



REPORT DATE: May 20, 2009

TO: Planning Commission Chair and Members

FROM: Steve Chase, Planning and Environmental Services Director

CONTACT: Patricia S. Miller, Manager, Current Planning Division
Alan Hanson, AICP, Senior Planner
Shine Ling, Assistant Planner

SUBJECT: 09-035-OA: Telecommunications Facilities Regulations – Goleta Municipal Code, Chapter 35, Article II (Coastal Zoning Ordinance) and Article III (Inland Zoning Ordinance) Amendments; Citywide

RECOMMENDATION

The Planning Commission's action should include the following:

1. Adopt Planning Commission Resolution 09-__ (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta, California Recommending to the City Council Approval of Amendments to Goleta Municipal Code, Chapter 35, Article II (Coastal Zoning Ordinance) and Article III (Inland Zoning Ordinance) Pertaining to New Telecommunications Facilities Regulations, Case No. 09-035-OA, Applicable Throughout the City of Goleta".

Refer back to staff for appropriate findings if the Planning Commission takes other than the recommended action.

APPLICANT

City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

REQUEST

Hearing on the request of the City of Goleta, to consider an Ordinance to amend the Goleta Municipal Code, Chapter 35, Article II (Coastal Zoning Ordinance) and Article III (Inland Zoning Ordinance), to repeal Article II, Section 35-144F and Article III, Section

35-292h and adopt replacement telecommunications facilities regulations. The new regulations would:

- Amend the Definitions Section of Article II, Section 35-58, and replace existing text in Article II, Section 144F; and
- Amend the Definitions Section of Article III, Section 35-209, and replace existing text in Article II, Section 292h.

The new regulations would identify permit processing requirements, development standards, and provisions for installation and post-installation of telecommunications facilities. The request is also to accept an exemption pursuant to CEQA Guidelines Section 15061(b)(3).

JURISDICTION

Final action on any request for a zoning ordinance amendment is the responsibility of the City Council pursuant to State Planning and Zoning Law and City Zoning Ordinances (Sections 35-180 [Coastal Zone] and 35-325 [Inland Zone]). In summary, the Planning Commission acts in an advisory capacity in such legislative actions and is charged with the responsibility for making a recommendation on the request to the City Council.

PROJECT DESCRIPTION

The proposed zoning ordinance amendment would repeal existing zoning regulations regarding telecommunications facilities (Sections 35-144F, Article II, [Coastal Zone] and 35-292h Article III, Chapter 35 of the Municipal Code [Inland Zone]) and adopt new, replacement zoning regulations.

BACKGROUND

Upon incorporation in 2002, the City of Goleta adopted regulations for telecommunications facilities that were then in effect under the County of Santa Barbara's Coastal Zone and Inland Area zoning ordinances. The County had last revised these regulations in 1997. Since then, there have been numerous and significant technological advances in the wireless telecommunications industry.

The authority of the City to regulate wireless telecommunication facilities has been extremely limited by the federal (Federal Communication Commission) and state (California Public Utilities Commission) regulatory agencies and the existing laws governing these services. Judicial decisions interpreting the scope of local agency authority have further eroded the ability of cities to protect local standards and apply reasonable restrictions to these types of facilities. However, late last year, the United States Ninth Circuit Court of Appeals in *Sprint Telephone PCS, L.P. v. County of San Diego* (2008) 532 F.3d 571 reversed course and issued an interpretation of federal telecommunication law that restored significant authority to cities to regulate the installation of wireless facilities.

On March 3, 2009, the City Council adopted a 45-day urgency moratorium on the permitting of wireless telecommunication facilities. The City Council extended the moratorium by 10 months and 15 days on March 17, 2009 and directed staff to study and draft proposed revisions to the City's current communication facility regulations.

City staff studied its existing regulations and those of other California cities and counties. Based on that review, City staff drafted new regulations for the Planning Commission's review. The new regulations take into account current and emerging technologies, expand the Planning Commission's scope of review, require review of nearly all proposed projects by the Design Review Board, provide specific development standards for different types of facilities, encourage their co-location, and provides for post-installation inspection and review of permitted facilities. The proposed replacement sections of the Coastal and Inland Zoning Ordinances are included as Exhibits 2 and 3 to Attachment 1, the proposed Planning Commission recommending resolution.

PROJECT INFORMATION

The Inland and Coastal Zone versions of the proposed telecommunications ordinance are essentially identical. The Coastal Zone version includes additional, minor provisions regarding coastal resources such as sensitive habitat, coastal waters, and public access. The table below summarizes and compares the features of the current and proposed regulations. A discussion of pertinent issues regarding the proposed ordinance follows the table.

	<i>Current Regulations</i>	<i>Proposed Regulations</i>
Technologies regulated	Outdated nomenclature and permit pathway; many current technologies not regulated	Form-based regulations for many different types of wireless telecommunications facilities; new regulations for temporary cellular-on-wheels (COW) facilities and radiofrequency transport service systems
Permit Path	Multiple tiers of permitting levels (staff-level LUP; Director; Zoning Administrator; Planning Commission)	Major Conditional Use Permit review (with Planning Commission as decision-maker) for almost all types of facilities; Staff-level Land Use/Coastal Development Permit review for tenant improvement designs, antennas mounted on existing rooftops or utility poles, temporary COWs, and co-located facilities
Design Review Board (DRB)	All projects reviewed by DRB	All projects except temporary COWs reviewed by DRB

<p>Site location/ Allowed zone districts</p>	<p>All zones with exceptions as follows:</p> <ul style="list-style-type: none"> • Macrocells (monopoles) must be located a minimum of 100 feet from nearest existing residential unit, existing educational facility or licensed day care centers, or residentially zoned parcel line 	<p>All zones with exceptions as follows:</p> <ul style="list-style-type: none"> • Any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to one hundred ten percent (110%) the height of the taller of the antenna or antenna support structure, or a minimum of 100 feet, whichever is greater
<p>Height</p>	<p>No height limit</p>	<p>For new freestanding antennas, 50 feet maximum in Coastal Zone or 75 feet maximum in Inland Zone; For antennas mounted on existing public utility poles, not to exceed 40 inches from top of pole</p>
<p>Co-location</p>	<p>Co-location required unless:</p> <ul style="list-style-type: none"> • Efforts to locate antenna on existing support structure were made but were unsuccessful; or • There are no existing facilities in the vicinity of the proposed facility; or • Co-location would result in greater visual impacts than if a new or separate structure were constructed 	<p>Same as current regulations, plus:</p> <ul style="list-style-type: none"> • Requirements of new permittees to avail their project site to other prospective applicants under certain circumstances • Co-located facility is subject to ministerial-level LUP/CDP review
<p>Radio Frequency (RF) emissions regulations</p>	<p>All proposed facilities must conform to safety standards adopted by the Federal Communications Commission (FCC) at time of application</p>	<p>New regulations to ensure continued compliance with FCC regulations regarding RF emissions</p>
<p>Other</p>		<ul style="list-style-type: none"> • New regulations for post-installation, inspection, review and modification of facilities • New design standards specific for different types of facilities • New specific findings for telecommunications facilities required for approval, in addition to normal LUP/CUP findings

Permit Path

The current regulations provide for multiple tiers of permitting, depending on the type of facility and its intensity of use. The tiers include staff-level Land Use Permits, Director-level Development Plans, and Minor and Major Conditional Use Permits. Staff proposes that nearly all facilities be permitted under a Major Conditional Use Permit reviewed and approved by the Planning Commission. Some projects may be approved with only a staff-level Land Use Permit (LUP) if they meet the following criteria for one of the following four types of facilities:

- Tenant Improvement facilities, where the antenna is fully screened or architecturally integrated into an existing building or structure;
- Small antennas (not exceeding 1.5 cubic feet) that are mounted on existing public utility poles (e.g., streetlights or power poles), or on a roof on an existing structure (note, however, that radiofrequency transport service systems consisting of more than one remote node or small antenna, do not qualify under this provision and must be processed via a Major Conditional Use Permit);
- Temporary cellular-on-wheels (COW) facilities, with certain limitations;
- Facilities co-located on an existing, permitted wireless telecommunication facility.

Review by the Design Review Board (DRB) would be required for all facilities except for temporary COW facilities.

Public notice of a proposed project would be provided pursuant to normal procedures for consideration of an LUP or Major CUP, including review by the Design Review Board (DRB). A notice would be mailed to all property owners and occupants within a 1,000-foot radius of the facility site. The notice would be mailed 10 days prior to the first hearing by the DRB or the Planning Commission, and 10 days prior to issuance of an LUP.

Development Standards

The proposed ordinance includes many specific development standards for facilities that are not present in the current regulations. These standards amount to a form-based design code for facilities that specify height limitations, architectural integration, setbacks, site lighting, and color. In addition, facilities would not be allowed in environmentally sensitive habitat areas (ESHAs) unless evidence is provided that there is no other feasible location or other alternative configuration of the proposed facility that would avoid impacts to ESHAs. If location in ESHAs is unavoidable, the Planning Commission would need to review a request to permit such location and require all impacts to be fully mitigated.

The height of an antenna and antenna support structure would not be allowed to exceed 50 feet in the Coastal Zone and 75 feet in the Inland Zone. If an antenna is located on an existing public utility pole or similar support structure, the height would not be allowed to exceed the height of the pole or support structure that it is mounted on, or, in the case of an omnidirectional antenna, the highest point of the antenna could not be higher than 40 inches above the height of the pole/structure.

The setback from residential areas for new freestanding antenna support structures would be increased such that no facility would be allowed to be located closer to a residentially zoned parcel than a distance equal to one hundred ten percent (110%) the height of the taller of the antenna or antenna support structure, or a minimum of 100 feet, whichever is greater. The existing ordinance provides for a setback of 100 feet regardless of the height of the antenna/support structure.

Radio Frequency (RF) Emissions

One of the chief concerns of the public is the health effects of exposure to Radio Frequency (RF) emissions. This concern also applies to workers who may be exposed to RF emissions while working in the field. Although federal law largely preempts local authority to regulate wireless facility placement based on RF emissions, Congress and the Federal Communications Commission (FCC) recognizes the public's concerns about the health effects of RF emissions. In order to address those concerns and regulate the levels of RF emissions to protect public safety, Congress delegated to the FCC the duty to issue rules which require transmitting facilities to comply with RF exposure guidelines. The FCC's rules adopt standards set by the National Council on Radiation Protection and Measurements, the American National Standards Institute, and the Institute of Electrical and Electronics Engineers. The FCC issued Bulletin 65 which contains detailed information on methods for compliance with the FCC guidelines.

As noted above, the City is preempted from regulating the location of facilities based on RF emissions if they comply with FCC regulations. However, Congress and the FCC permit local governments to determine whether a proposed wireless site will comply with the FCC rules. Staff has proposed the following reasonable and non-burdensome siting requirements in the proposed ordinance:

- No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public safety. No telecommunication facility or combination of facilities shall produce at any time power densities that exceed the Maximum Permissible Exposure (MPE) limits for human exposure established by the FCC or any legally binding, more restrictive standard subsequently adopted by the federal government.
- At the time of permit application, a report prepared by a third-party certified engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits shall be required. Depending on the level of emissions, another report certifying the actual RF emissions of the facility shall be required either prior to normal operations or within 30 days of commencement of normal operations.
- Every facility shall demonstrate continued compliance with the MPE limits. A new RF emissions report shall be required every 5 years, or other time period as specified by the decision-maker.
- If the adopted MPE limit is changed by the FCC or other federal agency, measurements of RF levels in nearby inhabited areas shall be taken and a new RF emissions report shall be submitted within 90 days of the date of the change.
- Failure to supply the required RF emissions reports in a timely manner shall be grounds for revocation of the use permit or other entitlement of use.

Co-Location

Current regulations and General Plan Policy PF 6.4 require that the number of separate facilities be minimized and that facilities be located on structures for previously permitted communication facilities (i.e., co-located). Exceptions to this requirement may be made under certain circumstances (see summary table above).

California Government Code Section 65850.6 states that wireless telecommunications facilities that are co-located on an existing facility must be treated as a permitted use not subject to a discretionary permit. This provision was adopted in 2007 as part of Senate Bill 1627. To implement this provision of State law, the proposed ordinance states that only a Land Use Permit/Coastal Development Permit shall be required of a facility that is co-located on an existing, permitted wireless telecommunication facility. The co-location facility would still be subject to review by the Design Review Board and would have to comply with the development standards for all facilities in the proposed ordinance.

Additionally, staff proposes new regulations in the proposed ordinance that require permittees and property owners to make available existing telecommunication facilities to other prospective applicants and, in good faith, accommodate all reasonable requests for co-location in the future, subject to reasonable limitations.

Post-Installation Project Review

The proposed ordinance provides the City with the authority to review projects after they are installed for changed circumstances. The scope of such review would include, but would not be limited to, compliance with RF emissions limits, changes in the configuration or location of the facility, or changes in the architecture of the supporting building or structure. The permittee would be required to obtain a revised LUP or CUP to implement any changes to the facility or its conditions of approval. New regulations are also proposed to specify requirements for restoration of the project site should a facility be abandoned.

ANALYSIS

Environmental Analysis

The proposed zoning ordinance amendment qualifies for an exemption from the California Environmental Quality Act (CEQA) pursuant to the general rule that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." (Guidelines for the Implementation of CEQA Section 15061[b][3]).

The proposed telecommunications ordinance provides the City with broader and stronger regulatory authority than the current ordinance and provides new standards for the protection of neighborhood character, visual resources, and environmentally sensitive habitat areas, and RF emissions. Therefore, there is no possibility that the enactment of stronger regulations for telecommunications facilities will result in any new significant environmental impacts.

General Plan Consistency

The proposed zoning ordinance amendment is a component of a new zoning ordinance for the City of Goleta, which is a major General Plan implementation action. The development standards in the proposed ordinance are not in conflict with any General Plan policies, including those specific to telecommunications facilities (see Attachment 5). Future facilities to be permitted pursuant to this ordinance would also need to be consistent with the General Plan's telecommunications facilities policies.

Zoning Ordinance Consistency

The proposed zoning ordinance amendment does not conflict with any other provisions of the Coastal and Inland Zoning Ordinances that are remaining in place.

SUMMARY AND CONCLUSION

The proposed zoning ordinance amendment provides the City with more effective regulations for telecommunications facilities. These amendments are believed to be in the public interest and are consistent with good zoning and planning practices. Therefore, staff recommends that the Planning Commission recommend approval of the draft ordinance to the City Council.

APPEALS PROCEDURE

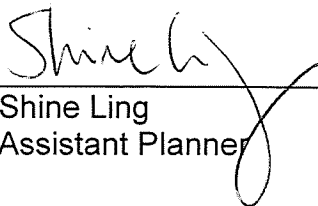
The Planning Commission's action on the request is advisory to the City Council and will automatically be forwarded to the City Council. No appeal would be necessary in order for the City Council to hear this matter.

