary use will not occupy any portion of a sandy beach, public park area; public pier, or public beach parking area between Memorial Day weekend and Labor Day unless either: (1) the period of the use will be of less than one day in duration, including set-up and take-down or (2) the location is remote with minimal demand for public use;
 - b. A fee will not be charged for general public admission and/or seating if the temporary use will occupy any portion of a sandy beach, public park area; public pier, or public beach parking area where no fee is currently charged for use of the same area; or, if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.
 - c. The proposed temporary use has been reviewed in advance by the Director of the Planning Department, and the Director determined that it meets all of the following criteria:
 - 1) The temporary use will result in no adverse impact on opportunities for public use of, or access to, the area due to the proposed location and/or timing of the event either individually or together with other temporary events scheduled before or after the particular event;
 - 2) There will be no direct or indirect impacts from the temporary use and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources ~~pursuant to~~ in compliance with the policies and sections of the certified Local Coastal Program;
 - 3) The temporary use has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources;
 - d. The Director of the Planning and Development Department, or the decision-maker, may determine that temporary use shall be subject to Coastal Development Permit and/or Conditional Use Permit review, even if the development meets all of the criteria in a. through c. of this section, if the Director, or decision-maker, determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. In addition, the following temporary uses of property are exempt from Coastal Development Permit or Conditional Use Permit requirements only if the following provisions, in addition to all of the criteria in a. through c. of this section above, are met:
 - 1) **Car washes.** Car washes, located on commercially zoned property, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.
 - 2) **Charitable functions on property located outside the Montecito Planning Area.** The use

of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided:

- a) On property that is less than five acres in size, use of the subject property for such activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
 - b) On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
- 3) **Charitable functions on property located within the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided the use of the subject property for such activities does not exceed three times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
- 4) **Mobile telecommunications temporary facility.** Where unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed, in compliance with the following:
- a. The facility qualifies as a mobile telecommunications temporary facility.
 - b. The Director in consultation with the County Sheriff and Fire Departments has determined a reasonable public health and safety issue would exist without the operation of a temporary telecommunications facility.
 - c. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.
 - d. The facility would only be permitted onsite for the duration of the event or emergency, not to exceed two weeks, or other period of time, as approved by the Director.
- 45) **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility ~~pursuant to~~ in compliance with an approved development permit.
- 56) **Public property.** Events held at a County park or on other County-owned land when conducted with the approval of the County.
- 67) **Similar temporary uses.** Other temporary uses which, in the opinion of the Director of the Planning and Development Department, are similar to those identified in this section.

SECTION 4:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-144F, Commercial Telecommunications Facilities, to read as follows:

Sec. 35-144F Commercial Telecommunications Facilities

~~Sec. 35-144F.1 Purpose and Intent.~~

~~The purpose of this section is to provide a uniform and comprehensive set of standards for the siting and development of commercial telecommunication facilities and to establish specific permit regulations and development standards for such facilities. The intent is to promote their orderly development, and ensure that~~

they are compatible with surrounding land uses in order to protect the public safety and visual resources.

A. Purpose and intent. This Section establishes the permit requirements and standards for the siting and development of commercial telecommunication facilities. The intent is to promote their orderly development and ensure they are compatible with surrounding land uses in order to protect the public safety and visual resources.

Sec. 35-144F.2 — Applicability.

The provisions of this Section shall apply to all commercial telecommunication facilities that transmit or receive electromagnetic signals including but not limited to radio, television, and wireless communication services (e.g., personal communication, cellular, and paging). Such facilities shall also be subject to all the provisions set forth in Section 35-169 (Coastal Development Use Permits), Section 35-172 (Conditional Use Permits), and Section 35-174 (Development Plans), as applicable. Modifications to zone district regulations are allowed under Section 35-315 and Section 35-317 only as specified in this section. This section shall not be construed to apply to handheld, vehicular, or other portable transmitters or transceivers, including but not limited to, cellular phones, CB radios, emergency services radio, and other similar devices.

B. Applicability.

- 1. Affected facilities and equipment.** The provisions of this Section shall apply to commercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., radio, television, and wireless communication services including personal communication, cellular, and paging). This Section shall not be construed to apply to handheld, vehicular, or other portable transmitters or transceivers, including cellular phones, CB radios, emergency services radio, and other similar devices.
- 2. Allowable zones and permit requirements.** The following table, Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities, below, establishes the allowable zones, permit requirements, and development standards applicable to commercial telecommunications facilities as allowed by this section. Different permit processes shall be required depending on the type of the commercial telecommunication facility being proposed and whether the facility complies with different development standards.
 - a. Coastal Development Permit processing requirement.**
 - (1) Unless exempt in compliance with Section 35-169.2 (Applicability), all development requires a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits).
 - (2) A Coastal Development Permit shall be processed concurrently and in conjunction with a Conditional Use Permit or Development Plan in compliance with Section 35.169.4 (Processing).

Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities

<u>Project Level Tier</u>	<u>Zones Where Allowed</u>	<u>Permit Requirements</u>	<u>Development Standards</u>
<u>Tier 1 (a) Project - Temporary Facilities</u>	<u>All zones</u>	<u>Coastal Development Permit</u>	<u>35-144F.C.1.a</u>
<u>Tier 1 (b) Project - Hub sites</u>	<u>All zones</u>	<u>Coastal Development Permit</u>	<u>35-144F.C.1.b</u> <u>35-144F.D</u>
<u>Tier 2 (a) Project - Very small facilities</u>	<u>Nonresidential zones</u>	<u>Development Plan approved by the Director</u>	<u>35-144F.C.2.a</u> <u>35-144F.D</u>
<u>Tier 2 (b) Project - Tenant improvements</u>	<u>Nonresidential zones</u>	<u>Development Plan approved by the Director</u>	<u>35-144F.C.2.b</u> <u>35-144F.D</u>
<u>Tier 2 (c) Project - Collocated Facilities</u>	<u>Nonresidential zones</u>	<u>Development Plan approved by the Director</u>	<u>35-144F.C.2.c</u> <u>35-144F.D</u>
<u>Tier 2 (d) Project - Facilities that comply with the zone height limit (1)</u>	<u>Nonresidential zones, except not allowed in the Recreation (REC) zone</u>	<u>Development Plan approved by the Director</u>	<u>35-144F.C.2.d</u> <u>35-144F.D</u>
<u>Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)</u>	<u>Nonresidential zones, except not allowed in the Recreation (REC) zone</u>	<u>Minor Conditional Use Permit</u>	<u>35-144F.C.3.a</u> <u>35-144F.D</u>
<u>Tier 3 (b) Project - Satellite ground</u>	<u>Nonresidential zones</u>	<u>Minor Conditional Use Permit</u>	<u>35-144F.C.3.b</u>

station facilities, relay towers, towers or antennas for radio/television transmission and/or reception			35-144F.D
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	All zones	Conditional Use Permit	35-144F.C.4.a 35-144F.D
Tier 4 (b) Project - Other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations	Nonresidential zones	Conditional Use Permit	35-144F.C.4.b 35-144F.D
Notes: (1) Not allowed in or within 300 feet of a residential zone.			

Sec. 35-144F.3 Processing.

