



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: May 15, 2007
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: John Baker (805.568.2085)
Contact Information: Dianne Black, Assistant Director (805.568.2086)
SUBJECT: Coastal Commission's certification of amendments to the Local Coastal Program regarding height calculation methodology and revisions to the telecommunications permit process.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Receive notice of the California Coastal Commission's certification of the County's amendments to the County's Local Coastal Program (Coastal Commission Case Nos. MAJ-1-05-B, Height Calculation, and MAJ-1-05-C, Telecommunications) with suggested modifications;
- B. Adopt a Resolution acknowledging receipt of the California Coastal Commission's certification with modifications and adopting the Local Coastal Program Amendments with the suggested modifications;
- C. Authorize the Planning and Development Department to transmit the adopted Resolution to the Coastal Commission.

Summary Text:

The subject amendments to the Article II Coastal Zoning Ordinance regarding (1) the methodology by which the height of structures is calculated (Case No. 05ORD-00000-00001) and (2) revisions to the telecommunications permit process (Case No. 05ORD-00000-00004) were submitted to the Coastal Commission on December 21, 2005 as a proposed amendment to the County's certified Local Coastal Program (LCP).

The Coastal Commission considered these amendments at their March 15, 2007 hearing, and approved the amendments with modifications which are summarized below. The actual text of the modifications is shown in Attachment A (Coastal Commission certification action letter dated April 11, 2007

regarding height calculation) and Attachment B (Coastal Commission certification action letter dated April 11, 2007 regarding telecommunications facilities). The revised language is highlighted; language added by the Coastal Commission is shown as underlined, and language deleted by the Commission is struck-through.

The Planning and Development Department reviewed the modifications certified by the Commission and recommends that your Board approve the attached resolution (Attachment C) thus agreeing to and accepting the certified modifications. The County must take action on the Commission's certification within six months from the date of the Commission's action on March 15, 2007 or the certification will expire.

After receipt of the resolution acknowledging and accepting the Coastal Commission's modifications, the Coastal Commission's Executive Director will make a determination in writing regarding the County's compliance with the Coastal Act requirements and present this determination to the Coastal Commission at its next regularly scheduled public meeting. If a majority of the Commissioners accept the Executive Director's determination, then the amendments as modified will be fully certified and be in effect immediately. If, for some reason, a majority of the Commission members object to the Executive Director's determination, the Commission shall review the local government's action as if it were resubmitted.

1. Summary of Modifications Regarding Height Calculation Methodology

1.1 Exceptions to height limits [Section 35-127.A.1.a(1) & Section 35-127.B.1.a(1)]: As adopted, the amendment provides that "Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts..." The modification approved by the Coastal Commission adds the word "minor" to limit the size of mechanical and stair housings that may exceed the height limit. As modified, the complete text of Section 35-127.A.1.a(1) and Section 35-127.B.1.a(1) for the Summerland Plan Area reads as follows:

Outside the Summerland Plan Area

(1) *Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC View Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.*

Within the Summerland Plan Area

(1) *Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC View Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.*

1.2 Measurement from finished grade, Montecito Planning Area (Section 35-127.A.2.a): As adopted, the amendment requires that in certain zones, in situations where the amount of fill that creates a building pad is 10 feet or greater in height, that the structure height is measured from finished grade (the grade that exists after the fill is placed on the site) instead of existing grade (the grade that exists prior to the placement of any fill or the removal of any soil). The modification approved by the Coastal Commission deletes the application of this requirement to just those named zones in order to provide greater protection to visual resources in the remaining zones, CN (Neighborhood Commercial), CV (Visitor Serving Commercial), PU (Public Utilities), and TC (Transportation Corridor). As modified, the complete text of Section 35-127.A.2.a reads as follows:

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

1.3 Measurement from finished grade, View Corridor Overlay (Section 35-127.A.2.b): As adopted, the amendment did not include the requirement that structures located within the View Corridor (VC) overlay be measured from finished grade. However, the County's Coastal Land Use Plan (Policy 4-11) specifies that that the structures located within the VC overlay be measured from finished grade. Therefore, to be consistent with the Coastal Land Use Plan, the Coastal Commission approved a modification to add the following subsection:

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

1.4 Height reference (Section 35-144F.3.A): As adopted the amendment contained a reference to a definition of "building height" that was recently deleted by the Coastal Commission's certification in September 2006 of a previous amendment to the Article II Coastal Zoning Ordinance adopted by the Board of Supervisors in December 2004. The Coastal Commission approved modification deletes this reference as it is no longer valid so that as modified the text of Section 35-144F.3.A reads as follows:

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

2. Summary of Modifications Regarding Telecommunications Permit Process Revisions

2.1 Definition of "Ridgeline" (Section 35-58): This modification approved by the Coastal Commission slightly revises the definition "Ridgeline" as shown in the following text:

RIDGELINE: As used within Sec. 35-144F, Commercial Telecommunication Facilities, ridgeline shall mean a visually prominent, relatively long and narrow strip or crest of land, which forms a distinct part of the skyline ~~includes the highest points of elevation~~ within a watershed, that separates one drainage basin from another.

2.2 Definition of "Utility Pole, Existing" (Section 35-58): This modification approved by the Coastal Commission revises the definition of "Utility Pole, Existing" as shown in the following text to specify that a utility pole that replaces an existing utility pole must obtain a Coastal Development Permit to be considered an existing utility pole within the context of this definition and the remaining telecommunications regulations:

UTILITY POLE, EXISTING: A pole or similar structures owned by a public body or utility that provides support for electrical telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto. For the purposes of siting telecommunications facilities on existing structures, a new utility pole, approved pursuant to a coastal development permit, may be considered an existing utility pole. A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.

2.3 Height consistency (Section 35-127): Because the amendment to the telecommunications permit process overlapped with the amendment to the height calculation methodology, the Coastal Commission approved modifications to the language of the telecommunications amendment consistent with the approved modifications to the height calculations methodology amendment discussed above.

2.4 Communication Facility Development Standards (Section 25-144F.4): The Coastal Commission approved the following modifications to provide (1) greater specificity as to what projects the subject development standards apply to, and (2) greater protection to coastal resources including coastal waters, public access and sensitive habitats.

Sec. 35-144F.4 Additional Development Standards for Telecommunication Facilities.

In addition to the development standards contained in Sec. 35-144F.3, commercial telecommunication facilities, other telecommunication facilities as specified in Sec. 35-144F.3.3.b or Sec. 144F.3.4.b, and non-commercial telecommunication facilities used in conjunction with an agricultural operation as specified in Sec. 35-144F.3.3.c shall also comply with the following development standards unless otherwise indicated.

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

...

f. *The facility shall be unlit except for the following:*

- 1) *A manually operated or motion-detector controlled light that includes a timer located above the equipment structure door that shall be kept off except when personnel are actually present at night.*
- 2) *Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible in such manner so as to minimize the amount of light that falls onto nearby residences and habitat.*

2. *Telecommunication facilities shall comply with the following development standards in all instances except that the decision-maker may exempt a facility from compliance with one or more of the following development standards. However, such an exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater*

impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access; or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility; or (c) would avoid or reduce the potential for environmental impacts, and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.

...

b. Collocation on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-144F.3.2.b, Sec. 35-144F.3.3 and Sec. 35-144F.3.4 unless:

- 1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or
- 2) Collocation cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or
- 3) The decision-maker determines that: (1) collocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed and (2) the non-collocated development will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.

All proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual and environmental impacts. Sites determined by Planning & Development to be appropriate as collocated facilities or sites shall be designed such that antenna support structures and other associated appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings, may be shared by site users. Criteria used to determine suitability for collocation include but are not limited to the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, avoiding or minimizing disturbance to environmentally sensitive habitats, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the FCC. Additional requirements regarding collocation are located in Sec. 35-144F.5.3.

...

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 visual impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize visual impacts.

3. Telecommunication facilities shall comply with the following development standards in all instances. If an exemption from one or more of the following standards is requested, then the facility requires a major conditional use permit approved by the Planning Commission pursuant to Sec. 35-172. An exemption may only be granted if the Planning Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access; or (b) is required due to technical

considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility; or (c) would avoid or reduce the potential for environmental impacts, and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis: Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-286 of the adopted Planning and Development Department's budget for fiscal year 2006-07. There are no facilities impacts.