Submitted By:

Approved By:



Alan Hanson, AICP
Senior Planner



Shine Ling
Assistant Planner



Patricia S. Miller
Planning Commission Secretary

ATTACHMENTS:

1. Planning Commission Resolution 09-__
Exhibit 1: Findings
Exhibit 2: Proposed Telecommunications Facilities Regulations – Coastal
Exhibit 3: Proposed Telecommunications Facilities Regulations – Inland
2. CEQA Notice of Exemption
3. Existing Telecommunications Facilities Regulations – Coastal Zoning Ordinance
4. Existing Telecommunications Facilities Regulations – Inland Zoning Ordinance
5. General Plan Policies Pertaining to Telecommunications Facilities

ATTACHMENT 1

Planning Commission Resolution 09-__

**PLANNING COMMISSION
RESOLUTION NO. 09-__**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
GOLETA, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
AMENDMENTS TO GOLETA MUNICIPAL CODE, CHAPTER 35, ARTICLE II
(COASTAL ZONING ORDINANCE) AND ARTICLE III (INLAND ZONING
ORDINANCE) PERTAINING TO NEW TELECOMMUNICATIONS FACILITIES
REGULATIONS, CASE NO. 09-035-OA, APPLICABLE THROUGHOUT THE CITY OF
GOLETA**

WHEREAS, the City of Goleta was incorporated on February 1, 2002 and at that time adopted existing County of Santa Barbara zoning regulations as Goleta Municipal Code Chapter 35, Article II, the Coastal Zoning Ordinance and Article III, the Inland Zoning Ordinance; and

WHEREAS, these zoning regulations govern the processing of all telecommunications facilities with the intent to ensure that these facilities are properly sited and designed in a manner consistent with the provisions of Article II and Article III, promote predictable and orderly development, and ensure that these facilities are compatible with surrounding land uses; and

WHEREAS, these City of Goleta zoning regulations pertaining to telecommunications facilities were last amended in 1997 by the County of Santa Barbara and since that time there have been numerous and substantial technological advances in the wireless telecommunications industry and significant changes in the regulatory authority local jurisdictions have over telecommunications facilities; and

WHEREAS, in recent months the City has received a number of applications and pre-application requests for consultation for the installation of numerous wireless antennae and associated communication facilities in public rights of way, on public property and on private property (collectively "Wireless Facilities"); and

WHEREAS, Wireless Facilities as defined consists of only those antennas, base stations, antenna supports, and related equipment and structures used for: cellular radiotelephone services (47 C.F.R. Part 22); personal communications services (47 C.F.R. Part 24); and private land mobile radio services-specialized mobile radio services (47 C.F.R. Part 90), which are all functionally equivalent, and which are located or proposed to be located within all zones of the City; and

WHEREAS, the proliferation of applications for the installation of Wireless Facilities was not fully anticipated at the time the City established its existing regulatory structure for the approval of telecommunications facilities and, as a result, an immediate need exists to explore regulatory options for better managing and minimizing the safety, access, aesthetic, co-location, and additional management issues arising from public right of way, public property and private property implicated by the potential proliferation of Wireless Facilities in the City; and

WHEREAS, in *Sprint Telephone PCS, L.P. v. County of San Diego* (2008) 543 F.3d 571 (“*Sprint*”), the Ninth Circuit Court of Appeals expressly overruled the last seven (7) years of Ninth Circuit jurisprudence relating to 47 U.S.C. § 253, a key provision of Federal Telecommunications Act that, until the ruling in *Sprint*, had been expansively interpreted in a manner that severely limited local authority to regulate the installation of Wireless Facilities; and

WHEREAS, the proliferation of applications for Wireless Facilities coupled with the significant change in law created by *Sprint* creates a need and an opportunity for the City to review and analyze its existing ordinances and the current state of the law so that, as far as legally possible, the City Council may safeguard the City from the intrusion of incompatible and potentially disruptive uses through the development of a new ordinance relating to the placement, construction, and modification of Wireless Facilities; and

WHEREAS, on March 3, 2009, the City Council adopted as an urgency measure, a temporary moratorium on the approval of all telecommunications facilities applications while contemplating zoning and permitting proposals are being considered (Ordinance No. 09-04); and

WHEREAS, on March 17, 2009, the City Council adopted an interim zoning ordinance extending the temporary moratorium on the approval of telecommunications facility applications for an additional 10 months and 15 days (Ordinance 09-06) and initiated processing of a zoning ordinance amendment to develop new regulations relating to the placement, construction, and modification of telecommunications facilities (Case No. 09-035-OA); and

WHEREAS, the procedures for processing the proposed zoning ordinance amendment (the “project application”) have been followed as required by state and local laws; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the project application on May 27, 2009, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has considered the entire administrative record, including application materials, staff report, the CEQA exemption, and oral and written testimony from interested persons; and

WHEREAS, the Planning Commission finds that approval of Case No. 09-035-OA would be consistent with the City’s General Plan, the provisions of Article II, Chapter 35 of the Goleta Municipal Code (the Coastal Zoning Ordinance); Article III, Chapter 35 of the Goleta Municipal Code (the Inland Zoning Ordinance); and the ability to make the required findings, including findings pursuant to the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GOLETA AS FOLLOWS:

Section 1. Recitals.

The Planning Commission hereby finds that the foregoing recitals, which are incorporated herein by reference, are true and correct.

Section 2. Recommendation for Acceptance of the CEQA Exemption.

The Planning Commission hereby recommends that the City Council adopt the CEQA findings set forth in Exhibit 1 to this resolution, pursuant to Section 15061(b)(3) of the State Guidelines for Implementation of the California Environmental Quality Act and accept the Notice of Exemption.

Section 3. Recommendation for the Zoning Ordinance Text Amendment.

The Planning Commission hereby recommends that the City Council adopt the findings set forth in Exhibit 1, repeal existing regulations regarding telecommunications facilities, and adopt the proposed new Telecommunications Facilities Regulations set forth in Exhibits 2 and 3, for a zoning ordinance text amendment to Article II, Chapter 35 of the Goleta Municipal Code (the Coastal Zoning Ordinance) and Article III, Chapter 35 of the Goleta Municipal Code (the Inland Zoning Ordinance), respectively.

Section 4. Documents.

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

Section 5. Certification

The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this ___th day of _____, 2009.

BRENT DANIELS, CHAIR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Planning Commission Resolution No. 09-__ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the __ day of _____, 2009, by the following vote of the Commission members:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

**EXHIBIT 1
FINDINGS
TELECOMMUNICATIONS FACILITIES REGULATIONS, GMC CHAPTER 35,
ARTICLE II (COASTAL ZONING ORDINANCE) AND ARTICLE III (INLAND ZONING
ORDINANCE) AMENDMENTS
CASE NO. 09-035-OA**

1.0 CEQA Findings

As discussed in the staff report prepared for the hearing of May 27, 2009, the proposed zoning ordinance amendment qualifies for an exemption from the California Environmental Quality Act (CEQA) pursuant to the general rule that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (CEQA Implementation Guidelines §15061[b][3]).

The proposed telecommunications facilities ordinance provides the City with broader and stronger regulatory authority than the current ordinance and provides new standards for the protection of neighborhood character, visual resources, and environmentally sensitive habitat areas, and radiofrequency (RF) emissions. Therefore, there is no possibility that the enactment of stronger regulations for communications facilities will result in any new significant environmental impacts.

ADMINISTRATIVE FINDINGS

2.0 Ordinance Text Amendment: Pursuant to City of Goleta Municipal Code, Article II, Section 35-180.6, and Article III, Section 35-325.5, an Ordinance Text Amendment shall be approved only if all of the following findings can be made:

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

The proposed amendments to the Coastal and Inland Zoning Ordinances provide the City with broader and stronger authority to regulate telecommunications facilities. The regulations currently in force were adopted in 1997 by the County of Santa Barbara. Since then, there have been numerous and significant technological advances in the wireless communications industry which are not regulated under the City's current ordinance. The proposed amendments would regulate current and emerging technologies in an orderly and predictable manner, expand the Planning Commission's scope of review, require review of nearly all proposed projects by the Design Review Board, provide specific development standards for different types of facilities and encourage their

co-location, and provide for post-installation review of facilities. Therefore, the proposed amendments would be in the interest of the general community welfare.

- 2.2 *The request is consistent with the General Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws, and this Article.*

The proposed amendments to the Coastal and Inland Zoning Ordinances are consistent with the General Plan/Coastal Land Use Plan as specified in the Planning Commission staff report dated May 27, 2009. The proposal is consistent with the requirements of State planning and zoning laws, and Articles II and III, Chapter 35 of the Goleta Municipal Code.

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

The proposed amendments to the Coastal and Inland Zoning Ordinances provide the City with broader and stronger authority to comprehensively plan and regulate telecommunications facilities. The amendments further the goals and objectives of the City's General Plan/Coastal Land Use Plan while providing a clear and reasonable permitting process for telecommunications providers.

COASTAL ZONING ORDINANCE

ARTICLE II LANGUAGE (SUPERSEDED) (to be added to §35-58)

ANTENNA: Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves.

ANTENNA ARRAY: Antennas having active elements extending in more than one direction, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

ANTENNA ENVELOPE: The three-dimensional cylinder shaped space that is occupied by antennas and the support structure on which the antennas are mounted. This area/space is measured from the portion of the antenna located furthest from the support structure.

ANTENNA SUPPORT STRUCTURE: A pole, utility pole, monopole tower, lattice tower, guyed tower, telescoping mast, tower tripod, faux tree, or other similar structure utilized for the purpose of supporting an antenna(s) used for the transmission and reception of electromagnetic waves.

CELL-ON-WHEELS ("COW") TELECOMMUNICATION FACILITY: A mobile cell site that consists of a cell antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to be part of a cellular network.

RADIOFREQUENCY TRANSPORT SERVICE SYSTEM: A network or system of wireless communication facilities designed and intended to provide radiofrequency transport services to wireless carriers consisting of a central hub and system of fiber optic cables connecting remote nodes and small antennae attached to utility poles and similar structures.

STEALTH, CAMOUFLAGE, OR CAMOUFLAGE FACILITY: A telecom facility in which the antenna, and sometimes the support equipment, are hidden from view in a faux tree, monument, cupola, or other concealing structure which either mimics, or which also serves as, a natural or architectural feature.

SUBSTANTIALLY VISIBLE: An object is considered to be substantially visible if it stands out as a conspicuous feature of the landscape when viewed with the naked eye. This shall not apply to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility.

SUPPORT EQUIPMENT: The physical, electrical and/or electronic equipment included within a telecom facility used to house, power, transport and/or process signals from or to the facility's antenna or antennas.

TELECOMMUNICATION FACILITY: A facility that transmits and/or receives wireless radio signals or electromagnetic waves, including but not limited to directional, omni-directional and parabolic antennas, structures or towers to support receiving and/or

transmitting devices, supporting equipment and structures, and the land or structure on which they are all situated, 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, or mobile transmitting devices, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

TELECOMMUNICATION FACILITY, CO-LOCATED: A telecommunication facility comprised of a single telecommunications pole, tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

TELECOMMUNICATION FACILITY, COMMERCIAL: A telecommunications facility that is operated primarily for a business purpose or purposes.

TELECOMMUNICATION FACILITY, HEIGHT: The height of a telecommunication tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or, if higher, the tip of the highest antenna or piece of equipment attached to the tower. In the case of an antenna or antenna support structure mounted on a building or structure, the height of the antenna and/or antenna support structure includes the height of the portion of the building on which it is mounted.

TELECOMMUNICATION FACILITY, MULTIPLE USER: A telecommunications facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.

TELECOMMUNICATION FACILITY, NON-COMMERCIAL: A telecommunication facility that is operated solely for a non-business purpose.

TELECOMMUNICATION FACILITY OPERATOR: Any person, firm, corporation, company, or other entity that directly or indirectly owns, leases, runs, manages, or otherwise controls a telecom facility or facilities within the City.

TELECOMMUNICATION FACILITY, TENANT IMPROVEMENT: A wireless telecommunication facility where the transmission facility and the associated antennas are (1) entirely enclosed within an existing building including architectural projections, or (2) located on the roof of an existing building or structure, or (3) the antenna is located on the exterior wall of a building or structure, and the general public does not have access to the facility. Tenant improvements do not include antennas that are mounted on utility poles or similar structures.

TELECOMMUNICATION SITE, CO-LOCATED: Any site where more than one antenna support structure is installed in close proximity to another on one parcel.

TOWER: A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support one or more antennas.

TOWER, LATTICE: A multiple sided open metal frame support structure that supports

antennas and related equipment, typically with three or four support legs.

TOWER, MONOPOLE: A tower consisting of a single pole, constructed without guy wires and ground anchors.

Sec. 35-144F. Telecommunication Facilities.

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

The purpose of this section is to provide a uniform and comprehensive set of standards for the siting and development of commercial telecommunication facilities and to establish specific permit regulations and development standards for such facilities. The intent is to promote their orderly development and ensure that they are compatible with surrounding land uses in order to protect the public safety and visual resources.

Sec. 35-144F.2 Applicability.

The provisions of this section shall apply to all commercial telecommunication facilities that transmit or receive electromagnetic signals including but not limited to radio, television, and wireless communication services (e.g., personal communication, cellular, and paging). Such facilities shall also be subject to all the provisions set forth in Sec. 35-169 (Coastal Development Use Permits) and Sec. 35-172 (Conditional Use Permits), as applicable. Modifications to zone district regulations are allowed under Sec. 35-172 only as specified in this section. This section shall not be construed to apply to hand-held, vehicular, or other portable transmitters or transceivers, including but not limited to, cellular phones, CB radios, emergency services radio, and other similar devices. In addition, this section shall not apply to amateur radio installations, or any antenna facility that is subject to exclusion here-from pursuant to the FCC Over-The-Air-Receiving-Devices (OTARD) rule, 47 C.F.R. Sec. 1.4000, including video antennas, direct-to-home satellite dishes that are less than one meter (39.37") in diameter, TV antennas that are no greater than 12 feet above the roof of the building to which they are attached, and wireless cable antennas.

Sec. 35-144F.3 Processing.

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

1. The following development requires the approval and issuance of a Coastal Development Permit pursuant to Sec. 35-169:
 - a. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-52. Minor exterior additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards.
 - 1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions provided below.

