



Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF DECEMBER 4, 2024

RE: *Senate Bill 9, Telecom, and Minor Ordinance Amendments; 24ORD-00015, 24ORD-00016, 24ORD-00018, 24ORD-00019, 24ORD-00025*

Hearing on the request of the County of Santa Barbara Planning and Development Department (P&D) for the County Planning Commission (CPC) to consider the following:

- a) Adopt an ordinance package (Case Nos. 24ORD-00016 and 24ORD-00019) to amend the Santa Barbara County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the County Code.
- b) Determine that the ordinances (Case Nos. 24ORD-00016 and 24ORD-00019) are exempt from the provisions of CEQA pursuant to Sections 15061(b)(3), 15268 and 15282(h) of the State Guidelines for the Implementation of CEQA, and Government Code (GC) Sections 65852.21(j) and 66411.7(n).
- c) Adopt an ordinance package (Case Nos. 24ORD-00015, 24ORD-00018, and 24ORD-00025) to amend the Santa Barbara County Coastal Zoning Ordinance, Article II, of Chapter 35, Zoning, of the County Code.
- d) Determine that the ordinances (Case Nos. 24ORD-00015, 24ORD-00018, and 24ORD-00025) are exempt from the provisions of CEQA pursuant to Sections 15061(b)(3), 15265, 15268 and 15282(h) of the State Guidelines for the Implementation of CEQA, and GC Sections 65852.21(j) and 66411.7(n).

The proposed Article II and LUDC amendments include the following: (1) add provisions and development standards in accordance with Senate Bill (SB) 9 regulations (GC Sections 65852.21 and 66411.7); (2) revise existing development standards and permit procedures for Wireless Telecommunication Facilities; and (3) process other minor ordinance amendments to update existing text provisions, including updating allowed uses in the Limited Commercial (C-1) zone district in Article II and General Industry (M-2) zone district in the LUDC, and implementing clarifications and necessary revisions to the existing Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Ordinance to align with changes to State law.

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Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of December 4, 2024, Commissioner Reed moved, seconded by Commissioner Bridley and carried by a vote of 5 to 0 to:

24ORD-00016 and 24ORD-00019.

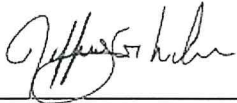
1. Make the required findings for approval (Attachment A), including CEQA findings, and recommend that the Board make the findings for approval of the proposed amendments (Attachment C-1 and D-1 of the staff report dated November 26, 2024);
2. Recommend that the Board determine that ordinance Case Nos. 24ORD-00016 and 24ORD-00019 are exempt from the provisions of CEQA pursuant to Sections 15061(b)(3), 15268 and 15282(h) of the State Guidelines for the Implementation of CEQA and GC Sections 65852.21(j) and 66411.7(n) (Attachment B of the staff report dated November 26, 2024); and
3. Adopt the resolutions (Attachment C and D) recommending that the Board adopt ordinances to amend the LUDC (Case Nos. 24ORD-00016 and 24ORD-00019), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C-1 and D-1 of the staff report dated November 26, 2024), as revised at the hearing to incorporate:
 - Staff's recommended changes to Section 35.42.268.F, Building Design;
 - An exemption from the County's SB 9 requirements as set forth in these ordinance amendments for projects that are preexisting or in process with Planning and Development; and
 - A noticing requirement for Tier 1(c) hub sites and Tier 2, small wireless projects allowed with a Zoning Clearance under Section 35.44.010, Commercial Telecommunication Facilities.

24ORD-00015, 24ORD-00018, and 24ORD-00025.

1. Make the required findings for approval (Attachment A of the staff report dated November 26, 2024), including CEQA findings, and recommend that the Board make the findings for approval of the proposed amendments (Attachment E-1, F-1, and G-1 of the staff report dated November 26, 2024);
2. Recommend that the Board determine that ordinance Case Nos. 24ORD-00015, -00018, and -00025 are exempt from the provisions of CEQA pursuant to Sections 15061(b)(3), 15265, 15268 and 15282(h) of the State Guidelines for the Implementation of CEQA and GC Sections 65852.21(j) and 664 66411.7(n) (Attachment B of the staff report dated November 26, 2024); and
3. Adopt the resolutions (Attachment E, F, and G of the staff report dated November 26, 2024) recommending that the Board adopt ordinances to amend Article II (Case No. 24ORD-00015, -00018, and -00025), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment E-1, F-1, and G-1 of the staff report dated November 26, 2024), as revised at the hearing to incorporate staff's recommended changes to Section 35-144W.5.F, Building Design, and include an exemption

from the County's SB 9 requirements as set forth in these ordinance amendments for projects that are preexisting or in process with Planning and Development.

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Corina Venegas- Martin, Planner

Attachments:

- Attachment A – Findings**
- Attachment C – LUDC Resolution (24ORD-00016)**
- Attachment D – LUDC Resolution (24ORD-00019)**
- Attachment E – Article II Resolution (24ORD-00015)**
- Attachment F – Article II Resolution (24ORD-00018)**
- Attachment G – Article II Resolution (24ORD-00025)**

JW/dmv

ATTACHMENT A: FINDINGS FOR APPROVAL

Case Nos. 24ORD-00015, -00016, -00018, -00019, and -00025

1.0 CEQA FINDINGS

- 1.1 Case No. 24ORD-00016, -00019.** The County Planning Commission finds, and recommends that the Santa Barbara County Board of Supervisors (Board) find, that the proposed amendment to the County Land Use and Development Code (LUDC) (Case Nos. 24ORD-00016, -00019), are exempt from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3), 15268, 15282(h) and Government Code Sections 65852.21(j) and 66411.7(n).
- 1.2 Case No. 24ORD-00015, -00018, and -00025.** The County Planning Commission finds, and recommends that the Board find, that the proposed amendment to Article II, the Coastal Zoning Ordinance (CZO) (Case No. 24ORD-00015, -00018, and -00025), are exempt from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3), 15265, 15268, and 15282(h) and Government Code Sections 65852.21(j) and 66411.7(n).

Please see the Notice of Exemption (Attachment B) for more information.

2.0 ADMINISTRATIVE FINDINGS

In compliance with Article II Section 35-180.6 and LUDC Section 35.104.060.A, the following findings shall be made by the County Planning Commission in order to recommend approval of text amendments to Article II and the LUDC, and the Board shall adopt the following findings in order to approve text amendments to Article II and the LUDC:

2.1 The request is in the interests of the general community welfare.

The County Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed amendments are in the interest of the general community welfare since the amendments will revise Article II and the LUDC to: (1) add provisions and development standards in accordance with Senate Bill (SB) 9 regulations (Government Code (GC) Sections 65852.21 and 66411.7); (2) revise existing development standards and permit procedures for Wireless Telecommunication Facilities; (3) process other minor ordinance amendments to update existing text provisions, including updating allowed uses in the C-1 zone district in Article II and M-2 zone district in the LUDC, and implementing clarifications and necessary revisions to the existing Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Ordinance to align with changes to State law. These updates will ensure compliance with various state and federal laws, while enabling more streamlined infill housing development, increasing commercial opportunities in the C-1 and M-2 zones, and establishing clear and effective objective design standards for small wireless facilities, all of which is in the general community welfare.

2.2 CZO: The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and this Article [Article II, the CZO].

LUDC: The request is consistent with the Comprehensive Plan, the requirements of the State

planning and zoning laws, and this Development Code [LUDC].

The County Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed amendments are consistent with the Comprehensive Plan, Coastal Land Use Plan (CLUP), CZO, and LUDC. They implement Programs 10 and 11 of the *2023-2031 Housing Element Update* (Housing Element), which directs the County to develop an ordinance that implements SB 9 and update County regulations to comply with state ADU law. The amendments to the existing Telecom ordinances will update existing standards to comply with federal and state law and streamline the permit process to enable the County to meet federal shot-clock requirements more efficiently. The proposed ordinance amendments are also consistent with the remaining portions of the Article II Coastal Zoning Ordinance and LUDC that would not be revised by these ordinances.

Therefore, and as discussed further in Section 6.2 of the County Planning Commission Staff Report, dated November 26, 2024 and incorporated by reference, these ordinances are consistent with the Coastal Land Use Plan and the Comprehensive Plan, including applicable Community Plans, the requirements of State planning and zoning Laws, and the LUDC and Article II Coastal Zoning Ordinance.

2.3 The request is consistent with good zoning and planning practices.

The County Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed amendments are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since they will revise the CZO and LUDC to be consistent with State regulations regarding SB 9, provide clear and efficient permit processes to comply with federal law regarding Telecommunication facilities, and continue to support the development of ADU and JADUs in the County. Additionally, the changes to the C-1 and M-2 zones are part of an ongoing effort to ensure allowed uses within the County's commercial and manufacturing zones are aligned with current industry and community needs. As a result, the changes are consistent with good zoning and planning practices and will benefit the public. As discussed in Finding 2.2, above, the proposed amendments are consistent with the Comprehensive Plan, including applicable Community Plans, CLUP, CZO, and LUDC.

ATTACHMENT C: COUNTY LAND USE AND DEVELOPMENT CODE RESOLUTION

RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING THAT THE BOARD OF) RESOLUTION NO. 24 - 24
SUPERVISORS (BOARD) ADOPT AN ORDINANCE)
AMENDING SECTION 35-1, THE COUNTY LAND USE AND) Case No.:
DEVELOPMENT CODE (LUDC) OF CHAPTER 35, ZONING, OF) 24ORD-00016
THE SANTA BARBARA COUNTY CODE, BY AMENDING 35.2,)
ZONES AND ALLOWABLE LAND USES; 35.3, SITE PLANNING)
AND OTHER PROJECT STANDARDS; AND 35.4, STANDARDS)
FOR SPECIFIC LAND USES, TO ADD PROVISIONS AND)
DEVELOPMENT STANDARDS IN ACCORDANCE WITH)
SENATE BILL (SB) 9 REGULATIONS (GOVERNMENT CODE)
(GC) SECTIONS 65852.21 AND 66411.7), IMPLEMENTING)
CLARIFICATIONS AND NECESSARY REVISIONS TO THE)
EXISTING ACCESSORY DWELLING UNIT (ADU) AND JUNIOR)
ACCESSORY DWELLING UNIT (JADU) ORDINANCE TO)
ALIGN WITH CHANGES TO STATE LAW, AND ADDING A)
NEW USE TO THE GENERAL INDUSTRY (M-2) ZONE)
DISTRICT.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance No. 4660, the Board adopted the LUDC, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code.
- B. On September 16, 2021, the State Legislature adopted Senate Bill (SB) 9 (GC Section 65852.21 and 66411.7) requiring local agencies to ministerially permit urban lot splits or two-unit development on a single-family residential zone if certain criteria are met.
- C. On September 19, 2024, the State Legislature adopted SB 450 (GC Section 65852.21 and 66411.7) that enacts certain changes to SB 9 to require local governments to provide homeowners with reasons and remedies if an application is denied, and require local objective zoning, subdivision, and design standards to be related to the design or improvements of a parcel, and make clarifying technical edits to GC Section 65852.21.
- D. On March 26, 2024, the State Legislature adopted AB 477 to relocate and consolidate State ADU law into a new Governments Code Chapter.

- E. In September 2024, the State Legislature adopted AB 2533 and SB 1211 to update and clarify regulations related to the review and permitting of ADU and JADUs subject to GC Sections 66310 through 66342.
- F. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County, to recommend that the Board adopt an ordinance (Case No. 24ORD-00016) amending Article 35.2, Zones and Allowable Land Uses; Article 35.3, Site Planning and Other Project Standards; and Article 35.4, Standards for Specific Land Uses; of Section 35-1, the LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code to implement new regulations regarding the permitting urban lot splits and two-unit residential development in compliance with GC Sections 65852.21 and 66411.7, adding a new use to the General Industry (M-2) zone district, and implementing revisions to the existing ADU and JADU ordinance in compliance with GC Sections 66310 through 66342.

The proposed LUDC amendment is attached hereto as Exhibit 1 and is incorporated by reference.

- G. The proposed LUDC amendment is consistent with the Comprehensive Plan, including the Community and Area Plans, and the requirements of State planning, zoning, and development laws.
- H. The proposed LUDC amendment is in the interest of the general community welfare since it will serve to implement the requirements of State law that promote the development of residential units pursuant to GC 65852.21 and 66411.7 and ADUs in accordance with GC Sections 66310 through 66342 that will increase the supply of housing in the Inland Area, and will expand the permitted uses in the M-2 zone district
- I. This County Planning Commission held a duly noticed public hearing, as required by GC Section 65854, on the proposed LUDC amendment at which hearing the proposed amendment was explained and comments invited from the public.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of GC Section 65855, the County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above-mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the County Planning Commission staff report dated November 26, 2024, and with the following revisions recommended by the County Planning Commission at the December 4, 2024 hearing:

- a. Incorporate staff's recommended changes to Section 35.42.268.F, Building Design; and
 - b. Include an exemption from the County's SB 9 requirements as set forth in these ordinance amendments for projects that are preexisting or in process with Planning and Development.
3. A certified copy of this Resolution shall be transmitted to the Board in compliance with GC Section 65855.
 4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above described action by the County Planning Commission.

PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this 4 day of December 2024, by the following vote:

AYES: Cooney, Bridley, Parke, Reed, Martinez

NOES:

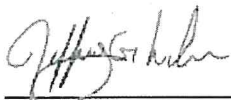
ABSTAIN:

ABSENT:



VINCENT MARTINEZ, CHAIR
County Planning Commission

ATTEST:



JEFFREY WILSON
Secretary to the Commission

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

SB 9, Telecom, and Minor Ordinance Amendments
Case Nos. 24ORD-00015, -00016, -00018, -00019, -00025
County Planning Commission
Hearing Date: December 4, 2024
Attachment C – Page 4

By *Andrew J. Henney*
Deputy County Counsel

Exhibit 1 – LUDC Amendment (Case No. 24ORD-00016)

ATTACHMENT C-1: COUNTY LAND USE AND DEVELOPMENT CODE ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE COUNTY LAND USE AND DEVELOPMENT CODE (LUDC), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES; ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS; AND ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, TO ADD PROVISIONS AND DEVELOPMENT STANDARDS IN ACCORDANCE WITH SENATE BILL (SB) 9 REGULATIONS (GOVERNMENT CODE (GC) SECTIONS 65852.21 AND 66411.7), REVISIONS THE PERMITTED USES IN THE GENERAL INDUSTRY (M-2) ZONE DISTRICT, AND IMPLEMENTING CLARIFICATIONS AND NECESSARY REVISIONS TO THE EXISTING ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) ORDINANCE TO ALIGN WITH CHANGES TO STATE LAW.

24ORD-00016

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Retail Trade section of Table 2-19, Allowed Land Uses and Permit Requirements for Industrial Zones, of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, to read as follows:

...

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	M-RP	M-1	M-2	M-CR	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Conference center	CUP	CUP	CUP	CUP	
Country club	CUP	CUP	CUP	CUP	
Equestrian facility - Public or commercial	CUP	CUP	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	
Fitness/health club or facility	CUP	—	—	—	
Fitness/health club or facility, accessory	P	P	—	—	
Golf course	CUP	CUP	CUP	CUP	
Golf driving range, practice/putting range	CUP	CUP	CUP	CUP	
Library, museum	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	

School	CUP	CUP	CUP	CUP	
School - Business, professional, or trade	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facility	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facility, accessory	P	P	—	—	
RESIDENTIAL USES					
Emergency shelter	P	P	—	—	
Employee residence (3)	—	—	—	CUP	
Farmworker dwelling unit	—	—	—	—	35.42.135
Farmworker housing complex	P	P	(4)	P	35.42.135
Monastery	CUP	CUP	CUP	CUP	
Special care home	MCUP	MCUP	MCUP	MCUP	
Supportive housing	S	S	S	S	35.42.265
Transitional housing	S	S	S	S	35.42.265
RETAIL TRADE					
Auto and vehicle sales and rental	—	—	—	—	
Bar, tavern, brew pub	—	P	—	—	
Building and landscape materials sales - Indoor	—	P	—	—	
Building and landscape materials sales - Outdoor	—	P	—	—	
Cannabis - Retail	—	S	—	—	35.42.075
Drive-through facility, accessory	CUP	CUP	CUP	CUP	35.42.130
Farm supply and feed store	—	P	—	—	
Office-supporting retail	P	P	—	—	
Restaurant, café, coffee shop - Indoor and outdoor	—	—	—	—	
Service station	—	—	—	—	
Truck, trailer, construction, farm, heavy equipment sales/rental	—	—	MCUP	—	

Key to Zone Symbols

M-RP	Industrial Research Park
M-1	Light Industry
M-2	General Industry
M-CR	Coastal-Related Industry

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection 35.25.030.D (Development Plan approval required).
- (3) Dwellings maybe allowed for the employees of the owner or lessee of the land engaged in a permitted use of the land upon which the dwelling is located.
- (4) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

...