Staffing Impacts:

<u>Legal Positions</u>	<u>FTEs:</u>
0	0

Special Instructions:

1. Planning and Development will transmit a resolution and signed Board letter to the Coastal Commission and other copied parties.

Attachments:

- A. Coastal Commission Certification Action Letter, Santa Barbara Local Coastal Program Amendment 1-05-B (Height)
- B. Coastal Commission Certification Action Letter, Santa Barbara Local Coastal Program Amendment 1-05-C (Telecommunications)
- C. Santa Barbara County resolution to accept the Coastal Commission's certification of the Local Coastal Program amendments with modifications
- D. Letter from the Board of Supervisors transmitting the resolution to the Coastal Commission

Authored by:

Noel Langle (805.568.2009)

ATTACHMENT A

**Coastal Commission Certification Action Letter
Santa Barbara Local Coastal Program Amendment 1-05-B (Height)**

CALIFORNIA COASTAL COMMISSION

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



April 11, 2007

Brooks Firestone, Chair
Board of Supervisors
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

RE: Santa Barbara County Local Coastal Program Amendment 1-05-B (Height Calculation)

Dear Supervisor Firestone:

On March 15, 2007 the Coastal Commission approved LCP Amendment MAJ-1-05-B with suggested modifications. The Commission's resolution of certification is contained in the staff report dated February 22, 2007 and addendum dated March 8, 2007. The suggested modifications, as approved by the Commission on March 15, 2007 are attached to this correspondence.

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).

Should you have any questions regarding this matter, please contact Shana Gray in our Ventura office. The Commission and staff greatly appreciate the County's cooperation and assistance in this matter.

Authorized on behalf of the California Coastal Commission by:

Peter Douglas
Executive Director

for Shana Gray
by: Gary Timm
District Manager

cc: Noel Langle

SUGGESTED MODIFICATIONS FOR LCP AMENDMENT 1-05-B (HEIGHT CALCULATION)

I. SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PLAN / COASTAL ZONING ORDINANCE

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

1. Height Calculation

Sec. 35-127. Height.

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

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

a. Exceptions.

1) Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC View Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.

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

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

2. Measurement from finished grade.

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

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

SUGGESTED MODIFICATIONS FOR LCP AMENDMENT 1-05-B (HEIGHT CALCULATION)

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

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

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

a. Exceptions.

1) Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC View Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.

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

1. The antenna is mounted on or within an existing building and the highest point of the antenna does not protrude above the roof of the building, including parapet walls and architectural facades, that the antenna(s) is mounted on.

2. The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by Planning and Development, provided the highest point of the antenna does not exceed the height of the existing utility pole or similar structure that it is mounted on.

D. Specific exceptions to this limitation for the height of temporary drilling rigs to explore and produce offshore oil and/or gas reservoirs from onshore sites may be permitted until cessation of drilling in accordance with an approved plan that requires due diligence; however, the height limitation shall not be exceeded for a total period of time of four years. Upon written request by the operator, the Director of Planning and Development may grant up to two one-year extensions provided that, for each extension, the operator has demonstrated it has

SUGGESTED MODIFICATIONS FOR LCP AMENDMENT 1-05-B (HEIGHT CALCULATION)

proceeded with due diligence in completing an established drilling program, or for well maintenance, or for well abandonment.

2. Height Reference

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

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

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

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

Urban Areas:

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

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

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

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

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

Rural and Inner Rural Areas:

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

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

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

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

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

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

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

ATTACHMENT B

**Coastal Commission Certification Action Letter
Santa Barbara Local Coastal Program Amendment 1-05-C (Telecommunications)**

CALIFORNIA COASTAL COMMISSION

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



April 11, 2007

Brooks Firestone, Chair
Board of Supervisors
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

*RE: Santa Barbara County Local Coastal Program Amendment 1-05-C
(Telecommunications)*

Dear Supervisor Firestone:

On March 15, 2007 the Coastal Commission approved LCP Amendment MAJ-1-05-C with suggested modifications. The Commission's resolution of certification is contained in the staff report dated February 28, 2007 and addendum dated March 8, 2007. The suggested modifications, as approved by the Commission on March 15, 2007 are attached to this correspondence.