- 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - a) The antenna, associated support structure and equipment shelter is located within an existing building or structure.
 - b) The antenna is mounted on an exterior wall of an existing building or structure, and the highest point of either the antenna or the support structure does not extend above the portion of the wall, including parapet walls and architectural façades that the antenna is mounted on.
 - c) The antenna or equipment shelter is located on the roof of an existing building or structure behind a parapet wall or architectural façade such that the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - 3) Antennas and associated support structures proposed to be installed on the roof or directly attached to an existing building or structure shall be fully screened or architecturally integrated into the design of the building or structure. The highest point of the antenna and associated support structure shall not extend above the portion of the building or structure, including parapet walls and architectural facades, that it is mounted on and shall not protrude more than two (2) feet horizontally from such building or structure. If mounted on the roof of an existing building or structure, the highest point of the antenna shall not extend above the parapet wall or architectural façade.
 - 4) Equipment shelters proposed to be installed on the roof of an existing or proposed building or structure shall be fully screened or architecturally integrated into the design of the building or structure (e.g., located behind a parapet wall or architectural façade) such that the highest point of the equipment shelter does not protrude above the parapet wall or architectural façade.
 - 5) Access to the facility is provided by existing roads or driveways.
- b. Wireless telecommunication facilities that conform to the following development standards may be allowed in all zone districts as identified in Sec. 35-52:
- 1) Antennas are limited to panel antennas or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of 1.5 cubic feet.
 - 2) The antenna is mounted on either (1) a pre-existing operational public utility pole or similar support structure (e.g., streetlight standard) which is not being considered for removal, as determined by the Planning and Environmental Services Department, or (2) the roof of an existing structure. No more than three antennas shall be located on a single

- utility pole or similar structure. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the facilities shall be null and void.
- 3) The highest point of the antenna either (1) does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or (2) in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.
 - 4) Radiofrequency transport service systems consisting of more than one remote node or small antenna may not be permitted pursuant to Sec. 35-144F.3.1.
- c. Temporary cell-on-wheels communication ("COW") facilities that conform to the following development standards may be allowed in non-residential zone districts as identified in Sec. 35-202 and are exempt from the provisions of Sec. 35-184 (Design Review Board):
- 1) The maximum period of use permitted for a temporary cell-on-wheels communication facility shall not exceed 90 days.
 - 2) The temporary cell-on-wheels communication facility must be mounted on a licensed vehicle and/or trailer.
 - 3) The temporary cell-on-wheels communication facility must be located on a paved surface.
 - 4) The maximum antenna and antenna mast height shall not exceed 24 feet measured from existing grade.
 - 5) The temporary cell-on-wheels communication facility shall not displace any required parking spaces for the primary use of the subject property without the prior written permission of the City.
 - 6) The temporary cell-on-wheels communication facility shall not be parked on any public street or rights-of-way, public easement, or other publically owned property without prior written permission from the City.
- d. Co-located wireless telecommunication facilities, except for radiofrequency transport service systems, in all non-residential zone districts that are co-located on an existing, permitted wireless telecommunication facility and comply with the development standards set forth pursuant to Section 35-144F.4.
2. All commercial telecommunication facilities permitted under Sec. 35-144F.1 shall be subject to Sec. 35-184 (Design Review Board) of this Article, unless specifically exempted pursuant to Sec. 35-144F.1(c).
 3. The following requires a major Conditional Use Permit approved by the Planning Commission pursuant to Sec. 35-172 and the issuance and approval of a Coastal Development Permit pursuant to Sec. 35-169:
 - a. Wireless telecommunication facilities that may not be permitted pursuant to

Sec. 35-144F.3.1 of this article but do conform to the following development standards may be allowed in all zone districts:

- 1) The height of the antenna and antenna support structure shall not exceed 50 feet.
 - 2) Every portion of any new freestanding antenna support structure and antenna attached thereto shall be set back from any residentially zoned parcel a distance equal to one hundred ten percent (110%) the height of the taller of the antenna or antenna support structure, or a minimum of 100 feet, whichever is greater.
 - 3) If the facility is proposed to be located in a residential zone district as identified in Sec. 35-52 or located in the Recreation (REC) zone district, or does not comply with subsection 2) above, the Planning Commission, in order to approve a Conditional Use Permit, must also find that the area proposed to be served by the telecommunications facility would otherwise not be served by the carrier proposing the facility.
- b. Other wireless telecommunication facilities that are (1) subject to regulation by the Federal Communications Commission or the California Public Utilities Commission(e.g., AM/FM radio stations, television stations) which include but are not limited to: equipment shelters, antennas, antenna support structures and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals, or (2) other telecommunication facilities that exceed 50 feet in height, are allowed in all non-residential zone districts as identified in Sec. 35-52.
4. All commercial wireless telecommunication facilities permitted under Sec. 144F3.3 shall be subject to Sec. 35-184 (Design Review Board).

Sec. 35-144F.4 Additional Development Standards for Telecommunication Facilities Permitted Pursuant to Sec. 35-144F.3.

In addition to the development standards contained in Sec. 35-144F.3, commercial telecommunication facilities permitted pursuant to Sec. 35-144F.3, shall also comply with the following development standards unless otherwise indicated.

1. Telecommunication facilities shall comply in all instances with the following development standards:
 - a. The facility shall comply with the setback requirements of the zone district that the facility is located in except as follows:
 - 1) Antennas may be located within the setback area without approval of a modification provided they are installed on a pre-existing, operational, public utility pole, or similar pre-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 roads, sidewalks, trails, and

vehicular ingress or egress. In addition, ground-mounted equipment in the public rights-of-way shall comply with all requirements of the Americans with Disabilities Act (ADA), and shall not interfere with existing sight lines for private or public driveways and roadways.

- 3) A modification to the setback is granted pursuant to Sec. 35-172 (Conditional Use Permits).
- b. The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated support structure and equipment shelter unless said barriers would result in a greater environmental impact or are deemed unnecessary by the decision-maker.
- c. The facility shall comply at all times with all applicable Federal Communication Commission rules, regulations, and standards.
- d. 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 City regulations concerning roadway standards and regulations.
 - 2) Existing parking areas shall be used whenever possible, and any new parking areas shall not exceed 350 square feet in area.
 - 3) Any newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other permitted uses.
- e. The facility shall be unlit except for the following:
 - 1) A manually operated or motion-detector controlled light that includes a timer and the light is 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, structures, and habitat.
- f. The facility shall not be located within the Clear Zone of any airport unless the airport operator or the Federal Aviation Administration indicates that it will not adversely affect the operation of the airport. The height of an antenna and associated support structure proposed to be located within an area zoned as F-Airport Approach Overlay District (Sec. 35-100) shall comply with the height limitations of that overlay district.
- g. The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
- h. All new buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and thereafter repainted as necessary with a non-reflective paint. The lessee

shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by the decision-maker in approving a subsequent permit for development.

- i. Antennas and any poles or other structures erected to support antennas shall be visually compatible with surrounding buildings and vegetation, and screened from public view to the maximum extent feasible. Screening to the maximum extent feasible shall include the following measures:
 - 1) Roof-Mounted Antennas. Roof-mounted antennas, except whip antennas, shall be blended or screened from public view in a manner consistent with the building's architectural style, color and materials.
 - 2) Wall-Mounted Antennas; Façade-Mounted Antennas. Wall-mounted antennas shall be painted or enclosed to match the color and texture of the wall or façade on which they are mounted. Cables and mounting brackets shall be hidden. Shrouds may be required to screen wall-mounted antennas.
 - 3) Building Mounted Installations. For building-mounted installations, support equipment for the facility shall be placed within the building. If the reviewing authority determines that such in-building placement is not feasible, the equipment shall be roof-mounted in an enclosure or shall otherwise be screened from public view in a manner approved by the decision-maker. Roof-mounted equipment shall comply with the height limits applicable to the building per the Zoning Code. All screening used in connection with a building-mounted facility shall be compatible with the architecture, color, texture and materials of the building to which it is mounted. If the support equipment cannot be placed within the building or roof-mounted, then that equipment shall be treated as a ground-mounted installation, and subpart 4) shall apply.
 - 4) Ground-Mounted Installations. For ground-mounted installations, support equipment shall be screened in a security enclosure approved by the decision-maker. Such screened security enclosures may utilize graffiti-resistant and climb-resistant vinyl-clad chain link with a "closed-mesh" design (i.e. one-inch gaps) or may consist of an alternate enclosure design approved by the decision-maker. In general, the screening enclosure shall be made of non-reflective material and painted or camouflaged to blend with surrounding materials and colors. Buffer landscaping may also be required if the decision-maker determines that additional screening is necessary due to the location of the site and that irrigation water is available.
 - j. All telecommunications facilities approved under this Article shall utilize the most efficient and diminutive available technology in order to minimize the number of facilities and reduce their visual impact and where applicable to minimize the impact on the rights-of-way.
2. Wireless 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, will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access; or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility; or (c) would avoid or reduce the potential for environmental impacts, and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impact to coastal resources, including but not limited to sensitive habitat, coastal waters, and public access.

- a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated for testing and maintenance purposes not exceeding a total of 30 minutes in any seven-day period and during power outages. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground. Any new underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined by the decision-maker to be suitable for co-location.
- b. Co-location on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-144F.3 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) Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or,
 - 3) The decision-maker determines that (1) co-location of the proposed facility would result in greater visual impacts than if a new support structure were constructed and (2) the non co-located 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 co-location facilities or sites to promote facility and site sharing so as to minimize the overall visual and environmental impacts. Sites determined by the Planning and Environmental Services Department to be appropriate as co-located 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 co-location include, but are not limited to, the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing

vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, avoiding or minimizing disturbance to environmentally sensitive habitats, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding co-location are located in Sec. 35-144F.5.3.

- c. No more than three telecom facilities may co-locate at a single site unless the decision-maker finds that:
 - 1) The net visual effect of locating an additional facility at a co-location site will be less than establishing a new location; or,
 - 2) Based on evidence submitted by the applicant, there is no available feasible alternate location for a proposed new facility.
 - d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas).
 - e. Disturbed areas associated with the development of a wireless telecommunications facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.
 - f. Wireless telecommunications facilities shall be prohibited in areas that are located between the Pacific Ocean and the ocean side of the first through public road parallel to the ocean, unless a location on the ocean side would be the least intrusive means for a wireless carrier to locate a site to close a significant gap in its radio frequency coverage. 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. Wireless 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 result in greater impact to coastal resources, including but not limited

to sensitive habitat, coastal waters, and public access.

- a. No facility shall be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor or public vantage point for viewing scenic resources as identified per the City's General Plan/Coastal Land Use Plan.
- b. No facility shall be installed on an exposed ridgeline unless it blends with the surrounding existing natural or man-made environment in such a manner so as to not be substantially visible from public viewing areas (e.g., public road, trails, recreational areas) or is co-located in a multiple user facility.
- c. No facility that is substantially visible from a public viewing area shall be installed closer than two miles from another substantially visible facility unless it is an existing co-located facility.
- d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or designed to integrate into the natural environment (e.g., imbedded in a hillside). Such facilities shall be compatible with the existing surrounding environment.
- e. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of any environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the City shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. All associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, non-indigenous plant species which tend to supplant native species shall be prohibited.

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

1. Radio Frequency Emission Levels. No telecommunication facility shall be sited or operated in such a manner that either by itself or in combination with other such facilities, does not comply with the applicable FCC radio frequency emissions safety standards (Maximum Permissible Exposure (MPE) as defined in FCC Office of Engineering and Technology Bulletin 65 ("OET Bulletin 65")) or any legally binding, more restrictive standard subsequently adopted by the federal government.
 - a. Initial compliance with this requirement shall be demonstrated for all wireless

telecommunication facilities through submission, at the time of application for the necessary permit or other entitlement, of a report prepared by the applicant or a qualified third-party radio frequency engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.

- b. If the calculated radio frequency levels exceed 80 percent of the MPE limit for the "General Population" (as that term is defined in OET Bulletin 65) in any area that may be accessed by the general population, then said facility shall not commence unattended operations until a third-party qualified radio frequency engineer retained by the City at the applicants expense measures the actual radio frequency emissions or observes radio frequency emissions testing conducted by the applicant and submits a report to the Director that certifies that the facility's actual radio frequency emissions comply with the federal MPE limits for General Population in all areas accessible by the general population. In the event that said facility does not comply with this provision, that facility shall not commence unattended operations until it complies with, or has been modified to comply with, the federal MPE limits, and such compliance is documented by testing as required by this section. The wireless carrier shall promptly reimburse the City for all such testing and observation costs by the City's approved radio frequency engineer.
- c. If these calculated radio frequency levels do not exceed 80 percent of the MPE limits, then a report prepared by applicant, or at the direction of the applicant by a qualified radio frequency engineer that certifies that the facility's actual radio frequency emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.
- d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.
 - 1) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a City-approved third-party qualified radio frequency engineer shall be prepared that lists the actual measured level of radio frequency emissions from the facility. Said report shall be submitted by the carrier to the Director. If the level of radio frequency emissions has changed since permit approval, measurements of radio frequency levels in nearby areas accessible to the general population shall be taken and submitted with the report.
 - 2) In the case of a more-restrictive change in the federally-adopted MPE limit for general population, measurements of radio frequency levels in nearby areas accessible by the general population shall be taken and submitted to the Director in a report prepared by a City-approved qualified radio frequency engineer. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility. The wireless carrier shall

promptly reimburse the City for all such testing and observation costs by the City's approved radio frequency engineer.

- 3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit for the general population shall be grounds for revocation by the Director of the use permit or other entitlement. The decision of the Director to revoke a use permit or other entitlement of use shall be deemed final unless appealed pursuant to Sec. 35-182.2 of this article.
2. Project Review. Five years after the issuance of the initial land use permit for the facility and no more frequently than every five years thereafter, the Director of Planning and Environmental Services may undertake inspection of the project and require the permittee to modify its facilities. Modifications may be required if, at the time of inspection, it is determined that:
 - a. The project fails to achieve the intended purposes of the development standards listed in Sec. 35-144F.4 for reasons attributable to design or changes in environmental setting; or,
 - b. More effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstance from the time the project was initially approved.

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

3. Co-location. Following initial approval of a telecommunication project, which includes individual telecommunication facilities, co-located telecommunication facilities and co-located telecommunication sites, the permittee and property owner shall avail its telecommunication project to other prospective applicants and, in good faith, accommodate all reasonable requests for co-location in the future subject to the following limits:
 - a. The party seeking co-location shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.
 - b. The permittee shall not be required to compromise the operational effectiveness of their facility or place any prior approval at risk.
 - c. Applicants shall make facilities and property available for co-location of telecommunication facilities on a non-discriminatory and equitable basis. The City retains the right to verify that the use of the facility and the property

conforms with City policies regarding co-location and to impose additional permit conditions where necessary to assure these policies are being fulfilled.

- d. In the event that the need for access to such facilities is demonstrated by other applicants to the decision-maker, carriers shall make available any excess space of their facilities to such other applicants at an equitable cost.
 - e. In the event access to an existing facility is denied by the applicant, at the request of the carrier requesting to co-locate, the applicant shall submit to the Director of Planning and Environmental Services terms, including financial terms, under which other carriers in the area would be permitted to enter and use either the facility or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director of Planning and Environmental Services within 30 days of such request. If these terms are determined to be unacceptable to potential users of the facility, and if agreement cannot be reached, the City shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to co-locate. The decision of the Director to impose additional conditions is final subject to appeal in compliance with Sec. 35-182 (Appeals). The intent of this condition is to ensure the efficient and maximum use of collocated telecommunication facilities in the City.
4. Project Abandonment/Site Restoration. If the use of a facility is discontinued for a period of three (3) consecutive months, the facility shall be considered abandoned.
- a. Said time may be extended by the decision-maker one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Environmental Services prior to completion of the initial three month period.
 - b. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within 180 days of the date of receipt of the City's notice to abate.
 - c. If such facility is not removed by the permittee and the site returned to its original condition within the specified time period, the City may remove the facility at the permittee's expense. Prior to the issuance of the Coastal Development Permit to construct the facility, the applicant shall post a performance security in an amount and form determined by Planning and Environmental Services that is sufficient to cover the cost of removal of the facility in the event that such facility is abandoned.
 - d. The applicant or a succeeding operator shall submit a revegetation plan for

abandonment to be reviewed and approved by a Planning and Environmental Services approved biologist prior to demolition. The approved revegetation plan shall be implemented upon completion of site demolition during the time of year that will allow for germination of seed without supplemental irrigation.