SECTION 2:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to

change Subsection A, Purpose and Intent, of Section 35.39.010.A, Purpose and Intent, of Chapter 35.39, Use By Right, Housing Element, to read as follows:

- A. Purpose and Intent.** This Chapter allows housing developments as a “use by right” to incentivize lower-income housing on certain sites that the County rezoned to accommodate its 2023-2031 Regional Housing Needs Allocation (RHNA) for very low- and/or low-income households or identified in a prior housing element to accommodate its prior RHNA, pursuant to Government Code Sections 65583.2(h) ~~and 65583.2(c)~~ and Programs 1 ~~and 2, respectively~~, of Chapter 5 of the 2023-2031 Housing Element Update.

SECTION 3:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection A, Purpose and Intent, of Section 35.42.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- A. Purpose and intent.** The purpose of this Section is to establish procedures and development standards for attached and detached accessory dwelling units and junior accessory dwelling units in compliance with California Government Code Sections ~~65852.2 and 65852.22~~ 66310 - 66342. The intent is to encourage the development of accessory dwelling units and junior accessory dwelling units that contribute needed housing to the County's housing stock.

SECTION 4:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Allowed use, of Section 35.42.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- C. Allowed use.** As required by Government Code Section ~~65852.2~~ 66319, an accessory dwelling unit shall:
1. Be deemed to be an accessory use or an accessory building.
 2. Not be considered to exceed the allowable density for the lot on which it is located.
 3. Be deemed to be a residential use that is consistent with the existing Comprehensive Plan land use designation and applicable zone for the lot on which the accessory dwelling unit is located.
 4. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

SECTION 5:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection E, Accessory Dwelling Units Located within Residential or Mixed-Use Zones, of Section 35.42.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- E. Accessory dwelling units located within residential zones.** This Subsection E provides standards for certain accessory dwelling units in accordance with Government Code Section ~~65852.2(e)(1)~~ 66323(a). An accessory

dwelling unit that complies with all of the following standards, as applicable, shall be allowed with a Building Permit and any other necessary approvals and shall not be subject to any other standards of this Development Code. An accessory dwelling unit that does not comply with this Subsection E may be allowed in compliance with Subsection F, below.

...

5. ~~Up to two~~ **Detached accessory dwelling units** ~~per lot~~ **with an existing or proposed multiple-family dwelling.** Up to ~~two~~ eight detached accessory dwelling units per lot with an existing multiple-family dwelling or up to two detached accessory dwelling units per lot with a proposed multiple-family dwelling shall be allowed with a Building Permit and any other necessary approvals when in compliance with all of the following development standards:
 - a. **Lot requirements.**
 - (1) The lot shall contain no more than two accessory dwelling units with a proposed multiple-family dwelling.
 - (2) ~~The lot shall contain an existing multiple-family dwelling.~~ On a lot with an existing multiple-family dwelling, the number of accessory dwelling units shall not exceed the number of existing units on the lot, up to a maximum of eight.
 - b. **Location.** Each accessory dwelling unit shall be located entirely within an existing detached accessory structure or a detached, new construction accessory building.
 - c. **Maximum floor area.** The gross floor area of a new construction accessory dwelling unit shall not exceed 1,200 square feet.
 - ~~ed.~~ **Maximum height.** The height of each accessory dwelling unit shall not exceed 16 feet as measured in compliance with Section 35.30.090 (Height Measurement. Exceptions and Limitations). For lots with an existing or proposed multiple-family dwelling that is multi-story or within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet.
 - ~~ee.~~ **Setbacks.** The accessory dwelling unit(s) shall have side and rear setbacks of at least four feet and shall comply with the front setback requirements of the applicable zone, provided that this standard allow ~~up to two~~ accessory dwelling unit(s) of up to 800 square feet to be constructed on the lot. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply provided that this standard allows an accessory dwelling unit(s) of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks in compliance with other standards of this Section. All portions of the accessory dwelling unit(s), including eaves and roof overhangs, shall comply with these requirements.

SECTION 6:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection F, Accessory Dwelling Units Located within Zones that Allow One-Family or Multiple-Family Residential Use, of Section 35.42.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.42,

Standards for Specific Land Uses, to read as follows:

F. Accessory dwelling units located within zones that allow one-family or multiple-family residential use. This Subsection F provides standards for accessory dwelling units that do not comply with Subsection E above. An accessory dwelling unit that complies with all of the following standards, as applicable, shall be allowed with a Building Permit and any other necessary approvals.

1. General standards. The following development standards shall apply to all accessory dwelling units allowed in compliance with this Subsection F:

a. Zoning. The accessory dwelling unit shall be located within one of the following zones that allow one-family or multiple-family dwelling residential use. For purposes of this Subsection F, a two-family dwelling (i.e., “dwelling, two-family,” as defined in [Section 35.110.020 \(Definitions of Specialized Terms and Phrases\)](#)), shall be considered a multiple-family dwelling residential use.

Zones that Allow One-Family Residential Use	Zones that Allow Multiple-Family Residential Use	Zones that Allow One-Family and Multiple-Family Residential Use
AG-I (Agriculture I) AG-II (Agriculture II) RR (Rural Ranchette) R-1/E-1 (Single Family Residential) EX-1 (One-Family Exclusive Residential) SLP (Small Lot Planned Development) MHP (Mobile Home Planned Development) MHS (Mobile Home Subdivision) NTS (Naples Townsite) MT-GAV (Mountainous – Gaviota) MT-GOL (Mountainous – Goleta) MT-TORO (Mountainous – Toro Canyon) RMZ (Resource Management)	MR-O (Multi-Family Residential – Orcutt) CN (Neighborhood Commercial) C-2 (Retail Commercial) C-3 (General Commercial) PI (Professional and Institutional) MU (Mixed Use)	R-2 (Two-Family Residential) DR (Design Residential) PRD (Planned Residential Development) C-1 (Limited Commercial) CM-LA (Community Mixed Use – Los Alamos) OT-R (Old Town Residential) OT-R/GC (Old Town – Residential/General Commercial) OT-R/LC (Old Town – Residential/Light Commercial)

b. Lot requirements.

- (1) The lot shall contain no more than one accessory dwelling unit.
- (2) The lot shall contain an existing or proposed one-family dwelling or multiple-family dwelling.

2. Exterior Access. The accessory dwelling unit shall have exterior access separate from the one-family dwelling.

23. Appearance and style. The exterior appearance and architectural style of an accessory dwelling unit shall comply with the following:

...

SECTION 7:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 8, Parking, of Subsection G, Junior Accessory Dwelling Units, of Section 35.42.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

...

8. Parking.

- ~~a. **New parking spaces.** No new or replacement parking spaces shall be required for a junior accessory dwelling unit allowed in compliance with this Subsection G.~~
- ~~b. **Replacement parking.** Replacement parking spaces to satisfy the parking requirements of the principal dwelling shall be required for a junior accessory dwelling unit located within an attached garage in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses) and Section 35.36.080 (Standards for All Zones and Uses).~~

...

SECTION 8:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1, Minimum floor area, of Subsection H, Additional Standards that Apply to All Accessory Dwelling Units and Junior Accessory Dwelling Units, of Section 35.42.015, Accessory Dwelling Units and Junior Accessory Dwelling Units, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- 1. Minimum floor area.** At a minimum, the gross floor area of an accessory dwelling unit or junior accessory dwelling unit shall be 250 square feet ~~sufficient to allow for an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1207.4 or successor statute.~~

...

SECTION 9:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Section 35.42.268 to be titled “Two Unit Development and Urban Lot Splits (SB 9)” to read as follows:

35.42.268 - Two Unit Development and Urban Lot Splits (SB 9)

- A. Purpose and intent.** The purpose of this Section is to establish procedures and development standards for up to two attached or detached principal dwelling units and urban lot splits to be considered ministerially, without discretionary review in compliance with Senate Bill (SB) 9 (2021) which added California Government

Code Sections 65852.21 and 66411.7, as may be amended. The intent is to encourage the development of new residential dwelling units that contribute needed housing to the County’s housing stock.

B. Applicability. Up to two principal dwelling units and urban lot splits may be allowed on a single-family residential zoned lot within an urbanized area or urban cluster as designated by the U.S. Census Bureau in compliance with the table below.

<u>Single Family Residential Zones</u>
<u>RR (Rural Ranchette)</u>
<u>R-1/E-1 (Single Family Residential)</u>
<u>EX-1 (One-Family Exclusive Residential)</u>
<u>SLP (Small Lot Planned Development)</u>

C. Prohibitions. Development under this Section must be consistent with the requirements identified in Government Code Sections 65852.21 and 65913.4(a)(6)(B) to (K), as may be amended.

1. Pre-Existing Site Conditions. To be eligible for 2-unit development or an urban lot split under this Section, no portion of the project site shall be located in any of the following:

- a. A historic district or property included on the State Historic Resources Inventory as defined in Section 5020.1 of the Public Resources Code, as may be amended, or within a site that is designated or listed as a County Landmark or Place of Historic Merit.
- b. A floodway or Flood Hazard Overlay unless the project complies with applicable requirements of Chapter 15A and 15B of the County Code.
- c. Either prime farmland or farmland of statewide importance.
- d. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- e. Within a high or very high fire hazard severity zone unless the project complies with applicable Fire Department development standards, including the use of materials and construction methods for exterior wildfire exposure (California Building Code Chapter 7A), defensible space requirements, access requirements, and meets other applicable State fire safety regulations (of Title 14 of the California Code of Regulations).
- f. A hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
 - (i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resource Control Board for residential use or residential mixed uses.
 - (ii) The State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

- g. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and Chapter 10 (Building Regulations) of the County Code.
- h. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan.
- i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
- j. Lands under a recorded conservation easement.

2. Demolition or Alteration. The project does not require demolition or alteration of any of the following:

- a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
- b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
- c. Housing that has been occupied by a tenant in the last 3 years; or
- d. Housing withdrawn from the rental market within the last 15 years (i.e. the project is not on a parcel in which an owner has exercised their rights under the Ellis Act - Chapter 12.75 [commencing with Section 7060] of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date of application).

3. Additional prohibitions for urban lot splits. No non-residential use is permitted on any lot created by an urban lot split in compliance with Government Code Section 66411.7.

D. Application and processing requirements.

1. Requirements for approval. An application for up to two principal dwelling units and/or an urban lot split is eligible for ministerial approval (Zoning Clearance or Tentative Parcel Map (TPM)) without discretionary review if the project complies with the applicable requirements specified in this Section 35.42.268 and Chapter 21 of the County Code.

- a. An application for up to two principal dwelling units and/or an urban lot split pursuant to this Section and Chapter 21 of the County Code, respectively, shall be considered and approved or denied without discretionary review or hearing within 60 days from the date the County receives a complete application.

2. Additional requirements for urban lot splits.

- a. Future lot splits on parcels created through SB 9 shall be prohibited unless approved in accordance with adopted zoning and land use designations.
- b. Urban lot splits on adjacent parcels by the same owner(s) or someone acting in concert with the owners(s) shall be prohibited.
- c. The individual property owner must submit an application for a tentative parcel map in accordance with Chapter 21, Section 21.7.(d) (Submission of Tentative Maps including Parcel Maps) of the County Code.

- d. No Prior Urban Lot Split.** The parcel being subdivided was not established through prior exercise of an urban lot split. In addition, neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using the urban lot split process as provided for in this Section.
 - 3. Map requirements.** An application for an urban lot split shall be subject to applicable standard conditions and approval requirements in Chapter 21, Section 21-8 (Form of Tentative Map including Tentative Parcel Maps and Requirements for Approval) of the County Code.
 - 4. Development impact mitigation fees.** The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions in effect at the time the fees are paid. The amount of the required fee shall be determined by adopted fee resolutions and ordinance and applicable law in effect when paid, provided that the fee is charged proportionately in relation to the square footage of the principal dwelling unit(s).
 - 5. Nonconforming zoning conditions.** The correction of nonconforming conditions shall not be required as a condition of approval of a principal dwelling unit developed in accordance with this Section or urban lot split approved in accordance with Chapter 21 of the County Code.
 - 6. Variances and Modifications.** Variances and Modifications shall not be granted for principal dwelling unit(s) developed pursuant to this Section.
 - 7. Accessory dwelling units and junior accessory dwelling units.** Accessory dwelling units and junior accessory dwelling units shall count towards the maximum unit allowance per lot and/or urban lot split in accordance with Government Code Section 65852.21 and 66411.7.
 - 8. Unpermitted existing development.** For purposes of this Section 35.42.268, improvements to unpermitted existing development to accommodate a principal dwelling unit shall be considered new development.
 - 9. Noticing.** A posted notice fulfilling the requirements of Sections 35.106.020.A.2 and 35.106.080 shall be required for a Zoning Clearance permit and Tentative Parcel Map within 15 days of an application that is deemed eligible for SB 9 processing and remain posted until permit approval.
 - 10. Affordability requirement.** At least one of the units in each two-unit residential development, or at least one unit on any lot created pursuant to an urban lot split, must be constructed and offered for sale or for rent as a moderate, low, or very low-income unit, restricted for occupancy by a moderate, low or very low-income household, as defined in and pursuant to applicable requirements of Chapter 46, Affordable Housing Enforcement, of the County Code.
 - 11. Findings and denial.** An eligible project proposed under this Section may only be denied if the County Building Official makes a written finding, based on a preponderance of evidence, that the project would have a specific, adverse impact, as defined, and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- E. General standards.** Up to two primary dwelling units that comply with all of the following standards, as applicable, shall be allowed with a Zoning Clearance, Building Permit and any other necessary approvals. Projects shall be subject to all other applicable objective standards of this Development Code unless specifically stated herein. If there are conflicts between the standards in this Section and other requirements of this Development Code, the provisions of this Section shall prevail.

1. Maximum floor area and unit size. The following standards shall apply to up to two principal dwelling units allowed in compliance with this Subsection E, provided these standards can accommodate up to two 800 square foot principal dwelling units.

a. Floor area/unit size. The principal dwelling unit shall be subject to a maximum unit size as identified in the table below, provided the combined unit size for two principal dwelling units (existing and/or proposed) shall not exceed a 0.4 floor area ratio or 5,000 gross square feet, whichever is less. For projects in the Summerland Community Plan Overlay, the maximum floor area limits established in Section 35.28.210 shall continue to apply to the lot as a whole.

<u>Lot Area (Net)</u>	<u>Maximum Unit Size</u>
<u>up to 4,000 square feet</u>	<u>800 gross square feet</u>
<u>4,001– 6,999 square feet</u>	<u>1,200 gross square feet</u>
<u>7,000 – 9,999 square feet</u>	<u>1,400 gross square feet</u>
<u>10,000 – 19,999 square feet</u>	<u>1,600 gross square feet</u>
<u>20,000 square feet or more</u>	<u>2,000 gross square feet</u>

b. Converted unit. A new unit that is incorporated entirely within an existing residential unit, or within an existing accessory building, is not limited in size except that it shall not exceed the footprint of the existing structure.

c. Attached Unit. Notwithstanding the maximum floor area provided above, a new unit that is attached to, and increases the size of, an existing residential unit shall not exceed the floor area of the existing residential unit.

d. Attached garage or carport. Up to 400 additional square feet may be permitted for an attached garage or carport, compliant with standard setbacks and with the same architectural design. Any other accessory development (e.g. pools, detached garages, cabanas, etc.) shall be subject to standard permit requirements.

e. Attached architectural feature. An attached, un-inhabitable architectural feature (e.g., covered entry, covered patio, deck, balcony, etc.) may be allowed in addition to the floor area of the new dwelling unit. The architectural feature(s) shall be subordinate to the new dwelling unit and limited to a cumulative square footage total of 25% of the floor area of the new dwelling unit. The square footage calculation shall be measured as the roof area (covered) or the footprint (uncovered).

2. Setbacks and building configuration.

a. Side and rear setbacks. Principal dwelling units developed pursuant to this Section shall comply with the standard setbacks for the applicable zone, with the following exceptions:

- i. Side and rear setbacks may be reduced to a minimum of four feet for single story development up to a maximum of 16 feet in height or if necessary to accommodate up to two 800 square foot principal dwelling units.
- ii. Interior lots. Standard interior lot setbacks apply unless they preclude the development of up to two 800 square foot units with minimum four-foot setbacks, in which case the total setback area shall equal that of a standard lot.
- iii. Setbacks shall be clear from ground to sky.
- iv. No setback modification or variable setback shall be permitted.