No permits for development subject to the provisions of this Section shall be approved or issued except in conformance with the following requirements, including the requirements of Sections 35-144F.4 through 35-144F.8 unless otherwise specified:

1. The following development requires the approval and issuance of a Coastal Development Permit pursuant to Section 35-169:
 - a. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-52. Minor exterior additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards.
 - 1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions provided below. If a facility is located in an agricultural zone as identified in Section 35-52, the height limit is that which applies to residential structures in that location.
 - 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - a) The antenna, associated support structure and equipment shelter is located within an existing building or structure.
 - b) The antenna is mounted on an exterior wall of an existing building or structure, and the highest point of either the antenna or the support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - c) The antenna or equipment shelter is located on the roof of an existing building or structure behind a parapet wall or architectural façade such that the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - 3) Antennas and associated support structures proposed to be installed on the roof or directly attached to an existing building or structure shall be fully screened or architecturally integrated into the design of the building or structure. The highest point of the antenna and associated support structure shall not extend above the portion of the building or structure, including parapet walls and architectural facades, that it is mounted on and shall not protrude more than two feet horizontally from such building or structure. If mounted on the roof of an existing building or structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.
 - 4) Equipment shelters proposed to be installed on the roof of an existing or proposed building or structure shall be fully screened or architecturally integrated into the design of the building or structure (e.g., located behind a parapet wall or architectural façade) such that the highest

~~point of the equipment shelter does not protrude above the parapet wall or architectural façade.~~

~~5) Access to the facility is provided by existing roads or driveways.~~

~~b. Wireless telecommunication facilities that conform to the following development standards may be allowed in all zone districts as identified in Section 35-52:~~

~~1) Antennas are limited to panel antennas or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of one cubic foot.~~

~~2) The antenna is mounted on either (1) an existing operational public utility pole or similar support structure (e.g., streetlight standard) which is not being considered for removal, as determined by the Planning and Development Department, or (2) the roof of an existing structure. No more than two antennas shall be located on a single utility pole or similar structure unless it is determined that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the facilities shall be null and void.~~

~~3) The highest point of the antenna either (1) does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or (2) in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.~~

~~2. The following development requires a Development Plan approved by the Director of Planning and Development pursuant to Section 35-174 and the approval and issuance of a Coastal Development Use Permit pursuant to Section 35-169:~~

~~a. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-52. Additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards:~~

~~1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Section 35-52, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Section 35-174 shall be allowed.~~

~~2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:~~

~~a) As provided in Section 35-144F.3.1.a.2.~~

~~b) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection pursuant to Section 35-127 (General Regulations).~~

~~3) The height of the antenna and associated support structure shall not exceed 15 feet above the highest point of the building or structure that the antenna and support structure are located on. Architectural projections shall not be used in determining the highest point of the building or structure. If located on a flat roof of an existing building or structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.~~

~~b. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1 or 35-144F.3.2.a but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-52 except for the Recreation (REC) zone district.~~

~~1) Antennas, the associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and~~

exceptions as provided below. If the facility is located in an agricultural zone as identified in Section 35-52, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Section 35-174 shall be allowed.

- ~~2) Antennas and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:~~
 - ~~a) As provided in Section 35-144F.3.2.a.2.~~
 - ~~b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Planning and Development Department, provided that 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.~~
- ~~3) The height of the antenna and associated support structure shall not exceed 15 feet above the highest point of the building or structure that the antenna and support structure are located on. Architectural projections shall not be used in determining the highest point of the building or structure. If located on a flat roof of an existing building or structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.~~
- ~~4) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.~~
- ~~5) A facility may be located within a designated scenic highway corridor, or within a scenic corridor as designated on an Environmental Resources Management Element map, provided all the components of the facility are not substantially visible from the roadway located within the corridor.~~

~~3. The following development requires a Minor Conditional Use Permit approved by the Zoning Administrator pursuant to Section 35-172 and the issuance and approval of a Coastal Development Permit pursuant to Section 35-169:~~

- ~~a. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1, 35-144F.3.2.a or 35-144F.3.2.b but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-52 except the Recreation (REC) zone district.~~
 - ~~1) Antennas, the associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in an agricultural zone as identified in Section 35-52, the height limit is that which applies to residential structures in that location. Modifications to the height limit pursuant to Section 35-172 may be allowed, however, the highest point of the antenna and associated support structure may not exceed 50 feet.~~
 - ~~2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in without the approval of a modification pursuant to Section 35-172 under the following circumstances:~~
 - ~~a) As provided in Section 35-144F.3.2.b.2.~~
 - ~~b) The antenna and antenna support structure are mounted on an existing building or structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the building or structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the building or structure.~~
 - ~~3) New freestanding antenna support structures and associated antennas that do not utilize an existing, operational public utility pole or similar support structure, as determined by the Planning and Development Department, shall not exceed a height of 50 feet.~~

- ~~4) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.~~
 - ~~b. Other telecommunication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television and communication signals that (1) are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission and (2) do not exceed 50 feet in height may be allowed in all non-residential zone districts as identified in Section 35-52.~~
 - ~~c. Private, non-commercial telecommunication facilities used in conjunction with and serving an agricultural operation located on the property that the facility is located on are allowed in all agricultural zone districts.~~
 - ~~4. The following requires a Major Conditional Use Permit approved by the Planning Commission pursuant to Section 35-172 and the issuance and approval of a Coastal Development Permit pursuant to Section 35-169:~~
 - ~~a. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1, 35-144F.3.2.a, 35-144F.3.2.b or 35-144F.3.3 but do conform to the following development standards may be allowed in all zone districts:~~
 - ~~1) The height of the antenna and antenna support structure shall not exceed 75 feet.~~
 - ~~2) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.~~
 - ~~3) If the facility is proposed to be located in a residential zone district as identified in Section 35-52 or located in the Recreation (REC) zone district, or does not comply with subsection 2) above, the Planning Commission, in order to approve a conditional use permit, must also find that the area proposed to be served by the telecommunications facility would otherwise not be served by the carrier proposing the facility.~~
 - ~~b. Other telecommunication facilities that are (1) subject to regulation by the Federal Communications Commission or the California Public Utilities (e.g., AM/FM radio stations, television stations) which include but are not limited to: equipment shelters, antennas, antenna support structures and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals, or (2) other telecommunication facilities that exceed 50 feet in height, are allowed in all non-residential zone districts as identified in Section 35-52. This does not include wireless telecommunication facilities that are subject to the provisions of Section 35-144F.4.a or amateur radio facilities that are subject to the provisions of Section 35-144G.~~
 - ~~5. Commercial telecommunication facilities shall be subject to Section 35-184 (Board of Architectural Review) under the following circumstances:~~
 - ~~a. The facility includes the construction of a new building or structure or the remodel of or addition to an existing building or structure that is otherwise subject to review by the Board of Architectural Review pursuant to Section 35-184.~~
 - ~~b. The facility is under the jurisdiction of the Planning Commission.~~
- C. Processing.** Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D through Subsection H unless otherwise specified. Modifications to zone regulations in compliance with Section 35-172 (Conditional Use Permits) or Section 35-174 (Development Plans) may be allowed only as specified in this Section.
- 1. Tier 1 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 1 commercial facility:
 - a. Standards for Tier 1 projects, temporary facilities.** Temporary telecommunications

facilities may be permitted in compliance with Section 35-137.3.1.

b. Standards for Tier 1 projects, hub sites. Wireless telecommunication facilities that comply with the following may be allowed:

- (1) The facility qualifies as a hub site.
- (2) No antennas are proposed except as follows:
 - (a) One Global Positioning System (GPS) may be allowed.
- (3) The facility is located within a permitted building.
- (4) The facility may be subject to review by the Board of Architectural Review (Section 35-184) in compliance with Section 35-184.2 (Applicability).

2. Tier 2 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility:

a. Standards for Tier 2 projects, very small facilities. Wireless telecommunication facilities that comply with the following may be allowed:

- (1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated above ground equipment shall not exceed a combined volume of one cubic foot.
- (2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., street light, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure or vaulted underground.
 - (a) More than two antennas shall not be located on a single utility pole or similar structure unless it is determined by the decision-maker that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the facility shall be removed prior to undergrounding and the permit for the facilities shall be null and void.
- (3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.
- (4) The placement of multiple, interconnected, very small facilities to establish a new network (i.e. four or more within a square mile) shall be reviewed as a whole project including all components that result in a physical change to the environment (e.g. antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites.)

b. Standards for Tier 2 projects, tenant improvements. Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following.

- (1) The facility qualifies as a tenant improvement.
- (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
- (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under any of the following

circumstances:

- (a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.
 - (b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - (c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - (d) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.
- (4) Antennas and associated antenna support structures proposed to be installed on the roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.
- (5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.
- (6) Access to the facility shall be provided by existing roads or driveways.
- c. Standards for Tier 2 projects, colocated facilities.** Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following.
 - (1) The facility qualifies as a colocated telecommunications facility.
 - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under the following circumstances:
 - (a) As provided in Subsection C.2.b.(3).
 - (b) The highest point of the any portion of the new facility proposed to be located on an existing facility does not extend above the existing antenna support structure or the portion of any other structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure.
- d. Standards for Tier 2 projects, facilities that comply with the zone height limit.** Wireless

telecommunication facilities that comply with the following may be allowed.