5. Transfer of ownership. In the event that the original permittee sells or otherwise transfers its interest in a wireless telecommunications facility, or an interest in a wireless telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project, including without limitation City-issued permits for the project, and shall be held responsible to the City for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval shall be provided by the succeeding carrier to the Director of Planning and Environmental Services within 30 days of the transfer of interest in the facility.
6. Color and Size Compatibility. Prior to the issuance of the land use permit the Director of Planning and Environmental Services may require an applicant to erect an onsite demonstration structure of sufficient scale and height to permit the Director to determine that the proposed project is aesthetically compatible with the surrounding area.
7. Permit Review/Revocation. Any permit for a telecommunication facility approved pursuant to this Article shall include a reservation by the City of the right and jurisdiction to review and modify the permit (including the conditions of approval) based on changed circumstances. Changed circumstances include, but are not limited to, the following in relation to the telecommunication facility and its specifications in the approved application and/or conditions of approval:
 - 1) An increase in the height or size of any part of the facility;
 - 2) Increase in size or change in the shape of the antenna or supporting structure;
 - 3) A change in the facility's color or materials;
 - 4) A substantial change in location on the site;
 - 5) An effective increase in signal output above the maximum permissible exposure (MPE) limits imposed by the radio frequency emissions guidelines of the FCC contained in FCC Office of Engineering and Technology Bulletin 65, or a more restrictive change in the FCC MPE limits for the general population.

The operator shall notify the Planning and Environmental Services Director of any proposal to cause one or more of the changed circumstances shown in 1-6 of this subsection. Any changed circumstance shall require the operator to apply for a modification of the original permit. Unless required by state or federal law, before implementing any changed circumstance, the operator must obtain a modified telecom permit and any related building or other permits required by the City.

8. **Additional Right to Revoke or Modify Permit.** The reservation of right to review any permit granted by the City for a telecommunication facility is in addition to, and not in lieu of, the right of the City to review and revoke or modify any permit granted or approved hereunder for any violations of the conditions imposed on such permit. After due notice to the telecommunication facility operator, the City Council may revoke any permit upon finding that the facility or the operator has violated any law regulating the telecommunication facility or has failed to comply with the requirements of this Article, the telecommunication facility permit, any applicable agreement, or any condition of approval. Upon such revocation, the City Council may require removal of the facility.
9. **Removal by the City.** Any telecommunication facility subject to permit revocation by the City pursuant to Sec. 35-144F.5(7), may be removed in part or in its entirety by the City if an order to remove said facility pursuant to such permit revocation is not completed within 180-days of the issuance of said order. The owner of the premises upon which the facility subject to the removal order is located and all prior operators of the facility shall be jointly liable for the entire cost of such removal, repair, restoration and storage, and shall remit payment to the City promptly after demand therefore is made. In addition, the City Council, at its option, may utilize any financial security required in conjunction with granting the telecom permit as reimbursement for such costs. Also, in lieu of storing the removed facility, the City may convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.
10. **City Lien on Property.** Until the cost of removal, repair, restoration and storage is paid in full, a lien shall be placed on the abandoned personal property and any real property on which the facility was located for the full amount of the cost of removal, repair, restoration and storage. The City Clerk shall cause the lien to be recorded with the Santa Barbara County Recorder.

Sec. 35-144F.6 Noticing.

1. Notice of the application and pending decision on a Coastal Development Permit in compliance with Sec. 35-144F.3.1 shall be given in compliance with Sec. 35-181 (Noticing).
2. Notice of projects that require a major Conditional Use Permit shall be provided in a manner consistent with the requirements of Sec. 35-181 (Noticing) and shall include mailed notice to property owners and residents within 1,000 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 Environmental Services Department.

Sec. 35-144F.7 Additional Findings.

In addition to the findings required by be adopted by the decision-maker pursuant to Sec. 35-169 and Sec. 35-172, in order to approve an application to develop a telecommunication facility, the decision-maker shall also make the following findings:

1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.

2. The facility is located so as to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Sec. 35-144F.4.
5. The applicant has demonstrated that the facility will be operated in a manner fully compliant with the applicable rules of the Federal Communications Commission, the California Public Utilities Commission, and complies with all other applicable laws, and health and safety standards.

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

1. The Director shall establish, maintain, and revise a necessary 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 including a narrative which explains the purpose of the facility and validates the applicant's efforts to comply with the design, location, and co-location standards of this Article;
 - b. Site plans, and elevations of all physical elements of the proposed facility drawn to scale;
 - c. Service area maps including a map or maps showing the geographic area to be served by the facility. In order to facilitate planning and gauge the need for future telecom facilities, the Director may also require the operator to submit a comprehensive plan of the operator's existing and future facilities that are or may be placed within the city limits of Goleta;
 - d. Wind load calculations for proposed antenna installations on new monopoles, utility poles, or other structures subject to wind loads prepared or approved by an engineer registered in California. The wind load calculations shall show, to the satisfaction of the decision-maker that the resulting installation will be safe and secure under wind load conditions;
 - e. Alternative site analysis;
 - f. Visual analysis and impact demonstrations including mock-ups and/or photo-simulations, including "before" and "after" views of the proposed facility, unless the reviewing department director determines that such simulations are not necessary for the application in question. Consideration shall be given to views from both public areas and private residences;
 - g. RF exposure studies, including documentation showing the specific frequency range that the facility will use upon and throughout activation, certification that the facility will continuously comply with FCC radio frequency emissions standards contained in FCC Office of Engineering and Technology Bulletin 65 utilizing the general population standard, and considering all co-located radio frequency emitters;
 - h. Title reports identifying legal access;

- i. Security programs;
- j. Lists of other nearby telecommunication facilities;
- k. Documentation to show that the carrier has a significant gap in its own existing radio frequency coverage, and that the proposed antenna facility is the least intrusive means to close that gap.

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

- 2. The Director is authorized at his or her discretion to employ on behalf of the City independent technical experts to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Any proprietary information disclosed to the City or the hired expert shall remain confidential and shall not be disclosed to any third party.

INLAND ZONING ORDINANCE

ARTICLE III LANGUAGE (SUPERSEDED) *(to be added to §35-209)*

ANTENNA: Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.

ANTENNA ARRAY: Antennas having active elements extending in more than one direction, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

ANTENNA ENVELOPE: The three-dimensional cylinder shaped space that is occupied by antennas and the support structure on which the antennas are mounted. This area/space is measured from the portion of the antenna located furthest from the support structure.

ANTENNA SUPPORT STRUCTURE: A pole, utility pole, monopole tower, lattice tower, guyed tower, telescoping mast, tower tripod, faux tree, or other similar structure utilized for the purpose of supporting an antenna(s) used for the transmission and reception of electromagnetic waves.

CELL-ON-WHEELS ("COW") TELECOMMUNICATION FACILITY: A mobile cell site that consists of a cell antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to be part of a cellular network.

RADIOFREQUENCY TRANSPORT SERVICE SYSTEM: A network or system of wireless communication facilities designed and intended to provide radiofrequency transport services to wireless carriers consisting of a central hub and system of fiber optic cables connecting remote nodes and small antennae attached to utility poles and similar structures.

STEALTH, CAMOUFLAGE, OR CAMOUFLAGE FACILITY: A telecommunication facility in which the antenna, and sometimes the support equipment, are hidden from view in a faux tree, monument, cupola, or other concealing structure which either mimics, or which also serves as, a natural or architectural feature.

SUBSTANTIALLY VISIBLE: An object is considered to be substantially visible if it stands out as a conspicuous feature of the landscape when viewed with the naked eye. This shall not apply to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility.

SUPPORT EQUIPMENT: The physical, electrical and/or electronic equipment included within a telecom facility used to house, power, transport and/or process signals from or to the facility's antenna or antennas.

TELECOMMUNICATION FACILITY: A facility that transmits and/or receives wireless radio signals or electromagnetic waves, including but not limited to directional, omni-directional and parabolic antennas, structures or towers to support receiving and/or transmitting devices, supporting equipment and structures, and the land or structure on which they are all situated, 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, or mobile transmitting devices, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

TELECOMMUNICATION FACILITY, CO-LOCATED: A telecommunication facility comprised of a single telecommunications pole, tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

TELECOMMUNICATION FACILITY, COMMERCIAL: A telecommunications facility that is operated primarily for, or accessory to, a business purpose or purposes.

TELECOMMUNICATION FACILITY, HEIGHT: The height of a telecommunication tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or, if higher, the tip of the highest antenna or piece of equipment attached to the tower. In the case of an antenna or antenna support structure mounted on a building or structure, the height of the antenna or antenna support structure includes the height of the portion of the building that it is mounted on.

TELECOMMUNICATION FACILITY, MULTIPLE USER: A telecommunications facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.

TELECOMMUNICATION FACILITY, NON-COMMERCIAL: A telecommunication facility that is operated solely for a non-business purpose.

TELECOMMUNICATION FACILITY OPERATOR: Any person, firm, corporation, company, or other entity that directly or indirectly owns, leases, runs, manages, or otherwise controls a telecom facility or facilities within the City.

TELECOMMUNICATION FACILITY, TENANT IMPROVEMENT: A wireless telecommunication facility where the transmission facility and the associated antennas are (1) entirely enclosed within an existing building, including architectural projections, or (2) located on the roof of an existing building or structure, or (3) the antenna is located on the exterior wall of a building or structure, and the general public does not have access to the facility. Tenant improvements do not include antennas that are mounted on utility poles or similar structures.

TELECOMMUNICATION SITE, CO-LOCATED: Any site where more than one antenna support structure is installed in close proximity to another on one parcel.

TOWER: A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support one or more antennas.

TOWER, LATTICE: A multiple sided open metal frame support structure, which supports antennas and related equipment, typically with three or four support legs.

TOWER, MONOPOLE: A tower consisting of a single pole, constructed without guy wires and ground anchors.

Sec. 35-292h. Telecommunication Facilities

Sec. 35-292h.1. Purpose and Intent.

The purpose of this section is to provide a uniform and comprehensive set of standards for the siting and development of commercial telecommunication facilities and to establish specific permit regulations and development standards for such facilities. The intent is to promote their orderly development, and ensure that they are compatible with surrounding land uses in order to protect the public safety and visual resources.

Sec. 35-292h.2. Applicability.

The provisions of this section shall apply to all commercial telecommunication facilities that transmit or receive electromagnetic signals including but not limited to radio, television, and wireless communication services (e.g., personal communication, cellular, and paging). Such facilities shall also be subject to all the provisions set forth in Sec. 35-314 (Land Use Permits) and Sec. 35-315 (Conditional Use Permits), as applicable. Modifications to zone district regulations are allowed under Sec. 35-315 only as specified in this section. This section shall not be construed to apply to hand-held, vehicular, or other portable transmitters or transceivers, including but not limited to, cellular phones, CB radios, emergency services radio, and other similar devices. In addition, this Article shall not apply to any amateur radio installations; or any antenna facility that is subject to exclusion pursuant to the FCC Over-The-Air-Receiving-Devices (OTARD) rule, 47 C.F.R. Sec. 1.4000, including video antennas, direct-to-home satellite dishes that are less than one meter (39.37") in diameter, TV antennas that are no greater than 12 feet above the roof of the building to which they are attached, and wireless cable antennas.

Sec. 35-292h.3. Processing.

No permits for development subject to the provisions of this section shall be approved or issued except in conformance with the following requirements, including the requirements of Sec. 35-292h.4 through Sec. 35-292h.8 unless otherwise specified:

1. The following development requires the approval and issuance of a Land Use Permit pursuant to Sec. 35-314:
 - a. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-202. Minor exterior additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards.
 - 1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions provided below.
 - 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - i) The antenna, associated support structure and equipment shelter is located within an existing building or structure.
 - ii) The antenna is mounted on an exterior wall of an existing building or

- structure, and the highest point of either the antenna or the support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
- iii) The antenna or equipment shelter is located on the roof of an existing building or structure behind a parapet wall or architectural façade such that the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
- 3) Antennas and associated support structures proposed to be installed on the roof or directly attached to an existing building or structure shall be fully screened or architecturally integrated into the design of the building or structure. The highest point of the antenna and associated support structure shall not extend above the portion of the building or structure, including parapet walls and architectural facades, that it is mounted on and shall not protrude more than two (2) feet horizontally from such building or structure. If mounted on the roof of an existing building or structure, the highest point of the antenna shall not extend above the parapet wall or architectural façade.
 - 4) Equipment shelters proposed to be installed on the roof of an existing or proposed building or structure shall be fully screened or architecturally integrated into the design of the building or structure (e.g., located behind a parapet wall or architectural façade) such that the highest point of the equipment shelter does not protrude above the parapet wall or architectural façade.
 - 5) Access to the facility is provided by existing roads or driveways.
- b. Wireless telecommunication facilities that conform to the following development standards may be allowed in all zone districts as identified in Sec. 35-202:
- 1) Antennas are limited to panel antennas or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of 1.5 cubic feet.
 - 2) The antenna is mounted on either (1) an pre-existing operational public utility pole or similar support structure (e.g., streetlight standard) which is not being considered for removal as determined by the Planning and Environmental Services Department, or (2) the roof of an existing structure. No more than three antennas shall be located on a single utility pole or similar structure. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the facilities shall be null and void.
 - 3) The highest point of the antenna either (1) does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or (2) in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.
 - 4) Radiofrequency transport service systems consisting of more than one remote node or small antenna may not be permitted pursuant to Sec. 35-292h.3.1.

- c. Temporary cell-on-wheels ("COW") communication facilities that conform to the following development standards may be allowed in non-residential zone districts as identified in Sec. 35-202 and are exempt from the provisions of Sec. 35-329 (Design Review Board):
 - 1) The maximum period of use permitted for a temporary cell-on-wheels communication facility shall not exceed 90 days.
 - 2) The temporary cell-on-wheels communication facility must be mounted on a licensed vehicle and/or trailer.
 - 3) The temporary cell-on-wheels communication facility must be located on a paved surface.
 - 4) The maximum antenna and antenna mast height shall not exceed 24 feet measured from existing grade.
 - 5) The temporary cell-on-wheels communication facility shall not displace any required parking spaces for the primary use of the subject property without the prior written permission of the City.
 - 6) The temporary cell-on-wheels communication facility shall not be parked on any public street or rights-of-way, public easement, or other publically owned property without prior written permission from the City.
 - d. Co-located wireless telecommunication facilities, except for radiofrequency transport service systems, in all non-residential zone districts that are co-located on an existing, permitted wireless telecommunication facility and comply with the development standards set forth pursuant to Section 35-292h.4.
2. All commercial telecommunication facilities permitted under Sec. 35-292h.1 shall be subject to Sec. 35-329 (Design Review Board) of this Article unless specifically exempted pursuant to Sec. 35-292H.1(c).
 3. The following requires a major Conditional Use Permit approved by the Planning Commission pursuant to Sec. 35-315 and the issuance and approval of a Land Use Permit pursuant to Sec. 35-314:
 - a. Wireless telecommunication facilities that may not be permitted pursuant to Sec. 35-292h.3.1 of this Article but do conform to the following development standards may be allowed in all zone districts:
 - 1) The height of the antenna and antenna support structure shall not exceed 75 feet.
 - 2) Every portion of any new freestanding antenna support structure and antenna attached thereto shall be set back from any residentially zoned parcel a distance equal to one hundred ten percent (110%) the height of the taller of the antenna or antenna support structure, or a minimum of 100 feet, whichever is greater.
 - 3) If the facility is proposed to be located in a residential zone district as identified in Sec. 35-202 or located in the Recreation (REC) zone district, or does not comply with subsection 2) above, the Planning Commission, in order to approve a Conditional Use Permit, must also find that the area proposed to

be served by the telecommunications facility would otherwise not be served by the carrier proposing the facility.

