

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
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December 17, 2020

Gregg Hart, Chair
Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Santa Barbara County Local Coastal Program Amendment No. LCP-4-STB-19-0157-1 (2019 General Package)

Dear Honorable Chair Hart and Supervisors:

On December 10, 2020 the Coastal Commission approved LCP Amendment LCP-4-STB-19-0157-1 with suggested modifications. The Commission's resolution of certification is contained in the findings of the staff report dated November 19, 2020 and the addendum dated December 8, 2020. The suggested modifications as approved by the Commission on December 10, 2020 are attached.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above, the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the

provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

John Ainsworth
Executive Director

Joy Lester

By: Joy Lester
Coastal Program Analyst

cc: Julie Harris, Santa Barbara County Planning and Development Department

**FINAL SUGGESTED MODIFICATIONS TO THE PROPOSED
IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT
LCP Amendment No. LCP-4-STB-19-0157-1 (2019 General Package Amendment)**

Existing language of the certified Implementation Plan/Coastal Zoning Ordinance is shown in straight type. The County’s proposed amendment language to the certified Implementation Plan/Coastal Zoning Ordinance is shown in ~~strikeout~~ and underline. Language approved by the Commission to be inserted is shown in double underline. Language approved by the Commission to be deleted is shown in ~~double-strikeout~~. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

SUGGESTED MODIFICATION 1

Subsection B (Applicability) of Section 35-144F (Commercial Telecommunications Facilities) shall be modified as follows:

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 Modifications	All zones	Zoning Clearance Coastal Development Permit	35-144F.C.1.b 35-144F.D
Tier 1 (bc) Project - Hub sites	Allowed as a “Permitted Use” in all zones	Coastal Development Permit	35-144F.C.1.bc 35-144F.D

Tier 2 (a) Project - Very s Small wireless 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.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 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
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) ~~(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.~~

SUGGESTED MODIFICATION 2

Subsection 2 (Notice for projects that require a public hearing or discretionary decision-maker action) of Section 35-181.8 (Contents of Notice) shall be modified as follows:

- 2. Notice for projects that require a public hearing or discretionary decision-maker action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a decision-maker not including notices that are required to be posted by the applicant.
 - a. All information required by Subsection 1 (Notice for all projects), above.
 - b. The place, date, and general time of the hearing at which the project will be heard by the decision-maker, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action or decision of the decision-maker is required.

- c. A general description of the County procedures concerning the conduct of public hearings and local actions, including the submission of public comments either in writing or orally before the hearing or local decision, and requirements regarding the procedure to appeal the decision.
- d. The procedure for Coastal Commission appeals, including any required appeal fees, if applicable.
- e. ~~Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility that is appealable to the Coastal Commission in compliance with Section 35-144F (Commercial Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitted a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35-181.10 (Hearing Procedure) below.~~