- (1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in except as provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (a) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:
 - (1) As provided in Subsection C.2.c.(3).
 - (2) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that 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.
 - (2) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure on which the antenna and support structure is located. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
 - (3) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
3. **Tier 3 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:
 - a. **Standards for Tier 3 projects, facilities not exceeding 50 feet in height.** Wireless telecommunication facilities that comply with the following may be allowed:
 - (1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. A modification to the height limit in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.
 - (2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a modification in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) under the following circumstances:
 - (a) As provided in Subsection C.2.d.(1).
 - (b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.

~~rights of way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.~~

- ~~3) A modification to the setback is granted pursuant to Section 35-172 (Conditional Use Permits) or Section 35-174 (Development Plans).~~
- ~~b. The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated support structure and equipment shelter.~~
- ~~e. Facilities proposed to be installed in or on a building, structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board of Supervisors on appeal.~~
- ~~d. The facility shall comply at all times with all Federal Communication Commission rules, regulations, and standards.~~
- ~~e. The facility shall be served by roads and parking areas consistent with the following requirements:~~
 - ~~1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.~~
 - ~~2) Existing parking areas shall be used whenever possible, and any new parking areas shall not exceed 350 square feet in area.~~
 - ~~3) Any newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other permitted uses.~~
- ~~f. The facility shall be unlit except for the following:~~
 - ~~1) A manually operated or motion detector controlled light that includes a timer located above the equipment structure door that shall be kept off except when personnel are actually present at night.~~
 - ~~2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible in such manner so as to minimize the amount of light that falls onto nearby residences and habitat.~~
- ~~g. The facility shall not be located within the safety zone of any airport unless the airport operator indicates that it will not adversely affect the operation of the airport. The height of an antenna and associated support structure proposed to be located within an area zoned as F Airport Approach Overlay District (Section 35-100) shall comply with the height limitations of that overlay district.~~
- ~~h. The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non reflective materials.~~
- ~~i. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and thereafter repainted as necessary with a non-reflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a decision maker in approving a subsequent permit for development.~~
- ~~j. The facility shall be constructed so as to maintain and enhance existing vegetation through the implementation of the following measures:~~
 - ~~1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that is not required to be removed in order to construct the facility shall be protected from damage during the construction period and for the life of the project.~~
 - ~~2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.~~
 - ~~3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines and telephone lines under the following situations:~~
 - ~~a) Such vegetation is required to screen the improvements from public viewing areas.~~
 - ~~b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.~~

~~Required landscape plans shall be comprised of appropriate species and shall be prepared by a~~

~~botanist, licensed landscape contractor or licensed landscape architect. Performance security shall be required to guarantee the installation and maintenance of any new plantings.~~

- ~~4) Any existing trees or significant vegetation used to screen the facility that dies in the future shall be replaced with native trees and vegetation of a comparable size, species and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.~~
- ~~5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in any manner that would increase the visibility of the facility and associated access roads, power lines and telephone lines except:
 - ~~a) Where such alteration is specifically allowed by the approved project, or~~
 - ~~b) Where necessary to avoid signal interference to and from the approved facility.~~~~

~~Any alteration of such vegetation shall be done under the direction of a licensed arborist.~~

- ~~6) All vegetation proposed and/or required to be planted in association with a commercial telecommunication facility shall consist of non-invasive plant species only.~~

~~2. Telecommunication facilities shall comply with the following development standards in all instances except that the decision maker may exempt a facility from compliance with one or more of the following development standards. However, such an exemption may only be granted if the decision maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access; or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility; or (c) would avoid or reduce the potential for environmental impacts, and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.~~

- ~~a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead utility line would not be visible from a public viewing area. Any new underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for collocation.~~
- ~~b. Collocation on an existing support structure shall be required for facilities permitted pursuant to Section 35-144F.3.2.b, Section 35-144F.3.3 and Section 35-144F.3.4 unless:
 - ~~1) The applicant can demonstrate that reasonable efforts, acceptable to the decision maker, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or~~
 - ~~2) Collocation cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or~~
 - ~~3) The decision maker determines that (1) collocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed and (2) the non-collocated development will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.~~~~

~~All proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual and environmental impacts. Sites determined by the Planning and Development Department to be appropriate as collocated facilities or sites shall be designed such that antenna support structures and other associated appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings, may be shared by site~~

~~users. Criteria used to determine suitability for collocation include but are not limited to the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, avoiding or minimizing disturbance to environmentally sensitive habitats, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding collocation are located in Section 35-144F.5.3.~~

- ~~e. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas).~~
 - ~~d. Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.~~
 - ~~e. Facilities shall be prohibited in areas that are located between the sea and the seaward side of the first through public road parallel to the sea, unless a location on the seaward side would result in less visual impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize visual impacts.~~
3. ~~Telecommunication facilities shall comply with the following development standards in all instances. If an exemption from one or more of the following standards is requested, then the facility requires a major conditional use permit approved by the Planning Commission pursuant to Section 35-172. An exemption may only be granted if the Planning Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access; or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility; or (c) would avoid or reduce the potential for environmental impacts, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.~~
- ~~a. No facility shall be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on an Environmental Resources Management Element map.~~
 - ~~b. No facility shall be installed on an exposed ridgeline unless it blends with the surrounding existing natural or man-made environment in such a manner so as to not be substantially visible from public viewing areas (e.g., public road, trails, recreational areas) or is collocated in a multiple user facility.~~
 - ~~c. No facility that is substantially visible from a public viewing area shall be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on multiple user site.~~
 - ~~d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or designed to integrate into the natural environment (e.g., imbedded in a hillside). Such facilities shall be compatible with the existing surrounding environment.~~
 - ~~e. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of any environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the~~

~~provisions of the certified Local Coastal Program. All associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, non-indigenous plant species which tend to supplant native species shall be prohibited.~~

D. Additional development standards for telecommunication facilities. In addition to the development standards in Subsection C (Processing) above, with the exception of temporary mobile telecommunications facilities, commercial telecommunication facilities regulated by this Section 35-144F (Commercial Telecommunication Facilities) shall also comply with the following development standards unless otherwise indicated below.

1. Telecommunication facilities shall comply in all instances with the following development standards:

a. Setbacks. The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:

- (1) Antennas may be located within the setback area without approval of a modification in compliance with Section 35-174.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.
- (2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
- (3) A modification to the setback is granted in compliance with Section 35-174.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications).

b. Height limits and exceptions. Antennas and associated antenna support structures (e.g., lattice tower, monopole) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C (Processing) above.

- (1) This height limit may be increased to a maximum of 75 feet in height where technical requirements dictate.
- (2) Antennas and antenna support structures used in connection with wireless communication facilities may exceed 75 feet in height if:
 - (a) The antenna is mounted on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural façades, that the antenna is mounted on; or,
 - (b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director 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.
- (3) In all cases the height of antennas, including support structures, shall be in compliance with the requirements of Section 35-100 (F - Airport Approach Overlay District).

c. Fencing. The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.

d. Historical landmarks. Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board on appeal.

e. Compliance with Federal Communication Commission. The facility shall comply at all times with all Federal Communication Commission rules, regulations, and standards.

- f. Access roads and parking areas.** The facility shall be served by roads and parking areas consistent with the following requirements:
- (1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
 - (2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.
 - (3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.
- g. Lighting.** The facility shall be unlit except for the following:
- (1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.
 - (2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby residences.
- h. Location within F - Airport Approach Overlay District.** The facility shall not be located within the safety zone of an airport unless the airport operator indicates that it will not adversely affect the operation of the airport.
- i. Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in nonreflective materials.
- j. Painted surfaces.** Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a nonreflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a decision-maker in approving a subsequent permit for development.
- k. Landscaping.** The facility shall be constructed so as to maintain and enhance existing vegetation, without increasing the risk of fire hazards, through the implementation of the following measures:
- (1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility or to achieve fire safety clearances, shall be protected from damage during the construction period and for the life of the project.
 - (2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
 - (3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:
 - (a) The vegetation is required to screen the improvements from public viewing areas.
 - (b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.
- Required landscape plans shall be comprised of appropriate species and shall be prepared by a botanist, licensed landscape contractor, or licensed landscape architect. A performance security shall be required to guarantee the installation and maintenance of new plantings.