- b. Other wireless telecommunication facilities that are (1) subject to regulation by the Federal Communications Commission or the California Public Utilities Commission (e.g., AM/FM radio stations, television stations) which include but are not limited to: equipment shelters, antennas, antenna support structures and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals, or (2) other telecommunication facilities that exceed 50 feet in height, are allowed in all non-residential zone districts as identified in Sec. 35-202.
4. All commercial wireless telecommunication facilities permitted under Sec. 35-292h.3 shall be subject to Sec. 35-329 (Design Review Board) of this Article.

Sec. 35-292h.4. Additional Development Standards for Telecommunication Facilities Permitted Pursuant to Sec. 35-292h.3.

In addition to the development standards contained in Sec. 35-292h.3, commercial telecommunication facilities permitted pursuant to Sec. 35-292h.3 shall also comply with the following development standards unless otherwise indicated.

- 1. Telecommunication facilities shall comply in all instances with the following development standards:
 - a. The facility shall comply with the setback requirements of the zone district that the facility is located in except as follows:
 - 1) Antennas may be located within the setback area without approval of a modification provided they are installed on a pre-existing, operational, public utility pole, or similar pre-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 roads, sidewalks, trails, and vehicular ingress or egress. In addition, ground-mounted equipment in the public rights-of-way shall comply with all requirements of the Americans with Disabilities Act (ADA), and shall not interfere with existing sight lines for private or public driveways and roadways.
 - 3) A modification to the setback is granted pursuant to Sec. 35-315 (Conditional Use Permits).
 - b. The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated support structure and equipment shelter unless said barriers would result in a greater environmental impact or are deemed unnecessary by the decision-maker.
 - c. The facility shall comply at all times with all applicable Federal Communication Commission rules, regulations, and standards.
 - d. 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 City regulations concerning roadway standards and regulations.
- 2) Existing parking areas shall be used whenever possible, and any new parking areas shall not exceed 350 square feet in area.
 - 3) Any newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other permitted uses.
- e. The facility shall be unlit except for the following:
- 1) A manually operated or motion-detector controlled light that includes a timer and the light is 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 or other structures.
- f. The facility shall not be located within the Clear Zone of any airport unless the airport operator or the Federal Aviation Administration indicates that it will not adversely affect the operation of the airport. The height of an antenna and associated support structure proposed to be located within an area zoned as F-Airport Approach Overlay District (Sec. 35-247) shall comply with the height limitations of that overlay district.
- g. The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
- h. All new buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and thereafter repainted as necessary with a non-reflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by the decision-maker in approving a subsequent permit for development.
- i. Antennas and any poles or other structures erected to support antennas shall be visually compatible with surrounding buildings and vegetation, and screened from public view to the maximum extent feasible. Screening to the maximum extent feasible shall include the following measures:
- 1) Roof-Mounted Antennas. Roof-mounted antennas, except whip antennas, shall be blended or screened from public view in a manner consistent with the building's architectural style, color and materials.
 - 2) Wall-Mounted Antennas; Façade-Mounted Antennas. Wall-mounted antennas shall be painted or enclosed to match the color and texture of the wall or façade on which they are mounted. Cables and mounting brackets shall be hidden. Shrouds may be required by the decision-maker to screen wall-mounted antennas.
 - 3) Building Mounted Installations. For building-mounted installations, support equipment for the facility shall be placed within the building. If the reviewing

authority determines that such in-building placement is not feasible, the equipment shall be roof-mounted in an enclosure or shall otherwise be screened from public view in a manner approved by the reviewing authority. Roof-mounted equipment shall comply with the height limits applicable to the building per the Zoning Code. All screening used in connection with a building-mounted facility shall be compatible with the architecture, color, texture and materials of the building to which it is mounted. . If the support equipment cannot be placed within the building or roof-mounted, then that equipment shall be treated as a ground-mounted installation, and subpart 4) shall apply.

- 4) Ground-Mounted Installations. For ground-mounted installations, support equipment shall be screened in a security enclosure approved by the decision-maker. Such screened security enclosures may utilize graffiti-resistant and climb-resistant vinyl-clad chain link with a “closed-mesh” design (i.e. one-inch gaps) or may consist of an alternate enclosure design approved by the decision-maker. In general, the screening enclosure shall be made of non-reflective material and painted or camouflaged to blend with surrounding materials and colors. Buffer landscaping may also be required if the decision-maker determines that additional screening is necessary due to the location of the site and that irrigation water is available.
- j. All telecommunication facilities approved under this Article shall utilize the most efficient and diminutive available technology in order to minimize the number of facilities and reduce their visual impact and where applicable to minimize the impact on the rights-of-way.
2. Wireless 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 or decrease public safety, 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.
 - a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated for testing and maintenance purposes not exceeding a total of 30 minutes in any seven day period and during power outages. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground. Any new underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable by the City for co-location.
 - b. Disturbed areas associated with the development of a facility shall not occur within the boundaries of any environmentally sensitive habitat area.
 - c. Co-location on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-292h.3 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) Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or,
- 3) The decision-maker determines that co-location of the proposed facility would result in greater visual impacts than if a new support structure were constructed.

All proposed facilities shall be assessed as potential co-location facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. Sites determined by Planning and Environmental Services to be appropriate as co-located 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 co-location 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, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding co-location are set forth pursuant to Sec. 35-292h.5.3.

- d. No more than three telecom facilities may co-locate at a single site unless the decision-maker finds that:
 - 1) The net visual effect of locating an additional facility at a co-location site will be less than establishing a new location; or,
 - 2) Based on evidence submitted by the applicant, there is no available, feasible alternate location for a proposed new facility.
 - e. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas).
3. Wireless 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. 35-315. 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 or decrease public safety, 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.
- a. No facility shall be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor

or public vantage point for viewing scenic resources as identified per the City's General Plan/Coastal Land Use Plan.

- b. No facility shall be installed on an exposed ridgeline unless it blends with the surrounding existing natural or man-made environment in such a manner so as to not be substantially visible from public viewing areas (e.g., public road, trails, recreational areas) or is co-located in a multiple user facility.
- c. No facility that is substantially visible from a public viewing area shall be installed closer than two miles from another substantially visible facility unless it is an existing co-located facility.
- d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or designed to integrate into the natural environment (e.g., imbedded in a hillside). Such facilities shall be compatible with the existing surrounding environment.

Sec. 35-292h.5. Project Installation and Post-Installation Provisions.

1. Radio Frequency Emission Levels. No telecommunication facility shall be sited or operated in such a manner that it, either by itself or in combination with other such facilities, does not comply with the applicable Maximum Permissible Exposure (MPE) as defined in FCC Office of Engineering and Technology Bulletin 65 ("OET Bulletin 65") or any legally binding, more restrictive standard subsequently adopted by the federal government.
 - a. Initial compliance with this requirement shall be demonstrated for all commercial wireless telecommunication facilities through submission, at the time of application for the necessary permit or other entitlement, of a report prepared by the applicant or a qualified third-party radio frequency engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.
 - b. If the calculated radio frequency levels exceed 80 percent of the MPE limits for the "General Population" (as that term is defined in OET Bulletin 65) in any area that may be accessed by the general population, then said facility shall not commence unattended operations until a third-party qualified radio frequency engineer retained by the City at the applicants expense measures the actual radio frequency emissions or observes radio frequency emissions testing conducted by the applicant and submits a report to the Director that certifies that the facility's actual radio frequency emissions comply with the federal MPE limits for General Population in all areas accessible by the general population.
 - c. If these calculated radio frequency levels do not exceed 80 percent of the MPE limits, then a report prepared by applicant, or at the direction of the applicant by a qualified radio frequency engineer that certifies that the facility's actual radio frequency emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.

- d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.
 - 1) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a City-approved third-party qualified radio frequency engineer shall be prepared that lists the actual measured level of radio frequency emissions from the facility. Said report shall be submitted by the carrier to the Director. If the level of radio frequency emissions has changed since permit approval, measurements of radio frequency levels in nearby areas accessible to the general population shall be taken and submitted with the report.
 - 2) In the case of a more-restrictive change in the federally-adopted MPE limit for the general population, measurements of radio frequency levels in nearby areas accessible by the general population shall be taken and submitted to the Director in a report prepared by a City-approved qualified radio frequency engineer. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility. The wireless carrier shall promptly reimburse the City for all such testing and observation costs by the City's approved radio frequency engineer.
 - 3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit for the general population shall be grounds for revocation by the Director of the use permit or other entitlement. The decision of the Director to revoke a use permit or other entitlement of use shall be deemed final unless appealed pursuant to Sec. 35-327.2 of this article.
2. Project Review. Five years after the issuance of the initial Land Use Permit for the facility and no more frequently than every five years thereafter, the Director of Planning and Environmental Services may undertake inspection of the project and require the permittee to modify its facilities. Modifications may be required if, at the time of inspection, it is determined that:
 - a. The project fails to achieve the intended purposes of the development standards listed in Sec. 35-292h.4 for reasons attributable to design or changes in environmental setting; or,
 - b. More effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances or changes in circumstance from the time the project was initially approved.

The Director's decision shall take into account the availability of new technology, capacity and coverage requirements of the permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, co-location at an alternate permitted site, and similar site and architectural design changes. However, the permittee shall not be required to undertake changes that exceed ten percent of the total cost of facility construction. The decision of the Director as to modifications required under this section shall be deemed final unless appealed pursuant to Sec.

35-327 of this Article.

3. Co-location. Following initial approval of a telecommunication project, which includes individual telecommunication facilities, co-located telecommunication facilities and co-located telecommunication sites, the permittee and property owner shall avail its telecommunication project to other prospective applicants and, in good faith, accommodate all reasonable requests for co-location in the future subject to the following limits:
 - a. The party seeking co-location shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.
 - b. The permittee shall not be required to compromise the operational effectiveness of their facility or place any prior approval at risk.
 - c. Applicants shall make facilities and property available for co-location of telecommunication facilities on a non-discriminatory and equitable basis. The City retains the right to verify that the use of the facility and the property conforms with City policies regarding co-location and to impose additional permit conditions where necessary to assure these policies are being fulfilled.
 - d. In the event that the need for access to such facilities is demonstrated by other applicants to the decision-maker, carriers shall make available any excess space of their facilities to such other applicants at an equitable cost.
 - e. In the event access to an existing facility is denied by the applicant, at the request of the carrier requesting to co-locate, the applicant shall submit to the Director of Planning and Environmental Services terms, including financial terms, under which other carriers in the area would be permitted to enter and use either the facility or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director of Planning and Environmental Services within 30 days of such request. If these terms are determined to be unacceptable to potential users of the facility, and if agreement cannot be reached, the City shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to co-locate. The decision of the Director to impose additional conditions shall be deemed final unless appealed pursuant to Sec. 35-327 of this Article. The intent of this condition is to ensure the efficient and maximum use of co-located telecommunication facilities in the County.
4. Project Abandonment/Site Restoration. If the use of a facility is discontinued for a period of three (3) consecutive months, the facility shall be considered abandoned.
 - a. Said time may be extended by the decision-maker one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Environmental Services prior to completion of the initial three month period.
 - b. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee shall remove all support structures, antennas, equipment and

associated improvements and restore the site to its natural pre-construction state within 180 days of the date of receipt of the City's notice to abate.

- c. If such facility is not removed by the permittee and the site returned to its original condition within the specified time period, the City may remove the facility at the permittee's expense. Prior to the issuance of the Land Use Permit to construct the facility, the applicant shall post a performance security in an amount and form determined by Planning and Environmental Services that is sufficient to cover the cost of removal of the facility in the event that such facility is abandoned.
 - d. The applicant or a succeeding operator shall submit a revegetation plan for abandonment to be reviewed and approved by a Planning and Environmental Services approved biologist prior to demolition. The approved revegetation plan shall be implemented upon completion of site demolition during the time of year that will allow for germination of seed without supplemental irrigation.
5. **Transfer of ownership.** In the event that the original permittee sells or otherwise transfers its interest in a wireless telecommunications facility, or an interest in a wireless telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project, including without limitation City-issued permits for the project, and shall be held responsible to the City for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval shall be provided by the succeeding carrier to the Director of Planning and Environmental Services within 30 days of the transfer of interest in the facility.
6. **Color and Size Compatibility.** Prior to the issuance of the land use permit the Director of Planning and Environmental Services may require an applicant to erect an onsite demonstration structure of sufficient scale and height to permit the Director to determine that the proposed project is aesthetically compatible with the surrounding area.
7. **Permit Review/Revocation.** Any permit for a telecommunication facility approved pursuant to this Article shall include a reservation by the City of the right and jurisdiction to review and modify the permit (including the conditions of approval) based on changed circumstances. Changed circumstances include, but are not limited to, the following in relation to the telecommunication facility and its specifications in the approved application and/or conditions of approval:
- 1) an increase in the height or size of any part of the facility;
 - 2) increase in size or change in the shape of the antenna or supporting structure;
 - 3) a change in the facility's color or materials;
 - 4) a substantial change in location on the site;
 - 5) An effective increase in signal output above the maximum permissible exposure (MPE) limits imposed by the radio frequency emissions guidelines of the FCC contained in FCC Office of Engineering and Technology Bulletin 65, or a more restrictive change in the FCC MPE limits for the general population.

The operator shall notify the Planning and Environmental Services Director of any proposal to cause one or more of the changed circumstances shown in 1-6 of this subsection. Any changed circumstance shall require the operator to apply for a

modification of the original permit. Unless required by state or federal law, before implementing any changed circumstance, the operator must obtain a modified permit and any related building or other permits required by the City.

8. **Additional Right to Revoke or Modify Permit.** The reservation of right to review any permit granted by the City for a telecommunication facility is in addition to, and not in lieu of, the right of the City to review and revoke or modify any permit granted or approved hereunder for any violations of the conditions imposed on such permit. After due notice to the telecommunication facility operator, the City Council may revoke any permit for the telecommunication facility upon finding that the facility or the operator has violated any law regulating the telecommunication facility or has failed to comply with the requirements of this Article, the telecommunication facility permit, any applicable agreement, or any condition of approval. Upon such revocation, the City Council may require removal of the facility.
9. **Removal by the City.** Any telecommunication facility subject to permit revocation by the City pursuant to Sec. 35-292h.5(7), may be removed in part or in its entirety by the City if an order to remove said facility pursuant to such permit revocation is not completed within 180-days of the issuance of said order. The owner of the premises upon which the facility subject to the removal order is located, and all prior operators of the facility, shall be jointly liable for the entire cost of such removal, repair, restoration, and storage, and shall remit payment to the City promptly after demand therefore is made. In addition, the City Council, at its option, may utilize any financial security required in conjunction with granting the telecom permit as reimbursement for such costs. Also, in lieu of storing the removed facility, the City may convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.
10. **City Lien on Property.** Until the cost of removal, repair, restoration and storage is paid in full, a lien shall be placed on the abandoned personal property and any real property on which the facility was located for the full amount of the cost of removal, repair, restoration and storage. The City Clerk shall cause the lien to be recorded with the Santa Barbara County Recorder.

