

DIVISION 7.

GENERAL REGULATIONS.

Sec. 35-118. Purpose and Intent.

The purpose of this DIVISION is to establish distinct performance and development regulations for certain activities, uses, and structures that are of such a special nature that additional or modified regulations are desired. These regulations are applicable in all zones and overlay zones notwithstanding the regulations of the applicable zone or overlay zone district. *(Amended by Ord. 4169, 10/11/94)*

Sec. 35-118.1. Conformance to Regulations.

(Added by Ord. 3595, 10/6/86)

Except as permitted as a non-conforming use, building or structure:

1. Use Restrictions. No building or structure shall be hereafter erected, constructed, altered, enlarged, moved, or maintained, nor shall any building or land be used, designed or intended to be used for any purpose other than those which are permitted in the type of zone in which such building or land is located, and then only after applying for and securing all permits and licenses required by law and this Article, which authorizes such building, structure or use.
2. Height Restrictions. No building or structure shall be hereafter erected, nor shall any existing building or structure be moved, reconstructed, altered, enlarged or maintained to exceed the height limit established for the type of zone in which such building or structure is located, unless a variance has been granted except as otherwise permitted in Sec. 35-127, Sec. 35-172.12, Sec. 35-174.8, and Sec. 35-179, and is in effect which authorizes such construction. *(Amended by Ord. 4263, 6/24/97)*
3. Area Conformance Restrictions. No building or structure shall be hereafter erected, nor shall any existing building or structure be moved, reconstructed, altered, enlarged or maintained, except in conformity with the area regulations of the zone in which it is located and any specific yard setback regulations and lot coverage limitations that may apply, unless a Variance or Modification has been granted and is in effect which authorizes such construction. *(Amended by Ord. 4227, 6/18/96)*

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ACCESSORY STRUCTURES

Sec. 35-119. Accessory Structures.

1. All accessory structures, including agricultural accessory structures, shall conform to criteria set forth in this section and as defined by ordinance except that mobile home site accessory structures within a Mobile Home Park shall instead be regulated by the MHP District provisions (Sec. 35-91.). *(Amended by Ord. 3844, 3/20/90; Ord. 4086, 12/15/92).*
2. Except in agricultural districts, no accessory structure shall be constructed on a lot until construction of the principal structure has begun, and no accessory structure shall be used unless the principal structure on the lot is also being used.
3. An accessory structure erected as an integral part of the principal structure shall comply in all respects with the use, yard, and height requirements applicable to the principal structure.
4. Accessory structures shall conform to the height requirements and the front and side yard setback regulations of the district. An accessory structure may be located in the required rear yard setback provided that it is located no closer than five (5) feet to the principal structure and that it occupies no more than 40% of the required rear yard, and that it does not exceed a height of twelve (12) feet.
5. No accessory structure on a corner lot shall be located closer to the street right-of-way or centerline than the principal building on that lot, nor within any side or front yard setback.
6. For a corner lot backing on a key lot, an accessory structure shall be setback from the rear property line by a distance equal to the side yard setback requirement applicable to the key lot. *(Amended by Ord. 4298, 3/24/98).*
7. Agricultural accessory structures which serve as a primary place of employment or which are used by the public may include a bathroom and wetbar area, provided that a Notice to Property Owner is recorded by the property owner. For all other accessory structures, plumbing devices shall be limited to toilets and wash basins, and no bathing facilities or wetbars shall be allowed.
8. No cooking facilities shall be allowed in accessory structures.

ACCESSORY STRUCTURES

9. Accessory buildings and structures shall not be used for sleeping purposes and shall not be used as guest houses, artist studios, or cabañas, unless specifically permitted for such use. *(Amended by Ord. 4298, 3/24/98)*
10. On lots of one acre or less, the gross floor area of an accessory structure shall not exceed 800 square feet, excluding garages, barns and stables.
11. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for those parcels identified with the MON overlay zone.
(Added by Ord. 4196, 5/16/95)

Sec. 35-120. Guest House, Artist Studio, or Pool House/Cabana

(Amended by Ord. 3845 3/20/90)

1. Accessory structures used as guest houses, artist studios, or cabañas must conform to criteria set forth in this section and as defined by ordinance. *(Amended by Ord. 4298, 3/24/98)*
2. No guest house or artist studio shall be located on a lot containing less than one (1) gross acre.
3. There shall not be more than one (1) guest house or artist studio on any lot. There shall be not more than one (1) cabaña on any lot. *(Amended by Ord. 4298, 3/24/98)*
4. The floor area of such guest house, artist studio, or pool house/cabana shall not exceed 800 square feet; however, such structures may be attached to another accessory structure so that the total area of the combined structures exceeds 800 square feet, provided no interior access exists between the guest house, artist studio, or cabaña and the other accessory structure. *(Amended by Ord. 4298, 3/24/98)*
5. No guest house, artist studio, or cabañas shall exceed a height of one story. Such story may be located above or below another accessory structure.
6. There shall be no kitchen or cooking facilities within a guest house, artist studio, or cabaña. However, a wet bar may be provided, limited to the following features:
(Amended by Ord. 4298, 3/24/98)
 - a. A counter area with a maximum length of 7 feet.
 - b. The counter area may include a bar sink and an under counter refrigerator.
 - c. The counter area may include an overhead cupboard area not to exceed 7 feet in length.
 - d. The counter area shall be located against a wall or, if removed from the wall, it shall not create a space more than 4 feet in depth. The 7 foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
 - e. No cooking facilities shall be included in the wet bar area.
7. Guest houses and cabañas may contain bathrooms as defined by ordinance. However, in artist studios, plumbing facilities shall be limited to those required for

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Artist Studios, Cabaña**

- a wetbar, if provided, and/or a restroom. No bathing facilities shall be permitted in artist studios.
8. Guest houses, artist studios, or pool house/cabanas must conform to all of the setback regulations set forth in the applicable zone district for dwellings.
 9. A guest house shall be used on a temporary basis only by the occupants of the main dwelling or their non-paying guests or servants and is not intended to be rented or let out, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the premises for no more than one hundred twenty (120) days in any twelve (12) month period.
 10. Artist studios and cabañas shall not be used as temporary sleeping quarters, guest houses, or as a dwelling unit. *(Amended by Ord. 4298, 3/24/98)*
 11. A Notice to Property Owner document shall be required to be recorded by the property owner prior to issuance of a Coastal Development Permit for any guest house, artist studio or cabañas, that specifies, at a minimum, the allowable uses of the structure. *(Amended by Ord. 4298, 3/24/98)*
 12. A cabaña may be approved in conjunction with a proposed pool or sport court (see definition of cabaña), provided that occupancy of the building is simultaneous with completion of the pool or court. A cabaña may also be approved on a lot that is directly adjacent to the beach. *(Amended by Ord. 4298, 3/24/98)*
 13. A home occupation permit shall be required for all artist studios.
 14. If an Attached or a Detached Residential Second Unit exists or has current approval on a parcel, a guest house or artist studio may not also be approved (see also Sec. 35-142.6.i). *(Added by Ord. 4169, 10/11/94)*
 15. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for parcels identified with the MON overlay zone. *(Added by Ord. 4196, 5/16/95)*

Sec. 35-121. Home Occupations.