- (4) Existing trees or significant vegetation used to screen the facility that die in the future shall be replaced with native trees and vegetation of a comparable size, species, and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.
- (5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in a manner that would increase the visibility of the facility and associated access roads, power lines, and telephone lines, except:
- (a) Where the alteration is specifically allowed by the approved project; or
- (b) Where necessary to avoid signal interference to and from the approved facility.
- Any alteration of the vegetation shall be done under the direction of a licensed arborist.
- (6) Vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.
- Communication facilities shall comply with the following development standards in all cases, except that the decision-maker may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. An exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility and will not compromise public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations such that an exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts and will not increase the visibility of the facility, and will not decrease public safety, and will result in greater impacts to coastal resources, including sensitive habitat, coastal waters and public access.
- The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for collocation.
- Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.
- Collocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2 through Subsection C.4 of this Section, unless:
- (1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or
- (2) Collocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or
- (3) The decision-maker determines that:
- (a) Collocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed.
- (b) The non-collocated development will not result in greater impact to coastal

resources, including sensitive habitat, coastal waters, and public access.

All proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual and environmental impacts. Sites determined by the Department to be appropriate as collocated facilities or sites shall be designed in a way that antenna support structures and other associated features (e.g. parking areas, access roads, utilities, equipment buildings) may be shared by site users. Criteria used to determine suitability for collocation include the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, avoiding or minimizing disturbance to environmentally sensitive habitats, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding collocation are located in Subsection E.3 (Collocation) below.

- d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).
 - e. Facilities shall be prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.
3. Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Planning Commission in compliance with Section 35-172 (Conditional Use Permits). An exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts and will not increase the visibility of the facility, and will not decrease public safety, and will result in greater impacts to coastal resources, including sensitive habitat, coastal waters and public access.
- a. A facility shall not be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.
 - b. A facility shall not be installed on an exposed ridgeline unless it blends with the surrounding existing natural or manmade environment in a manner that ensures that it will not be substantially visible from public viewing areas (e.g., public road, trails, recreation areas) or is collocated in a multiple user facility.
 - c. A facility that is substantially visible from a public viewing area shall not be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on a multiple user site.
 - d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or

manmade environment (e.g., designed to look like a tree, rock outcropping, or streetlight) or designed to integrate into the natural environment (e.g., imbedded in a hillside). These facilities shall be compatible with the existing surrounding environment.

- e. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. Associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, nonindigenous plant species that tend to supplant native species shall be prohibited.

~~Sec. 35-144F.5 Project Installation and Post Installation Provisions.~~

- ~~1. **Radio Frequency (RF) Emission Levels.** No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public safety. No telecommunication facility or combination of facilities shall produce at any time power densities that exceed the Maximum Permissible Exposure (MPE) limits for human exposure established by the Federal Communications Commission or any legally binding, more restrictive standard subsequently adopted by the federal government.~~
 - ~~a. Initial compliance with this requirement shall be demonstrated for all commercial telecommunication facilities through submission, at the time of application for the necessary permit or other entitlement, of a report prepared by a third party certified engineer that utilizes site specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.~~
 - ~~b. If these calculated RF levels exceed 80 percent of the MPE limits, then said facility shall not commence normal operations until a report prepared by a third party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, the federal MPE limits.~~
 - ~~c. If these calculated RF levels do not exceed 80 percent of the MPE limits, then a report prepared by a third party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.~~
 - ~~d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.~~
 - ~~1) Every five years, or other time period as specified by the decision maker as a condition of approval of the project, a report prepared by a third party qualified electrical or RF engineer licensed by the State of California shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. Said report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.~~
 - ~~2) In the case of a change in the adopted MPE limit, measurements of RF levels in nearby inhabited areas shall be taken and submitted in a report prepared by a third party qualified electrical or RF engineer licensed by the State of California to the Director. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility.~~

- ~~3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit shall be grounds for revocation of the use permit or other entitlement of use by the Director. The decision of the Director to revoke a use permit or other entitlement of use shall be deemed final unless appealed pursuant to Section 35-182.2 of this article.~~

~~2. Project Review.~~

- ~~a. Five years after the issuance of the initial land use permit for the facility and no more frequently than every five years thereafter, the Director of Planning and Development may undertake inspection of the project and require the permittee to modify its facilities. Modifications may be required if, at the time of inspection it is determined that:~~
- ~~1) The project fails to achieve the intended purposes of the development standards listed in Section 35-144F.4 for reasons attributable to design or changes in environmental setting; or~~
 - ~~2) More effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstance from the time the project was initially approved.~~

~~The Director's decision shall take into account the availability of new technology, capacity and coverage requirements of the permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the permittee shall not be required to undertake changes that exceed 10 percent of the total cost of facility construction. The decision of the Director as to modifications required under this section is final subject to appeal in compliance with Section 35-182 (Appeals).~~

- ~~3. Collocation.~~** ~~Following initial approval of a telecommunication project, which includes individual telecommunication facilities, collocated telecommunication facilities and collocated telecommunication sites, the permittee and property owner shall avail its telecommunication project to other prospective applicants and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following limits:~~

- ~~a. The party seeking collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs and permit processing.~~
- ~~b. The permittee shall not be required to compromise the operational effectiveness of their facility or place any prior approval at risk.~~
- ~~c. Applicants shall make facilities and property available for collocation of telecommunication facilities on a non-discriminatory and equitable basis. County retains the right to verify that the use of the facility and property conforms with County policies regarding collocation and to impose additional permit conditions where necessary to assure these policies are being fulfilled.~~
- ~~d. In the event that the need for access to such facilities is demonstrated by other applicants to the decision maker, carriers shall make available any excess space of their facilities to such other applicants at an equitable cost.~~
- ~~e. In the event access to an existing facility is denied by the applicant, at the request of the carrier requesting to collocate, the applicant shall submit to the Director of Planning and Development terms, including financial terms, under which other carriers in the area would be permitted to enter and use either the facility or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director of Planning and Development within 30 days of such request. If these terms are determined to be unacceptable to potential users of the facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to collocate. The~~

decision of the Director to impose additional conditions is final subject to appeal in compliance with Section 35-182 (Appeals). The intent of this condition is to ensure the efficient and maximum use of collocated telecommunication facilities in the County.

4. ~~Project Abandonment/Site Restoration.~~ If the use of a facility is discontinued for a period of 12 consecutive months, the facility shall be considered abandoned.

- ~~a. Said time may be extended by the decision-maker with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Development prior to completion of the one-year period.~~
- ~~b. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within 180 days of the date of receipt of the County's notice to abate.~~
- ~~c. If such facility is not removed by the permittee and the site returned to its original condition within the specified time period, the County may remove the facility at the permittee's expense. Prior to the issuance of the Coastal Development Permit to construct the facility, the applicant shall post a performance security in an amount and form determined by Planning and Development that is sufficient to cover the cost of removal of the facility in the event that such facility is abandoned.~~
- ~~d. The applicant or a succeeding operator shall submit a revegetation plan of proposed abandonment to be reviewed and approved by a Planning and Development approved biologist prior to demolition. The approved revegetation plan shall be implemented upon completion of site demolition during the time of year that will allow for germination of seed without supplemental irrigation.~~

5. ~~Transfer of ownership.~~ In the event that the original permittee sells or otherwise transfers its interest in a telecommunications facility, or an interest in a telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the County for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval shall be provided by the succeeding carrier to the Director of Planning and Development within 30 days of the transfer of interest in the facility.

6. ~~Color Compatibility.~~ Prior to the issuance of the land use permit the applicant may erect an onsite demonstration structure of sufficient scale and height to permit the Director of Planning and Development to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect such a demonstration structure prior to issuance of the land use permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.

E. Project installation and post installation provisions.

1. FCC Compliance. The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission (FCC), including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits, and any other similar requirements to ensure public protection and (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction.

a. Demonstration of compliance. Compliance with all applicable standards shall be demonstrated with a report prepared by a qualified professional acceptable to the County to perform radio frequency (RF) field testing to evaluate compliance with current federally established MPE standards. Compliance shall be demonstrated as needed to address changes in setting, technology and FCC regulations.

b. Conditions of approval. The approved planning permit for the facility may include conditions of approval as determined to be appropriate by the decision-maker to ensure that the facility is operated in a manner that does not pose, either by itself or in combination with

other facilities, a potential threat to public safety. Said conditions of approval may include the following requirements:

- (1) Initial verification.** The Permittee shall submit a report prepared by a qualified professional acceptable to the County (wholly independent of Permittee) that includes a RF field test that measures actual RF electromagnetic exposure at the site within 30 days of Final Building Permit Clearance.