- v. No setback is required to convert an existing permitted structure to a new principal dwelling. However, the side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the California Fire Code and the California Building Code, as may be amended.

3. Maximum height. All new principal dwellings shall comply with the requirements below and all other applicable height regulations of this Development Code further limiting height, including ridgeline/hillside development guidelines (Section 35.62.040). Where conflicts exist between the height limits below and other sections of this Development Code, the more restrictive height regulations shall prevail.

a. New attached units. New attached dwelling units shall not exceed the height of any existing principal dwelling unit on the parcel, or 25 feet and a maximum of two stories, whichever is greater.

b. New detached units. New detached dwelling units shall not exceed a height of 25 feet and a maximum of two stories.

4. Building separation. No building separation between principal dwelling unit(s), accessory dwelling unit(s) and other structures shall be required as long as all the structures meet minimum Building Code safety standards and allow for separate access.

F. Building design. New construction, additions, and building conversions involving exterior alterations to create a new principal dwelling unit shall comply with the following objective design standards. Projects that comply with these standards shall not be subject to separate Design Review approval under Section 35.82.070 (Design Review). Department staff may consult with a Board of Architectural Review Chair, designee, or other design professional to assist in determining a project's compliance with the objective design standards contained in this Section. A project that does not comply with these objective design standards, the project may be permitted under this Code, but not this Section, if approved by the applicable Board of Architectural Review under Section 35.82.070 (Design Review) and in compliance with all other applicable requirements of the County Code.

1. Appearance and style.

a. Attached dwelling unit. On a site already developed with an existing principal dwelling unit, the construction of a new attached principal dwelling unit shall be designed and constructed to match the architectural style, colors, exterior building materials, and finishes, including, but not limited to, siding, windows, doors, roofing, light fixtures, hardware and railings.

b. Building articulation. Buildings shall be designed and articulated with consistent details, articulation, materials, and elements on all sides, and shall comply with the following:

- (1) Building elevations visible from the abutting primary street more than 30 feet in length shall include either an architectural element or a two-foot variation in depth in the wall plane. Architectural elements include: front porches, balconies, upper-story setbacks, projections, and recessions, such as stoops, bay windows, overhangs, and trellises.

c. Door and window openings. All entrances shall have either a projected sheltering element or be recessed from the main elevation; the projection or recess shall have a minimum depth of 24 inches. Windows shall either be recessed at least three inches from the plane of the surrounding exterior wall or shall have a trim or windowsill detail where appropriate with the architectural style.

2. Materials and colors.

- a. **Wall materials.** The primary exterior siding material for buildings shall be wood, composite wood, stone, brick, plaster (stucco), fiber cement, or metal. The use of exposed plywood or glass curtain walls is prohibited.
 - b. **Building Colors.** Building exteriors shall include at least two colors; at least one for the main base wall material and another for architectural trim/details.
 - c. **Window style consistency.** Consistent window frame style and proportions shall be used on all elevations.
 - d. **Material and color transition.** Changes in material or color shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.
 - f. **Roof articulation.** In order to create architectural interest, provide at least two different roof elevations for hierarchy (a primary and secondary) or extend the primary roofline over the building entrance by at least four feet to enhance building entrances.
 - g. **Reflective materials.** New roofing and siding materials that are reflective, mirror-like, or of a glossy metallic finish are prohibited. Flat or low sloped roofs shall be constructed with a gray or tan color to reduce reflectivity. Light Reflective Value percentage shall be below .84 with a matte finish.
 - (1) **Glass guardrails.** New glass guardrails are prohibited, unless necessary to match the glass guardrails of an existing residential unit and treated with a non-reflective coating and must remain non-reflective throughout the life of the guardrail.
 - h. **Lighting.** Any exterior lighting shall comply with the applicable outdoor lighting requirements as set forth in Section 35.30.120 (Outdoor Lighting).
- 3. **Privacy standards (units greater than 16 feet in height).** Where portions of the proposed construction of a principal dwelling unit is either two stories tall or greater than 16 feet in building height, the principal dwelling shall comply with the following:
 - (1) Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook an adjoining property, shall be located a minimum of 15 feet from the side and rear lot lines and interior lot lines and landscape screening shall be provided along the perimeter areas visible from the landing, deck or balcony.
 - (2) Upper story windows located within 15 feet of a side or rear lot line or interior lot line that face or overlook an adjoining property shall be installed a minimum of 42 inches above finish floor and either landscape screening shall be provided or any exposed glass below 60 inches shall be non-transparent or obscured.
- H. **Site Standards.** The following site standards apply to the construction of a principal dwelling unit provided that these standards permit up to two principal dwelling units of 800 square feet with minimum four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35.42.268.
 - 1. **Grading.** Grading directly associated with principal dwelling unit shall be limited to 250 cubic yards and the dwelling unit shall be located on slopes of 20 percent or less.
 - 2. **Open space.** Private open space shall be provided for each principal residential unit at a ratio of at least 250 square feet for units that provide two or less bedrooms. Each bedroom in excess of two shall require an increase of private open space by 50 square feet per additional bedroom. The open space must be directly accessible to the dwelling it serves. Up to 50% of the required front yard setback area

may be used to satisfy the open space requirement; additionally, side and rear setback areas may be utilized in full. Balconies, patios, decks, unenclosed porches, and usable landscaped areas may be used towards the open space requirement. The minimum width of the private open space area shall not be less than ten feet.

- 3. Landscaping.** Existing or proposed landscaping shall be provided at a ratio of at least 20% of the lot area and shall include a mixture of trees, groundcover, and shrubs for screening.
 - a.** Perimeter hedging shall be planted to achieve a height of at least six feet after two years.
 - b. Water Efficient Landscape Ordinance (WELO).** If landscaping is proposed, the owner/applicant shall submit a complete landscaping and irrigation plan and comply with the State and County's WELO requirements as applicable.
- 4. Tree protection.** A new construction attached or detached principal dwelling unit shall comply with the following standards:
 - a.** Development shall avoid the removal of or damage to (i.e. greater than 20% encroachment into the Critical Root Zone) native protected trees. Trees that are removed or damaged for the construction of a new unit shall be relocated or replaced onsite at a ratio of at least 5:1 with 15-gallon plantings or equivalent.
 - b.** No grading, paving, or other site disturbance shall occur within the area six feet outside of the dripline of native protected trees, unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist states that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).
- 5. Environmentally sensitive habitat areas.** The development of a principal dwelling unit shall comply with the objective requirements of Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone).
- 6. Historic resources.** A principal dwelling unit shall not be located within, attached to, or located on the same lot as a structure listed in, or determined to be eligible for listing in the California Register of Historical Resources or the National Register of Historic Places, or a structure designated, or determined to be eligible for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed principal dwelling unit follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 2017) or the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67, 1990) and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer, 1995), as may be amended. If a detached principal dwelling unit is proposed to be located on the same lot as a historic or potentially historic structure described above, the applicant shall submit a written assessment from a Department-approved historian confirming that the proposed principal dwelling unit shall be in conformance with this requirement.
- 7. Archaeological resources and tribal cultural resources.** A new construction attached or detached principal dwelling shall be located at least 50 feet from the site boundaries of any archaeological resources or tribal cultural resources, unless a written assessment or a California Native American tribe recommends a greater buffer distance. Applicants shall submit a written assessment of any (1) archaeological resources that may qualify as "historical resources" as defined in CEQA Guidelines Section 15064.5(a), or (2) sites, features, cultural landscapes, sacred places, objects, or resources that may qualify as "tribal cultural resources" as defined in Public Resources Code Section 21074 that are located within 100 feet of the proposed principal dwelling unit. The written assessment shall be

prepared by a Department-approved archaeologist or other qualified professional and shall define the characteristics and site boundaries of the archaeological resources or tribal cultural resources.

I. Additional Standards. The following additional standards apply to the construction of up to two principal dwelling units.

- 1. Parking.** Off-street parking spaces shall be provided as described below.
 - a. Principal dwelling unit.** One off-street parking space, which may be covered or uncovered, is required per unit except as follows:
 - i.** The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or
 - ii.** There is a car share vehicle located within one block of the subject parcel.
 - b. ADUs and JADUs.** All ADUs and JADUs shall be subject to the applicable parking requirements for ADUs in [Section 35.42.015 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#).
- 2. Adequate services.** Development of up to two principal dwelling units on a parcel and urban lot splits shall demonstrate provision of adequate services, including water, sanitary, and access, including for newly created lots even if no development is currently proposed. Water meters and sewage connections shall be separate for units residing on separate parcels.
- 3. Stormwater control.** New development shall comply with applicable National Pollutant Discharge Elimination System (NPDES) stormwater regulations.
- 4. Rental restrictions.**
 - a.** A principal dwelling unit may be used for rentals provided that the length of any rental is longer than 30 consecutive days.
 - b.** The use of a principal dwelling unit as a Homestay or Short-Term Rental shall be prohibited.

SECTION 10:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 11:

Except as amended by this ordinance, Articles 35.2, 35.3, and 35.4 of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 12:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection,

sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 13:

If legislation is enacted that amends Government Code Sections 65852.21 or 66411.7 or other provisions of Senate Bill 9 (2021) which would supersede or preempt any section or subsection of this ordinance then, that the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in effect without said section or subsection and continue to apply to all Senate Bill 9 development.

SECTION 14:

If legislation is enacted that amends Government Code sections 66310 through 66342 or other provisions regarding Accessory Dwelling Units or Junior Accessory Dwelling Units which would supersede or preempt any section or subsection of this ordinance then, that the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in effect without said section or subsection and continue to apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

SECTION 15:

This ordinance shall take effect and be in force 30 days from the date of its passage; 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 Independent, 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 _____, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

SB 9, Telecom, and Minor Ordinance Amendments
Case Nos. 24ORD-00015, -00016, -00018, -00019, -00025
County Planning Commission
Hearing Date: December 4, 2024
Attachment C-1 – Page 16

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEN
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT D: COUNTY LAND USE AND DEVELOPMENT CODE RESOLUTION

RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING THAT THE BOARD OF) RESOLUTION NO. 24 - 25
SUPERVISORS (BOARD) ADOPT AN ORDINANCE)
AMENDING SECTION 35-1, THE COUNTY LAND USE AND) Case No.:
DEVELOPMENT CODE (LUDC) OF CHAPTER 35, ZONING, OF) 24ORD-00019
THE SANTA BARBARA COUNTY CODE, BY AMENDING 35.4,)
STANDARDS FOR SPECIFIC LAND USES AND 35.11,)
GLOSSARY, TO REVISE PERMIT REQUIREMENTS AND)
DEVELOPMENT STANDARDS TO THE EXISTING)
COMMERCIAL TELECOMMUNICATION FACILITIES)
REGULATIONS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance No. 4660, the Board adopted the LUDC, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code.
- B. On December 10, 2019, by Ordinance No. 5093, the Board adopted LUDC amendments to implement new regulations and make other minor clarifications, corrections, and revisions regarding commercial telecommunications facilities.
- C. On September 27, 2018, the Federal Communications Commission (FCC) released a Declaratory Ruling and Third Report and Order (FCC 18-133, "Small Cell Order", 47 USC § 332(c)(7) and 253(a); Small Cell Order ¶ 86) that limits local authority over small wireless infrastructure deployment, fees, and objective aesthetic requirements for use of the public rights-of-way. The FCC Small Cell Order aesthetic requirements went into effect on April 15, 2019.
- D. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County, to recommend that the Board adopt an ordinance (Case No. 24ORD-00019) amending Section 35-1, the LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code to revise permit requirements and development standards to the existing Commercial Telecommunication Facilities regulations.

The proposed LUDC amendment is attached hereto as Exhibit 1 and is incorporated by reference.

- E. The proposed LUDC amendment is consistent with the Comprehensive Plan, including the Community Area Plans, and the requirements of State planning, zoning, and development laws.

- F. The proposed LUDC amendment is in the interest of the general community welfare since it will serve to (1) revise existing permit processes to enhance clarity and efficiency, (2) update existing regulations to better conform to the requirements of State and federal law, and (3) correct and clarify existing text provisions.
- G. This County Planning Commission held a duly noticed public hearing, as required by GC Section 65854, on the proposed LUDC amendment at which hearing the proposed amendment was explained and comments invited from the public.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with the provisions of GC Section 65855, the County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above-mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the County Planning Commission staff report dated November 26, 2024, and with the following revisions recommended by the County Planning Commission at the December 4, 2024 hearing:
 - a. Include a noticing requirement for Tier 1(c) hub sites and Tier 2, small wireless projects allowed with a Zoning Clearance under Section 35.44.010, Commercial Telecommunication Facilities.
- 3. A certified copy of this Resolution shall be transmitted to the Board in compliance with GC Section 65855.
- 4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above described action by the County Planning Commission.

PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this 4 day of December 2024, by the following vote:

AYES: Cooney, Bridley, Parke, Reed, Martinez

NOES:

ABSTAIN:

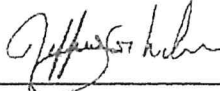
ABSENT:

SB 9, Telecom, and Minor Ordinance Amendments
Case Nos. 24ORD-00015, -00016, -00018, -00019, -00025
County Planning Commission
Hearing Date: December 4, 2024
Attachment D – Page 3



VINCENT MARTINEZ, CHAIR
County Planning Commission

ATTEST:



JEFFREY WILSON
Secretary to the Commission

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

By 
Deputy County Counsel

Exhibit 1 – LUDC Amendment (Case No. 24ORD-00019)

ATTACHMENT D-1: COUNTY LAND USE AND DEVELOPMENT CODE ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE COUNTY LAND USE AND DEVELOPMENT CODE (MLUDC), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES AND ARTICLE 35.11, GLOSSARY, TO REVISE PERMIT REQUIREMENTS AND DEVELOPMENT STANDARDS TO THE EXISTING TELECOMMUNICATION FACILITIES ORDINANCE.

24ORD-00019

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

SECTION 1:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Section 35.44.010, Commercial Telecommunication Facilities, of Chapter 35.44, Telecommunication Facilities, to read as follows:

35.44.010 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, or to wireless telecommunications facilities appurtenant to natural gas distribution facilities regulated by the California Public Utilities Commission, allowed within all zone districts, that are consistent with the standards set forth in [Section 35.44.030 \(Natural Gas Telecommunications Facilities\)](#).
 - 2. **Allowable zones and permit requirements.** Table 4-20 (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.

Table 4-20 - Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development
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			Standards
Tier 1 (a) Project - Temporary Facilities	All zones	Zoning Clearance	35.42.260.G
Tier 1 (b) Project - Spectrum Act Facility Modifications	All zones	Zoning Clearance	35.44.010.C.1.(b) 35.44.010.D
Tier 1 (c) Project - Hub sites	All zones	Land Use Permit Zoning Clearance	35.44.010.C.1.(c) 35.44.010.D
Tier 2 (a) Project - Small wireless facilities	All zones	Development Plan approved by the Director Zoning Clearance	35.44.010.C.2.(a) 35.44.010.D
Tier 2 (b) Project - Tenant improvements	Nonresidential zones, except not allowed in the Mixed Use (MU) All zones	Development Plan approved by the Director Zoning Clearance	35.44.010.C.2.(b) 35.44.010.D
Tier 2 (c) Project - Collocated Facilities	Nonresidential zones, except not allowed in the Mixed Use (MU) zone	Development Plan approved by the Director Zoning Clearance	35.44.010.C.2.(c) 35.44.010.D
Tier 2 (d) Project - Facilities that comply with the zone height limit (1)	Nonresidential All zones, except not allowed in the Mixed Use (MU) zone and the Recreation (REC) zone	Development Plan approved by the Director Zoning Clearance	35.44.010.C.2.(d) 35.44.010.D
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Nonresidential All zones, except not allowed in the Mixed Use (MU) zone and the Recreation (REC) zone	Minor Conditional Use Permit	35.44.010.C.3.(a) 35.44.010.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	35.44.010.C.3.(b) 35.44.010.D
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	All zones	Conditional Use Permit	35.44.010.C.4.(a) 35.44.010.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	35.44.010.C.4.(b) 35.44.010.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 I. unless otherwise specified. Modifications to zone regulations in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) ~~or Section 35.82.080 (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 Subsection [35.42.260.G](#).

b. Standard for Tier 1 projects, Spectrum Act facilities. Pursuant to Section 6409 of the federal Spectrum Act (47 U.S.C. Section 1455) and its implementing regulations (47 C.F.R. Section 1.6100), as amended, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station shall be allowed. The terms used in this subsection shall have the meaning ascribed to them in 47 C.F.R. Section 1.6100(b), as amended.