Sec. 35-292h.6. Noticing

1. Notice of the application and pending decision on a Land Use Permit in compliance with Sec. 35-292h.3.1 shall be given in compliance with Sec. 35-326 (Noticing).
2. Notice of projects that require a major Conditional Use Permit shall be provided in a manner consistent with the requirements of Sec. 35-326 (Noticing) and shall include mailed notice to property owners and residents within 1,000 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 Environmental Services Department.

Sec. 35-292h.7. Additional Findings.

In addition to the findings required to be adopted by the decision-maker pursuant to Sec. 35-314 and Sec. 35-315, in order to approve an application to develop a telecommunication facility, the decision-maker shall also make the following findings:

1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.

2. The facility is located so as to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Sec. 35-292h.4.
5. The applicant has demonstrated that the facility will be operated in a manner fully compliant with the applicable rules of the Federal Communications Commission, the California Public Utilities Commission, and complies with all other applicable laws, and health and safety standards.

Sec. 35-292h.8. Contents of an Application.

1. The Director shall establish, maintain, and revise as necessary 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 including a narrative which explains the purpose of the facility and validates the applicant's efforts to comply with the design, location, and co-location standards of this Article;
 - b. Site plans and elevations of all physical elements of the proposed facility drawn to scale;
 - c. Service area maps, including a map or maps showing the geographic area to be served by the facility. In order to facilitate planning and gauge the need for future telecommunication facilities, the reviewing department director may also require the operator to submit a comprehensive plan of the operator's existing and future facilities that are or may be placed within the city limits of Goleta;
 - d. Wind load calculations for proposed antenna installations on new monopoles, utility poles, or other structures subject to wind loads prepared or approved by an engineer registered in California. The wind load calculations shall show, to the satisfaction of the decision-maker, that the resulting installation will be safe and secure under wind load conditions;
 - e. Alternative site analysis;
 - f. Visual analysis and impact demonstrations including mock-ups and/or photo-simulations, including "before" and "after" views of the proposed facility, unless the reviewing department director determines that such simulations are not necessary for the application in question. Consideration shall be given to views from both public areas and private residences;
 - g. RF exposure studies, including documentation showing the specific frequency range that the facility will use upon and throughout activation, certification that the facility will continuously comply with FCC radio frequency emissions standards contained in FCC Office of Engineering and Technology Bulletin 65 utilizing the general population standard, and consideration of all co-located radio frequency emitters;
 - h. Title reports identifying legal access;

- i. Security programs;
- j. Lists of other nearby telecommunication facilities;
- k. Documentation to show that the carrier has a significant gap in its own existing radio frequency coverage, and that the proposed antenna facility is the least intrusive means to close that gap.

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

- 2. The Director is authorized at his or her discretion to employ on behalf of the City independent technical experts to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Any proprietary information disclosed to the City or the hired expert shall remain confidential and shall not be disclosed to any third party.

ATTACHMENT 2

CEQA Notice of Exemption



NOTICE OF EXEMPTION
Planning & Environmental Services
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7500 Fax: (805) 961-7551

PROJECT DESCRIPTION

Case No. 09-035-OA

Telecommunications Facilities Regulations Zoning Ordinance Amendment

FINDING

The Planning & Environmental Services Department of the City of Goleta has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption, Section 15311(a)
- Statutory Exemption
- Emergency Project
- Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, §15061(b)(3)]

SUPPORTING REASONS

The proposed telecommunications facilities ordinance provides the City with broader and stronger regulatory authority than the current ordinance and provides new standards for the protection of neighborhood character, visual resources, and environmentally sensitive habitat areas, and radiofrequency (RF) emissions. Therefore, there is no possibility that the enactment of stronger regulations for telecommunications facilities will result in any significant environmental impacts.

Patricia S. Miller
Manager, Current Planning Division

Date

Note: A copy must be filed with the County Clerk of the Board after project approval and posted by the Clerk of the Board for a period of 30 days to begin a 35-day statute of limitations on legal challenges.

ATTACHMENT 3

**Existing Telecommunications Facilities Regulations:
Coastal Zoning Ordinance**

Sec. 35-144F. Communication Facilities.

(Added by Ord. 4263, 6/24/97)

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

The purpose of this Section is to provide for the siting of communication facilities and to set forth specific permit regulations for those communication facilities. The intent is to ensure that these facilities are properly sited and designed in a manner consistent with the provision of this Article, promote orderly development, and ensure that these facilities are compatible with surrounding land uses.

Sec. 35-144F.2. Applicability.

The provisions of this Section shall apply to all communication facilities for the transmission and reception of radio, television, and communication signals including, but not limited to, wireless communication services (personal communication, cellular, and paging). Such facilities shall be subject to all the provisions in Sec. 35-169. (Coastal Development Permits) Sec. 35-172. (Conditional Use Permits), and Sec. 35-174. (Development Plans), as applicable. Modifications to zone district regulations (e.g., setbacks) are allowed under Section 35-172 and Section 35-174., unless otherwise specified in this section.

Sec. 35-144F.3. Processing.

No permits for development subject to the provisions of this Section shall be approved except in conformance with the following requirements:

1. Development which requires a Coastal Development Permit (CDP) (Sec. 35-169. et seq.) shall include:
 - a) Tenant Improvement communication facility that conforms to the development criteria set forth in Sec. 35-144F.4.1., is allowed in all zone districts, except residential zone districts as identified in Section 35-52.
 - b) Ground or roof-mounted receive-only satellite dish antenna or wireless television antenna over one (1) meter in diameter but no greater than two (2) meters in diameter, which is used solely for the non-commercial, private reception of communication signals (e.g., television), is allowed in all zone districts.

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2. Development which requires a Director Approved Development Plan (Sec. 35-174 et seq.) and a Coastal Development Permit (CDP) (Sec. 35-169. et seq.) shall include:
 - a) Tenant Improvement facility that conforms to the development criteria set forth in Sec. 35-144F.4.2., is allowed in all zone districts.
 - b) Microcell, or similar facility, that conforms to the development criteria set forth in Section 35-144F.4.2. is allowed in all zone districts.
 - c) Ground or roof-mounted receive-only satellite dish antenna and wireless television antenna greater than two (2) meters in diameter, which is used solely for the non-commercial, private reception of communication signals (e.g., television), is allowed in all zone districts.

3. Development which requires a Minor Conditional Use Permit (CUP) (Sec. 35-172.4 et seq.) and a Coastal Development Permit (CDP) (Sec. 35-169. et seq.) shall include:
 - a) Tenant Improvement facility that conforms to the development criteria set forth in Sec. 35-144F.4.3., is allowed in all zone districts.
 - b) Microcell, or similar facility, that conforms to the development criteria set forth in Sec. 35-144F.4.3., is allowed in all zone districts.
 - c) Macrocell, or similar facility, that conforms to the development criteria set forth in Section 35-144F.4.3., is allowed in all non-residential zone districts, except RES Resources Management zone districts, and in residential zone districts only where the subject site has a Comprehensive Plan Land Use Designation or Overlay of Institutional/Government Facility. If the applicant proposes to co-locate on an existing support structure, which has an existing valid Conditional Use Permit, the project may be processed as a Substantial Conformity Determination, an Amendment, a Revision to the existing Conditional Use Permit, or a new Conditional Use Permit consistent with the requirements of Sec. 35-172.11.

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- d) Amateur "ham" radio operations used solely by the occupant of the property where the facility is located or is used solely by the Coast Guard or Coast Guard Auxiliary operations, are allowed in all zone districts.
 - e) Other communication facilities and/or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission or reception of radio, television and communication signals which are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission and do not exceed fifty (50) feet in height, are allowed in all zone districts, except residential zone districts as specified in Sec. 35-52.
 - f) Private, non-commercial communication facilities used in conjunction with and serving an agricultural operation located on the property on which the facilities are located, in all agricultural zone districts.
- 4) Development which requires a Major Conditional Use Permit (CUP) (Sec. 35-172.6. et seq.) and a Coastal Development Permit (CDP) (Sec. 35-169. et seq.) shall include:
- a) Tenant Improvement facility that conforms to the development criteria set forth in Sec. 35-144F.4.4., is allowed in all zone districts.
 - b) Microcell, or similar facility, that conforms to the development criteria set forth in Sec. 35-144F.4.4., is allowed in all zone districts.
 - c) Macrocell that conforms to the development criteria set forth in Sec. 35-144F.4.4., is allowed in all zone districts, except residential zone districts as identified in Section 35-52.
 - d) Other communication facilities that are subject to regulation by the Federal Communications Commission and/or the California Public Utilities (e.g., AM/FM radio stations, television stations) which include but are not limited to: equipment shelters, antennas, antenna support structures and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals, including Master Television Antenna(s) subject to

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the provisions of Sec. 35-144F.7., or other communication facilities which exceed fifty (50) feet in height, except amateur "ham" radio facilities as specified in Sec. 35-144F.4.3. and Wireless Communication Facilities, are allowed in all zone districts, except residential zone districts as identified in Section 35-52. This section does not include development such as buildings or structures that house employees except for routine maintenance activities.

- 5) All Communication Facilities, except private ground or roof mounted satellite dishes and wireless television antennas, shall be subject to Sec. 35-184. (Board of Architectural Review).

Sec. 35-144F.4. Development Criteria for Wireless Communication Facilities.

- 1) A Tenant Improvement facility that requires a Coastal Development Permit only shall comply with all of the following development criteria:
 - a) The facility is entirely enclosed within an existing building or structure (except antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facilities and the associated antennas.
 - b) If the equipment shelter is proposed to be located on the roof of an existing building or structure, it shall be fully screened or incorporated into the architectural design of the structure.
 - c) Antennas installed on the roof or directly attached to an existing building or structure must be fully screened or integrated into the architectural design of the building or structure.
 - d) The highest point of the antenna and any supporting structure installed within or on an existing building or structure does not protrude above the highest point of the building or structure (including parapet walls and architectural facades) on which it is mounted. Antennas that are mounted on the exterior wall of an existing building or structure shall not protrude more than two feet horizontally from such building or structure.

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- e) Access to the facility is provided by existing roads and driveways.
 - f) The facility does not include night lighting.
 - g) The facility is not located within a residential zone district and is a minimum of 50 feet from the nearest existing residential dwelling unit, residentially zoned parcel line, licensed day care facility, and educational facility.
 - h) Electricity provided by a public utility is the primary power source.
 - i) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
 - j) The noise levels associated with the facility do not exceed County and State standards or policies.
 - k) The maximum composite effective radiating (ERP) power of the facility, or sum of the power of all facilities collocated on the building or structure, is 1,000 watts or less. If a facility is sectorized (i.e., using more than one directional antenna), the maximum composite ERP shall be limited to 1,000 watts or less per sector. If the site is collocated with a sectorized and a non-sectorized (e.g., using an omni-directional whip antenna) facility, the maximum ERP associated with the site shall be calculated by adding the maximum ERP associated with the whip antenna(s) and the maximum ERP associated with one of the directional antennas.
 - l) Notice of the project shall be provided in accordance with Sec. 35-181.3. (Coastal Development Permit Noticing). If home mail delivery is not available to residents, the mailed notice requirement for residents shall be satisfied by posting notice at the local post office.
2. Tenant Improvement facilities that do not comply with the development criteria identified in Section 35-144F.4.1 and Microcells, or similar facilities, which require a Director Approved Development Plan shall comply with the following pertinent development criteria:

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- a) Tenant Improvement Facility:
 - i) The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents), or is located on the roof of an existing building\ structure within an equipment shelter where the general public does not have access to the transmission facilities and the associated antennas.
 - ii) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
 - iii) The maximum height of the antenna(s) conforms to the zone district height requirements. No modifications (Sec. 35-172. or Sec. 35-174.) of the height limit shall be allowed. If located on a flat roof of an existing building or structure, the height of the antenna shall be not greater than the distance the antenna is setback from the edge of the roof.
 - iv) Notice of the project has been provided pursuant to Sec. 35-181. and no written request for a hearing has been submitted to Planning and Development within ten (10) calendar days of such notice. If such request is received the project shall be processed as a Zoning Administrator Development Plan.
- b) Microcell, or similar facility:
 - i) The general public is excluded from the facility (e.g., underground or locked cabinet).
 - ii) The maximum height of the antenna(s) conforms to the zone district height requirements. No modifications (Sec. 35-172. or Sec. 35-174.) of the height limit shall be allowed, except as follows; the highest point of the antenna(s) may exceed district height requirements only when mounted on an existing, operational

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- public utility pole or similar support structure, as determined by Planning and Development. In no case shall the highest point of the antenna exceed the height of the utility pole or similar support structure (e.g., street light standard) on which it is mounted.
- iii) The location of the microcell or similar facility shall conform to the following:
- a) Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna may be located within setbacks or right-of-way if installed on an existing, operational, public utility pole, or similar existing support structure (e.g., street light).
 - b) Underground equipment (e.g., equipment cabinet) and associated antenna(s) may be located within the zone district setbacks and the right-of-way provided that the antenna(s) is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right-of-way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.
 - c) The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).
- iv) Notice of the project has been provided pursuant to Sec. 35-181. and no written request for a hearing has been submitted to Planning and Development within ten (10) calendar days of such notice. If such request is received, the project shall be processed as a Zoning Administrator Development Plan.

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3. Tenant Improvement facilities and Microcells, or similar facilities, that do not conform to the development criteria outlined in Sections 35-144F.4.1., and 35-144F.4.2., and Macrocells require a Minor Conditional Use Permit and shall conform to the following development criteria:

a) Tenant Improvement Facility:

- i) The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facilities and the associated antennas.
- ii) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
- iii) The height of the antenna(s) and supporting structure shall not exceed 50 feet. No modifications (Sec. 35-172. or Sec. 35-174.) of the height limit shall be allowed. If the antenna is located on an existing building or structure, the antenna(s) shall not exceed fifteen (15) feet above the highest point of the structure. If the antenna(s) are located on a flat roof, the height of the antenna(s) shall be no greater than the distance the antenna(s) is setback from the edge of the roof up to a maximum of fifteen (15) feet.

b) Microcell, or similar facility:

- i) The general public is excluded from the facility (e.g., underground or locked cabinet).
- ii) The height of the antenna(s) and supporting structure shall not exceed fifty (50) feet. No modifications (Sec. 35-172. or Sec. 35-174.) of the height limit shall be allowed, except as provided below. If the antenna is located on an existing building or

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structure, the antenna(s) shall not exceed fifteen (15) feet above the highest point of the structure. If the antenna(s) are located on a flat roof, the height of the antenna(s) shall be no greater than the distance the antenna(s) is setback from the edge of the roof up to a maximum of fifteen (15) feet. The highest point of the antenna(s) may exceed fifty (50) feet only when mounted on an existing operational public utility pole or similar support structure, as determined by Planning and Development, but in no case shall the highest point of the antenna(s) exceed the height of the utility pole or similar base on which it is mounted.

iii) The location of the microcell or similar facility shall conform to the following:

- a) Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna(s) may be located within setbacks or right-of-way if installed on an existing utility pole, or similar existing support structure (e.g., street light).
- b) Underground equipment (e.g., equipment cabinet) and associated antennas may be located within the zone district setbacks and the right-of-way provided that the antenna is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right-of-way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.