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).

Should you have any questions regarding this matter, please contact Shana Gray in our Ventura office. The Commission and staff greatly appreciate the County's cooperation and assistance in this matter.

Authorized on behalf of the California Coastal Commission by:

Peter Douglas
Executive Director

By: 
for Gary Timm
District Manager

cc: Noel Langle

SUGGESTED MODIFICATIONS FOR LCP AMENDMENT 1-05-C (TELECOMMUNICATIONS)

I. SUGGESTED MODIFICATIONS ON THE IMPLEMENTATION PLAN / COASTAL ZONING ORDINANCE

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

1. Definition of Ridgeline

RIDGELINE: As used within Sec. 35-144F, Commercial Telecommunication Facilities, ridgeline shall mean a visually prominent, relatively long and narrow strip or crest of land, which forms a distinct part of the skyline ~~includes the highest points of elevation~~ within a watershed, that separates one drainage basin from another.

2. Definition of Existing Utility Pole

UTILITY POLE, EXISTING: A pole or similar structures owned by a public body or utility that provides support for electrical telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto, and which was installed pursuant to all necessary permits and approvals. For the purposes of siting telecommunications facilities on existing structures, a new utility pole, approved pursuant to a coastal development permit, may be considered an existing utility pole. ~~A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.~~

3. Height Consistency

NOTE: Suggested Modification # 3 below, reflects the updated format and language for determining height requirements for telecommunications facilities recommended in LCP Amendment 1-05-B. If LCP Amendment 1-05-B (Height) is formally certified within the County's LCP, then Sec. 35-127 shall be revised as shown below. If LCP Amendment 1-05-B (Height) is not certified, then Section 35-127 as proposed in Ordinances 4459 and 4488 of this amendment shall be approved as submitted.

Sec. 35-127. Height.

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

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

SUGGESTED MODIFICATIONS FOR LCP AMENDMENT 1-05-C (TELECOMMUNICATIONS)

1) Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC View Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.

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

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

2. Measurement from finished grade.

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

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

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

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

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

a. Exceptions.

1) Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC View

SUGGESTED MODIFICATIONS FOR LCP AMENDMENT 1-05-C (TELECOMMUNICATIONS)

Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.

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

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

D. Specific exceptions to this limitation for the height of temporary drilling rigs to explore and produce offshore oil and/or gas reservoirs from onshore sites may be permitted until cessation of drilling in accordance with an approved plan that requires due diligence; however, the height limitation shall not be exceeded for a total period of time of four years. Upon written request by the operator, the Director of Planning and Development may grant up to two one-year extensions provided that, for each extension, the operator has demonstrated it has proceeded with due diligence in completing an established drilling program, or for well maintenance, or for well abandonment.

4. Communication Facility Development Standards

Sec. 35-144F.4 Additional Development Standards for Telecommunication Facilities.

In addition to the development standards contained in Sec. 35-144F.3, commercial telecommunication facilities, other telecommunication facilities as specified in Sec. 35-144F.3.3.b or Sec. 144F.3.4.b, and non-commercial telecommunication facilities used in conjunction with an agricultural operation as specified in Sec. 35-144F.3.3.c shall also comply with the following development standards unless otherwise indicated.

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

...

- f. The facility shall be unlit except for the following:
 - 1) A manually operated or motion-detector controlled light that includes a timer located above the equipment structure door that shall be kept off except when personnel are actually present at night.
 - 2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible in such

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manner so as to minimize the amount of light that falls onto nearby residences and habitat.

...

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

...

- b. Collocation on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-144F.3.2.b, Sec. 35-144F.3.3 and Sec. 35-144F.3.4 unless:
 - 1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or
 - 2) Collocation cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or
 - 3) The decision-maker determines that: (1) collocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed and (2) the non-collocated development will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.

All proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual and environmental impacts. Sites determined by Planning & Development to be appropriate as collocated facilities or sites shall be designed such that antenna support structures and other associated appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings, may be shared by site users. Criteria used to determine suitability for collocation include but are not limited to the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs

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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 Sec. 35-144F.5.3.

...

- 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 visual impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize visual impacts.

...