Sec. 35-121.1. Processing.

(Amended by Ord. 3836, 3/20/90)

Except as stated in Sec. 35-121.3., prior to the commencement of any type of occupation in the home, a home occupation application shall be submitted to the Planning and Development Department.

The Planning and Development Department shall approve, conditionally approve, or deny such application. Upon approval of such application, a Coastal Development Permit shall be issued for the home occupation. *(Amended by Ord. 4067, 8/18/92)*

Sec. 35-121.2. Findings.

(Amended by Ord. 3836, 3/20/90)

The Planning and Development Department shall approve a home occupation application only if the proposed occupation meets all of the following criteria:

1. A home occupation shall be conducted within not more than one room of the dwelling not including garages, except for artist studios.
2. There shall be no structural alterations of the dwelling, and the existence of the home occupation shall not be apparent beyond the boundaries of the premises.
3. The home occupation shall be conducted solely by the occupants of the dwelling unit. No employees other than the dwelling occupants shall be permitted on the premises for business purposes.
4. No displays or advertising signs shall be permitted on the premises. *(Amended by Ord. 4067, 8/18/92)*
5. There shall be no more than five (5) customers, patients, clients, students, or other persons served by said occupation upon the premises at any one time.
6. A home occupation shall not create any radio or television interference or create noise audible beyond the boundaries of the premises.
7. No smoke or odor shall be emitted that occurs as a result of the home occupation.
8. There shall be no outdoor storage of materials related to the home occupation.
9. No vehicles or trailers except those incidental to the residential use and those allowed under Section 35-71.11 shall be kept on the premises.

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10. A home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, premises, or neighborhood.
11. Where a home occupation will be conducted within a dwelling that relies on a septic system, a written clearance from the Santa Barbara County Environmental Health Department shall be required prior to approval.

Sec. 35-121.3. Exception to Permit Requirement for Home Occupation.

(Added by Ord. 4067, 8/18/92)

No home occupation permit shall be required for home occupations such as consultants in management, finance, engineering and publishing, bookkeeping, accounting, phone sales, etc., which meet all of the following criteria:

1. Findings 1-4 and 6-11 under Sec. 35-121.2.
2. No clients or customers shall be served at the premises.
3. No business advertisements, except for business cards and letterhead, may list the home address.
4. All business transactions occurring on the premises shall occur by telephone, FAX, computer modem, written correspondence or other tele-communication medium.

Sec. 35-121.4. Violations of Home Occupation Regulations. *(Amended by Ord. 3598, 10/6/86)*

- a. It shall be unlawful for any person, firm or corporation to establish, cause, permit or maintain any type of business profession or other commercial occupation (collectively to be referred to as a "home occupation") in an area zoned for residential use without first securing a Home Occupation Permit from the Planning and Development Department which approves, and/or conditionally approves such use or activity.
- b. It shall be unlawful for any person to conduct a home occupation for which a Home Occupation Permit has been issued without complying with all conditions attached to such permit.

Sec. 35-122. Swimming Pools & Spas.

1. Swimming pools, spas, and appurtenant structures shall be classified as accessory uses.
2. A swimming pool, spa, or any appurtenant structures shall not be located in the required front or side yard setback area and shall not be closer than five feet to any other property line.

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GEN REGS - Fences, Walls, Gateposts

Sec. 35-123. Fences, Walls and Gate Posts.

1. In all districts, fences, walls, and gateposts on a lot in conformance with the height limitations and permit requirements provided in the following chart, except that corner lots must meet the vision clearance requirements set forth in Sec. 35-124 (General Regulations).

Location of Fence, Wall or Gate Post	Exempt from Coastal Development Permit	If Not Exempt From a CDP, Type of Permit Required in All Districts Other Than Agricultural Districts
Front Yard Setback	Fences and walls less than six (6) feet and gate posts less than eight (8) feet in height are exempt from a CDP.	Minor CUP required for fences and walls more than six (6) feet or gate posts more than eight (8) feet in height.
Side and Rear Yard Setback	Fences and walls less than eight (8) feet and gate posts less than (10) feet in height that are not closer than twenty (20) feet to the right-of-way line of any street are exempt from a CDP.	Minor CUP required for fences and walls more than eight (8) feet or gate posts more than ten (10) feet in height, or closer than twenty (20) feet to the right-of-way line of any street. <i>(Amended by Ord. 3966, 2/21/92)</i>
Outside of Setback Areas	Fences and walls less than eight (8) feet and gate posts less than ten (10) feet in height are exempt from a CDP.	CDP required for fences and walls more than eight (8) feet or gate posts more than ten (10) feet in height.

In addition, the following regulations shall apply:

1. A maximum of ten percent (10%) of the total linear length of a wall or fence may be allowed to exceed the maximum height specified for exemption from a permit, where topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length. *(Amended by Ord. 3962, 2/21/92)*

GEN REGS - Fences, Walls, Gateposts

2. The height of walls or fences shall be determined by measuring from the natural grade at the lower side of the fence, wall or gate posts.

Sec. 35-124. Vision Clearance.

1. In agricultural and residential districts, a vision clearance of not less than ten (10) feet shall be provided on all corner lots.
2. In all other districts, a vision clearance of not less than seven (7) feet shall be provided on all corner lots.

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Sec. 35-125. General Setback Regulations.

1. Where a setback line is called for or shown on a recorded subdivision or parcel map or on a final development plan in the PRD district under Sec. 35-75.11, the required setback shall be the setback line shown on the subdivision or parcel map or final development plan.
2. In computing the depth of a rear yard setback or the width of a side yard setback, if such yard abuts upon an alley, and the owner of the yard owns all or one-half of the underlying fee of such alley, such portion of the alley may be included in the rear yard or side yard provided that no more than one-half the width of such alley may be so included.
3. On any lot which has been reduced in width or depth below the original dimensions of the lot legally created by a recorded subdivision map or deed prior to October 1, 1960, which reduction was required by the County for road widening purposes, the required yards shall be computed on the basis of the original dimensions of the lot as though such road widening had not occurred.
4. In single-family residential subdivisions wherein all proposed dwellings are to be constructed at one time by the developer and a plot plan showing the location and dimensions of each building and the front, side, and rear yard setback dimensions on each lot has been filed with the Planning and Development Department, the Director may modify the required front yard setback for not to exceed fifty (50) percent of the lots on each side of the street in each block, subject to all of the following limitations:
 - a. No garage shall be located closer than ten (10) feet to the street right-of-way line.
 - b. No part of the dwelling portion of the building shall be located closer than fifteen (15) feet to the street right-of-way line.
 - c. No garage shall be so oriented that there is less than twenty (20) feet of unobstructed driveway space within the property on which to park a car outside of the garage.