(1) Pursuant to 47 C.F.R Section 1.6100, as amended, the request shall comply with the following:

- (a) **Eligible facilities request.** The project must be a request for modification to an existing wireless tower or base station that involves:
 - (i) Collocation of new transmission equipment;
 - (ii) Removal of transmission equipment; or
 - (iii) Replacement of transmission equipment.
 - (b) The wireless tower or base station is existing at the time of permit application, supports existing antennas, and was permitted in compliance with this Development Code.
 - (c) The wireless tower is any structure built for the sole purpose of supporting any Federal Communications Commission (FCC)-licensed antennas and associated facilities.
- (2) **Substantial change.** Pursuant to 47 C.F.R Section 1.6100, as amended, a modification shall not be allowed pursuant to this section if it substantially changes the physical dimensions of an existing wireless tower or base station. A modification substantially changes the physical dimensions if it meets any of the following criteria:
- (a) **Wireless towers not located within the public right-of-way.**
 - (i) The modification increases the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet, whichever is greater.
 - (ii) The modification adds an appurtenance to the body of the tower that would protrude from the edge of the tower by more than 20 feet, or by more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 - (b) **Wireless towers located within the public right-of-way and base stations.**
 - (i) The modification increases the height of the structure by more than 10 percent, or by more than 10 feet, whichever is greater.
 - (ii) The modification adds an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
 - (iii) The modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure.
 - (iv) The modification involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.
 - (c) The modification involves installation of more than the standard number of equipment cabinets for the technology involved, but not to exceed four cabinets.

- (d) The modification entails excavation or deployment outside of the current site.
 - (e) The modification would defeat the concealment elements of the support structure.
 - c. **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.
- 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, small wireless facilities.** “Small wireless facilities,” as that term is defined in 47 C.F.R. Section 1.6002(l), as amended, that comply with the following may be allowed:
 - (1) The facilities:
 - (a) are mounted on structures 50 feet or less in height including antennas as defined in 47 C.F.R. Section 1.1320(d);
 - (b) are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - (c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
 - (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume.
 - (3) All other wireless equipment associated with the pole structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the pole structure, is no more than 28 cubic feet in volume.
 - (4) The facility does not require antenna structure registration under Part 17 of Title 47 C.F.R., or its successor regulations (i.e., Federal Communications registration due to extreme height or proximity to an airport).
 - (5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x), or its successor regulation.
 - ~~(6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b), or its successor regulation.~~
 - (67) The antenna shall be mounted on one of the following:
 - (a) either an existing or replacement operational public utility pole or similar support structure (e.g., non-decorative streetlight, traffic light, telephone

pole, existing wooden pole) that is not being considered for removal, as determined by the Director;

- (b) ~~or~~ the roof of an existing structure or vaulted underground;
- (c) an existing or replacement non-pole concealment structure, unless technical requirements dictate otherwise.

If technical requirements dictate through a site analysis prepared by a qualified technical specialist demonstrating that the antenna cannot be mounted on an existing operational public utility pole or similar support structure one of the above, the antenna may be mounted on a new pole or similar ~~support~~ structure provided the new pole or ~~support~~ structure replicates the materials, color, and finish of existing infrastructure nearby.

(7) Accessory equipment. Accessory equipment associated with the antenna and pole structure, shall be installed and located:

- (a) Underground;
- (b) Concealed within the structure;
- (c) Pole mounted (with a 10-foot ground clearance); or
- (d) Above-grade structure (with a 2-foot setback from the sidewalk).

(8) Siting and clearance. All small wireless facilities, associated antennas and accessory equipment shall comply with the following siting and clearance standards:

- (a) Shall be installed on poles that are located as close as feasible to shared property lines between two adjacent lots and not directly in front of residences and businesses;
- (b) Shall not be placed within 20 feet from a residential dwelling's doors or windows;
- (c) Shall be installed at least 50 feet away from any streetlight, utility pole or other similar support structure if the small wireless facility and any associated antennas, accessory equipment or improvements are attached to or part of any new, non-replacement support structure;
- (d) Shall not be placed within any clear zone at any intersection;
- (e) Shall not be placed in a location that obstructs illumination patterns for existing streetlights, views of any traffic signs or signals, or view lines for traveling vehicles, bicycles, or pedestrians, as determined by County's Public Works Department;
- (f) Shall provide a minimum 2-foot setback clearance from sidewalks for any protruding equipment on poles; and
- (g) Shall provide a setback for a fixed object per CALTRANS standards and County Engineering Design Standards. The following shall be required if a setback cannot be obtained within the right of way:
 - i. Private easement that is setback from travel lane; and

ii. Guardrail or other mitigation protection.

(9) Design Standards.

- (a) **Stealth and concealment.** All small wireless facilities shall be as stealth as technically feasible with concealment elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses.

New installations, antennas, antenna equipment and associated equipment enclosures (excluding disconnect switches), conduit and fiber shall be fully concealed within the structure. If such concealment is incompatible with the pole design, then the antennas and associated equipment enclosures must appear as an integral part of the structure or mounted as close to the pole as feasible and must be no greater in size than required for the intended purpose of the facility.

- (b) **Stealth and concealment, accessory equipment.**

(i) Vertical cable risers. All cables, wires and other connectors shall be routed through conduits within the pole or other support structure, and all conduit attachments, cables, wires and other connectors shall be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, such as with wood utility poles, they shall be routed through external conduits or shrouds that have been finished to match the underlying pole.

(ii) Spools and coils. Excess fiber optic or coaxial cables shall not be spooled, coiled or stored on the pole outside equipment cabinets or shrouds.

(iii) Pole-mounted. Pole-mounted accessory equipment shall be placed in a location that is most concealed under the circumstances presented by the proposed pole and location. Pole-mounted accessory equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations.

- (c) **Finishes.** Replacement poles shall be of the same material as the existing pole being replaced or adjacent poles located within the contiguous right-of-way. All small wireless facility exterior surfaces shall be painted, colored or wrapped in flat, non-reflective hues that match the underlying support structure. All surfaces shall be treated with graffiti-resistant sealant.

- (d) **Trees and landscaping.** All small wireless facilities shall not permanently displace any existing tree or landscape features. Small wireless facilities proposed to be placed in a landscaped area must submit a restoration and maintenance plan for damaged and removed hardscape and landscape features surrounding the facility. The project will be conditioned to require the applicant to carry out the Restoration and Maintenance Plan. The approval authority may require additional hardscape or landscape features for small wireless facilities proposed to be placed in a landscaped area in public rights-of-way to screen the small wireless facility from public view or

otherwise enhance the stealth techniques required under Chapter 35-44.010.C.2. All plants proposed or required must be native and/or drought-tolerant.

(e) **Shrouding.** All antennas and associated cables, jumpers, wires, mounts, masts, brackets and other connectors and hardware shall be installed within a single shroud or radome to the extent technically feasible. If the antennas cannot be placed in an opaque shroud, the Director may approve alternative stealth techniques.

(i) For pole-top antennas, the shroud shall be visually consistent with the design, color and scale of the underlying pole, and shall not exceed 2.5 times the median pole diameter.

(ii) For side-arm antennas, the shroud must cover the cross arm and any cables, jumpers, wires or other connectors between the vertical riser and the antenna.

(f) **Height.** No antenna or associated antenna structure shall extend more than the minimum necessary separation between the antenna and other pole attachments required by applicable health and safety regulations, or the maximum structure height permitted by Subsection C.2.a.(1), above, whichever is less.

(g) **Volume.**

(i) **Antenna.** The cumulative volume for all antennas on a single small wireless facility pole or structure shall not exceed: (A) three cubic feet within 500 feet of a residential dwelling; or (B) six cubic feet for all other locations.

(ii) **Accessory equipment.** Surface-mounted and above-ground accessory equipment for a small wireless facility shall be as small as technically feasible. This requirement shall not be applicable to accessory equipment placed underground or within existing structures.

(h) **Horizontal extensions.**

(i) Side-mounted antennas are prohibited unless no other option is technically feasible. Where permitted, side-mounted antennas shall be placed as close to the support structure as technically feasible and shall not extend over any roadway for vehicular travel or any abutting private property. If applicable laws require a side-mounted antenna to extend more than 24 inches from the support structure, the extension shall be no greater than required for compliance with such laws as documented by the applicant with substantial evidence in the application.

(ii) Pole-mounted accessory equipment shall be flush with the pole and shall not extend over any roadway for vehicular travel or any abutting

private property. If applicable laws preclude flush-mounted accessory equipment, the separation gap between the pole and the accessory equipment shall be no greater than required for compliance with such laws and concealed by opaque material (such as cabinet “flaps” or “wings”).

(i) Accessory Equipment. Additional design standards that apply to all accessory equipment associated with the small wireless facility:

(i) Undergrounded. Accessory equipment (other than any electric meter where permitted because a flat-rate service is not available and an emergency disconnect switch) shall be placed underground when proposed in any underground utility district unless allowed in compliance with Section 34-7(f) of Chapter 34 (Underground Utility Districts) of the County Code, or any location where the Director finds substantial evidence that the additional above-ground accessory equipment would restrict public use of the public rights-of-way. However, the Director may grant an exception when the applicant demonstrates by clear and convincing evidence that compliance with this Section would be technically infeasible.

(ii) Vaults. All undergrounded accessory equipment shall be installed in a vault that is load-rated to meet the County’s standards and specifications. Underground vaults located beneath a sidewalk shall be constructed with a slip-resistant cover and properly secured to prevent unauthorized access. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Vault lids shall not exhibit logos or commercial advertisements.

(iii) Minimum ground clearance. The lowest point on any pole-mounted accessory equipment shall be at least 10 feet above ground level adjacent to the pole. If applicable laws require any pole-mounted accessory equipment component to be placed less than 10 feet above ground level, the clearance from ground level shall be no less than required for compliance with such laws.

(iv) Orientation. Unless placed behind a street sign or some other concealment that dictates the equipment orientation on the pole, all pole-mounted accessory equipment shall be oriented in line with the adjacent road or oriented away from the adjacent road when concealed by landscaping or existing vegetation.

(10) The placement of multiple, interconnected, small wireless facilities (e.g., four or more within a square mile) may 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.)

~~(9) **Colors and materials.** Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.~~

(11) Façade-mounted antennas. Antennas mounted to the façade of a building or structure shall be architecturally integrated into the building or structure design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not protrude more than two feet horizontally from the façade.

b. Standards for Tier 2 projects (tenant improvements). Wireless telecommunication facilities that comply with the following may be allowed:

(1) The facility qualifies as a tenant improvement that does not otherwise qualify as a small wireless facility under C.2.a, above.

(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 35.14.020 \(Zoning Map and Zones\)](#) ~~or Article V of Ordinance No. 661~~, the height limit is that which applies to residential structures in that location. ~~Modifications to the height limit in compliance with Subsection 35.82.080.H (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 existing 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) **Colors and materials.** Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.~~
 - ~~(7) (6)~~ Access to the facility shall be provided by existing roads or driveways.
- c. Standards for Tier 2 projects, collocated facilities.** Wireless telecommunication facilities that do not otherwise qualify as a small wireless facility under C.2.a, above and 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 applicable development standards, subject to applicable permit requirements of this Code.
- (1) The facility qualifies as a collocated 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 only to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in [Section 35.14.020 \(Zoning Map and Zones\)](#) ~~or Article V of Ordinance No. 661~~, the height limit is that which applies to residential structures in that location. ~~Modifications to the height limit in compliance with Subsection 35.82.080.H (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 in under either of the following circumstances:
 - (i) As provided in Subsection C.2.b.(3).
 - (ii) The highest point of 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 do not otherwise qualify as small wireless facilities under C.2.a, above and 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 35.14.020 \(Zoning Map and Zones\)](#) ~~or Article V of Ordinance No. 661~~ the height limit is that which applies to residential structures in that location. ~~Modifications to the height limit in compliance with Subsection 35.82.080.H (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.a.c.(2)(a).
- (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 that do not otherwise qualify as a small wireless facility under C.2.a, above. 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 35.14.020 \(Zoning Map and Zones\)](#) ~~or Article V of Ordinance No. 661~~, the height limit is that which applies to residential structures in that location. A modification to the height limit in compliance with Subsection [35.82.060.I](#) (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 Subsection [35.82.060.I](#) (Conditions, restrictions, and modifications) under the following circumstances:

- (a) As provided in Subsection C.2.d.(1)(a).
- (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 35.14.020 \(Zoning Map and Zones\)](#).
- (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 may be allowed provided the height of the antenna and associated antenna support structures shall not exceed 100 feet.

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 35.14.020 \(Zoning Map and Zones\)](#). 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 35.44.020 \(Noncommercial Telecommunication Facilities\)](#).

- (1) Facilities that are subject to regulation by the FCC or the California Public Utilities Commission (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, all commercial telecommunication facilities except temporary mobile telecommunications facilities, shall also comply with the following development standards unless otherwise indicated below, provided that if the following development standards conflict with any of the design standards regulating small wireless facilities

in Subsections C.2.a.(7) through C.2.a.(9), above, the design standards specific to small wireless facilities shall control.

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 Subsection 35.82.060.I (Conditions, restrictions, and modifications) ~~or Subsection 35.82.080.H (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 Subsection 35.82.060.I (Conditions, restrictions, and modifications), ~~or Section 35.82.080.H (Conditions, restrictions, and modifications)~~.
 - b. **Height limits and exceptions.** Antennas and associated antenna support structures (e.g., lattice towers, monopoles) are limited to 100 feet in height and shall comply with the height limits specified in Subsection C. (Processing) above.
 - (1) Antennas used in connection with wireless communication facilities may exceed 100 feet in height provided:
 - (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.
 - (2) Antennas (excluding solid dish and panel antennas) and lattice support structures used for the commercial reception and transmission of radio and television signals may be up to 200 feet in height in Rural Areas provided:
 - (a) Towers and antennas shall not be located within one mile of a County-designated scenic highway unless substantially screened by intervening topography or existing vegetation.
 - (b) Unless substantially screened by intervening topography or existing vegetation, or proposed at a collocated site, the new tower/antenna shall be located no closer than one mile from Urban, Inner-Rural, and Existing Developed Rural Neighborhoods and as far as technically feasible to meet

Federal Communications Commission signal strength and coverage requirements.

- (c) Towers and antennas shall be a minimum of 50 feet from a property line and 1.5 times the tower's height from the nearest development, excluding other telecommunication facilities and fences.
 - (d) Noise levels from auxiliary power supplies shall not exceed County and State standards and policies.
 - (e) If a tower is proposed to be co-located at an existing tower location, the applicant shall attempt to locate any existing antenna on the new tower when it will reduce visual impacts from the site.
 - (f) Access is provided by existing roads or a road extension that minimizes the amount of ground disturbance and does not create additional visual impacts.
 - (g) Towers, support structures, and antennas shall be painted a color chosen to reduce visual impacts. In lieu of painting the tower, the Commission may determine that a tower's construction material can be oxidized to a color that is acceptable for its location.
 - (h) Landscaping, if appropriate, shall be utilized to minimize visual impacts of the tower and support buildings.
 - (i) If a tower is proposed to be co-located at an existing tower location, the applicant shall attempt to consolidate equipment of existing support structures, underground utilities, or any other measures deemed appropriate to mitigate visual impacts.
 - (j) Tower design and materials shall be the least visually obtrusive, taking technical and engineering considerations into account.
 - (k) Exterior lighting shall be hooded and directed downward and shall be manually operated.
- (3) In all cases the height of antennas, including support structures, shall be in compliance with the requirements of [Section 35.28.060 \(Airport Approach \(F\) Overlay Zone\)](#).
- c. **FencingPublic Access.** The general public shall be excluded from the facility by fencing or other barriers such as mounting height 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 Historic Landmarks Advisory Commission, or the Board on appeal.
 - e. **Compliance with FCC.** The facility shall comply at all times with all FCC rules, regulations, and standards, including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits for radiofrequency (RF) energy, and any other similar requirements to ensure public protection and all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction.

- 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 fully shielded or and directed downward to avoid ~~so as to minimize the amount of light that falls~~ spillover onto nearby residences.
- h. Location within Airport Approach (F) overlay zone.** 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. Colors and materials.** Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.

 - ~~i-~~**(1) Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
 - ~~j-~~**(2) 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 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 review authority in approving a subsequent permit for development.
- ki. 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 should 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.

2. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. However, an exemption may only be granted if the review authority finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance either will not increase the visibility of the facility or decrease public safety, or it is required due to technical considerations 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 it would avoid or reduce the potential for environmental impacts.
 - 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 collocation.