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

5. Minor Text Changes

Section 35-144 (Commercial Telecommunication Facilities) of Article II of the certified Zoning Ordinance shall be revised consistent with the minor text changes specifically shown in Exhibit 6 of this staff report.

ATTACHMENT C

**Board of Supervisors Resolution
Santa Barbara Local Coastal Program Amendment 1-05-B (Height)
Santa Barbara Local Coastal Program Amendment 1-05-C (Telecommunications)**

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

IN THE MATTER OF APPROVING AN AMENDMENT)	
TO THE SANTA BARBARA COUNTY LOCAL)	RESOLUTION NO. 07-_____
COASTAL PROGRAM TO AMEND THE COASTAL)	
ZONING ORDINANCE, ARTICLE II OF CHAPTER 35)	County Case Nos.:
OF THE SANTA BARBARA COUNTY CODE, TO)	05ORD-00000-00001
ADOPT ORDINANCE AMENDMENTS AS)	05ORD-00000-00004
MODIFIED BY THE CALIFORNIA COASTAL)	
COMMISSION)	
_____)	

WITH REFERENCE TO THE FOLLOWING:

- A. Whereas on November 22, 2005, the Board of Supervisors of the County of Santa Barbara approved an amendment to the County's Local Coastal Program by amending the Coastal Zoning Ordinance, Article II of Chapter 35 of the County Code, to implement a new methodology to calculate the height of structures (Ordinance No. 4581, Case No. 05ORD-00000-00001); and
- B. Whereas on December 13, 2005, the Board of Supervisors of the County of Santa Barbara approved an amendment to the County's Local Coastal Program by amending the Coastal Zoning Ordinance, Article II of Chapter 35 of the County Code, to revise the permit process and development standards that regulate the construction and use of commercial and noncommercial telecommunication facilities (Ordinance No. 4588, Case No. 05ORD-00000-00004); and
- C. Whereas on December 13, 2005, the Board of Supervisors of the County of Santa Barbara, by Resolution 05-361, submitted these amendments for consideration and certification to the California Coastal Commission; and
- D. Whereas on March 15, 2007, the California Coastal Commission approved resolutions of certification with suggested modifications for these amendments to County's Local Coastal Program (Coastal Commission Case Nos. MAJ-1-05-B and MAJ -1-05-C); and
- E. Whereas the Board of Supervisors finds the suggested modifications to be acceptable;

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

- 1. The above recitations are true and correct.
- 2. The Board of Supervisors acknowledges receipt of the Coastal Commission's resolutions of certification with suggested modifications and accepts and agrees to those modifications through amendment of the Coastal Land Use Plan and Implementation Program (Coastal Zoning Ordinance) as required in Section 13544(a) of the Commission's Administrative Regulations, and agrees to issue Coastal Development Permits for the total area included in the certified Local Coastal Program consistent with the modifications of Ordinance No. 4581 and Ordinance No. 4588 as certified by the Coastal Commission.

3. The Board of Supervisors will submit this acknowledgment to the California Coastal Commission to demonstrate satisfaction of the specific requirement of the Commission's certification order, pursuant to Section 13544(b) of the Commission's Administrative Regulations.
4. The Chair of the Board of Supervisors is hereby authorized and directed to sign and certify all documents and other materials in accordance with this resolution to reflect the above mentioned action by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 15th day of May, 2007, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

BROOKS FIRESTONE
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

ATTACHMENT D

**Board of Supervisors Letter to the Executive Director of the California Coastal Commission
Santa Barbara Local Coastal Program Amendment 1-05-B (Height)
Santa Barbara Local Coastal Program Amendment 1-05-C (Telecommunications)**

May 15, 2007

Peter Douglas, Executive Director
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, California 93001

Dear Mr. Douglas:

On behalf of Santa Barbara County, the Board of Supervisors has executed the attached resolution to accept your Commission's certification of the County's amendments to its certified Local Coastal Program, Amendment MAJ-1-05-B (Height Calculation) and Amendment MAJ-1-05-C (Telecommunications).

Thank you for your cooperation on this project. Please contact Noel Langle (805.568.2009) in the Planning and Development Department if you have any questions.

Sincerely,

Brooks Firestone, Chair
Board of Supervisors