- d. The average distance of each building from the centerline of the street shall be at least fifty (50) feet. Such average distance shall be determined by multiplying the width of the various segments of the front of the building by the setback distance of such segments from the centerline of the street and dividing the sum of the products by the total width of the building.
5. Every part of a setback, except for mobile home site setbacks subject to provisions of Sec. 35-91.(MHP), shall be unobstructed from the ground to the sky, except as otherwise provided in this Article and except for the ordinary projection of sills, belt courses, buttresses, cornices, chimneys, eaves, and ornamental features but in no case shall such projections exceed three feet. However, handrails on outdoor stairways may extend into the setback an additional six (6) inches. *(Amended by Ord. 4086, 12/15/92; Ord. 4227, 6/18/96)*
6. Fire escapes, balconies, and unroofed and unenclosed porches or landings, except on mobile home sites subject to provisions set forth in Sec. 35-91 (MHP), may extend into a) the front or rear yard setback four (4) feet, and b) a side yard setback three (3) feet, when constructed and placed in a manner that shall not obstruct light or ventilation of buildings or ready use for said yards for ingress or egress. *(Amended by Ord. 4086, 12/15/92)*
7. Trellises and patio covers, except on mobile home sites subject to provisions set forth in Sec. 35-91.(MHP), may be located within the rear yard setback when no closer than fifteen (15) feet to the rear property line, or no closer than ten (10) feet to the rear property line when adjacent to a permanently dedicated open space area. *(Amended by Ord. 3967, 2/21/92; Ord. 4086, 12/15/92)*
8. In any area where a building can be legally constructed on or closely adjacent to the right-of-way line of a public street, eaves and roof overhangs, sills, belt courses, fire escapes, balconies, and unroofed and unenclosed porches may project into a street right-of-way not more than thirty (30) inches; provided that all such encroachments projecting more than six (6) inches into such street right-of-way shall be at least eight (8) feet above any area used by pedestrians, and at least fourteen (14) feet above any area used for vehicular traffic; and provided further, an encroachment

permit for such projections is obtained from the County Transportation Department.

9. Where the elevation of the ground at a point 50 feet from the centerline of any street is seven (7) feet or more below or above the grade of said centerline, the front setback for a private detached garage may be decreased by forty (40) percent and the front setback for a dwelling may be decreased by twenty (20) percent provided the front face of such garage is no closer than ten (10) feet to the abutting street right-of-way.

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GEN. REGS.
Through, Corner, Interior & Odd-Shaped Lots

Sec. 35-126. Through, Corner, Interior, and Odd-Shaped Lots.

1. Through Lots. The side yard setbacks shall extend the full depth of the lot between the street lines and there shall be two (2) front yard setbacks for the purpose of computing setbacks.
- 2A. Corner Lots Abutting on Two or More Streets, for R-1 and E-1 Zone Districts.
(Added by City Ord. 07-06, 6/4/2007)
 - a. The setback along any secondary front line (defined as the property line not considered the primary front line) shall be ten (10) feet.
 - b. The rear yard setback for a corner lot backing up on a key lot may be reduced to the size of the required side yard setback for the key lot or ten (10) feet, whichever is greater, provided the total front, side, and rear yard area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side yard setback requirements applicable to the key lot.
- 2B. Corner Lots Abutting on Two or More Streets, for All Other Zone Districts.
(Added by City Ord. 07-06, 6/4/2007)
 - a. If a corner lot is less than 100 feet in width, the front yard setback along the property line not considered the front line shall be not less than 20 percent of the width of the lot, but in no case shall said front yard setback be less than ten (10) feet.
 - b. If a corner lot is 100 feet or greater in width, there shall be a front yard setback along each street abutting the lot, and all such setbacks shall conform to the front yard setback requirements of the applicable zone district.
 - c. The rear yard setback for a corner lot backing upon a key lot may be reduced to the size of the required side yard setback for the key lot or ten (10) feet, whichever is greater, provided the total front, side, and rear yard area required by the applicable district regulations is not reduced. An accessory structure on a corner lot backing up on a key lot shall be setback from the rear property line by a distance equal to the side yard setback requirements applicable to the key lot.
3. Interior Lots. The setback regulations of the applicable zone district shall not apply to an interior lot but any structure located upon such lot shall have a setback of at least ten (10) feet from all property lines and the total setback area shall equal the total area of all setbacks required in the applicable zone district.
4. Odd-Shaped Lots. In the case of odd-shaped lots, the Director shall determine the required setbacks, which widths and depths shall approximate as closely as possible the required widths and depths of corresponding setbacks on rectangular lots in the applicable zone district.

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Sec. 35-127. Height.

(Amended by City Ord. 09-09, 7/21/2009)

1. Chimneys; elevator and stair housings; television receiving antennas for individual receiving sets; flag poles; monuments; oil and gas derricks; church spires; and similar architectural features and similar structures may be up to fifty (50) feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC, View Corridor Overlay District. *(Amended by Ord. 4263, 6/24/97)*

2. Specific exceptions to this limitation for the height of temporary drilling rigs to explore and produce offshore oil and/or gas reservoirs from onshore sites may be permitted until cessation of drilling in accordance with an approved plan that requires due diligence; however, the height limitation shall not be exceeded for a total period of time of four years. Upon written request by the operator, the Director of Planning and Development may grant up to two one-year extensions provided that, for each extension, the operator has demonstrated it has proceeded with due diligence in completing an established drilling program, or for well maintenance, or for well abandonment. *(Added by Ord. 4235, 9/3/96)*

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Sec. 35-128. Area of Lots.

(Amended by Ord. 4266, 6/24/97)

1. The lot area or building site area of a lot shall be as defined under Sec. 35-58. (Definitions), provided, however, that:
 - a. In any zone district in which portions of street right-of-way are specifically excluded, the lot or building site area of a lot shall be exclusive of that portion of the lot lying within a street right-of-way.
 - b. For the purpose of computing the lot area or building site area of a lot in any district, any portion of a driveway or easement less than 40 feet in width and reserved for access to a public street, the length of which portion is not adjacent to any front, side, or rear yard of said lot or parcel shall be excluded.
2. For the purpose of computing the lot area or building site area of any lot, the boundaries of such lot shall be the boundaries established by the latest recorded deed, parcel map, subdivision map, etc., provided that such recorded document does not create or attempt to create a lot in violation of the provisions of any applicable California or County law or ordinance.
3. Two or more legal lots, each having insufficient area to meet lot area requirements, may be combined or resubdivided provided:
 - a. All other regulations of this Article are complied with.
 - b. The combined or resubdivided lots are as large or larger than the original lots.
 - c. The minimum area of each such lot is 7,000 square feet.
4. Lots or groups of lots in one ownership, legally created and existing prior to the effective date of any County zoning regulations applicable to such lots, and containing less area than the required lot or building site area of the district in which they are located may be used as building sites for not more than two dwellings per lot, provided:
 - a. Such lots or groups of lots were legally created prior to the effective date of any County zoning regulations applicable to such lots.

GEN REGS - Area of Lots

- b. Such lots or groups of lots having a total combined area in one ownership less than 6,000 square feet exclusive of any portion thereof lying within a street right-of-way may not be used for more than one dwelling per lot, except within the SUM Overlay District where the minimum lot size for a duplex in any instance is 10,000 square feet. *(Amended by Ord. 4034, 5/19/92)*
- c. All other regulations of this Article are complied with.