 - (a) This RF field-testing shall measure all ambient sources of RF energy at the site and report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole.
 - (b) The field test should include the author's/professional's findings with respect to compliance with federally established MPE standards.
 - (c) Should the facility exceed the applicable standards, the facility shall cease and desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
 - (2) Continued compliance.** The Permittee shall demonstrate continued compliance with the MPE limits through submittal of regular radio frequency ("RF") field test reporting in compliance with the following.

 - (a) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.
 - (3) Facility upgrades.** Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is within the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated above.
 - (4) Updated standards.** In the event the federally established RF public exposure standards change, the Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards within 90 days of the date the change becomes effective. If calculated levels exceed 80 percent of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site.
- c. Failure to supply reports.** Failure to supply the reports required in compliance with this Subsection E.1 within 30 days following the date that written notice is mailed by the Director that such compliance report is due or failure to remain in continued compliance with the MPE limit shall be grounds for revocation of the Coastal Development Permit or Land Use Permit or other entitlement of use by the Director. The decision of the Director to revoke the Coastal Development Permit or Land Use Permit or other entitlement of use is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- 2. Project Review.** The County reserves the right to undertake inspection of the facility and require the permittee to modify its facilities should a more effective means of ensuring aesthetic

compatibility with surrounding uses have become available as a result of subsequent technological advances, changes in circumstance from the time the project was initially approved, or the project fails to achieve the intended purposes of the development standards listed in Subsection D (Additional development standards for telecommunication facilities).

3. Collocation. The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters:

- a. The party seeking collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.
- b. The Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk.
- c. The Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis.
- d. The County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.

4. Abandonment-Revocation.

- a. The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation.
- b. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension.
- c. In the event the Owner requests that the facility or structures remain, the Owner shall apply for necessary permits for those structures within one year of discontinued use.
- d. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.

5. Transfer of ownership. In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.

6. Color compatibility. Prior to the issuance of a Zoning Clearance, Coastal Development Permit or Land Use Permit, the applicant shall erect an onsite demonstration structure of sufficient scale and height to allow the Director to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect this demonstration structure before prior to issuance of the Zoning Clearance, Coastal Development Permit or the Land Use Permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.

Sec. 35-144F.6 Noticing.

F. Public notice.

- 1. Notice of the application and pending decision on a Coastal Development Permit in compliance with Section 35-144F.3C.1 shall be given in compliance with Section 35-181 (Noticing).
- 2. Notice of the pending decision of the Director on a Development Plan ~~pursuant to~~ in compliance with Section 35-144F.3.2 shall be provided ~~pursuant to~~ in compliance with Section 35-181 except that:

- a. Notice shall be mailed to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to the Planning and Development Department.
 - b. The notice shall provide the date that the Director will take action on the Development Plan.
 - c. The notice shall provide a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Planning and Development Department within 10 calendar days of such notice. If a written request for a hearing is submitted to the Planning and Development Department within 10 calendar days of such notice the project shall be processed as a Development Plan under the jurisdiction of the Zoning Administrator.
3. Notice of projects that require a Conditional Use Permit shall be provided in a manner consistent with the requirements of Section 35-181 (Noticing) and shall include mailed notice to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request with the Planning and Development Department.
 4. If the project is located in a residential zone district as identified in Section 35-52 or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then, in addition to the noticing required above, notice shall be mailed to all property owners and residents within 1000 feet of the exterior boundaries of the facility lease area that the project is located on.

~~Sec. 35-144F.7 Additional Findings.~~

G. Additional findings. In addition to the findings required by be adopted by the decision-maker ~~pursuant to~~ in compliance with Sections 35-169 (Coastal Development Permits), 35-172 (Conditional use Permits), ~~and~~ 35-174 (Development Plans) and 35-178 (Land Use Permits), in order to approve an application to develop a telecommunication facility, the decision-maker shall also make the following findings:

1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.
2. The facility is located so as to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker ~~as provided in compliance with~~ Section 35-144F.4G.
 - a. An exemption to one or more of the required development standards may be granted if the decision-maker additionally finds that in the specific instance that the granting of the exemption:
 - (1) Would not increase the visibility of the facility or decrease public safety, or
 - (2) Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or
 - (3) Would avoid or reduce the potential for environmental impacts.
5. The applicant has demonstrated that the facility will be operated within the allowed frequency range permitted by the Federal Communications Commission and complies with all other applicable health and safety standards.
6. The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.
7. The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

~~Sec. 35-144F.8. Contents of an Application.~~

I. Application requirements.

1. The Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunication facility. Said information may include, but shall not be limited to:
 - a. Completed supplemental project information forms;
 - b. Cross-sectional area calculations;
 - c. Service area maps;
 - d. Network maps;
 - e. Alternative site analysis;
 - f. Visual analysis and impact demonstrations including mock-ups and/or photo-simulations;
 - g. RF exposure studies;
 - h. Title reports identifying legal access;
 - i. Security programs;
 - j. Lists of other nearby telecommunication facilities.

The Director may excuse an applicant from having to provide one or more of the required submittals if it is determined that in the specific case the information is not necessary in order to process or make an informed decision on the submitted application.

2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review ~~any~~ technical materials submitted including, ~~but not limited to, those materials~~ required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. ~~Any~~ Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to ~~any~~ third party.
3. Commercial telecommunication facilities shall be subject to review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review) under the following circumstances:
 - a. The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review).
 - b. The Planning Commission is the decision-maker for the facility.
4. The applicant must demonstrate a need for service (i.e. coverage or capacity) as part of the project application and provide reasonable evidence that the area proposed to be served would not otherwise be served by the carrier proposing the facility.
5. The applicant must demonstrate as part of the application that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

SECTION 5:

Except as amended by this Ordinance, DIVISION 2 and DIVISION 7 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance and any portion of this ordinance 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 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 ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT E: ARTICLE II ORDINANCE

ORDINANCE NO. 4789

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, AND DIVISION 7, GENERAL REGULATIONS, TO AMEND THE EXISTING DEFINITIONS OF SUBSTANTIALLY VISIBLE AND TELECOMMUNICATIONS FACILITY COLOCATED, ADD NEW DEFINITIONS OF HUB SITE, MOBILE COMMUNICATIONS TEMPORARY FACILITY, AND VAULT, AMEND PROCESSING REQUIREMENTS FOR VERY SMALL FACILITIES AND TENANT IMPROVEMENTS, ADD NEW FINDINGS REQUIRING DEMONSTRATION OF NEED FOR SERVICE AND DEMONSTRATION OF EFFORTS TO REDUCE THE INTRUSIVENESS OF THE FACILITY THROUGH DESIGN AND SITING, AND MAKE OTHER MINOR REVISIONS TO THE EXISTING PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF COMMERCIAL TELECOMMUNICATION FACILITIES.

Case No. 11ORD-00000-00007 (Article II)

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

SECTION 1:

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-58, Definitions, to amend the existing definitions of “Colocated Telecommunications Facility” and “Substantially Visible” to read as follows:

Substantially Visible. A facility is considered to be substantially visible if any portion of the facility stands out as a conspicuous feature of the landscape or breaks the skyline when viewed with the naked eye.

Telecommunications Facility Colocated. A telecommunication facility composed of one or more antennas mounted to an existing tower or other structure.

SECTION 2:

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-58, Definitions, to add new definitions of “Hub Site,” “Temporary Facility” and “Vault” to read as follows and renumber the remaining definitions as appropriate:

Hub Site. A supplemental equipment site that is void of transceiving antennas operated as an accessory to a wireless telecommunications facility. Equipment may include cabinets, switchboards, computer servers, batteries, utility racks, air conditioning units, and emergency back-up generators including fuel storage.

Mobile Telecommunications Temporary Facility. A facility that transmits or receives electromagnetic signals for communication purposes including data transfer function that would operate for a limited duration (determined on a case by case basis) and is wholly contained within and/or on a mobile non-permanent vehicle (e.g. trailer, van, or truck). Facility equipment including poles, masts, antennas, computer servers, batteries, generators or similar equipment must be mounted on the vehicle, or located inside.