- b. Disturbed areas associated with the development of a facility shall not occur within the boundaries of an environmentally sensitive habitat area.
- c. 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 review authority, 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 review authority determines that collocation of the proposed facility would result in greater visual impacts than if a new support structure were proposed.

Proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. 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, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the FCC. 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~~ or blend in with the surrounding environment, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas), or shall be screened by existing or new landscaping, fences, and/or walls.
3. Telecommunication facilities allowed in compliance with Subsection C.3 through Subsection C.4 of this Section shall comply with the following development standards in all instances, except that the review authority 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 Commission in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).~~ An exemption shall only be granted if the ~~Commission~~ review authority finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance shall not increase the visibility of the facility or decrease public safety, or 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 it would avoid or reduce the potential for environmental impacts.
- 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.~~
- cd. 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. 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 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 review authority 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 RF field test reporting in compliance with the following.
 - (a) Every five years, or other time period as specified by the review authority 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 ~~Land Use Permit Zoning Clearance~~ or other entitlement of use by the Director. The decision of the Director to revoke the ~~Land Use Permit Zoning Clearance~~ 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 ~~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 prior to issuance of the Zoning Clearance ~~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.** Notice of the approval of any Land Use Permit, or the pending decision of the Director on a Development Plan, or a public hearing on a Conditional Use Permit or Development Plan shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).~~

~~**FG. Additional findings.** In addition to the findings required to be adopted by the review authority in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), [Section 35.82.080 \(Development Plans\)](#) and [Section 35.82.110 \(Land Use Permits\)](#) [Section 35.82.210 \(Zoning Clearances\)](#) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:~~

- ~~1. The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.~~
21. The facility is located to minimize its visibility from public view and is designed to blend into the surrounding environment to the greatest extent feasible.
- ~~3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.~~
42. The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D. (Additional development standards for telecommunication facilities) above.
 - a. An exemption to one or more of the required development standards may be granted if the review authority 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, or
 - (3) Would avoid or reduce the potential for environmental impacts.
53. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the FCC and complies with all other applicable safety standards.

GH. **Additional findings for exceptions to height limits - Rural area.** In addition to the required findings of Subsection FG. (Additional findings) above, and [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), an exception to the height limits for a telecommunications facility used for the commercial reception and transmission of radio and television signals in the Rural Area as designated on the Comprehensive Plan maps (not exceeding 200 feet) shall be approved only if all of the following findings can be made:

1. The support structure and antenna do not intrude into the skyline as seen from a County-designated scenic highway.
2. The support structure and antenna exceed 100 feet only when technical requirements dictate (e.g. FCC signal strength and required coverage).
3. The height of the support structure and antenna are reduced to the maximum extent feasible, taking into account the use for which the antenna is proposed.
4. The support structure and antenna do not interfere with the enjoyment and use of surrounding properties.
5. The support structure and antenna do not result in a substantial detrimental visual effect on open space views as seen from public viewing points.
6. The visual impacts are not substantially exacerbated with the addition of the proposed tower at a co-located site.

HI. **Application requirements.**

1. An application for a Conditional Use Permit, ~~Development Plan, Land Use Permit~~ or Zoning Clearance to permit the development of a commercial telecommunication facility regulated by this Section shall be filed and processed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

- a. If an applicant for a commercial telecommunication facility fails to provide the necessary information requested by the Department to review the application, the application shall expire and be deemed withdrawn, without any further action by the County, in compliance with Section 35.80.050.
2. The Director is authorized at their discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this Chapter. Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.
3. **Design Review.** Commercial telecommunication facilities ~~shall be subject to Design Review in compliance with Section 35.82.070 (Design 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 Design Review in compliance with Section 35.82.070 (Design Review).~~
 - b. ~~The Commission is the review authority for the facility.~~ that qualify as Tier 1 improvements or that qualify as Tier 2 improvements that comply with the design standards in Subsections C.2.a.(7) through C.2.a.(9) are exempt from design review. Commercial telecommunication facilities subject to Zoning Administrator or Planning Commission approval, and facilities that include the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to Design Review, shall be subject to Design Review in compliance with Section 35.82.070 (Design Review).

SECTION 2:

ARTICLE 35.11, Glossary, “Telecommunication Facility” of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise the definitions of Telecommunication Facility to renumber and read as follows:

Telecommunications Facility. A facility that transmits or receives electromagnetic signals for communication purposes including data transfer. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; equipment buildings; parking areas; and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel or broadcast studios. Additionally, the following terms and phrases are defined for the purposes of [Chapter 35.44](#) (Telecommunications Facilities).

...

- 5. Collocation.** The mounting of installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes, whether or not there is an existing antenna on the structure.
- 56. Collocated Telecommunications Facility.** A telecommunication facility composed of one or more antennas mounted to an existing tower or other structure.

- 67. Collocated Telecommunications Site.** Any site where more than one antenna support structure is installed in close proximity to one another on one lot.
- 78. Commercial.** A telecommunications facility that is operated primarily for or accessory to a business purpose.
- 9. Equipment Cabinet.** An enclosed physical container installed on the ground or other horizontal surface (e.g. roof, etc.) to house multiple, distinct, non-transmission equipment or devices. Does not include housing for small electronic components such as breaker boxes, housing for transmission equipment, router switch boxes, etc.

...

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this ordinance, Divisions 35.4 and 35.10 of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6:

This ordinance shall take effect and be in force 30 days from the date of its passage; 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 Independent, 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 _____, 2024, by the following vote:

AYES:

SB 9, Telecom, and Minor Ordinance Amendments
Case Nos. 24ORD-00015, -00016, -00018, -00019, -00025
County Planning Commission
Hearing Date: December 4, 2024
Attachment D-1 – Page 24

NOES:

ABSTAIN:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEN
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT E: ARTICLE II COASTAL ZONING ORDINANCE RESOLUTION

RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING THAT COUNTY) RESOLUTION NO. 24 - 26
PLANNING COMMISSION RECOMMEND THAT THE BOARD)
OF SUPERVISORS (BOARD) ADOPT AN ORDINANCE) Case No.:
AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE) 24ORD-00015
(CZO), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA)
COUNTY CODE, BY AMENDING DIVISION 7, GENERAL)
REGULATIONS AND DIVISION 11, PERMIT PROCEDURES TO)
ADOPT A NEW SECTION TO ADD PROVISIONS AND)
DEVELOPMENT STANDARDS IN ACCORDANCE WITH)
SENATE BILL (SB) 9 REGULATIONS (GOVERNMENT CODE)
(GC) SECTIONS 65852.21 AND 66411.7).)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board adopted Article II, the CZO, of Chapter 35, Zoning, of the Santa Barbara County Code.
- B. On September 16, 2021, the State Legislature adopted Senate Bill (SB) 9 (GC Section 65852.21 and 66411.7) requiring local agencies to ministerially permit urban lot splits or two-unit development on a single-family residential zone if certain criteria are met.
- C. On September 19, 2024, the State Legislature adopted SB 450 (GC Section 65852.21 and 66411.7) that enacts certain changes to SB 9 to require local governments to provide homeowners with reasons and remedies if an application is denied, and require local objective zoning, subdivision, and design standards to be related to the design or improvements of a parcel, and make clarifying technical edits to GC Section 65852.21.
- D. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County, to recommend that the Board adopt an ordinance (Case No. 24ORD-00015) amending Division 7, General Regulations, of the CZO of Chapter 35, Zoning, of the Santa Barbara County Code to implement new regulations regarding the permitting urban lot splits and two-unit residential development in compliance with GC Sections 65852.21 and 66411.7.

The proposed CZO amendment is attached hereto as Exhibit 1 and is incorporated by reference.

- E. The proposed CZO amendment is consistent with the Comprehensive Plan, including all community and area plans, and the requirements of the State planning, zoning, and development laws.
- F. The proposed CZO amendment is in the interest of the general community welfare since it will serve to implement the requirements of State law that promote residential development in accordance with GC 65852.21 and 66411.7 that will increase the supply of housing in the Coastal Zone.
- G. The County Planning Commission held a duly noticed public hearing, as required by GC Section 65854, on the proposed CZO amendment at which hearing the proposed amendment was explained and comments invited from the public.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with the provisions of GC Section 65855 and County Code 2-25.2, the County Planning Commission recommend that the Board, following the required noticed public hearing, approve and adopt the above-mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the County Planning Commission staff report dated November 26, 2024, and with the following revisions recommended by the County Planning Commission at the December 4, 2024 hearing:
 - a. Incorporate staff's recommended changes to Section 35-144W.5.F, Building Design; and
 - b. Include an exemption from the County's SB 9 requirements as set forth in these ordinance amendments for projects that are preexisting or in process with Planning and Development.
- 3. A certified copy of this Resolution shall be transmitted to the Board in compliance with GC Section 65855 and County Code Section 2-25.2.
- 4. The Chair of the County Planning Commission is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above described action by the County Planning Commission.

PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this 4 day of December 2024, by the following vote:

AYES: Cooney, Bridley, Parke, Reed, Martinez

NOES:

ABSTAIN:

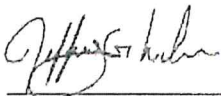
SB 9, Telecom, and Minor Ordinance Amendments
Case Nos. 24ORD-00015, -00016, -00018, -00019, and -00025
County Planning Commission
Hearing Date: December 4, 2024
Attachment E – Page 3

ABSENT:



VINCENT MARTINEZ, CHAIR
County Planning Commission

ATTEST:



JEFFREY WILSON
Secretary to the Commission

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

By 

Deputy County Counsel

Exhibit 1 – CZO Amendment (Case No. 24ORD-00015)

ATTACHMENT E-1: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE (CZO), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 7, GENERAL REGULATIONS, AND DIVISION 11, PERMIT PROCEDURES TO ADOPT A NEW SECTION TO ADD PROVISIONS AND DEVELOPMENT STANDARDS IN ACCORDANCE WITH SENATE BILL (SB) 9 REGULATIONS (GOVERNMENT CODE (GC) SECTIONS 65852.21 AND 66411.7).

24ORD-00015

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

SECTION 1:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Section 35-144W to be titled “Two Unit Development and Urban Lot Splits (SB 9)” and to read as follows:

Section 35-144W.1 Purpose and Intent.

The purpose of this Section is to establish procedures and development standards for up to two attached or detached principal dwelling units and urban lot splits to be considered ministerially, without discretionary review in compliance with Senate Bill (SB) 9 (2021) which added California Government Code Section 65852.21 and 66411.7, as may be amended. The intent is to encourage the development of new residential dwelling units that contribute needed housing to the County’s housing stock.

Section 35-144W.2 Applicability.

Up to two principal dwelling units and urban lot splits may be allowed on a single-family residential zoned lot within an urbanized area or urban cluster as designated by the U.S. Census Bureau in compliance with the lists of allowable uses in Division 4, Zoning Districts and in compliance with the table below.

Single Family Residential Zones
<u>RR (Rural Ranchette)</u>
<u>R-1/E-1 (Single Family Residential)</u>
<u>EX-1 (One-Family Exclusive Residential)</u>

Section 35-144W.3 Prohibitions.

Development under this Section must be consistent with the requirements identified in Government Code Sections 65852.21 and 65913.4(a)(6)(B) to (K), as may be amended.

- 1. Pre-Existing Site Conditions.** To be eligible for 2-unit development or an urban lot split under this Section, no portion of the project site shall be located in any of the following:

- a. A historic district or property included on the State Historic Resources Inventory as defined in Section 5020.1 of the Public Resources Code, as may be amended, or within a site that is designated or listed as a County Landmark or Place of Historic Merit.
 - b. A floodway or Flood Hazard Overlay unless the project complies with applicable requirements of Chapter 15A and 15B of the County Code.
 - c. Either prime farmland or farmland of statewide importance.
 - d. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - e. Within a high or very high fire hazard severity zone unless the project complies with applicable Fire Department development standards, including the use of materials and construction methods for exterior wildfire exposure (California Building Code Chapter 7A), defensible space requirements, access requirements, and meets other applicable State fire safety regulations of Title 14 of the California Code of Regulations.
 - f. A hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
 - (i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resource Control Board for residential use or residential mixed uses.
 - (ii) The State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - g. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and Chapter 10 (Building Regulations) of the County Code.
 - h. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan.
 - i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
 - j. Lands under a conservation easement.
- 2. Demolition or Alteration.** The project does not require demolition or alteration of any of the following:
- a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;

- c. Housing that has been occupied by a tenant in the last 3 years; or
- d. Housing withdrawn from the rental market within the last 15 years (i.e. the project is not on a parcel in which an owner has exercised their rights under the Ellis Act - Chapter 12.75 [commencing with Section 7060] of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date of application).

- 3. **Additional prohibitions for urban lot splits.** No non-residential use is permitted on any lot created by an urban lot split in compliance with Government Code Section 66411.7.

Section 35-144W.4 Application and Processing Requirements.

- 1. **Requirements for approval.** Up to two principal dwelling units and/or an urban lot split is eligible for a Coastal Development Permit if the project complies with the applicable requirements specified in this Section 35-144W and Chapter 21 of the County Code. An application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and filing), and the Coastal Development Permit shall be issued in compliance with Section 35-169 (Coastal Development Permits).
- 2. **No Hearing Required.** An application for a Coastal Development Permit for up to two principal dwelling units and/or an urban lot split shall be considered without a public hearing.
- 3. **Additional requirements for urban lot splits.**
 - a. Future lot splits on parcels created through SB 9 shall be prohibited unless approved in accordance with adopted zoning and land use designations.
 - b. Urban lot splits on adjacent parcels by the same owner(s) or someone acting in concert with the owners(s) shall be prohibited.
 - c. The individual property owner must submit an application for a tentative parcel map in accordance with Chapter 21, Section 21.7(d) (Submission of Tentative Maps including Parcel Maps) of the County Code.
 - d. No Prior Urban Lot Split. The parcel being subdivided was not established through prior exercise of an urban lot split. In addition, neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using the urban lot split process as provided for in this Section.
- 4. **Map requirements.** An application for an urban lot split shall be subject to applicable standard conditions and approval requirements in Chapter 21, Section 21-8 (Form of Tentative Map including Tentative Parcel Maps and Requirements for Approval) of the County Code.
- 5. **Development impact mitigation fees.** The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions in effect at the time the fees are paid. The amount of the required fee shall be determined by adopted fee resolutions and ordinance and applicable law in effect when paid, provided that the fee is charged proportionately in relation to the square footage of the principal dwelling unit(s).
- 6. **Nonconforming zoning conditions.** The correction of nonconforming conditions shall not be required as a condition of approval of a principal dwelling unit developed in accordance with this Section or urban lot split approved in accordance with Chapter 21 of the County Code.
- 7. **Variances and modifications.** Variances and modifications shall not be granted for principal dwelling unit(s) developed pursuant to this Section.
- 8. **Accessory dwelling units and junior accessory dwelling units.** Accessory dwelling units and junior accessory dwelling units shall count towards the maximum unit allowance per lot and/or urban lot split in accordance with Government Code Section 65852.21 and 66411.7.

- 9. Unpermitted existing development.** For purposes of this Section 35-144W, improvements to unpermitted existing development to accommodate a principal dwelling unit shall be considered new development.
- 10. Affordability requirement.** At least one of the units in each two-unit residential development, or at least one unit on any lot created pursuant to an urban lot split, must be constructed and offered for sale or for rent as a moderate, low, or very low-income unit, restricted for occupancy by a moderate, low or very low-income household, as defined in and pursuant to applicable requirements of Chapter 46, Affordable Housing Enforcement, of the County Code.
- 11. Findings and denial.** An eligible project proposed under this Section may only be denied if the County Building Official makes a written finding, based on a preponderance of evidence, that the project would have a specific, adverse impact, as defined, and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Section 35-144W.5 General standards.

This Subsection 35-144W.5 provides standards for up to two principal dwelling units in accordance with Government Code Section 65852.21. Up to two principal dwelling units that comply with all of the following standards, as applicable, may be allowed with a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), Building Permit and any other necessary approvals. Projects shall be subject to all other applicable objective standards of this Article. If conflicts exist, the provisions of this Section shall prevail. Except as provided below, where there are conflicts between the standards in this Section and other objective standards of this Article that protect coastal resources, the requirements that are most protective of coastal resources shall prevail. The following development standards shall apply to all principal dwelling units allowed in compliance with this Section 35-144W:

- 1. Maximum floor area and unit size.** The following standards shall apply to up to two principal dwelling units allowed in compliance with this Subsection 135-144W.5, provided these standards can accommodate up to two 800 square foot principal dwelling units.
 - a. Floor area/unit size.** The principal dwelling unit shall be subject to a maximum unit size as identified in the table below, provided the combined unit size for two principal dwelling units (existing and/or proposed) shall not exceed a 0.4 floor area ratio or 5,000 gross square feet, whichever is less. For projects in the Summerland Community Plan Overlay, the maximum floor area limits established in Section 35-191.5 shall continue to apply to the lot as a whole.