Sec.35-129. Width of Lots.

For the purpose of computing the width of a lot having side lines which are not parallel, the lot width shall be the average width of the lot. An easement or corridor connecting the major portion of an irregularly shaped lot to a street shall not be used for the purpose of computing lot width.

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Sec. 35-130. Subdivision of Land.

1. In order to obtain approval for a division of land, the subdivider shall demonstrate that adequate water is available to serve the newly created lots except for lots to be designated as "Not A Building Site" on the recorded subdivision or parcel map.
2. As a requirement for approval of any proposed land division of agricultural land designated as AG-I or AG-II, the County shall make a finding that the long-term agricultural productivity of the land will not be diminished by the proposed division.

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Sec. 35-131. Temporary Tract Offices in Subdivisions.

The Director, or a duly authorized representative, may approve a coastal development permit for construction of a temporary tract sales office subject to the following conditions:

1. The office shall be located on one of the recorded lots in the subdivision within which it is located or one of the recorded lots in a subdivision of the same subdivider in the immediate vicinity.
2. The office shall not be permanently attached to the ground and shall be of such a size that it is readily removable unless it is within some portion of a model home, other than the garage, or unless the Planning Commission has approved its conversion to a permanent use.
3. So long as it is used as a sales office, it shall not be used for any purpose other than the sale of lots in the particular subdivision within which it is located or for the sale of lots in a subdivision of the same subdivider in the immediate vicinity.
4. The garage of a model home may be used for the office subject to the deposit with the Planning and Development Department of a performance security, in an amount designated by the Planning and Development Department, guaranteeing the conversion of the tract office to a garage at the expiration of the permit. No occupancy of the model home for dwelling purposes shall be permitted until the office has been removed or a two car covered garage is provided for the dwelling unit.
5. The permit shall expire after either (1) initial sales have been made of all lots within the tract within which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity, or (2) one year after its issuance, whichever is earlier. The permit may be extended by one time for one year by the Director upon application of the subdivider for good cause shown. *(Amended by Ord. 4298, 3/24/98)*
6. The applicant shall deposit the sum of one thousand dollars to assure removal of an office in a separate building after expiration of the permit or any extension thereof. The applicant shall obtain and furnish to the County written permission from the then landowner and all subsequent landowners for the County and its agents to

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enter upon the land where said office is located, to accomplish removal if the applicant fails to remove the office within thirty days after expiration of the permit or any extension thereof, or after notification from the Director if the Planning Commission at any time finds that the office is unsightly or has become a public or private nuisance.

Sec. 35-132. Trailer Use.

Sec. 35-132.1. Limitation on Use.

Except as otherwise expressly permitted in this Sec. 35-132., in the Mobile Home Park (MHP) district and in the provisions of the individual zone districts allowing mobile homes certified under the National Mobile Home Construction and Safety Standards Act of 1974, no trailer shall be used for any purpose whatsoever.

Sec. 35-132.2. Temporary Use of Trailers Other Than for Habitation During Construction in all Zone Districts.

1. Purpose: In all zone districts, trailers which have been converted for use as construction offices, tool storage, or for particular work such as electrical shops, cabinet shops, and other similar uses and which are not used for human habitation during the night are permitted to be maintained on a building site during periods of erection of buildings thereon, provided:

- a. Building permits have been issued for the buildings.
- b. Trailers shall promptly be removed upon completion or erection of buildings. *(Amended by Ord. 4086, 12/15/92)*

2. Processing:

- a. Up to three (3) such converted trailers located on any one building site may be permitted without the requirement for a Coastal Development Permit. *(Amended by Ord. 4086, 12/15/92)*
- b. More than three (3) such converted trailers per building site may be permitted pursuant to a Minor Conditional Use Permit under Sec. 35-172. and a Coastal Development Permit under 35-169., providing that:

- (1) The Zoning Administrator makes additional findings that the need for the trailers and a time frame for their removal has been clearly demonstrated; and
- (2) The trailers are permitted for an initial period not to exceed two (2) years. Renewals for additional two (2) year periods may be granted under the provisions of Section 35-172.7., Processing, provided that the request is filed prior to the expiration date of the previously approved permit for the same use. *(Added by Ord. 4086, 12/15/92)*

Sec. 35-132.3. Temporary Watchman Use of Trailers During Construction in all Zone Districts.

In all zone districts, during periods of erection of buildings upon building sites, a trailer usable for or designed for human habitation may be maintained on such site for use as a watchman's quarters subject to the issuance of a coastal development permit under Sec. 35-169., provided:

1. Building permits have been issued for the buildings.
2. Only one such trailer shall be permitted on a site; and,
3. The trailer shall be promptly removed upon completion of erection of buildings or within one year, whichever is earlier.

Sec. 35-132.4. Temporary Watchman Use of Trailers in all Zone Districts.

In all zone districts, a trailer usable for or designed for human habitation may be permitted to be used as a watchman's quarters for a period not to exceed five years pursuant to a Minor Conditional Use Permit under Sec. 35-172. and a coastal development permit under Sec. 35-169., provided:

1. The trailer is accessory to a permanent building, structure, or use.
2. The permittee complies with the State Mobile Home Act.
3. The trailer complies with setbacks and distances between buildings required for buildings or structures.
4. The trailer, when added together with other dwelling units on the lot on which the trailer is located, does not exceed the number of dwellings permitted under the applicable zone district.

Sec. 35-132.5. Temporary Dwelling Use of Trailers During Construction of Residential Buildings in all Zone Districts.

In all zone districts, a trailer may be used for a single family dwelling during construction of a residential building for a period of one year or until 30 days after an occupancy permit is issued by a County Building Official or the building is occupied, whichever is earlier, under a coastal development permit under Sec. 35-169., provided:

1. Said one year period shall be reduced by any period during which the trailer has been illegally occupied at the site.

2. The building permit has been issued for the residential building and the foundation inspection has been completed.
3. The permittee complies with the State Mobile Home Act.
4. The trailer complies with the setbacks and distance between buildings required for buildings or structures. Any extension of time for the coastal development permit issued under this section may only be granted as a Minor Conditional Use Permit pursuant to Sec. 35-172.

Sec. 35-132.6. Use of Trailers for Various Purposes in all Zone Districts.