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- c) The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).
- c) Macrocell, or similar facility.
 - i) The general public will be excluded from the facility (e.g., fenced).
 - ii) The height of the antenna(s) and supporting structure shall not exceed 50 feet. No modifications (Sec. 35-172. or Sec. 35-174.) of the height limit shall be allowed.
 - iii) The support structure and associated antennas are : 1) a monopole with an antenna envelope of no more than 2 feet in diameter, or 2) designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or 3) designed to integrate into the natural environment (e.g., imbedded in a hillside), do not protrude into the skyline, and include a maximum of two sectors (i.e., antennas transmitting in two directions) and 6 antennas.
 - iv) The facility is not located within a residential zone district, unless the subject site has a Comprehensive Plan Land Use Designation or overlay of Institutional/Government Facility and the facility is a minimum of 100 feet from the nearest existing residential dwelling unit, existing educational facility, including licensed day care centers, on an adjacent parcel, or other residentially zoned parcel line. *(Amended by Ord. 4298, 3/24/98)*
 - v) The facility is not located within a Scenic Highway Corridor.
 - vi) The project, including the support structure, shall meet all setback regulations provided in the applicable zone district, unless a modification of such setbacks is approved.
 - vii) Co-location of macrocells on an existing support structure shall be required unless:

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- a) The applicant can demonstrate that reasonable efforts, as determined by Planning and Development, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or
 - b) Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or
 - c) Planning and Development determines that co-location of the proposed facility would result in greater visual impacts than if a new/separate support structure (e.g., monopole, lattice tower) were constructed.
- 4) Wireless communication facilities that do not conform to the development criteria set forth in Sec. 35-144F.4.1., Sec. 35-144F.4.2., or Sec. 35-144F.4.3., require a Major Conditional Use Permit and shall comply with the following development criteria:
- a) Tenant Improvement Facility:
 - i) The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facilities and the associated antennas.
 - ii) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
 - b) Microcell, or similar facility:
 - i) The general public is excluded from the facility (e.g., underground or locked cabinet).
 - ii) The location of the microcell or similar facility shall conform to the following:

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- a) Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna(s) may be located within setbacks or right-of-way if installed on an existing utility pole, or similar existing support structure (e.g., street light).
 - b) Underground equipment (e.g., equipment cabinet) and associated antennas may be located within the zone district setbacks and the right-of-way provided that the antenna is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right-of-way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.
 - c) The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).
- c) Macrocell, or similar facility.
- i) The general public will be excluded from the facility (e.g., fenced).
 - ii) Macrocell facilities that do not conform to the development criteria set forth in Section 35-144F.4.3. shall be prohibited in all residential zone districts, as specified in Sec. 35-52.
 - iii) Macrocell facilities shall be a minimum of 100 feet from the nearest existing residential dwelling unit, existing educational facility, including licensed day care centers, on an adjacent parcel, or other residentially zoned parcel line. *(Amended by Ord. 4298, 3/24/98)*

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- iv) The project, including the support structure, shall meet all setback regulations provided in the applicable zone district, unless a modification of such setbacks is approved.
- v) Macrocells, or similar facilities, shall be collocated on an existing support structure unless:
 - a) The applicant can demonstrate that reasonable efforts, as determined by Planning and Development, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful, or
 - b) Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility, or
 - c) Planning and Development determines that co-location of the proposed facility would result in greater visual impacts than if a new/separate support structure (e.g., monopole, lattice tower) were constructed.

Sec. 35-144F.5 Abandonment Procedures

If a commercial facility used for the transmission and/or reception of communication signals including radio equipment and antennas, has not been in use for twelve (12) continuous months, the facility and all appurtenant structures shall be considered abandoned. Prior to permit approval, the applicant shall post a performance security in an amount sufficient to cover the cost of removal of the facility in the event that such facility is abandoned. If Planning and Development determines that the facility has been abandoned, the applicant may be required to remove all equipment from the premise within 30 calendar days of receipt of notice to abate. If such facilities are not removed within 30 days, the County may remove the facilities at the applicants expense.

Sec. 35-144F.6. Contents of an Application

Unless otherwise specified by the Planning and Development Director, ten copies of the following information shall be included in an application for any Communication Facility:

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1. A site plan of the proposed development which meets the requirements of Planning and Development (Refer to Site Plan requirements for Development Plans). The Site Plan shall also include the following information:
 - a) Location of existing, on-site prime scenic quality areas, habitat resources, water bodies and vegetation.
 - b) Existing and proposed walls and fences
 - c) Proposed landscaping or screening
 - d) Proposed lighting
2. A topographic map that meets Planning and Development requirements and shows existing and proposed contours.
3. Proposed elevations of the building or structure including building height and other physical dimensions drawn in graphic scale.
4. Visual Impact assessments including mock-ups and photo montages. The assessment shall identify any proposed trimming of existing vegetation that will be required for the normal operation of the facility.
5. Site photos from three vantage points.
6. A statement of intent regarding the establishment of utilities and services (e.g., electricity).
7. Evidence that the parcel is valid (i.e., legally created).
8. Report prepared by a County approved radio frequency engineer showing that radio frequency radiation/electromagnetic frequency (RFR/EMF) emitted by the proposed facility conforms to safety standards adopted by the Federal Communications Commission, if applicable. The RFR reports prepared for wireless communication facilities shall conform to the reporting requirements set by the FCC. If a wireless communication facility meets the federal environmental evaluation exemption standards identified in Title 47 of the Code of Federal Regulations, as may be amended, a RFR/EMF report shall not be required. If the project permit does not clearly identify the maximum number of radio transceivers and effective radiated power associated with the facility, the County may require annual post-construction RFR/EMF reports for up to five years to

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- verify that actual radiation levels emitted are consistent with those anticipated in the pre-approval report and do not exceed County/Federal safety standards.
9. Documentation showing that the noise generated by the proposed facility does not exceed County and State noise thresholds.
 10. Hazardous Materials Business Plan, if required by the County Fire Department -- Hazardous Materials Division.
 11. A title report or other legal instrument demonstrating legal access to the proposed site.
 12. If proposed macrocell is not collocated the following information shall be submitted:
 - a) Documentation regarding the proposed service area and attempts to contact the owners of the existing facilities within that service area, and/or documentation why co-location is impractical.
 - b) An agreement to lease space on the proposed support structure to other users in "good faith."
 - c) Documentation identifying the total capacity of the structure, including the number and types of antennas that can be accommodated over the life of the project
 - d) Documentation which identifies failure characteristics of the tower and demonstrates that the site and setbacks are of adequate size to contain falling debris.
 - e) Evidence demonstrating that the selected tower design is as visually unobtrusive as possible, given the technical and engineering considerations.
 13. Evidence that the applicant has provided notice to all wireless communication service carriers of the plans to develop the proposed facility.
 14. Verification of an operating license from the Federal Communications Commission.

Sec. 35-144F.7. Additional Requirements

Master Television Antennas.

1. Any and all reasonable conditions related to the public health, safety, and welfare and not in conflict with general laws may be imposed on Conditional Use Permits granted as provided in this Article, including among other things, regulation of height, general appearance, and location of guy wires, provided, however, that in all cases the following express conditions shall apply whether expressly set out in the Conditional Use Permit or not:

- a) No part of any Master Television Antenna(s), nor the cables or lines or other appurtenances thereto shall be permitted to encroach into, under, over, or upon, or cross under or over any public streets in the unincorporated territory of the County of Santa Barbara, unless either a franchise or an encroachment permit shall first have been obtained from the County of Santa Barbara, and no such encroachment or crossing shall be permitted to be so maintained except pursuant to the terms of a valid existing franchise or encroachment permit from said County.
- b) Cables and lines and other appurtenances of Master Television Antenna(s) which are owned and operated by a nonprofit organization or entity may be permitted to use public streets in the unincorporated territory of said County pursuant to encroachment permits after first obtaining a Conditional Use Permit as provided herein. All such encroachment permits and all Conditional Use Permits granted hereunder shall automatically terminate and become null and void in the event any Master Television Antenna(s) or any part thereof, or cables, lines or other appurtenances thereto, or parts thereof owned and operated by a nonprofit organization or entity shall be transferred to or operated by any person, or entity organized or operating for profit-making purposes. This provision shall not be deemed to prevent the acquisition or operation of such Master Television Antenna(s) or parts thereof as set out hereinabove, by any person or entity organized or operating for profit-making purposes, which

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shall first have obtained a valid franchise and a valid Conditional Use Permit as provided herein, for such purposes.

- c) Transmission of television and radio frequency modulation signals shall be by cable conforming to Federal Communications Commission standards to prohibit radiation interference, unless otherwise expressly permitted by the Board of Supervisors upon satisfactory evidence that no such radiation interference is likely to result.

ATTACHMENT 4

**Existing Telecommunications Facilities Regulations:
Inland Zoning Ordinance**

Sec. 35-292h. Communication Facilities.

(Added by Ord. 4264, 6/24/97)

Sec. 35-292h.1. Purpose and Intent.

The purpose of this Section is to provide for the siting of communication facilities and to set forth specific permit regulations for those communication facilities. The intent is to ensure that these facilities are properly sited and designed in a manner consistent with the provision of this Article, promote orderly development, and ensure that these facilities are compatible with surrounding land uses.

Sec. 35-292h.2. Applicability.

The provisions of this Section shall apply to all communication facilities for the transmission and/or reception of radio, television, and other communication signals including, but not limited to, wireless communication services (personal communication, cellular, and paging). Such facilities shall be subject to all the provisions set forth in Sec. 35-314. (Land Use Permits), Sec. 35-315. (Conditional Use Permits), and Sec. 35-317. (Development Plans), as applicable. Modifications to zone district regulations, (e.g., setbacks) are allowed under Section 35-315 and Section 35-317., unless otherwise specified in this section.

Sec. 35-292h.3. Processing.

No permits for development subject to the provisions of this Section shall be approved except in conformance with the following requirements:

1. Development which requires a Land Use Permit (LUP) (Sec. 35-314. et seq.) shall include:
 - a) Tenant Improvement communication facility that conforms to the development criteria set forth in Sec. 35-292h.4.1., is allowed in all zone districts, except residential zone districts as identified in Section 35-202.
 - b) Ground or roof-mounted receive-only satellite dish antenna or wireless television antenna over one (1) meter in diameter but no greater than two (2) meters in diameter, which is used solely for the non-commercial, private reception of communication signals (e.g., television), is allowed in all zone districts.
2. Development which requires a Director Approved Development Plan (Sec. 35-317 et seq.) and a Land Use Permit (LUP) (Sec. 35-314. et seq.) shall include:
 - a) A Tenant Improvement facility that conforms to the development criteria set forth in Section 35-292h.4.2., is allowed in all zone districts.

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- b) A Microcells, or similar facility, that conforms to the development criteria set forth in Section 35-292h.4.2., is allowed in all zone districts.
 - c) A Ground or roof-mounted receive-only satellite dish antenna and wireless television antenna greater than two (2) meters in diameter, which is used solely for the non-commercial, private reception of communication signals (e.g., television), is allowed in all zone districts.
3. Development which requires a Minor Conditional Use Permit (CUP) (Sec. 35-315.5 et seq.) and a Land Use Permit (LUP) (Sec. 35-314. et seq.) shall include:
- a) A Tenant Improvement facility that conforms to the development criteria set forth in Sec. 35-292h.4.3., is allowed in all zone districts.
 - b) A Microcell, or similar facility, that conforms to the development criteria set forth in Section 35-292h.4.3., is allowed in all zone districts.
 - c) A Macrocell, or similar facility, that conforms to the development criteria set forth in Section 35-292h.4.3. is allowed in all non-residential zone districts, except RES Resources Management and MT-GOL Mountainous Goleta zone districts, and in residential zone districts only where the subject site has a Comprehensive Plan Land Use Designation or Overlay of Institutional/Government Facility. If the applicant proposes to co-locate on an existing support structure, which has an existing and valid Conditional Use Permit, the project may be processed as a Substantial Conformity Determination, an Amendment, a Revision to the existing Conditional Use Permit, or a new Conditional Use Permit, consistent with the requirements of Sec. 35-315.11.
 - d) Amateur "ham" radio operations used solely by the occupant of the property where the facility is located or is used solely by the Coast Guard or Coast Guard Auxiliary operations, are allowed in all zone districts.
 - e) Other communication facilities and/or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television and communication signals which are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission and do not exceed fifty (50) feet in height, are allowed in all zone districts except residential zone districts as specified in Sec. 35-202.

- f) Private, non-commercial communication facility used in conjunction with and serving an agricultural operation located on the property on which the facility is located, is allowed in all agricultural zone districts.
- 4) Development which requires a Major Conditional Use Permit (CUP) (Sec. 35-315.6. et seq.) and a Land Use Permit (LUP) (Sec. 35-314. et seq.) shall include:
- a) A Tenant Improvement facility that conforms to the development criteria set forth in Sec. 35-292h.4.4., is allowed in all zone districts.
 - b) A Microcell, or similar facility, that conforms to the development criteria set forth in Sec. 35-292h.4.4., is allowed in all zone districts.
 - c) A Macrocell that conforms to the development criteria set forth in Sec. 35-292h.4.4., is allowed in all zone districts, except residential zone districts as specified in Sec. 35-202.
 - d) Other communication facilities that are subject to regulation by the Federal Communications Commission and/or the California Public Utilities (e.g., AM/FM radio stations, television stations) which include but are not limited to: equipment shelters, antennas, antenna support structures and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals, including Master Television Antenna(s) subject to the provisions of Sec. 35-292h.7, or other communication facilities which exceed fifty (50) feet in height, except amateur "ham" radio facilities as specified in Sec. 35-292h.4.3. and Wireless Communication Facilities, are allowed in all zone districts, except residential zone districts as specified in Sec. 35-202. *(Amended by Ord. 4319, 6/23/98)*
5. All Communication Facilities, except private ground or roof mounted satellite dishes and wireless television antennas, shall be subject to Sec. 35-329. (Board of Architectural Review).

Sec. 35-292h.4. Development Criteria for Wireless Communication Facilities

- 1. A Tenant Improvement facility that requires a Land Use Permit only shall comply with all of the following development criteria:
 - a) The facility is entirely enclosed within an existing building or structure (except antennas, the associated support structure, and air vents) or is located on the roof

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- of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facility and the associated antennas.
- b) If the equipment shelter is proposed to be located on the roof of an existing building or structure, it shall be fully screened or incorporated into the architectural design of the structure.
 - c) Antennas installed on the roof or directly attached to an existing building or structure must be fully screened or integrated into the architectural design of the building or structure.
 - d) The highest point of the antenna and any supporting structure installed within or on an existing building or structure does not protrude above the highest point of the building or structure (including parapet walls and architectural facades) on which it is mounted. Antennas that are mounted on the exterior wall of an existing building or structure shall not protrude more than two feet horizontally from such building or structure.
 - e) Access to the facility is provided by existing roads or driveways.
 - f) The facility does not include night lighting.
 - g) The facility is not located within a residential zone district and is a minimum of 50 feet from the nearest existing residential dwelling unit, residentially zoned parcel line, licensed day care facility, and educational facility.
 - h) Electricity provided by a public utility is the primary power source.
 - i) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be subject to review by the Historical Landmark Advisory Committee.
 - j) The noise levels associated with the facility do not exceed County and State standards or policies.
 - k) The maximum composite effective radiating (ERP) power of the facility, or sum of the power of all facilities collocated on the building or structure, is 1,000 watts or less. If a facility is sectorized (i.e., using more than one directional antenna), the maximum composite ERP shall be limited to 1,000 watts or less per sector. If the site is collocated with a sectorized and a non-sectorized (e.g., using an omni-

directional whip antenna) facility, the maximum ERP associated with the site shall be calculated by adding the maximum ERP associated with the whip antenna(s) and the maximum ERP associated with one of the directional antennas.