<u>Lot Area (Net)</u>	<u>Maximum Unit Size</u>
<u>up to 4,000 square feet</u>	<u>800 gross square feet</u>
<u>4,001– 6,999 square feet</u>	<u>1,200 gross square feet</u>
<u>7,000 – 9,999 square feet</u>	<u>1,400 gross square feet</u>
<u>10,000 – 19,999 square feet</u>	<u>1,600 gross square feet</u>
<u>20,000 square feet or more</u>	<u>2,000 gross square feet</u>

- b. Converted unit.** A new unit that is incorporated entirely within an existing residential unit, or within an existing accessory building, is not limited in size except that it shall not exceed the footprint of the existing structure.
- c. Attached Unit.** Notwithstanding the maximum floor area provided above, a new unit that is attached to, and increases the size of, an existing residential unit shall not exceed the floor area of the existing residential unit.

- d. Attached garage or carport.** Up to 400 additional square feet may be permitted for an attached garage or carport, compliant with standard setbacks and with the same architectural design. Any other accessory development (e.g. pools, detached garages, cabanas, etc.) shall be subject to standard permit requirements.
- e. Attached architectural feature.** An attached, un-inhabitable architectural feature (e.g., covered entry, covered patio, deck, balcony, etc.) may be allowed in addition to the floor area of the new dwelling unit. The architectural feature(s) shall be subordinate to the new dwelling unit and limited to a cumulative square footage total of 25% of the floor area of the new dwelling unit. The square footage calculation shall be measured as the roof area (covered) or the footprint (uncovered).

2. Setbacks and building configuration.

- a. Side and rear setbacks.** Principal dwelling units developed pursuant to this Section shall comply with the standard setbacks for the applicable zone, with the following exceptions:
 - i. Side and rear setbacks may be reduced to a minimum of four feet for single story development up to a maximum of 16 feet in height or if necessary to accommodate up to two 800 square foot principal dwelling units.
 - ii. **Interior lots.** Standard interior lot setbacks apply unless they preclude the development of up to two 800 square foot units with minimum four-foot setbacks, in which case the total setback area shall equal that of a standard lot.
 - iii. Setbacks shall be clear from ground to sky.
 - iv. No setback modification or variable setback shall be permitted.
 - v. No setback is required to convert an existing permitted structure to a new principal dwelling. However, the side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the California Fire Code and the California Building Code, as may be amended.

3. Maximum height. All new principal dwellings shall comply with the requirements below and all other applicable height regulations of Section 35-127 (Height). Where conflicts exist between the height limits below and other sections of this Article, the more restrictive height regulations shall prevail.

- a. New attached units.** New attached dwelling units shall not exceed the height of any existing principal dwelling unit on the parcel, or 25 feet and a maximum of two stories, whichever is greater.
- b. New detached units.** New detached dwelling units shall not exceed a height of 25 feet and a maximum of two stories.

4. Building separation. No building separation between principal dwelling unit(s), accessory dwelling unit(s) and other structures shall be required as long as all the structures meet minimum Building Code safety standards and allow for separate access.

F. Building design. New construction, additions, and building conversions involving exterior alterations to create a new principal dwelling unit shall comply with the following objective design standards. Projects that comply with these standards shall not be subject to separate Design Review approval under Section 35-184 (Board of Architectural Review). Department staff may consult with a Board of Architectural Review Chair, designee, or other design professional to assist in determining a project's compliance with the objective design standards contained in this Section.

1. Appearance and style.

- a. **Attached dwelling unit.** On a site already developed with an existing principal dwelling unit, the construction of a new attached principal dwelling unit shall be designed and constructed to match the architectural style, colors, exterior building materials, and finishes, including, but not limited to, siding, windows, doors, roofing, light fixtures, hardware and railings.
 - b. **Building articulation.** Buildings shall be designed and articulated with consistent details, articulation, materials, and elements on all sides, and shall comply with the following:
 - (1) Building elevations visible from the abutting primary street more than 30 feet in length shall include either an architectural element or a two-foot variation in depth in the wall plane. Architectural elements include: front porches, balconies, upper-story setbacks, projections, and recessions, such as stoops, bay windows, overhangs, and trellises.
 - c. **Door and window openings.** All entrances shall have either a projected sheltering element or be recessed from the main elevation; the projection or recess shall have a minimum depth of 24 inches. Windows shall either be recessed at least three inches from the plane of the surrounding exterior wall or shall have a trim or windowsill detail where appropriate with the architectural style.
- 2. Materials and colors.**
- a. **Wall materials.** The primary exterior siding material for buildings shall be wood, composite wood, stone, brick, plaster (stucco), fiber cement, or metal. The use of exposed plywood or glass curtain walls is prohibited.
 - b. **Building Colors.** Building exteriors shall include at least two colors; at least one for the main base wall material and another for architectural trim/details.
 - c. **Window style consistency.** Consistent window frame style and proportions shall be used on all elevations.
 - d. **Material and color transition.** Changes in material or color shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.
 - f. **Roof articulation.** In order to create architectural interest, provide at least two different roof elevations for hierarchy (a primary and secondary) or extend the primary roofline over the building entrance by at least four feet to enhance building entrances.
 - g. **Reflective materials.** New roofing and siding materials that are reflective, mirror-like, or of a glossy metallic finish are prohibited. Flat or low sloped roofs shall be constructed with a gray or tan color to reduce reflectivity. Light Reflective Value percentage shall be below .84 with a matte finish.
 - (1) **Glass guardrails.** New glass guardrails are prohibited, unless necessary to match the glass guardrails of an existing residential unit and treated with a non-reflective coating and must remain non-reflective throughout the life of the guardrail.
 - h. **Lighting.** Any exterior lighting shall comply with the applicable outdoor lighting requirements as set forth in Section 35-139 (Exterior Lighting).
- 3. Privacy standards (units greater than 16 feet in height).** Where portions of the proposed construction of a principal dwelling unit is either two stories tall or greater than 16 feet in building height, the principal dwelling shall comply with the following:

- (1) Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook an adjoining property, shall be located a minimum of 15 feet from the side and rear lot lines and interior lot lines and landscape screening shall be provided along the perimeter areas visible from the landing, deck or balcony.
- (2) Upper story windows located within 15 feet of a side or rear lot line or interior lot line that face or overlook an adjoining property shall be installed a minimum of 42 inches above finish floor and either landscape screening shall be provided or any exposed glass below 60 inches shall be non-transparent or obscured.

Section 35-144W.6 Site Standards.

The following site standards apply to the construction of a principal dwelling unit provided that these standards permit up to two principal dwelling units of 800 square feet with minimum four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-144W.

1. **Grading.** Grading directly associated with principal dwelling unit shall be limited to 250 cubic yards and the dwelling unit shall be located on slopes of 20 percent or less.
2. **Open space.** Private open space shall be provided for each principal residential unit at a ratio of at least 250 square feet for units that provide two or less bedrooms. Each bedroom in excess of two shall require an increase of private open space by 50 square feet per additional bedroom. The open space must be directly accessible to the dwelling it serves. Up to 50% of the required front yard setback area may be used to satisfy the open space requirement; additionally, side and rear setback areas may be utilized in full. Balconies, patios, decks, unenclosed porches, and usable landscaped areas may be used towards the open space requirement. The minimum width of the private open space area shall not be less than ten feet.
3. **Landscaping.** Existing or proposed landscaping shall be provided at a ratio of at least 20% of the lot area and shall include a mixture of trees, groundcover, and shrubs for screening.
 - a. **Montecito Community Plan Overlay.** Perimeter hedging shall be planted to achieve a height of at least six feet after two years.
 - b. **Water Efficient Landscape Ordinance (WELO).** If landscaping is proposed, the owner/applicant shall submit a complete landscaping and irrigation plan and comply with the State and County's WELO requirements as applicable.
4. **Tree protection.** A new construction attached or detached principal dwelling unit shall comply with the following standards or applicable community plan requirement, whichever is more protective:
 - a. All development associated with the construction of an attached or detached principal dwelling unit shall avoid the removal of or damage to all protected trees. For the purposes of this Section 35-142.7.11, protected trees are defined for the purpose of this policy as (1) mature and/or (2) roosting/nesting trees that do not pose a threat to health and safety. Non-native, invasive species are not protected if they are not roosting/nesting trees. Protected trees include:
 - 1) Oaks (*Quercus agrifolia*).
 - 2) Sycamores (*Platanus racemosa*).
 - 3) Willow (*Salix sp.*).
 - 4) Maples (*Acer macrophyllum*).

- 5) California Bay Laurels (*Umbellularia californica*).
- 6) Cottonwood (*Populus fremontii* and *Populus balsamifera*).
- 7) White Alder (*Alnus rhombifolia*).
- 8) California Walnut (*Juglans californica*).
- 9) Any tree serving as known or discovered raptor nesting and/or raptor roosting sites.
- 10) Any trees serving as Monarch butterfly habitat, including aggregation sites.

- b. No grading, paving, or other site disturbance shall occur within the area six feet outside of the dripline of the tree(s), unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist states that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).
- c. Where removal of protected trees cannot be avoided through the implementation of project alternatives that accommodate an attached or detached principal dwelling unit of up to 800 square feet, or where development encroachments into the area within six feet of the dripline of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees (native trees only) on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree. Where on-site mitigation is not feasible, the most proximal off-site mitigation shall be required.

5. Coastal resource protection.

- a. **Environmentally sensitive habitat areas.** The development of a principal dwelling unit shall comply with the objective requirements of [Section 35-97](#) (ESH - Environmentally Sensitive Habitat Area Overlay District) and all applicable ESH policies and provisions of the certified Local Coastal Program.
- b. The principal dwelling unit shall not significantly obstruct public views from any public roads or from a public recreation area to, and along, the coast.
- c. The principal dwelling unit shall not obstruct public access to and along the coast or public trails.

6. Historic resources. A principal dwelling unit shall not be located within, attached to, or located on the same lot as a structure listed in, or determined to be eligible for listing in the California Register of Historical Resources or the National Register of Historic Places, or a structure designated, or determined to be eligible for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed principal dwelling unit follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 2017) or the Secretary of the Interior’s Standards for Rehabilitation (36 CFR Part 67, 1990) and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer, 1995), as may be amended. If a detached principal dwelling unit is proposed to be located on the same lot as a historic or potentially historic structure described above, the applicant shall provide a written assessment from a Department-approved historian confirming that the proposed principal dwelling unit shall be in conformance with this requirement.

7. Archaeological resources and tribal cultural resources. A new construction attached or detached principal dwelling unit shall be located at least 50 feet from the site boundaries of any archaeological resources or tribal cultural resources, unless a written assessment or a California Native American tribe recommends a greater buffer distance. Applicants shall submit a written assessment of any (1)

archaeological resources that may qualify as “historical resources” as defined in CEQA Guidelines Section 15064.5(a), or (2) sites, features, cultural landscapes, sacred places, objects, or resources that may qualify as “tribal cultural resources” as defined in Public Resources Code Section 21074 that are located within 100 feet of the proposed principal dwelling unit. The written assessment shall be prepared by a Department-approved archaeologist or other qualified professional and shall define the characteristics and site boundaries of the archaeological resources or tribal cultural resources.

Section 35-144W.7 Additional Standards.

The following additional standards apply to the construction of up to two principal dwelling units.

- 1. Parking requirements. To preserve coastal access, the following parking requirements apply:**
 - a. Parking spaces.** One off-street parking space per unit is required, except as follows:
 - i. For parcels outside of Isla Vista located within a quarter-mile of the inland extent of any beach or coastal bluff or south/west of Highway 101, whichever is closer, two off-street parking spaces per unit shall be required and on-site replacement parking space(s) shall be required for any parking space(s) serving the principal dwelling that are removed to accommodate construction of a new unit.
 - ii. For parcels located in Isla Vista south of El Colegio Road, two parking spaces per unit shall be required and on-site replacement parking space(s) shall be required for any parking space(s) serving the principal dwelling that are removed to accommodate construction of a new unit.
 - b. ADUs and JADUs.** All ADUs and JADUs shall be subject to the applicable parking requirements for ADUs in [Section 35-142 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#).
- 2. Adequate services.** Development of up to two principal dwelling units on a parcel and urban lot splits shall demonstrate provision of adequate services, including water, sanitary, and access, including for newly created lots even if no development is currently proposed. Water meters and sewage connections shall be separate for units residing on separate parcels.
- 3. Stormwater control.** New development shall comply with applicable National Pollutant Discharge Elimination System (NPDES) stormwater regulations.
- 4. Rental restrictions.**
 - a.** A principal dwelling unit may be used for rentals provided that the length of any rental is longer than 30 consecutive days.
 - b.** The use of a principal dwelling unit as a Homestay or Short-Term Rental shall be prohibited.

SECTION 2:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsection 35-169.4.2.c.1 of Section 35-169, Coastal Development Permits to read as follows:

- c. **Decision-maker, hearing requirements and notice requirements.**
 - 1) **Applications for certain solar energy facilities, ~~and~~ accessory dwelling units and junior accessory dwelling units, and urban lot splits and two-unit residential development in accordance with**

Section 35-144W. Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, accessory dwelling units, and junior accessory dwelling units, and urban lot splits and two-unit residential development in accordance with Section 35-144W shall be processed in compliance with the following:

- a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
- b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
- c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

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

SECTION 5:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6:

If legislation is enacted that amends Government Code Sections 65852.21 or 66411.7 or other provisions of Senate Bill 9 (2021) which would supersede or preempt any section or subsection of this ordinance then, that the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in effect without said section or subsection and continue to apply to all Senate Bill 9 development.

SECTION 7:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara Independent*, 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 _____, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

SB 9, Telecom, and Minor Ordinance Amendments
Case Nos. 24ORD-00015, -00016, -00018, -00019, -00025
County Planning Commission
Hearing Date: December 4, 2024
Attachment E-1 – Page 12

By _____

Deputy County Counsel

ATTACHMENT F: ARTICLE II COASTAL ZONING ORDINANCE RESOLUTION

RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING THAT COUNTY) RESOLUTION NO. 24 - 27
PLANNING COMMISSION RECOMMEND THAT THE BOARD)
OF SUPERVISORS (BOARD) ADOPT AN ORDINANCE) Case No.:
AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE) 24ORD-00018
(CZO), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA)
COUNTY CODE, BY AMENDING DIVISION 2, DEFINITIONS)
AND DIVISION 7, GENERAL REGULATIONS TO REVISE)
PERMIT REQUIREMENTS AND DEVELOPMENT STANDARDS)
TO THE EXISTING COMMERCIAL TELECOMMUNICATION)
FACILITIES REGULATIONS.

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board adopted Article II, the CZO, of Chapter 35, Zoning, of the Santa Barbara County Code.
- B. On December 10, 2019, by Ordinance No. 5095, the Board adopted Article II, the CZO amendments to implement new regulations and make other minor clarifications, corrections, and revisions regarding commercial telecommunications facilities.
- C. On September 27, 2018, the Federal Communications Commission (FCC) released a Declaratory Ruling and Third Report and Order (FCC 18-133, "Small Cell Order", 47 USC § 332(c)(7) and 253(a); Small Cell Order ¶ 86) that limits local authority over small wireless infrastructure deployment, fees, and objective aesthetic requirements for use of the public rights-of-way. The FCC Small Cell Order aesthetic requirements went into effect on April 15, 2019.
- D. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County, to recommend that the Board adopt an ordinance (Case No. 24ORD-00018) amending Divisions 2, Definitions, and 7, General Regulations, of the CZO of Chapter 35, Zoning, of the Santa Barbara County Code to revise permit requirements and development standards to the existing Commercial Telecommunication Facilities regulations.

The proposed CZO amendment is attached hereto as Exhibit 1 and is incorporated by reference.

- E. The proposed CZO amendment is consistent with the Comprehensive Plan, including all community and area plans, and the requirements of the State planning, zoning, and development laws.

- F. The proposed CZO amendment is in the interest of the general community welfare since it will serve to (1) revise existing permit processes to enhance clarity and efficiency, (2) update existing regulations to better conform to the requirements of State and federal law, and (3) correct and clarify existing text provisions.
- G. The County Planning Commission has held a duly noticed public hearing, as required by GC Section 65854, on the proposed CZO amendment at which hearing the proposed amendment was explained and comments invited from the public.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of GC Section 65855 and County Code 2-25.2, the County Planning Commission recommends that the Board, following the required noticed public hearing, approve and adopt the above-mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the County Planning Commission staff report dated November 26, 2024.
3. A certified copy of this Resolution shall be transmitted to the Board in compliance with GC Section 65855 and County Code Section 2-25.2.
4. The Chair of the County Planning Commission is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above described action by the County Planning Commission.


PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this 4 day of December 2024, by the following vote:

AYES: Cooney, Bridley, Parke, Reed, Martinez

NOES:

ABSTAIN:

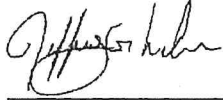
ABSENT:



VINCENT MARTINEZ, CHAIR
County Planning Commission

SB 9, Telecom, and Minor Ordinance Amendments
Case Nos. 24ORD-00015, -00016, -00018, -00019, and -00025
County Planning Commission
Hearing Date: December 4, 2024
Attachment F – Page 3

ATTEST:



JEFFREY WILSON
Secretary to the Commission

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

By 
Deputy County Counsel

Exhibit 1 – CZO Amendment (Case No. 24ORD-00018)

ATTACHMENT F-1: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE (CZO), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 2, DEFINITIONS AND DIVISION 7, GENERAL REGULATIONS TO REVISE PERMIT REQUIREMENTS AND DEVELOPMENT STANDARDS TO THE EXISTING COMMERCIAL TELECOMMUNICATION FACILITIES ORDINANCE.

24ORD-00018

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

SECTION 1:

DIVISION 2, Definitions, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add definitions for Telecommunication Facilities, to read as follows:

...

Telecommunication Site, Collocated. Any site where more than one antenna support structure is installed in close proximity to one another on one lot.

Collocation. The mounting of installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes, whether or not there is an existing antenna on the structure.

...

Telecommunication Facility, Equipment Cabinet. An enclosed physical container installed on the ground or other horizontal surface (e.g. roof, etc.) to house multiple, distinct, non-transmission equipment or devices. Does not include housing for small electronic components such as breaker boxes, housing for transmission equipment, router switch boxes, etc.

...

SECTION 2:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-144F, Commercial Telecommunication Facilities, to read as follows:

Section 35-144F. Commercial Telecommunication Facilities.

(Amended by Ord. 4588, 06/14/2007; Ord. 4789, 11/14/2013; Ord. 5095, 03/11/2021)

- 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	Allowed as a “Permitted Use” in all zones	Coastal Development Permit	35-144F.C.1.a
Tier 1 (b) Project – Spectrum Act Facility Modification	All zones	Coastal Development Permit	35-144F.C.1.b 35-144F.D
Tier 1 (c) Project - Hub sites	Allowed as a “Permitted Use” in all zones	Coastal Development Permit	35-144F.C.1.c 35-144F.D
Tier 2 (a) Project - Small wireless facilities	Allowed as a “Permitted Use” in all zones	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	Allowed as a “Permitted Use” in all nonresidential zones	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	Allowed as a “Permitted Use” in all nonresidential zones	Development Plan approved by the Director (2) and concurrent Coastal Development Permit	35-144F.C.2.c 35-144F.D
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Allowed as a “Use Permitted with a Minor Conditional Use Permit” in nonresidential all zones, except not allowed in the Recreation (REC) zone	Minor Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.3.a 35-144F.D

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Tier 3 (b) Project - Satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception	Allowed as a “Use Permitted with a Minor Conditional Use Permit” in nonresidential zones	Minor Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.3.b 35-144F.D
Tier 3 (c) Project - Facilities that comply with the zone height limit (1)	Allowed as a “Use Permitted with a Minor Conditional Use Permit” in nonresidential zones, except not allowed in the Recreation (REC) zone	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	Allowed as a “Use Permitted with a Major Conditional Use Permit” in all zones	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	Allowed as a “Use Permitted with a Major Conditional Use Permit” in nonresidential zones	Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.4.b 35-144F.D

Notes:

~~(1) Not allowed in or within 300 feet of a residential zone.~~

~~(2) For development that is appealable to the Coastal Commission, the Director shall act as the decision maker unless a public hearing is requested in compliance with Section 35-181 (Noticing) and Section 35-174 (Development Plans), in which case the Zoning Administrator or Montecito Planning Commission shall be the decision maker.~~

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 regulations in compliance with [Section 35-169](#) (Coastal Development Permits) and [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:

a. Standards for Tier 1 projects, temporary facilities. Temporary telecommunications facilities may be permitted in compliance with [Section 35-137.3.1](#).

b. Standard for Tier 1 projects, Spectrum Act facilities. Pursuant to Section 6409 of the federal Spectrum Act (47 U.S.C. Section 1455) and its implementing regulations (47 C.F.R. Section 1.6100), as amended, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station shall be allowed. The terms used in this subsection shall have the meaning ascribed to them in 47 C.F.R. Section 1.6100(b), as amended.

1) Pursuant to 47 C.F.R Section 1.6100, as amended, the request shall comply with the following:

a) Eligible facilities request. The project must be a request for modification to an existing wireless tower or base station that involves:

- i) Collocation of new transmission equipment;
- ii) Removal of transmission equipment; or
- iii) Replacement of transmission equipment.

- b) The wireless tower or base station is existing at the time of permit application, supports existing antennas, and was permitted in compliance with this Development Code.
 - c) The wireless tower is any structure built for the sole purpose of supporting any Federal Communications Commission (FCC)-licensed antennas and associated facilities.
- 2) Substantial change.** Pursuant to 47 C.F.R Section 1.6100, as amended, a modification shall not be allowed pursuant to this section if it substantially changes the physical dimensions of an existing wireless tower or base station. A modification substantially changes the physical dimensions if it meets any of the following criteria:
- a) Wireless towers not located within the public right-of-way.**
 - i) The modification increases the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet, whichever is greater.
 - ii) The modification adds an appurtenance to the body of the tower that would protrude from the edge of the tower by more than 20 feet, or by more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 - b) Wireless towers located within the public right-of-way and base stations.**
 - i) The modification increases the height of the structure by more than 10 percent, or by more than 10 feet, whichever is greater.
 - ii) The modification adds an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
 - iii) The modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure.
 - iv) The modification involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.
 - c) The modification involves installation of more than the standard number of equipment cabinets for the technology involved, but not to exceed four cabinets.
 - d) The modification entails excavation or deployment outside of the current site.
 - e) The modification would defeat the concealment elements of the support structure.
- c. Standards for Tier 1 projects, hub sites.** Wireless telecommunication facilities that comply with all of 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, small wireless facilities.** “Small wireless facilities,” as that term is defined in 47 C.F.R. Section 1.6002(l), as amended, that comply with the following may be allowed:
 - 1) The facilities:
 - a) are mounted on structures 50 feet or less in height including antennas as defined in 47 C.F.R. Section 1.1320(d);
 - b) are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
 - 2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume.
 - 3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.
 - 4) The facility does not require antenna structure registration under Part 17 of Title 47 C.F.R., or its successor regulations (i.e., Federal Communications registration due to extreme height or proximity to an airport).
 - 5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x), or its successor regulation.
 - ~~6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b), or its successor regulation.~~
 - ~~7) The antenna shall be mounted on one of the following:
 - (a) ~~either~~ an existing or replacement operational public utility pole or similar support structure (e.g., non-decorative streetlight, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director;
 - (b) ~~or~~ the roof of an existing structure, or vaulted underground, ~~unless technical requirements dictate otherwise;~~
 - (c) an existing or replacement non-pole concealment structure,~~
 - ~~a) If technical requirements dictate through a site analysis prepared by a qualified technical specialist demonstrating that the antenna cannot be mounted on an existing operational public utility pole or similar support structure, one of the above, the antenna may be mounted on a new pole or similar ~~support~~ structure provided the new pole or ~~support~~ structure replicates the materials, color, and finish of existing infrastructure nearby.~~

- 7) **Accessory equipment.** Accessory equipment associated with the antenna and pole structure, shall be installed and located:
- (a) Underground;
 - (b) Concealed within the structure;
 - (c) Pole-mounted (with a 10-foot ground clearance); or
 - (d) Above-grade structure (with a two-foot setback from the sidewalk).
- 8) **Siting and clearance.** All small wireless facilities, associated antennas and accessory equipment shall comply with the following siting and clearance standards:
- (a) Shall be installed on poles that are located as close as feasible to shared property lines between two adjacent lots and not directly in front of residences and businesses;
 - (b) Shall not be placed within 20 feet from a residential dwelling's doors or windows;
 - (c) Shall be installed at least 50 feet away from any streetlight, utility pole or other similar support structure if the small wireless facility and any associated antennas, accessory equipment or improvements are attached to or part of any new, non-replacement support structure;
 - (d) Shall not be placed within any clear zone at any intersection;
 - (e) Shall not be placed in a location that obstructs illumination patterns for existing streetlights, views of any traffic signs or signals, or view lines for traveling vehicles, bicycles, or pedestrians, as determined by County's Public Works Department;
 - (f) Shall provide a minimum 2-foot setback clearance from sidewalks for any protruding equipment on poles; and
 - (g) Shall provide a setback for a fixed object per CALTRANS standards and County Engineering Design Standards. The following shall be required if a setback cannot be obtained within the right of way:
 - i. Private easement that is setback from travel lane; and
 - ii. Guardrail or other mitigation protection.
- 9) **Design Standards.**
- (a) Stealth and concealment. All small wireless facilities shall be as stealth as technically feasible with concealment elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses.
New installations, antennas, antenna equipment and associated equipment enclosures (excluding disconnect switches), conduit and fiber shall be fully concealed within the structure. If such concealment is incompatible with the pole design, then the antennas and associated equipment enclosures must appear as an integral part of the structure or mounted as close to the pole as feasible and must be no greater in size than required for the intended purpose of the facility.
 - (b) **Stealth and concealment, accessory equipment.**

- (i) **Vertical cable risers.** All cables, wires and other connectors shall be routed through conduits within the pole or other support structure, and all conduit attachments, cables, wires and other connectors shall be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, such as with wood utility poles, they shall be routed through external conduits or shrouds that have been finished to match the underlying pole.
- (ii) **Spools and coils.** Excess fiber optic or coaxial cables shall not be spooled, coiled or stored on the pole outside equipment cabinets or shrouds.
- (iii) **Pole-mounted.** Pole-mounted accessory equipment shall be placed in a location that is most concealed under the circumstances presented by the proposed pole and location. Pole-mounted accessory equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations.
- (c) **Finishes.** Replacement poles shall be of the same material as the existing pole being replaced or adjacent poles located within the contiguous right-of-way. All small wireless facility exterior surfaces shall be painted, colored or wrapped in flat, non-reflective hues that match the underlying support structure. All surfaces shall be treated with graffiti-resistant sealant.
- (d) **Trees and landscaping.** All small wireless facilities shall not permanently displace any existing tree or landscape features. Small wireless facilities proposed to be placed in a landscaped area must submit a restoration and maintenance plan for damaged and removed hardscape and landscape features surrounding the facility. The project will be conditioned to require the applicant to carry out the Restoration and Maintenance Plan. The approval authority may require additional hardscape or landscape features for small wireless facilities proposed to be placed in a landscaped area in public rights-of-way to screen the small wireless facility from public view or otherwise enhance the stealth techniques required under Chapter 35-44.010.C.2. All plants proposed or required must be native and/or drought-tolerant.
- (e) **Shrouding.** All antennas and associated cables, jumpers, wires, mounts, masts, brackets and other connectors and hardware shall be installed within a single shroud or radome to the extent technically feasible. If the antennas cannot be placed in an opaque shroud, the Director may approve alternative stealth techniques.
 - (i) For pole-mounted antennas, the shroud shall be visually consistent with the design, color and scale of the underlying pole, and shall not exceed 2.5 times the median pole diameter.
 - (ii) For side-arm antennas, the shroud must cover the cross arm and any cables, jumpers, wires or other connectors between the vertical riser and the antenna.
- (f) **Height.** No antenna or associated antenna structure shall extend more than the minimum necessary separation between the antenna and other pole attachments

required by applicable health and safety regulations, or the maximum structure height permitted by Subsection C.2.a.(1), above, whichever is less.

(g) **Volume.**

(i) **Antenna.** The cumulative volume for all antennas on a single small wireless facility pole or structure shall not exceed: (A) three cubic feet within 500 feet of a residential dwelling; or (B) six cubic feet for all other locations.

(ii) **Accessory equipment.** Surface-mounted and above-ground accessory equipment for a small wireless facility shall be as small as technically feasible. This requirement shall not be applicable to accessory equipment placed underground or within existing structures.

(h) **Horizontal extensions.**

(i) Side-mounted antennas are prohibited unless no other option is technically feasible. Where permitted, side-mounted antennas shall be placed as close to the support structure as technically feasible and shall not extend over any roadway for vehicular travel or any abutting private property. If applicable laws require a side-mounted antenna to extend more than 24 inches from the support structure, the extension shall be no greater than required for compliance with such laws as documented by the applicant with substantial evidence in the application.

(ii) Pole-mounted accessory equipment shall be flush with the pole and shall not extend over any roadway for vehicular travel or any abutting private property. If applicable laws preclude flush-mounted accessory equipment, the separation gap between the pole and the accessory equipment shall be no greater than required for compliance with such laws and concealed by opaque material (such as cabinet “flaps” or “wings”).

(i) **Accessory equipment.** Additional design standards that apply to all accessory equipment associated with the small wireless facility:

(i) **Undergrounded.** Accessory equipment (other than any electric meter where permitted because of a flat-rate services is not available and an emergency disconnect switch) shall be placed underground when proposed in any underground utility district unless allowed in compliance with Section 34-7(f) of Chapter 34 (Underground Utility Districts) of the County Code, or any location where the Director finds substantial evidence that the additional above-ground accessory equipment would restrict public use of the public rights-of-way. However, the Director may grant an exception when the applicant demonstrates by clear and convincing evidence that compliance with this Section would be technically infeasible.

(ii) **Vaults.** All undergrounded accessory equipment shall be installed in a vault that is load-rated to meet the County’s standards and specifications. Underground vaults located beneath a sidewalk shall be constructed with a slip-resistant cover and properly secured to prevent unauthorized access. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Vault lids shall not exhibit logos or commercial advertisements.

- (iii) **Minimum ground clearance.** The lowest point on any pole-mounted accessory equipment shall be at least 10 feet above ground level adjacent to the pole. If applicable laws require any pole-mounted accessory equipment component to be placed less than 10 feet above ground level, the clearance from ground level shall be no less than required for compliance with such laws.
- (iv) **Orientation.** Unless places behind a street sign or some other concealment that dictates the equipment orientation on the pole, all pole-mounted accessory equipment shall be oriented in line with the adjacent road or oriented away from the adjacent road when concealed by landscaping or existing vegetation.

~~810)~~ The placement of multiple, interconnected, small wireless facilities ~~to establish a new network~~ (i.e., four or more within a square mile) may 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.)

~~9) — Colors and materials. Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.~~

~~1011)~~ **Façade-mounted antennas.** Antennas mounted to the façade of a building or structure shall be architecturally integrated into the building or structure design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not protrude more than two feet horizontally from the façade.

b. Standards for Tier 2 projects, tenant improvements. Wireless telecommunication facilities that comply with the following may be allowed.

- 1) The facility qualifies as a tenant improvement that does not otherwise qualify as a small wireless facility under C.2.a, above.
- 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. ~~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) Colors and materials. Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.~~
- ~~7) Access to the facility shall be provided by existing roads or driveways.~~
- c. **Standards for Tier 2 projects, collocated facilities.** Wireless telecommunication facilities that do not otherwise qualify as a small wireless facility under C.2.a above and that comply with the following may be allowed: Any addition to an existing structure shall be subject to all applicable permit requirements of this Code (e.g., approval of a Coastal Development Permit pursuant to Section 35-169).
 - 1) The facility qualifies as a collocated telecommunications facility that does not otherwise qualify as a small wireless facility under C.2.a, above.
 - 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 only to the limitations and exceptions provided below. ~~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 in under either of the following circumstances:
 - i) As provided in Subsection C.2.b.3).
 - ii) 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.
- 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 that do not otherwise qualify as a small wireless facility under C.2.a above.** Wireless telecommunication facilities that

do not otherwise qualify as small wireless facilities under C.2.a, above and 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. 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.3.c.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.~~
 - 43) 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.
- c. Standards for Tier 3 projects, facilities that comply with the zone height limit.** Wireless telecommunication facilities that do not otherwise qualify as small wireless facilities under C.2.a, above and 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. ~~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:

- i) As provided in Subsection C.2.c.2)a).
 - ii) 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.
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, under Subsection D below, may be allowed provided the height of the antenna and associated antenna support structures shall not exceed 75 feet.
 - 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 FCC or the California Public Utilities Commission (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, provided that if the following development standards conflict with any of the design standards regulating small wireless facilities in Subsections C.2.a.(7) through C.2.a.(9), above, the design standards specific to small wireless facilities shall control.
 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 35-172.12](#) (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 35-172.12](#) (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 Public access.** The general public shall be excluded from the facility by fencing or other barriers such as mounting height 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 Landmarks Advisory Commission, or the Board on appeal.
- e. **Compliance with FCC.** The facility shall comply at all times with all FCC rules, regulations, and standards, including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits for radiofrequency (RF) energy, and any other similar requirements to ensure public protection and all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction.
- 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 fully shielded ~~or~~ and directed downward to avoid to the greatest extent possible ~~so as to minimize the amount of light that falls~~ spillover onto nearby residences and habitats.
- 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. Colors and materials.** Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.
- 1) Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
 - 2) 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 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.
- ki. 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 habitats 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.
 - 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 subject to all required approvals and permit requirements and provided that impacts to environmentally sensitive habitats, environmentally sensitive habitat buffers, and other coastal resources are avoided.