(Amended by Ord. 3534, 10/7/85)

In all zone districts, trailers may be permitted pursuant to a Minor Conditional Use Permit under Sec. 35-172. and a Coastal Development Permit under Sec. 35-169 as follows:

(Amended by Ord. 4086, 12/15/92)

1. Accessory to a permanent building already on the same site, for any use allowed under the provisions of the applicable zoning district and regulations of this Article subject to the following:
 - a. The Conditional Use Permit shall be valid for an initial period not to exceed two (2) years. The Conditional Use Permit may be renewed for additional two (2) year periods under the provisions of Sec. 35-172. subject to the restrictions of this section, provided, however, that the request for the renewal is filed prior to the expiration date of the previously approved Conditional Use Permit, and
 - b. In no case shall the cumulative time period for the Conditional Use Permits and any renewals for the site exceed a maximum of six (6) years unless a finding can be made that:
 - (1) A permanent building is under construction on the building site to house the use and to replace the trailer(s) or
 - (2) An active building permit has been issued for a permanent building to be constructed on the building site to house the use and to replace the trailer(s) or

- (3) The construction of a permanent building on the building site to house the use and to replace the trailer(s) is authorized pursuant to a valid, unexpired, discretionary permit. *(Amended by Ord. 4086, 12/15/92)*
2. To house otherwise permitted branch offices of banks or savings and loan associations provided the branch office is licensed as a mobile branch office by the State or Federal Government.
3. On permanently improved sites, which are isolated from trailer parks, open and available to a railroad and within the railroad's right-of-way, provided such trailers are used to house exclusively employees of the railroad engaged full-time in construction or maintenance of the railroad's right-of-way.
4. To permit trailers as air quality monitoring stations, for a time period that is adequate to meet the specific air quality monitoring needs of the project, as recommended by the County Air Pollution Control District and determined by the Zoning Administrator and providing that the following additional findings are made:
 - a. That the stations are either required or approved by the County Air Pollution Control District;
 - b. That all zoning district setbacks are complied with; and
 - c. That the trailers are adequately screened by landscaping or other measures from public view. *(Amended by Ord. 4086, 12/15/92)*

All trailers permitted pursuant to this section, including their foundations, shall be promptly removed upon completion of construction of the permanent building or discontinuance of the authorized use. The Zoning Administrator may condition the project and may require bonding or other performance security to ensure compliance with this requirement. *(Added by Ord. 4086, 12/15/92)*

Sec. 35-132.7. Use of Trailers as Offices in Agricultural Districts.

In any agricultural district, trailers may be permitted to be used temporarily primarily for the performance of duties imposed on the owner or lessee of the land in connection with the agricultural activities conducted thereon by federal, state, or county laws or regulations, for the following periods and under the following permits:

1. For less than 30 days without the requirement of a coastal development permit.
2. For 30 days to one year with a coastal development permit under Sec. 35-169.
3. For over one year pursuant to a Minor Conditional Use Permit under Sec. 35-172. and a coastal development permit under Sec. 35-169. Permits under paragraph 2. or 3., above, shall provide that any such trailers shall be removed from the lot within six (6) months following the effective date of any rezoning of the lot on which the trailer is located to a zone district classification other than agriculture.

Sec. 35-132.8. Use of Trailers for Single Family Dwelling for Full Time Farm Workers in All Zone Districts; not Including Farm Labor Camps.
(Amended by Ord. 3/20/90; Ord. 4067, 8/18/92)

In all zone districts, pursuant to a Minor Conditional Use Permit under Sec. 35-172. and a Coastal Development Permit under Sec. 35-169., trailers may be used for a period not to exceed five years as single family dwellings by workers (either employees or owners) engaged full time in agriculture on the farm or ranch on which the trailer will be located, provided:

1. The permittee complies with the State Mobile Home Act.
2. The trailer(s) complies with the setbacks and distance between buildings required for buildings or structures.
3. The permittee demonstrates a need for such a trailer(s).
4. The permittee provides proof of the full-time nature of the workers. *(Amended by Ord. 4067, 8/18/92)*
5. The permit provides that the trailer shall be removed from the premises within six (6) months following the discontinuance of use of the premises for agricultural purposes. *(Amended by Ord. 4067, 8/18/92)*
6. Minor Conditional Use Permits granted pursuant to the regulations of this Section may be renewed for additional five (5) year periods of time if application for renewal is made to the Planning and Development Department prior to the expiration of the Conditional Use Permit *(Amended by Ord. 4067, 8/18/92)*

Sec. 35-132.9. Use of Trailers for Housing in Farm Labor Camps in the Agriculture II District.

(Amended by Ord. 3846, 3/20/90)

In the AG-II District pursuant to a Major Conditional Use Permit, trailers to be used in farm labor camps, as defined in Sec. 35-58, for housing persons engaged full time in agriculture on farms or ranches, provided the permit shall provide that any such trailer shall be removed from the lot within six (6) months following the effective date of any rezoning of the lot on which the trailer is located to a zone district classification other than Agriculture II District.

Sec. 35-132.10. Storage of Trailers as an Accessory Use to a Residential Use.

(Amended by Ord. 3846, 3/20/90)

The storage of trailers designed for or capable of human habitation or occupancy shall be classified as an accessory use to a residential use only if the trailer does not exceed eight feet in width, 13 feet 6 inches in height (as measured from the surface upon which the vehicle stands), and 40 feet in length. All such trailers shall be screened from view from abutting streets.

Sec. 35-132.11. Temporary Use After Destruction of Dwelling.

If an occupied dwelling is destroyed by an act of God, such as fire, flood, earthquake, etc., the Director or his duly authorized representative may approve a temporary coastal development permit for a 90-day period for emergency use of a trailer for a dwelling, provided 1) no trailer is illegally located on the lot, and 2) an application for a trailer has been filed under another subsection of this Sec. 35-132, Trailer Use.

Sec. 35-133. Carnivals, Circuses, etc.

A temporary coastal development permit may be approved by the Director of his duly authorized representative for carnivals, circuses, and similar activities, including, but not limited to, art and craft fairs, outdoor shooting galleries, menageries, merry-go-rounds, ferris wheels, shooting matches, turkey shoots, tent shows, trained animal shows, amusement parlors, penny arcades, prizefights, and wrestling matches, in any commercial or industrial district but in no other districts, upon written application and provided: 1) they do not continue for more than five (5) consecutive days, 2) that the Director inspects and approves the proposed site of the carnival or circus or other such activity, and 3) that the applicant comply with all provisions of the laws of the County of Santa Barbara including, but not limited to, the County Business License Ordinance and any conditions imposed pursuant to this Article or any other such ordinance. No permit shall be issued until the Supervisor of the Supervisorial District in which the use is proposed, or his designated representative, has been notified of the application. The Director shall have the right to impose reasonable conditions upon the operation of a carnival, circus, or other such activity in order to protect and preserve the public health, safety, or welfare.

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Sec. 35-134. Reserved for Future Use

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Sec. 35-135. Parking Lot Sales.

In any C-2, C-3, or SC zone district, the operator of an existing retail store, shop, or establishment may apply for either a coastal development permit under Sec. 35-169. and a Minor Conditional Use Permit, under Sec. 35-172. or merely a coastal development permit for a parking lot sale. If the proposed sale when added together with the establishment's other parking lot sales within the same calendar year exceeds four days, a Minor Conditional Use Permit shall be required prior to the issuance of a coastal development permit. If the proposed sale when added together with the establishment's other parking lot sales within the same calendar year does not exceed four days, the application shall be made to the Director for a coastal development permit. The Director shall not issue the permit unless the Director finds that the proposed sale will not be detrimental to the public health, safety, and welfare and the adequate on-premise pedestrian access and parking will exist during the proposed sale. The Director may impose any reasonable conditions in the permit necessary to protect and preserve the public health, safety, and welfare.