Vault. A subterranean room allowing placement and storage of facility support equipment underground. Components of the vault may also include a ventilation system, drainage system, utility meters and

Exhibit 2

STB-MAJ-3-11-B

personnel access such as a door, hatch, manhole or cover.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-137.3, Processing, of Section 35-137, Temporary Uses to amend Section 35-137.3.1, Exempt temporary uses, to read as follows:

1. **Exempt temporary uses.** The following temporary uses of property, as defined in this ordinance and which meet all of the criteria in a. through c. of this section, which may include, but are not limited to, the erection of temporary structures such as fences, booths, tents or the parking of trailers, are exempt from any Coastal Development Permit or Conditional Use Permit requirements:
 - a. The temporary use will not occupy any portion of a sandy beach, public park area; public pier, or public beach parking area between Memorial Day weekend and Labor Day unless either: (1) the period of the use will be of less than one day in duration, including set-up and take-down or (2) the location is remote with minimal demand for public use;
 - b. A fee will not be charged for general public admission and/or seating if the temporary use will occupy any portion of a sandy beach, public park area; public pier, or public beach parking area where no fee is currently charged for use of the same area; or, if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.
 - c. The proposed temporary use has been reviewed in advance by the Director of the Planning Department, and the Director determined that it meets all of the following criteria:
 - 1) The temporary use will result in no adverse impact on opportunities for public use of, or access to, the area due to the proposed location and/or timing of the event either individually or together with other temporary events scheduled before or after the particular event;
 - 2) There will be no direct or indirect impacts from the temporary use and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources in compliance with the policies and sections of the certified Local Coastal Program;
 - 3) The temporary use has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources;
 - d. The Director of the Planning and Development Department, or the decision-maker, may determine that temporary use shall be subject to Coastal Development Permit and/or Conditional Use Permit review, even if the development meets all of the criteria in a. through c. of this section, if the Director, or decision-maker, determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. In addition, the following temporary uses of property are exempt from Coastal Development Permit or Conditional Use Permit requirements only if the following provisions, in addition to all of the criteria in a. through c. of this section above, are met:
 - 1) **Car washes.** Car washes, located on commercially zoned property, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.
 - 2) **Charitable functions on property located outside the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided:
 - a) On property that is less than five acres in size, use of the subject property for such

activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.

- b) On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
- 3) **Charitable functions on property located within the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided the use of the subject property for such activities does not exceed three times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
- 4) **Mobile telecommunications temporary facility.** Where unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed, in compliance with the following:
 - a. The facility qualifies as a mobile telecommunications temporary facility.
 - b. The Director in consultation with the County Sheriff and Fire Departments has determined a reasonable public health and safety issue would exist without the operation of a temporary telecommunications facility.
 - c. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.
 - d. The facility would only be permitted onsite for the duration of the event or emergency, not to exceed two weeks, or other period of time, as approved by the Director.
- 5) **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility in compliance with an approved development permit.
- 6) **Public property.** Events held at a County park or on other County-owned land when conducted with the approval of the County.
- 7) **Similar temporary uses.** Other temporary uses which, in the opinion of the Director of the Planning and Development Department, are similar to those identified in this section.

SECTION 4:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-144F, Commercial Telecommunications Facilities, to read as follows:

Sec. 35-144F Commercial Telecommunications Facilities

- A. **Purpose and intent.** This Section establishes the permit requirements and standards for the siting and development of commercial telecommunication facilities. The intent is to promote their orderly development and ensure they are compatible with surrounding land uses in order to protect the public safety and visual resources.
- B. **Applicability.**
 - 1. **Affected facilities and equipment.** The provisions of this Section shall apply to commercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., radio, television, and wireless communication services including personal communication, cellular, and paging).

This Section shall not be construed to apply to handheld, vehicular, or other portable transmitters or transceivers, including cellular phones, CB radios, emergency services radio, and other similar devices.

2. **Allowable zones and permit requirements.** The following table, Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities, below, establishes the allowable zones, permit requirements, and development standards applicable to commercial telecommunications facilities as allowed by this section. Different permit processes shall be required depending on the type of the commercial telecommunication facility being proposed and whether the facility complies with different development standards.

a. Coastal Development Permit processing requirement.

- (1) Unless exempt in compliance with Section 35-169.2 (Applicability), all development requires a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits).
- (2) A Coastal Development Permit shall be processed concurrently and in conjunction with a Conditional Use Permit or Development Plan in compliance with Section 35.169.4 (Processing).

Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Tier 1 (a) Project - Temporary Facilities	All zones	Coastal Development Permit	35-144F.C.1.a
Tier 1 (b) Project - Hub sites	All zones	Coastal Development Permit	35-144F.C.1.b 35-144F.D
Tier 2 (a) Project - Very small facilities	Nonresidential zones	Development Plan approved by the Director	35-144F.C.2.a 35-144F.D
Tier 2 (b) Project - Tenant improvements	Nonresidential zones	Development Plan approved by the Director	35-144F.C.2.b 35-144F.D
Tier 2 (c) Project - Colocated Facilities	Nonresidential zones	Development Plan approved by the Director	35-144F.C.2.c 35-144F.D
Tier 2 (d) Project - Facilities that comply with the zone height limit (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Development Plan approved by the Director	35-144F.C.2.d 35-144F.D
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Minor Conditional Use Permit	35-144F.C.3.a 35-144F.D
Tier 3 (b) Project - Satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception	Nonresidential zones	Minor Conditional Use Permit	35-144F.C.3.b 35-144F.D
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	All zones	Conditional Use Permit	35-144F.C.4.a 35-144F.D
Tier 4 (b) Project - Other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations	Nonresidential zones	Conditional Use Permit	35-144F.C.4.b 35-144F.D
Notes:			
(1) Not allowed in or within 300 feet of a residential zone.			

- C. **Processing.** Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D through Subsection H unless otherwise specified. Modifications to zone regulations in compliance with Section 35-172 (Conditional Use Permits) or Section 35-174 (Development Plans) may be allowed only as specified in this Section.

1. **Tier 1 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 1 commercial facility:

- a. **Standards for Tier 1 projects, temporary facilities.** Temporary telecommunications facilities may be permitted in compliance with Section 35-137.3.1.

- b. Standards for Tier 1 projects, hub sites.** Wireless telecommunication facilities that comply with the following may be allowed:
 - (1) The facility qualifies as a hub site.
 - (2) No antennas are proposed except as follows:
 - (a) One Global Positioning System (GPS) may be allowed.
 - (3) The facility is located within a permitted building.
 - (4) The facility may be subject to review by the Board of Architectural Review (Section 35-184) in compliance with Section 35-184.2 (Applicability).
- 2. Tier 2 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility:
 - a. Standards for Tier 2 projects, very small facilities.** Wireless telecommunication facilities that comply with the following may be allowed:
 - (1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated above ground equipment shall not exceed a combined volume of one cubic foot.
 - (2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., street light, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure or vaulted underground.
 - (a) More than two antennas shall not be located on a single utility pole or similar structure unless it is determined by the decision-maker that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the facility shall be removed prior to undergrounding and the permit for the facilities shall be null and void.
 - (3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.
 - (4) The placement of multiple, interconnected, very small facilities to establish a new network (i.e. four or more within a square mile) shall be reviewed as a whole project including all components that result in a physical change to the environment (e.g. antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites.)
 - b. Standards for Tier 2 projects, tenant improvements.** Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following.
 - (1) The facility qualifies as a tenant improvement.
 - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under any of the following circumstances:

- (a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.
 - (b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - (c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - (d) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.
- (4) Antennas and associated antenna support structures proposed to be installed on the roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.
- (5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.
- (6) Access to the facility shall be provided by existing roads or driveways.
- c. **Standards for Tier 2 projects, colocated facilities.** Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following.
 - (1) The facility qualifies as a colocated telecommunications facility.
 - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under the following circumstances:
 - (a) As provided in Subsection C.2.b.(3).
 - (b) The highest point of the any portion of the new facility proposed to be located on an existing facility does not extend above the existing antenna support structure or the portion of any other structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure.
- d. **Standards for Tier 2 projects, facilities that comply with the zone height limit.** Wireless telecommunication facilities that comply with the following may be allowed.