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

- 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, 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 collocation.
- 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 or operation of the telecommunication facility.

- c. 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 FCC. 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~~ or blend in with the surrounding environment, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas) or shall be screened by existing or new landscaping, fences, and/or walls.
 - 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 allowed in compliance with Subsection C.3 through C.4 of this Section shall comply with the following development standards in all instances, except that the ~~decision-maker review authority~~ 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 review authority~~ 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, 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 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.~~
- c. 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.
- ed. 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, non-indigenous 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 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.
 - 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 radiofrequency (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 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.

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 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.C.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.~~
32. 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.
43. 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 to be adopted by the decision-maker in compliance with [Sections 35-169](#) (Coastal Development Permits) ~~and~~, [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.~~
21. The facility is located so as to minimize its visibility from public view and is designed to blend into the surrounding environment to the greatest extent feasible.
3. ~~The facility is designed to blend into the surrounding environment to the greatest extent feasible.~~
42. The facility complies with all required development standards unless granted a specific exemption by the decision-maker in compliance with [Section 35-144F.G.42](#), 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, will not decrease public safety, and will not result in greater impacts to coastal resources, including sensitive habitats, coastal waters, and public access, or
 - 2) Is required due to technical considerations, 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 habitats, coastal waters, and public access.
53. The applicant has demonstrated that the facility will be operated within the allowed frequency range permitted by the FCC and complies with all other applicable health and safety standards.

H. 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.
 - k. Indemnification form.

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. An application for a Conditional Use Permit and/or Coastal Development Permit to permit the development of a commercial telecommunication facility regulated by this Section shall be filed and processed in compliance with Section 35-169 (Coastal Development Permits).
 - a. **Expiration of application.** If an applicant for a commercial telecommunication facility fails to provide the necessary information requested by the Department within 90 days, the application shall expire and be deemed withdrawn, without any further action by the County in compliance with Section 35-169 (Coastal Development Permits). After the expiration of an application, future County consideration shall require the submittal of a new, complete application and associated fees.

3. 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. Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.
4. 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 or Zoning Administrator is the decision-maker for the facility.
 - c. Commercial telecommunication facilities that qualify as a Tier 1 improvement or that qualify as Tier 2 improvements that comply with the design standards in Subsections C.2.a(7) through C.2.a.(9) are exempt from design review.

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this ordinance, Division 2 and 4 of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6:

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

SB 9, Telecom, and Minor Ordinance Amendments
Case Nos. 24ORD-00015, -00016, -00018, -00019, -00025
County Planning Commission
Hearing Date: December 4, 2024
Attachment F-1 – Page 23

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT G: ARTICLE II COASTAL ZONING ORDINANCE RESOLUTION

RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING THAT COUNTY) RESOLUTION NO. 24 - 28
PLANNING COMMISSION RECOMMEND THAT THE BOARD)
OF SUPERVISORS (BOARD) ADOPT AN ORDINANCE) Case No.:
AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE) 24ORD-00025
(CZO), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA)
COUNTY CODE, BY AMENDING DIVISION 4, ZONING)
DISTRICTS AND DIVISION 7, GENERAL REGULATIONS TO)
UPDATE EXISTING TEXT PROVISIONS, INCLUDING)
UPDATING ALLOWED USES IN THE C-1 ZONE DISTRICT AND)
IMPLEMENTING CLARIFICATIONS AND NECESSARY)
REVISIONS TO THE EXISTING ACCESSORY DWELLING UNIT)
(ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU))
ORDINANCE TO ALIGN WITH CHANGES TO STATE LAW.)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board adopted Article II, the CZO, of Chapter 35, Zoning, of the Santa Barbara County Code.
- B. On September 27, 2016, the State Legislature adopted Assembly Bill (AB) 2299 and Senate Bill (SB) 1069 (Government Code [GC] Section 65852.2) requiring ministerial approval of planning and building permit applications for ADUs that are located within single-family residential zones and comply with applicable parking, setback, and size restrictions.
- C. On October 8, 2017, the State Legislature adopted SB 229 and AB 494 (GC Section 65852.2) to allow ADUs on all lots zoned for single- or multi-family uses, reduce maximum parking requirements, and make clarifying edits to GC Section 65852.2.
- D. On October 9, 2019, the State Legislature adopted AB 68, AB 881, and SB 13 to further streamline the permit process for and reduce the development standards applicable to ADUs and JADUs.
- E. On September 28, 2020, the State Legislature adopted AB 3182 to clean-up and clarify provisions of GC Section 65852.2.
- F. On September 28, 2022, the State Legislature adopted AB 2221 and SB 897 to clarify regulations related to the review and permitting of ADU and JADUs subject to GC Sections 65852.2 and 65852.22.

- G. On March 26, 2024, the State Legislature adopted AB 477 to relocate and consolidate State ADU law into a new Government Code Chapter, Chapter 13, Accessory Dwelling Units, Government Code Sections 66310 through 66342.
- H. In September 2024, the State Legislature adopted AB 2533 and SB 1211 to update and clarify regulations related to the review and permitting of ADU and JADUs subject to GC Sections 66310 through 66342.
- I. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County, that the County Planning Commission recommend that the Board adopt an ordinance (Case No. 24ORD-00025) amending Divisions 4, Zoning Districts, and 7, General Regulations, of the CZO of Chapter 35, Zoning, of the Santa Barbara County Code to modify the allowed uses in the C-1 zone and revise permit requirements and development standards to the existing ADU and JADU regulations to comply with recent changes in state law.

The proposed CZO amendment is attached hereto as Exhibit 1 and is incorporated by reference.

- J. The proposed CZO amendment is consistent with the Comprehensive Plan, including all community and area plans, and the requirements of the State planning, zoning, and development laws.
- K. The proposed CZO amendment is in the interest of the general community welfare since it will serve to update allowed uses in the Limited Commercial (C-1) Zone to better align with current commercial needs and community interest, and implement the requirements of State law that promote the development of ADUs and JADUs that will increase the supply of housing in the Coastal Zone portion of the unincorporated county.
- L. The County Planning Commission has held a duly noticed public hearing, as required by GC Section 65854, on the proposed CZO amendment at which hearing the proposed amendment was explained and comments invited from the public.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of GC Section 65855 and County Code 2-25.2, the County Planning Commission recommends that the Board, following the required noticed public hearing, approve and adopt the above-mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the County Planning Commission staff report dated November 26, 2024.

SB 9, Telecom, and Minor Ordinance Amendments
Case Nos. 24ORD-00015, -00016, -00018, -00019, and -00025
County Planning Commission
Hearing Date: December 4, 2024
Attachment G – Page 3

3. A certified copy of this Resolution shall be transmitted to the Board in compliance with GC Section 65855 and County Code Section 2-25.2.
4. The Chair of the County Planning Commission is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above described action by the County Planning Commission.

PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this 4 day of December 2024, by the following vote:

AYES: Cooney, Bridley, Parke, Reed, Martinez

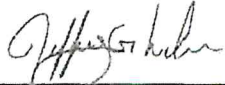
NOES:

ABSTAIN:

ABSENT:


VINCENT MARTINEZ, CHAIR
County Planning Commission

ATTEST:


JEFFREY WILSON
Secretary to the Commission

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

By 
Deputy County Counsel

ATTACHMENT G-1: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE (CZO), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 4, ZONING DISTRICTS AND DIVISION 7, GENERAL REGULATIONS TO UPDATE EXISTING TEXT PROVISIONS, INCLUDING UPDATING ALLOWED USES IN THE C-1 ZONE DISTRICT AND IMPLEMENTING CLARIFICATIONS AND NECESSARY REVISIONS TO THE EXISTING ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) ORDINANCE TO ALIGN WITH CHANGES TO STATE LAW.

24ORD-00025

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

SECTION 1:

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-77A, C-1 Limited Commercial, to read as follows:

Section 35-77A. C-1 - Limited Commercial.

...

Section 35-77A.3 Permitted Uses. (Amended by Ord. 4318, 06/23/1998)

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, ~~provided that such enterprises are conducted entirely within an enclosed building,~~ such as bakeries, ice cream shops, grocery and liquor stores, produce and flower stands, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.

...

Section 35-77A.5 Uses Permitted with a Minor Conditional Use Permit.

1. Automobile service station, provided no gasoline is stored above ground.
- ~~2. Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.~~
- ~~3~~2. Community Center.
- ~~4~~3. Certified Farmer's Market.

(Added by Ord. 4086, 12/15/1992)

- ~~5~~4. Day care center, principal use, serving children, subject to provisions of Section 35-143 (Community Care Facilities).

(Ord. No. 5168, § 10, 11-29-2022)

...

Section 35-77A.10 Parking.

1. As required in DIVISION 6, PARKING REGULATIONS, except that required parking spaces may be provided in publicly owned parking lots of legally constituted Parking Districts as long as the spaces provided are within a distance of no greater than 500 feet as measured along streets, not alleys, from the property line, subject to approval of the availability of the parking spaces by the Parking District Governing Board and the Director.
2. Outdoor areas devoted to a retail use that are accessory to the retail operation shall not be used to calculate parking requirements, but shall be configured so as not to interfere with on-site parking as required in DIVISION 6, PARKING REGULATIONS.

...

Section 35-77A.13 Outdoor Areas.

Outdoor areas devoted to a retail use listed in Section 35-77A.3.1 and that are accessory to the retail operation shall occupy less than 50% of the net lot area.

SECTION 2:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 35-142.1, Purpose and Intent, of Section 35-142, Accessory Dwelling Units and Junior Accessory Dwelling Units, to read as follows:

Section 35-142.1 Purpose and Intent.

The purpose of this Section is to establish procedures and development standards for attached and detached accessory dwelling units and junior accessory dwelling units in compliance with California Government Code Sections ~~65852.2 and 65852.22~~ 66310-66342. The intent is to encourage the development of accessory dwelling units and junior accessory dwelling units that contribute needed housing to the County’s housing stock.

SECTION 3:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 35-142.3, Allowed Use, of Section 35-142, Accessory Dwelling Units and Junior Accessory Dwelling Units, to read as follows:

Section 35-142.3 Allowed Use.

1. As required by Government Code Section ~~65852.2~~ 66319, an accessory dwelling unit shall:
 - a. Be deemed to be an accessory use or an accessory building.
 - b. Not be considered to exceed the allowable density for the lot on which it is located.
 - c. Be deemed to be a residential use that is consistent with the existing Comprehensive Plan land use designation, including the Coastal Land Use Plan and applicable zone for the lot on which the accessory dwelling unit is located.

- d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

SECTION 4:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 35-142.5, Accessory Dwelling Units Located within Residential or Mixed-Use Zones, of Section 35-142, Accessory Dwelling Units and Junior Accessory Dwelling Units, to read as follows:

Section 35-142.5 Accessory dwelling units located within residential or mixed-use zones.

This Section 35-142.5 provides standards for certain accessory dwelling units in accordance with Government Code Section ~~65852.2(e)(1)~~ 66323(a). An accessory dwelling unit that complies with all of the following standards, as applicable, shall be permitted with a Coastal Development Permit and any other necessary approvals and shall not be subject to any other standards of this Article. An accessory dwelling unit that does not comply with this Section 35-142.5 may be allowed in compliance with Section 35-142.6, below.

...

- 5. ~~Up to two~~ **Detached accessory dwelling units** ~~per lot~~ **with an existing or proposed multiple-family dwelling.** Up to ~~two~~ eight detached accessory dwelling units per lot with an existing multiple-family dwelling or up to two detached accessory dwelling units per lot with a proposed multiple-family dwelling shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:
 - a. **Lot requirements.**
 - 1) The lot shall contain no more than two accessory dwelling units with a proposed multiple-family dwelling.
 - 2) ~~The lot shall contain an existing multiple-family dwelling~~ On a lot with an existing multiple-family dwelling, the number of accessory dwelling units shall not exceed the number of existing units on the lot, up to a maximum of eight.
 - b. **Location.** Each accessory dwelling unit shall be located entirely within an existing detached accessory structure or a detached, new construction accessory building.
 - c. **Maximum floor area.** The gross floor area of a new construction accessory dwelling unit shall not exceed 1,200 square feet.
 - d. **Maximum height.** The height of each accessory dwelling unit shall not exceed 16 feet as measured in compliance with Section 35-127 (Height). For lots with an existing or proposed multiple-family dwelling that is multi-story or within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155, the height of the accessory dwelling unit shall not exceed a height of 18 feet.
 - e. **Setbacks.** The accessory dwelling unit(s) shall have side and rear setbacks of at least four feet and shall comply with the front setback requirements of the applicable zone, provided that this standard allow ~~up to two~~ accessory dwelling units of up to 800 square feet to be constructed on the lot. For interior lots, standard interior lot setbacks applicable to a principal dwelling shall apply provided that this standard allow an accessory dwelling unit(s) of up to 800 square feet to be constructed on the lot with minimum four foot interior setbacks in compliance with other standards of this Section 35-142. All

portions of the accessory dwelling unit(s), including eaves and roof overhangs, shall comply with these requirements.

SECTION 5:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsections 35-142.6.2 and 35-142.6.3, Accessory Dwelling Units Located within Zones that Allow One-Family or Multiple Family Residential Use, of Section 35-142, Accessory Dwelling Units and Junior Accessory Dwelling Units, to read as follows:

...

- 2. **Exterior Access.** The accessory dwelling unit shall have exterior access separate from the one-family dwelling.
- ~~23.~~ **Appearance and style.** The exterior appearance and architectural style of an accessory dwelling unit shall comply with the following:

...

SECTION 6:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 8, Parking, of Subsection 35-142.7, Junior Accessory Dwelling Units, of Section 35-142, Accessory Dwelling Units and Junior Accessory Dwelling Units, to read as follows:

- 8. **Parking.** No new parking spaces shall be required for a junior accessory dwelling unit allowed in compliance with this Section 35-142.7.
 - ~~a. **New parking spaces.** No new parking spaces shall be required for a junior accessory dwelling unit allowed in compliance with this Section 35-142.7.~~
 - ~~b. **Replacement parking.** In addition to the replacement parking requirements set forth in Section 35-142.8.7 below, replacement parking spaces to satisfy the parking requirements of the principal dwelling shall be required for a junior accessory dwelling unit located within an attached garage.~~

SECTION 7:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1, Minimum Floor Area, of Subsection 35-142.8, Additional Standards that Apply to All Accessory Dwelling Units and Junior Accessory Dwelling Units, of Section 35-142, Accessory Dwelling Units and Junior Accessory Dwelling Units, to read as follows:

- 1. **Minimum floor area.** At a minimum, the floor area of an accessory dwelling unit or junior accessory dwelling unit shall be ~~sufficient 250 square feet to allow for an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1207.4 or successor statute.~~

SECTION 8:

All existing indices, section references, and figure and table numbers contained in Article II, the Coastal

Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 9:

Except as amended by this ordinance, Division 4 of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 10:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 11:

If legislation is enacted that amends Government Code sections 66310 through 66342 or other provisions regarding Accessory Dwelling Units or Junior Accessory Dwelling Units which would supersede or preempt any section or subsection of this ordinance then, that the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in effect without said section or subsection and continue to apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

SECTION 12:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara Independent*, 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 _____, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SB 9, Telecom, and Minor Ordinance Amendments
Case Nos. 24ORD-00015, -00016, -00018, -00019, -00025
County Planning Commission
Hearing Date: December 4, 2024
Attachment G-1 – Page 6

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

By _____
Deputy County Counsel