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Sec. 35-136. Aquaculture.

1. Aquaculture facilities located in areas designated as rural on the land use plan maps shall be sited and designed to be compatible with the natural surroundings.
2. To minimize impacts on coastal visual resources, structures shall be well-screened, and depressed below grade when feasible.
3. Intake and outfall lines for ocean water shall be underground unless not feasible for a particular operation, i.e., salmon culture.
4. If above-ground channels or pipes are necessary, adequate provisions for lateral beach access shall be required.

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Sec. 35-137. Temporary Second Dwellings..

In any district where an existing structure is to be used for dwelling purposes on a temporary basis during the construction on the same lot of another structure to be used for dwelling purposes, a coastal development permit for such structure to be constructed may be issued by the Director, subject to execution of an agreement by the property owner that said existing structure will be removed, converted or reconverted to a permitted accessory building within three months after commencement of the occupancy of the newly constructed dwelling and subject to the receipt by the County of a performance security in an amount designated by the County Building Official and in form and content acceptable to the County Counsel, assuring the performance of said property owner's obligations set forth in said agreement.

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Sec. 35-138. Signs and Advertising Structures.

Signs and advertising structures are regulated by Article 1 of this Chapter 35 of the Code of Santa Barbara County and any amendments thereto.

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Sec. 35-139. Exterior Lighting.

(Amended by Ord. 4196, 5/16/95)

All exterior lighting shall be hooded and no unobstructed beam of exterior lighting shall be directed toward any area zoned or developed residential. No lighting shall be so designed as to interfere with vehicular traffic at any portion of a street. Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for parcels identified with the MON overlay zone.

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Sec. 35-140. Tree Removal.

Sec. 35-140.1. Purpose and Intent.

The purpose of this section is to regulate the removal of certain trees within the Coastal Zone. The intent is to preserve healthy trees that are important for the protection of habitat areas and the scenic and visual quality of the County.

Sec. 35-140.2. Applicability.

A Coastal Development Permit under Sec. 35-169. shall be required for the removal of any tree which is six inches or more in diameter measured four (4) feet above the ground and six feet or more in height and which is 1) located in a County street right-of-way; or 2) located within 50 feet of any major or minor stream except when such trees are removed for agricultural purposes; or 3) oak trees; or 4) used as a habitat by the Monarch Butterflies.

Sec. 35-140.3. Processing.

In addition to the requirements for the issuance of a coastal development permit set forth in Sec. 35-169., a coastal development permit for the removal of trees shall not be issued unless the Coastal Planner makes one of the following findings:

1. The trees are dead.
2. The trees prevent the construction of a project for which a coastal development permit has been issued and project redesign is not feasible.
3. The trees are diseased and pose a danger to healthy trees in the immediate vicinity, providing a certificate attesting to such fact is filed with the Planning and Development Department by a licensed tree surgeon.
4. The trees are so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.

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Sec. 35-141. Mobile Homes on Foundation.

Where permitted in the applicable zone district, mobile homes which are certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.) on a permanent foundation system, pursuant to Health and Safety Code § 18551, shall be subject to the following requirements:

1. The mobile home shall have a roof overhang unless waived by the Board of Architectural Review because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area;
2. Roofing and siding shall be non-reflective;
3. Siding shall extend to the ground.

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Sec. 35-142. Residential Second Units.
(Amended by City Ord. 03-07, 11/17/2003)

Sec. 35-142.1. Purpose and Findings

This Section is adopted pursuant to California Government Code section 65852.2. The purpose of this Section is to establish procedures and standards for the development of residential second units in a manner that preserves the integrity of single-family residential areas, avoids adverse impacts on such areas and ensures a safe and attractive residential environment. It is not the intent of this Section to override private, lawful use restrictions set forth in conditions, covenants and restrictions (CC&Rs) or similar instruments.

In enacting this ordinance, the City has found and determined as follows:

1. Many residential areas within the City of Goleta are currently marked by crowded streets and an overflow of residential off-site parking necessitated by small homes with generally inadequate parking on-site for existing residents.
2. The proximity of the City of Goleta to colleges and universities encourages intensive use of existing housing facilities by individuals who are generally unrelated and who own and operate motor vehicles in greater numbers than would occur in other residential neighborhoods.
3. Second units are particularly attractive and economically feasible living spaces for students to share and therefore generate more parking needs than would be the case in communities where students reflect a smaller percentage of the population and second unit use is primarily for the elderly.
4. Parking and traffic flow conditions resulting from multiple student residents in residential second units poses a disproportionate burden on neighboring residences that are already experiencing crowded streets, difficult traffic flow, limited traffic visibility and other negative aspects of increasing intensity of residential uses.
5. Development over the years in Goleta residential neighborhood has also resulted in extensive use of second units, both legal and illegal, for extended families and as private rental units for families of all ages, which has resulted in acute parking problems and traffic congestion.
6. Because of the current density in residential areas, and the large number of small lots that already have second units, both legal and illegal, and other additions to homes originally designed to serve relatively small families, restrictions on the lot sizes where second units may be built are necessary to maintain the residential character of many existing neighborhoods.
7. Restrictions on the maximum square footage of new residential second units is required to assure that the concentration of high density housing in single-family residential neighborhoods does not dramatically change the character of such

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- neighborhoods and overburdened public facilities designed to meet a less densely populated environment.
8. California Government Code section 65852.150 requires local governments to provide for the creation of second units in a manner that is not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create second units in zones in which they are authorized by local ordinance.
 9. By adopting this ordinance, the City is providing for the creation of second units under reasonable restrictions related to unit size, parking, fees and other requirements based upon the conditions in existence in the City at the present time.
 10. In establishing this ordinance, the City has provided for the creation of second units and as required by Government Code Section 65852.2, and consistent with that statute has:
 - a) designated areas within the City where second units are permitted based upon adequacy of public facilities and services as well as traffic flow and public parking availability;
 - b) imposed standards on second units including without limitation, parking, height, setback, lot coverage, architectural review, maximum size of a unit and standards that prevent adverse impacts on real property that is listed in the California Register of Historic Places; and
 - c) provided that second units do not exceed allowable density for lots upon which the second units may be located and that second units are residential uses consistent with adopted zoning regulations and general plan policies the City intends to adopt in the future.
 11. Residential neighborhoods currently have numerous residential second units, both legal and illegal, that contribute to crowded parking off-site on public streets. In order to reduce the negative effects resulting from increased parking needs and traffic congestion associated with higher density residential uses, it is critical that residential second units be dispersed in a reasonable way among residential neighborhoods so that increased concentrations of parking and traffic flow problems are avoided.
 12. The regulations and procedures set forth in this ordinance do not unreasonably restrict or discourage creation of residential second units.
 13. The regulations set forth herein are necessary to preserve the health, safety and general welfare of the residents of the City.

Sec. 35-142.2. *Applicability*

Residential second units, as defined in Section 35-58 for "Attached Residential Second Unit" and "Detached Residential Second Unit," shall be permitted only in the R-1, E-1, AG-I-5 and AG-I-10 zone districts.