- (1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in except as provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (a) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:
 - (1) As provided in Subsection C.2.c.(3).
 - (2) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that 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.
 - (2) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure on which the antenna and support structure is located. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
 - (3) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
3. **Tier 3 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:
- a. **Standards for Tier 3 projects, facilities not exceeding 50 feet in height.** Wireless telecommunication facilities that comply with the following may be allowed:
 - (1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. A modification to the height limit in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.
 - (2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a modification in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) under the following circumstances:
 - (a) As provided in Subsection C.2.d.(1).
 - (b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.
 - (3) New freestanding antenna support structures and associated antennas that do not utilize

an existing operational public utility pole or similar support structure, as determined by the Director, shall not exceed a height of 50 feet.

- (4) The base of a new freestanding antenna support structure shall be set back from a residentially zoned lot a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.

b. **Standards for Tier 3 projects, satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception.** Other telecommunication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television, and communication signals that comply with the following may be allowed:

- (1) Are not located in a residential zone as identified in Section 35-52 (Zoning District Designations and Applicability).
- (2) Do not exceed 50 feet in height.

4. **Tier 4 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 4 commercial facility:

a. **Standards for Tier 4 projects, facilities that are not allowed in compliance with Tier 1 through Tier 3.** Wireless telecommunication facilities that may not be permitted in compliance with Subsections C.1 through C.3 above, but do comply with the following development standards, may be allowed provided the height of the antenna and associated antenna support structures shall not exceed 75 feet in the Coastal Zone.

b. **Standards for Tier 4 projects, other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations.** Other telecommunication facilities as follows are allowed in nonresidential zones as identified in Section 35-52 (Zoning District Designations and Applicability). These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a above, or amateur radio facilities that are subject to the provisions of Section 35-144G (Noncommercial Telecommunication Facilities).

- (1) Facilities that are subject to regulation by the Federal Communications Commission or the California Public Utilities (e.g., AM/FM radio stations, television stations). Such facilities may include: equipment shelters, antennas, antenna support structures, and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals.

- (2) Other commercial telecommunication facilities that exceed 50 feet in height.

D. **Additional development standards for telecommunication facilities.** In addition to the development standards in Subsection C (Processing) above, with the exception of temporary mobile telecommunications facilities, commercial telecommunication facilities regulated by this Section 35-144F (Commercial Telecommunication Facilities) shall also comply with the following development standards unless otherwise indicated below.

1. Telecommunication facilities shall comply in all instances with the following development standards:

a. **Setbacks.** The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:

- (1) Antennas may be located within the setback area without approval of a modification in compliance with Section 35-174.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.

- (2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
 - (3) A modification to the setback is granted in compliance with Section 35-174.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications).
 - b. **Height limits and exceptions.** Antennas and associated antenna support structures (e.g., lattice tower, monopole) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C (Processing) above.
 - (1) This height limit may be increased to a maximum of 75 feet in height where technical requirements dictate.
 - (2) Antennas and antenna support structures used in connection with wireless communication facilities may exceed 75 feet in height if:
 - (a) The antenna is mounted on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural façades, that the antenna is mounted on; or,
 - (b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director 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.
 - (3) In all cases the height of antennas, including support structures, shall be in compliance with the requirements of Section 35-100 (F - Airport Approach Overlay District).
 - c. **Fencing.** The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.
 - d. **Historical landmarks.** Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board on appeal.
 - e. **Compliance with Federal Communication Commission.** The facility shall comply at all times with all Federal Communication Commission rules, regulations, and standards.
 - f. **Access roads and parking areas.** The facility shall be served by roads and parking areas consistent with the following requirements:
 - (1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
 - (2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.
 - (3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.
 - g. **Lighting.** The facility shall be unlit except for the following:
 - (1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.
 - (2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby residences.

- h. Location within F - Airport Approach Overlay District.** The facility shall not be located within the safety zone of an airport unless the airport operator indicates that it will not adversely affect the operation of the airport.
- i. Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in nonreflective materials.
- j. Painted surfaces.** Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a nonreflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a decision-maker in approving a subsequent permit for development.
- k. Landscaping.** The facility shall be constructed so as to maintain and enhance existing vegetation, without increasing the risk of fire hazards, through the implementation of the following measures:

 - (1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility or to achieve fire safety clearances, shall be protected from damage during the construction period and for the life of the project.
 - (2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
 - (3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:

 - (a) The vegetation is required to screen the improvements from public viewing areas.
 - (b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

Required landscape plans shall be comprised of appropriate species and shall be prepared by a botanist, licensed landscape contractor, or licensed landscape architect. A performance security shall be required to guarantee the installation and maintenance of new plantings.

- (4) Existing trees or significant vegetation used to screen the facility that die in the future shall be replaced with native trees and vegetation of a comparable size, species, and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.
 - (5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in a manner that would increase the visibility of the facility and associated access roads, power lines, and telephone lines, except:

 - (a) Where the alteration is specifically allowed by the approved project; or
 - (b) Where necessary to avoid signal interference to and from the approved facility.

Any alteration of the vegetation shall be done under the direction of a licensed arborist.
 - (6) Vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.
2. Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. An exemption may only be

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

- a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for colocation.
- b. Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.
- c. Colocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2 through Subsection C.4 of this Section, unless:
 - (1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or
 - (2) Colocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or
 - (3) The decision-maker determines that:
 - (a) Colocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed.
 - (b) The non-located development will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access.

All proposed facilities shall be assessed as potential colocation facilities or sites to promote facility and site sharing so as to minimize the overall visual and environmental impacts. Sites determined by the Department to be appropriate as collocated facilities or sites shall be designed in a way that antenna support structures and other associated features (e.g. parking areas, access roads, utilities, equipment buildings) may be shared by site users. Criteria used to determine suitability for colocation include the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, avoiding or minimizing disturbance to environmentally sensitive habitats, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding colocation are located in Subsection E.3 (Colocation) below.

- d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).
- e. Facilities shall be prohibited in areas that are located between the sea and the seaward side of

the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.

3. Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Planning Commission in compliance with Section 35-172 (Conditional Use Permits). An exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impacts to coastal resources, including sensitive habitat, coastal waters and public access.
 - a. A facility shall not be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.
 - b. A facility shall not be installed on an exposed ridgeline unless it blends with the surrounding existing natural or manmade environment in a manner that ensures that it will not be substantially visible from public viewing areas (e.g., public road, trails, recreation areas) or is colocated in a multiple user facility.
 - c. A facility that is substantially visible from a public viewing area shall not be installed closer than two miles from another substantially visible facility unless it is an existing colocated facility situated on a multiple user site.
 - d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or manmade environment (e.g., designed to look like a tree, rock outcropping, or streetlight) or designed to integrate into the natural environment (e.g., imbedded in a hillside). These facilities shall be compatible with the existing surrounding environment.
 - e. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. Associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, nonindigenous plant species that tend to supplant native species shall be prohibited.

E. Project installation and post installation provisions.

1. **FCC Compliance.** The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission (FCC), including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits, and any

other similar requirements to ensure public protection and (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction.

- a. **Demonstration of compliance.** Compliance with all applicable standards shall be demonstrated with a report prepared by a qualified professional acceptable to the County to perform radio frequency (RF) field testing to evaluate compliance with current federally established MPE standards. Compliance shall be demonstrated as needed to address changes in setting, technology and FCC regulations.
- b. **Conditions of approval.** The approved planning permit for the facility may include conditions of approval as determined to be appropriate by the decision-maker to ensure that the facility is operated in a manner that does not pose, either by itself or in combination with other facilities, a potential threat to public safety. Said conditions of approval may include the following requirements:
 - (1) **Initial verification.** The Permittee shall submit a report prepared by a qualified professional acceptable to the County (wholly independent of Permittee) that includes a RF field test that measures actual RF electromagnetic exposure at the site within 30 days of Final Building Permit Clearance.
 - (a) This RF field-testing shall measure all ambient sources of RF energy at the site and report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole,
 - (b) The field-test should include the author's/professional's findings with respect to compliance with federally established MPE standards.
 - (c) Should the facility exceed the applicable standards, the facility shall cease and desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
 - (2) **Continued compliance.** The Permittee shall demonstrate continued compliance with the MPE limits through submittal of regular radio frequency ("RF") field test reporting in compliance with the following.
 - (a) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.
 - (3) **Facility upgrades.** Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is within the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated above.
 - (4) **Updated standards.** In the event the federally established RF public exposure standards change, the Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards within 90 days of the date the change becomes effective. If calculated levels exceed 80 percent of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results

from current RF field-testing at the site.