- 1) Notice of the approved project shall be provided in accordance with Sec. 35-326.3. (Land Use Permit Noticing). In addition, a copy of the approved Land Use Permit must be mailed to property owners within 300 feet and residents within 100 feet of the exterior boundaries of the project site, and to any person who has filed a written request and provided a self addressed stamped envelope to Planning and Development.
2. Tenant Improvement facilities that do not comply with the development criteria identified in Sec. 35-292h.4.1 and Microcells, or similar facility, which require a Director Approved Development Plan shall comply with the following pertinent development criteria:
 - a) Tenant Improvement Facility:
 - i) The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents), or is located on the roof of an existing building/structure within an equipment shelter where the general public does not have access to the transmission facility and the associated antennas.
 - ii) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
 - iii) The maximum height of the antenna(s) conforms to the zone district height requirements. No modifications (Sec. 35-315. or Sec. 35-317.) of the height limit shall be allowed. If located on a flat roof of an existing building or structure, the height of the antenna shall be not greater than the distance the antenna is setback from the edge of the roof.
 - iv) Notice of the project has been provided pursuant to Sec. 35-326 and no written request for a hearing has been submitted to Planning and Development within ten (10) calendar days of such notice. If such request

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is received the project shall be processed as a Zoning Administrator Development Plan.

- b) Microcell, or similar facility:
 - i) The general public is excluded from the facility (e.g., underground or locked cabinet).
 - ii) The maximum height of the antenna(s) conforms to the zone district height requirements. No modifications (Sec. 35-315. or Sec. 35-317.) of the height limit shall be allowed, except as follows; the highest point of the antenna(s) may exceed district height requirements only when mounted on an existing, operational public utility pole or similar support structure, as determined by Planning and Development. In no case shall the highest point of the antenna exceed the height of the utility pole or similar support structure (e.g., street light standard) on which it is mounted.
 - iii) The location of the microcell or similar facility shall conform to the following:
 - a) Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna may be located within setbacks or right-of-way if installed on an existing, operational, public utility pole, or similar existing support structure (e.g., street light).
 - b) Underground equipment (e.g., equipment cabinet) and associated antenna(s) may be located within the zone district setbacks and the right-of-way provided that the antenna(s) is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right-of-way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.

- c) The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).
 - iv) Notice of the project has been provided pursuant to Sec. 35-326 and no written request for a hearing has been submitted to Planning and Development within ten (10) calendar days of such notice. If such request is received the project shall be processed as a Zoning Administrator Development Plan.
- 3. Tenant Improvement facilities and Microcells, or similar facilities, that do not conform to the development criteria outlined in Sec. 35-292h.4.1. and Sec. 35-292h.4.2., and Macrocells require a Minor Conditional Use Permit and shall conform to the following development criteria:
 - a) Tenant Improvement Facility:
 - i) The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facility and the associated antenna(s).
 - ii) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
 - iii) The height of the antenna(s) and supporting structure shall not exceed 50 feet. No modifications (Sec. 35-315. or Sec. 35-317.) of the height limit shall be allowed. If the antenna(s) is located on an existing building or structure, the antenna shall not exceed fifteen (15) feet above the highest point of the structure. If the antenna(s) is located on a flat roof, the height of the antenna(s) shall be no greater than the distance the antenna(s) is setback from the edge of the roof up to a maximum of fifteen (15) feet.
 - b) Microcell, or similar facility:

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- i) The general public is excluded from the facility (e.g., underground or locked cabinet).
- ii) The height of the antenna(s) and supporting structure shall not exceed fifty (50) feet. No modifications (Sec. 35-315. or Sec. 35-317.) of the height limit shall be allowed, except as specified below. If the antenna is located on an existing building or structure, the antenna shall not exceed fifteen (15) feet above the highest point of the structure. If the antenna(s) are located on a flat roof, the height of the antenna(s) shall be no greater than the distance the antenna is setback from the edge of the roof up to a maximum of fifteen (15) feet. The highest point of the antenna(s) may exceed fifty (50) feet only when mounted on an existing operational public utility pole or similar support structure, as determined by Planning and Development, but in no case shall the highest point of the antenna exceed the height of the utility pole or similar base on which it is mounted.
- iii) The location of the microcell, or similar facility, shall conform to the following:
 - a) Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna(s) may be located within setbacks or right-of-way if installed on an existing utility pole, or similar existing support structure (e.g., street light).
 - b) Underground equipment (e.g., equipment cabinet) and associated antennas may be located within the zone district setbacks and the right-of-way provided that the antenna is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right-of-way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.

- c) The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).
- c) Macrocell, or similar facility.
 - i) The general public will be excluded from the facility (e.g., fenced).
 - ii) The height of the antenna and supporting structure shall not exceed 50 feet. No modifications (Sec. 35-315. or Sec. 35-317.) of the height limit shall be allowed.
 - iii) The support structure and associated antennas are : 1) a monopole with an antenna envelope of no more than 2 feet in diameter, 2) designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or 3) designed to integrate into the natural environment (e.g., imbedded in a hillside), do not protrude into the skyline, and include a maximum of two sectors (i.e., antennas transmitting in two directions) and 6 antennas.
 - iv) The facility is not located within a residential zone district, unless the subject site has a Comprehensive Plan Land Use Designation or Overlay of Institutional/Government Facility and the facility is a minimum of 100 feet from the nearest existing residential dwelling unit, existing educational facility, including licensed day care centers, on an adjacent parcel, or other residentially zoned parcel line. *(Amended by Ord. 4299, 3/24/98)*
 - v) The facility is not located within a Scenic Highway Corridor.
 - vi) The project, including the support structure, shall meet all setback regulations provided in the applicable zone district, unless a modification of such setbacks is approved.
 - vii) Co-location of macrocells on an existing support structure shall be required unless:
 - a) The applicant can demonstrate that reasonable efforts, as determined by Planning and Development, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or

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- b) Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or
 - c) Planning and Development determines that co-location of the proposed facility would result in greater visual impacts than if a new/separate support structure (e.g., monopole, lattice tower) were constructed.
4. Wireless Communication facilities that do not conform to the development criteria set forth in Sec. 35-292h.4.1., Sec. 35-292h.4.2., or Sec. 35-292h.4.3., require a Major Conditional Use Permit and shall comply with the following development criteria:
- a) Tenant Improvement Facility:
 - i) The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facility and the associated antennas.
 - ii) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
 - b) Microcell, or similar facility:
 - i) The general public is excluded from the facility (e.g., underground or locked cabinet).
 - ii) The location of the microcell or similar facility shall conform to the following:
 - a) Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna(s) may be located within setbacks or right-of-way if installed on an existing, operational, public utility pole, or similar existing support structure (e.g., street light).

- b) Underground equipment (e.g., equipment cabinet) and associated antennas may be located within the zone district setbacks and the right-of-way provided that the antenna is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right-of-way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.
 - c) The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).
- c) Macrocell, or similar facility.
- i) The general public is excluded from the facility (e.g., fenced).
 - ii) Macrocell facility that does not conform to the development criteria set forth in Sec. 35-292h.4.3. shall be prohibited in all residential zone districts as specified in Sec. 35-202.
 - iii) Macrocell facility shall be a minimum of 100 feet from the nearest existing residential dwelling unit, existing educational facility including licensed day care centers, on an adjacent parcel, or residentially zoned parcel line.
(Amended by Ord. 4299, 3/24/98)
 - iv) The project, including the support structure, shall meet all setback regulations provided in the applicable zone district, unless a modification of such setbacks is approved.
 - v) Macrocells, or similar facility, shall be collocated on an existing support structure unless:
 - a) The applicant can demonstrate that reasonable efforts, as determined by Planning and Development, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful, or

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- b) Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility, or
- c) Planning and Development determines that co-location of the proposed facility would result in greater visual impacts than if a new/separate support structure (e.g., monopole, lattice tower) were constructed.

Sec. 35-292h.5 Abandonment Procedures

If a commercial facility used for the transmission and/or reception of communication signals including radio equipment and antennas, has not been in use for twelve (12) continuous months, the facility and all appurtenant structures shall be considered abandoned. Prior to permit approved for the installation of such facility, the applicant shall post a performance security in an amount determined by Planning and Development that is sufficient to cover the cost of removal of the facility in the event that the such facility is abandoned. If Planning and Development determines that the facility has been abandoned, the applicant may be required to remove all equipment belonging to the applicant from the premise within 30 calendar days of receipt of notice to abate. If such facility is not removed within 30 days, the County may remove the facility at the applicant's expense.

Sec. 35-292h.6. Contents of an Application

Unless otherwise specified by the Planning and Development Director, ten copies of the following information shall be included in an application for any Communication Facility:

1. A site plan of the proposed development which meets the requirements of Planning and Development. The Site Plan shall also include to following information:
 - a) Location of existing, on-site prime scenic quality areas, habitat resources, water bodies and vegetation.
 - b) Existing and proposed walls and fences
 - c) Proposed landscaping or screening
 - d) Proposed lighting
2. A topographic map that meets Planning and Development requirements and shows existing and proposed contours.
3. Proposed elevations of the building or structure including building height and other physical dimensions drawn in graphic scale.

4. Visual Impact assessments including mock-ups and photo montages. The assessment shall identify any proposed trimming of existing vegetation that will be required for the normal operation of the facility.
5. Site photos from three vantage points.
6. A statement of intent regarding the establishment of utilities and services (e.g., electricity).
7. Evidence that the parcel is valid (i.e., legally created).
8. Report prepared by a County approved radio frequency engineer showing that radio frequency radiation/electromagnetic frequency (RFR/EMF) emitted by the proposed facility conforms to safety standards adopted by the Federal Communications Commission, if applicable. The RFR reports prepared for wireless communication facilities shall conform to the reporting requirements set by the FCC. If a wireless communication facility meets the federal environmental evaluation exemption standards identified in Title 47 of the Code of Federal Regulations, as may be amended, a RFR/EMF report shall not be required. If the project permit does not clearly identify the maximum number of radio transceivers and effective radiated power associated with the facility, the County may require annual post-construction RFR/EMF reports for up to five years to verify that actual radiation levels emitted are consistent with those anticipated in the pre-approval report and do not exceed County/Federal safety standards.
9. Documentation showing that the noise generated by the proposed facility does not exceed County and State noise thresholds.
10. Hazardous Materials Business Plan, if required by the County Fire Department -- Hazardous Materials Division.
11. A title report or other legal instrument demonstrating legal access to the proposed site.
12. If the applicant is not proposing to co-locate a proposed macrocell, the following information shall be submitted:
 - a) Documentation regarding the proposed service area and attempts to contact the owners of the existing facilities within that service area, and/or documentation why co-location is impractical.
 - b) An agreement to lease space on the proposed support structure to other users in "good faith."

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- c) Documentation identifying the total capacity of the structure, including the number and types of antennas that can be accommodated over the life of the project
 - d) Documentation which identifies failure characteristics of the tower and demonstrate that the site and setbacks are of adequate size to contain falling debris.
 - e) Evidence demonstrating that the selected tower design is as visually unobtrusive as possible, given the technical and engineering considerations.
13. Evidence that the applicant has provided notice to all wireless communication service carriers of the plans to develop the proposed facility.
14. Verification of an operating license from the Federal Communications Commission.

Sec. 35-292h.7. Additional Requirements

In addition to the provisions set forth above, the following uses shall be subject to the requirements below:

Master Television Antennas.

- 1. Any and all reasonable conditions related to the public health, safety, and welfare and not in conflict with general laws may be imposed on Conditional Use Permits granted as provided in this Article, including among other things, regulation of height, general appearance, and location of guy wires, provided, however, that in all cases the following express conditions shall apply whether expressly set out in the Conditional Use Permit or not:
 - a) No part of any Master Television Antenna(s), nor the cables or lines or other appurtenances thereto shall be permitted to encroach into, under, over, or upon, or cross under or over any public streets in the unincorporated territory of the County of Santa Barbara, unless a franchise and an encroachment permit shall first have been obtained from the County of Santa Barbara, and no such encroachment or crossing shall be permitted to be so maintained except pursuant to the terms of a valid existing franchise and an encroachment permit from said County.
 - b) Cables and lines and other appurtenances of Master Television Antenna(s) which are owned and operated by a nonprofit organization or entity may be permitted to use public streets in the unincorporated territory of said County pursuant to

encroachment permits after first obtaining a Conditional Use Permit as provided herein. All such encroachment permits and all Conditional Use Permits granted hereunder shall automatically terminate and become null and void in the event any Master Television Antenna(s) or any part thereof, or cables, lines or other appurtenances thereto, or parts thereof owned and operated by a nonprofit organization or entity shall be transferred to or operated by any person, or entity organized or operating for profit-making purposes. This provision shall not be deemed to prevent the acquisition or operation of such Master Television Antenna(s) or parts thereof as set out hereinabove, by any person or entity organized or operating for profit-making purposes, which shall first have obtained a valid franchise and a valid Conditional Use Permit as provided herein, for such purposes.

- c) Transmission of television and radio frequency modulation signals shall be by cable conforming to Federal Communications Commission standards to prohibit radiation interference, unless otherwise expressly permitted by the Board of Supervisors upon satisfactory evidence that no such radiation interference is likely to result.

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ATTACHMENT 5

General Plan Policies Pertaining to Telecommunications Facilities

General Plan/Coastal Land Use Plan Communications Facilities Policies

VH 4.8 Telecommunications Facilities. [GP] Telecommunications facilities shall be subject to the following standards:

- a. Facilities shall be sited and designed to minimize visibility.
- b. Facilities shall ensure and maintain the architectural integrity of buildings and structures.
- c. Internalized, ground-mounted, and/or underground equipment is encouraged. Roof-mounted equipment is discouraged, and when allowed, shall be adequately screened. Any such equipment shall be located away from, or screened from, street views.
- d. Any roof-mounted equipment shall be considered part of the building or structure for purposes of height calculations.
- e. Colors and materials that blend with existing development, the skyline, and/or natural features shall be used.
- f. Landscaping shall be used for screening purposes where possible and to enhance compatibility with the architectural character of existing structures.
- g. Location of wireless communications facilities within or adjacent to residential uses is discouraged.
- h. The use of faux trees to camouflage or create stealth designs for antennas is discouraged.

PF 6.4 Telecommunications Improvements. [GP] The City encourages upgrading of telecommunications infrastructure to ensure adequate coverage. The number of separate sites shall be minimized. Visual and aesthetic obtrusiveness of wireless and cellular telecommunications facilities shall be mitigated by provision of stealth designs, for example, location within elements of buildings such as parapets, chimneys, or other architectural features. A public notice shall be posted at telecommunications sites with electromagnetic field emissions; these notices shall inform employees, customers, and the general public as to the location of the facility (see related VH 4.8).