Sec. 35-142.3. *Permit Required.*

A Land Use Permit is required for construction of a residential second unit. An applicant shall submit as many copies of a Land Use Permit application as may be required to the Planning and Environmental Services Department. In addition to the information contained within the Land Use Permit application, the following information shall be submitted:

1. A floor plan drawn to scale of the principal dwelling and the proposed residential second unit.
2. An executed covenant prepared in accord with the provisions of 35-142.5(8) affirming the intent of the owner to occupy the dwelling after construction of the second unit, which covenant shall be recorded prior to issuance of the land use permit.
3. The proposed method of water supply and sewage disposal for the residential second unit, including "can and will serve" letters from a public sewer or water district or an existing mutual water company, where appropriate.

No public hearing shall be required for processing of a land use permit for a residential second unit. Upon payment of all applicable fees and submission of all required information, the application shall be referred to the Design Review Board for its ministerial review and recommendation. After review by the Design Review Board, the matter shall be considered and acted upon by the Director of Planning and Environmental Services (the "Director") or his designee subject to notice of a ten (10) day appeal period prior to the determination taking effect as set forth in Section 35-142.9.

Sec. 35-142.4. *Exclusion Areas.*

Because of the adverse impact on the public health, safety, and welfare, residential second units shall not be permitted in areas designated by the City Council as Special Problem Areas. Special Problem Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems. Under no circumstances shall a residential second unit be permitted on a lot fronting any street that does not meet the City's minimum right-of-way and street section standards in effect at the time of the application for the second unit.

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Sec. 35-142.5. Development Standards.

The following standards shall apply to residential second units:

1. A residential second unit shall be consistent with the provisions of the applicable zoning district and the goals and policies of the general plan and this ordinance.
2. No more than one residential second unit shall be permitted on any one lot.
3. No residential second unit shall be permitted on a lot if there is a legal residential second unit located, or approved to be located, on another lot with frontage on the same side of the street and either of the following conditions exist: (a) the lot with a legal residential second unit is within 300 feet of the property line of the lot proposed for the second unit; or (b) there are less than three lots separating the two properties.
4. A residential second unit shall only be permitted on a lot in which the principal dwelling and all other structures thereon conform to all minimum requirements of the applicable zoning district.
5. The minimum lot size on which an attached residential second unit may be located shall be 7,000 square feet. The minimum lot size on which a detached residential second unit may be located shall be 10,000 square feet.
6. The maximum residential second unit size for new units shall not exceed the following standards:

<u>Lot Size</u> (Net Lot Area)	<u>Maximum 2nd Unit Size</u> (Gross Floor Area)
7,000-9,999*	400 sq. ft.
10,000-19,999 sq. ft.	600 sq. ft.
20,000-1 acre	800 sq. ft.
over one acre	1,000 sq. ft.

*As set forth in Section 35-142.5.5 above, this standard only applies to attached residential second units, as the minimum lot size for a detached residential second unit is 10,000 square feet.

7. A residential second unit shall comply with all development standards for the applicable zoning district, including, but not limited to, standards for front, rear and side yard setback requirements for a principal dwelling under the regulations of the applicable zoning district.
8. The owner of the lot shall reside on the lot, either in the principal dwelling or in the residential second unit. Prior to issuance of a Land Use Permit, the property owner

shall enter into a restrictive covenant with the City regarding such owner-occupancy requirement on a form prepared by the City, which shall be recorded against the property. Such covenant shall further provide that the residential second unit shall not be sold, or title thereto transferred separate from that of the property. If the owner ceases to reside on the property, use of the residential second unit shall be discontinued and (a) if it is an attached residential second unit, the unit converted into a portion of the principal dwelling, or (b) if it is a detached residential second unit, the unit removed or converted to a legal use. The Director may grant temporary relief from this owner-occupancy requirement for a maximum of one year upon a finding that the owner has a bona fide, unavoidable reason for the absence and the owner has notified the City in writing of the appointment of another responsible person to occupy and maintain the property.

9. An attached residential second unit shall share at least one common wall with the living area of the principal dwelling.
10. In no event shall an attached residential second unit be larger than thirty percent (30%) of the original living area unless the original living area is less than 1,000 square feet, in which case the attached residential second unit shall not be larger than 300 square feet.
11. The minimum gross floor area of an attached residential second unit shall be three hundred (300) square feet.
12. The total gross floor area of all covered structures, including an attached residential second unit, shall not exceed forty percent (40%) of the gross lot area.
13. No attached residential second unit shall cause the height of the principal dwelling to exceed the height limitation for the applicable zoning district. If the attached second residential second unit is not located above any portion of the existing principal dwelling, the maximum height of such unit shall not exceed sixteen feet (16').
14. An attached residential second unit may have a separate entrance, which may be located on the side or the rear of the principal dwelling; provided, however, in no event shall any external stairwell be placed within the side yard setback.
15. A residential second unit shall not be permitted on a lot where there is a guest house or other dwelling or structure used for habitation in addition to the principal dwelling. If a residential second unit exists or is currently approved on a lot, a guest house or other dwelling may not be approved unless the residential second unit is removed or converted into a portion of the principal dwelling.
16. A residential second unit shall contain separate kitchen and bathroom facilities from the principal dwelling unit, and shall be metered separately from the primary dwelling for gas, electricity, communications, water, and sewer services.

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17. All attached residential second units shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.
18. No detached residential second unit shall be located forward of the principal dwelling on lot sizes under one acre. The distance between the principal dwelling and a detached residential second unit shall be at least ten (10) feet.
19. In addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot that the residential second unit is located on for (a) each bedroom in the residential second unit and (b) for each studio unit. Additional parking shall be provided in accordance with the applicable parking regulations of the base zoning district. No parking shall be permitted within the front or side setback area and in no case shall the required number of parking spaces for a residential second unit be reduced.
20. In addition to the application of the City's standard design guidelines and policies, the Director shall consider the following standards:
 - a. The second unit shall be subordinate to the principal dwelling on the lot in terms of size, location and appearance.
 - b. The exterior appearance and character of the second unit shall be consistent with that of the principal dwelling. The design shall take into consideration the use of the same exterior materials, roof covering, colors, and other architectural features.
 - c. Any manufactured home proposed as a detached residential second unit shall be consistent with the principal dwelling on the lot with regard to existing siding, roof materials, roof pitch, and roof eaves.
 - d. No principal structure that includes a residential second unit shall extend beyond a daylight plane having a height of 12 feet above the elevation of existing grade at each side lot line and a line drawn from that point inward towards the center of the lot at an angle of 45 degrees from the horizontal. Chimneys may extend beyond the daylight plane to the minimum extent necessary to comply with the uniform building code.
 - e. Detached residential second units shall be limited to a single story and the height shall not exceed 16 feet at any point, measured from the elevation of the existing grade directly below.
 - f. Detached residential second units shall comply with the front, rear and side setback requirements for the zoning district that are applicable to the principal residential building.