- c. **Failure to supply reports.** Failure to supply the reports required in compliance with this Subsection E.1 within 30 days following the date that written notice is mailed by the Director that such compliance report is due or failure to remain in continued compliance with the MPE limit shall be grounds for revocation of the Coastal Development Permit or Land Use Permit or other entitlement of use by the Director. The decision of the Director to revoke the Coastal Development Permit or Land Use Permit or other entitlement of use is final subject to appeal in compliance with Chapter 35.102 (Appeals).
2. **Project Review.** The County reserves the right to undertake inspection of the facility and require the permittee to modify its facilities should a more effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances, changes in circumstance from the time the project was initially approved, or the project fails to achieve the intended purposes of the development standards listed in Subsection D (Additional development standards for telecommunication facilities).
3. **Colocation.** The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for colocation in the future subject to the following parameters:
 - a. The party seeking colocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.
 - b. The Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk.
 - c. The Permittee shall make its facilities and site available for colocation on a non-discriminatory and equitable cost basis.
 - d. The County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.
4. **Abandonment-Revocation.**
 - a. The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation.
 - b. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension.
 - c. In the event the Owner requests that the facility or structures remain, the Owner shall apply for necessary permits for those structures within one year of discontinued use.
 - d. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.
5. **Transfer of ownership.** In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.
6. **Color compatibility.** Prior to the issuance of a Zoning Clearance, Coastal Development Permit or Land Use Permit, the applicant shall erect an onsite demonstration structure of sufficient scale and height to allow the Director to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect this demonstration structure before prior to issuance of the Zoning Clearance, Coastal Development Permit or the Land Use Permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is

not aesthetically compatible with the surrounding area and require that the exterior color be changed.

F. Public notice.

1. Notice of the application and pending decision on a Coastal Development Permit in compliance with Section 35-144F.C.1 shall be given in compliance with Section 35-181 (Noticing).
2. Notice of the pending decision of the Director on a Development Plan in compliance with Section 35-144F.3.2 shall be provided in compliance with Section 35-181 except that:
 - a. Notice shall be mailed to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to the Planning and Development Department.
 - b. The notice shall provide the date that the Director will take action on the Development Plan.
 - c. The notice shall provide a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Planning and Development Department within 10 calendar days of such notice. If a written request for a hearing is submitted to the Planning and Development Department within 10 calendar days of such notice the project shall be processed as a Development Plan under the jurisdiction of the Zoning Administrator.
3. Notice of projects that require a Conditional Use Permit shall be provided in a manner consistent with the requirements of Section 35-181 (Noticing) and shall include mailed notice to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request with the Planning and Development Department.
4. If the project is located in a residential zone district as identified in Section 35-52 or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then, in addition to the noticing required above, notice shall be mailed to all property owners and residents within 1000 feet of the exterior boundaries of the facility lease area that the project is located on.

G. Additional findings. In addition to the findings required by be adopted by the decision-maker in compliance with Sections 35-169 (Coastal Development Permits), 35-172 (Conditional use Permits), 35-174 (Development Plans) and 35-178 (Land Use Permits), in order to approve an application to develop a telecommunication facility, the decision-maker shall also make the following findings:

1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.
2. The facility is located so as to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker in compliance with Section 35-144F.4G.
 - a. An exemption to one or more of the required development standards may be granted if the decision-maker additionally finds that in the specific instance that the granting of the exemption:
 - (1) Would not increase the visibility of the facility or decrease public safety, or
 - (2) Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or
 - (3) Would avoid or reduce the potential for environmental impacts.

5. The applicant has demonstrated that the facility will be operated within the allowed frequency range permitted by the Federal Communications Commission and complies with all other applicable health and safety standards.
6. The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.
7. The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

I. Application requirements.

1. The Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunication facility. Said information may include, but shall not be limited to:
 - a. Completed supplemental project information forms;
 - b. Cross-sectional area calculations;
 - c. Service area maps;
 - d. Network maps;
 - e. Alternative site analysis;
 - f. Visual analysis and impact demonstrations including mock-ups and/or photo-simulations;
 - g. RF exposure studies;
 - h. Title reports identifying legal access;
 - i. Security programs;
 - j. Lists of other nearby telecommunication facilities.

The Director may excuse an applicant from having to provide one or more of the required submittals if it is determined that in the specific case the information is not necessary in order to process or make an informed decision on the submitted application.

2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.
3. Commercial telecommunication facilities shall be subject to review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review) under the following circumstances:
 - a. The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review).
 - b. The Planning Commission is the decision-maker for the facility.
4. The applicant must demonstrate a need for service (i.e. coverage or capacity) as part of the project application and provide reasonable evidence that the area proposed to be served would not otherwise be served by the carrier proposing the facility.
5. The applicant must demonstrate as part of the application that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

SECTION 5:

Except as amended by this Ordinance, DIVISION 2 and DIVISION 7 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance and any portion of this ordinance 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 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.

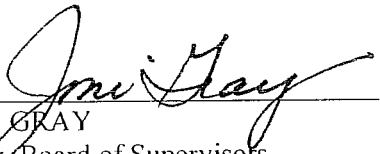
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 17th day of May, 2011, by the following vote:

AYES: Supervisors Carbajal, Wolf, Farr, Gray & Lavagnino

NOES: None

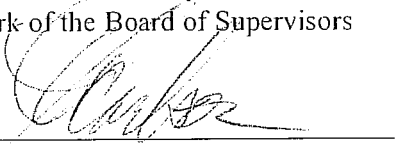
ABSTAINED: None

ABSENT: None


JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

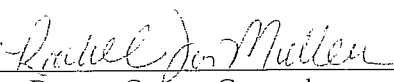
ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By 
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By 
Deputy County Counsel

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

IN THE MATTER OF SUBMITTING TO THE)
CALIFORNIA COASTAL COMMISSION)
AMENDMENTS TO THE TEXT OF THE)
ARTICLE II COASTAL ZONING ORDINANCE OF)
CHAPTER 35 OF THE SANTA BARBARA COUNTY)
CODE, A PORTION OF THE SANTA BARBARA)
COUNTY LOCAL COASTAL PROGRAM.)

RESOLUTION NO: 11 - 413
CASE NO: 11ORD-00000-00007
CASE NO: 11ORD-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 Land Use Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. 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. **Case No. 11ORD-00000-00007: Telecommunications Ordinance Amendment, attached as Exhibit A:**

An Ordinance (Case No. 11ORD-00000-00007), amending the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 2, Definitions, and Division 7, General Regulations, to revise the existing procedures and development standards that regulate the construction and use of commercial telecommunications facilities.
 - 2. **Case No. 11ORD-00000-00014: General Package Ordinance Amendment, attached as Exhibit B:**

An Ordinance (Case No. 11ORD-00000-00014), amending the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 1, In General, Division 2, Definitions, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, and Division 11, Permit Procedures, to implement a series of amendments that address emerging issues and correct and clarify existing ordinance language.
- D. Public officials and agencies, civic organizations, and citizens have been consulted with and have advised the County and the Montecito Planning Commissions on the proposed amendments in duly noticed public hearings pursuant to Sections 65353 and 65854 of the Government Code, and

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the County and Montecito Planning Commissions have sent their written recommendations to the Board of Supervisors in compliance with pursuant to Sections 65354 and 65855 of the Government Code.

- E. The Board of Supervisors has held duly noticed public hearings in compliance with Section 65355 and 65856 of the Government Code on the proposed amendment, 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 Land Use Plan, and the requirements of state planning and zoning laws as amended to this date.
- G. The Board of Supervisors now wishes to submit these amendments to the California Coastal Commission for certification.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with Sections 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 Local Coastal Program.
3. The Board of Supervisors certifies that these amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.
4. The Board submits these Local Coastal Program amendments to the California Coastal Commission for review and certification.
5. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

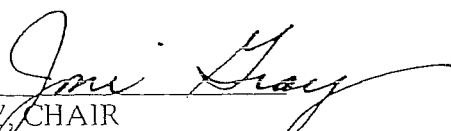
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of December, 2011, by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray,
Supervisor Lavagnino

NOES: None


ABSTAIN: None

ABSENT: None


JONI GRAY, CHAIR
Board of Supervisors, County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By: 
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By: 
Deputy County Counsel

EXHIBITS:

- A. Case No. 11 ORD-00000-00007: Telecommunications Ordinance Amendment
- B. Case No. 11 ORD-00000-00014: General Package Ordinance Amendment