- g. The dimensions and placement of windows within residential second units shall be designed to protect the privacy of adjoining residences by avoiding views from windows within the second unit into the windows of the adjacent residential building or to outdoor living areas, such as decks, patios, terraces, and swimming pools.
- 21. A residential second unit shall have no more than two (2) bedrooms.
- 22. Upon approval of a residential second unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the general plan and zoning designation.
- 23. All construction, structural alterations or additions made to create a residential second unit shall comply with current building, electrical, fire, plumbing and zoning code regulations.
- 24. In the event of any conflicts between the standards set forth in this Section and those set forth in the regulations of the applicable zoning district, the provisions of this Section shall prevail.
- 25. The applicant shall pay to the City all applicable fees imposed on such new development, including but not limited to park and recreational facility fees.
- 26. The Director may add other conditions, consistent with general law and applicable State and City standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood; provided, however, that such conditions shall not unreasonably restrict the ability of an applicant to create a residential second unit.

Sec. 35-142.6. *Existing Second Residential Units - Amnesty Procedures.*

- 1. An existing legal nonconforming residential second unit may be enlarged only in accordance with the requirements of this Section.
- 2. Owners of residential second units constructed prior to the effective date of this ordinance, who do not have a certificate of occupancy issued by the County or City, and who desire to legalize such units without penalty, may obtain a certificate of legalization from the Planning and Environmental Services Department by complying with the following procedures:
 - a. Provide evidence that the residential second unit was constructed prior to the effective date of this ordinance. For the purposes of this Subsection, the time of construction for an amnesty unit shall mean the date the structure was initially used as a residential second unit.
 - b. Provide a plan of the unit and the site showing that the unit does not exceed any size, height, bulk, coverage or other standards set forth in Section 35-142.5.

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If the unit does not conform to such standards, then it shall be made to so conform as part of the legalization process.

- c. Provide a property inspection report for the unit from a licensed contractor or property inspector acceptable to the City, which report shall be subject to verification by the Director.
 - d. The property owner shall correct all defects in construction noted in the inspection report and comply with any codes in effect at the time of original construction to the satisfaction of the Director. If new construction is required to conform to the development standards of Section 35-142.5, all such work shall comply with current codes.
 - e. Pay all required development and processing fees at their current rate.
 - f. The property owner shall enter into a restrictive covenant with the City on a form prepared by the City which requires that the owner either live in the principal dwelling or second residential unit. Such covenant shall further provide that the residential second unit shall not be sold, or title thereto transferred separate from that of the property. The covenant shall be recorded against the property.
 - g. Satisfy the parking requirements of Section 35-142.5.
3. For the duration of the amnesty period, the provisions of Section 35-142.5(3) shall not apply to existing illegal non-conforming residential second units. Non-conforming units granted a certificate of legalization pursuant to this section shall be considered, however, in determining distance requirements for new second units under Section 35-142.5(3) in issuing new permits for such units.
 4. Property owners of a residential second unit illegally constructed prior to the effective date of this ordinance shall have 180 days from that date to apply for a certificate of legalization. After such date, unless an application for a certificate of legalization was submitted and is actively being processed, the City may, in its discretion, pursue abatement or any other available remedy against any illegal residential second unit. The existence of this amnesty program shall not affect the right of the City to pursue abatement or any other available remedy against an illegal residential second if such unit constitutes an immediate or significant threat to the public health, safety or welfare.

Sec. 35-142.7. Noticing.

1. Upon acceptance of a complete application and payment of all required processing fees, the Director shall give written notice of the application to all property owners within a 500-foot radius of the property for which a second unit application is made, as shown on the latest equalized assessment roll.

2. Upon a decision on the application, notice of the right of interested persons to appeal the decision of the Director shall be given in the manner described in paragraph (1) above, at least ten (10) days prior to the effective date of a decision by the Director. In addition, the property shall be posted in the manner described in Section 35- 181.3 of this chapter.

Sec. 35-142.8. Revocation.

A Land Use Permit for a residential second unit may be revoked in the manner provided in Section 35-178.7 of this Chapter.

Sec. 35-142.9. Appeals.

Decisions of the Director approving or denying an application for a residential second unit shall be subject to an appeal by the applicant or any interested person to the Planning Agency in accordance with procedures set forth in Section 35-182 (Appeals) of this Chapter. The Planning Agency may, in its discretion, refer the appeal to a City hearing officer who shall hear the appeal no more than sixty (60) days from the date of the filing of the appeal unless the appellant requests or agrees to an extension of the hearing date. The City Manager or his designee shall be the hearing officer for the city. The appellant and/or applicant shall be notified by regular mail of the date, time and place set for the hearing at least ten (10) days prior to the hearing and shall be provided with all reports provided to the hearing officer. The decision of the Planning Agency or City hearing officer may be appealed to the City Council in accordance with the procedures set forth in Section 35-182 of this Chapter.

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SECT. 35-142A
REPEALED BY CITY ORD. 03-07
(11/17/2003)

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Sec. 35-143. Family Day Care.

Sec. 35-143.1 Small Family Day Care Homes.

Small Family Day Care Homes shall be considered a residential use pursuant to this Article, provided that the provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code Section 1597.51.

Sec. 35-143.2 Large Family Day Care Homes.

Large Family Day Care Homes shall be considered a residential use pursuant to this Article, provided that prior to the issuance of a land use permit, the Zoning Administrator shall make the following findings:

1. The provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code Section 1597.51.
2. The property is located more than three hundred (300) feet from any other Large Family Day Care Home and approval will not result in over concentration.
3. The noise level, including noise generated by the children, is consistent with the Noise Element of the Comprehensive Plan.

The approval of Large Family Day Care Homes pursuant to this Section shall be deemed a ministerial action which is exempt from the California Environmental Quality Act. Notice shall be given of the proposed use at least ten (10) days prior to the date of the Zoning Administrator's decision to all owners shown on the last equalized assessment roll as owning real property within a three hundred (300) foot radius of the exterior boundaries of the proposed Large Family Day Care Home. No hearing on the application shall be held unless a hearing is requested by the applicant or other affected person. The Zoning Administrator's decision may be appealed to the Board of Supervisors pursuant to the provisions of Section 35-182.3.

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

Sec. 35-144.1. Purpose and Intent.

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

Sec. 35-144.2. Applicability.

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

Sec. 35-144.3. Development Guidelines.

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

Urban Areas:

- A. The height of any structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location. (See definition of building height, page 3).
- B. Proposed structures should be in character with adjacent structures.
- C. Large understories and exposed retaining walls should be minimized.
- D. Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.
- E. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Rural and Inner Rural Areas:

- A. The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structural location.
- B. Building rake and ridge line should conform to or reflect the surrounding terrain.

GEN REGS - Ridgeline & Hillside

- C. Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
- D. Large, visually unbroken and/or exposed retaining walls should be minimized.
- E. Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.
- F. Grading shall be minimized, in accordance with the Comprehensive Plan goals.
- G. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Exemptions:

In order for a proposed structure to be exempted from these guidelines, the BAR or Planning and Development Department (P&D), as stipulated below, must make one or more of the following findings: *(Amended by Ord. 3970, 2/21/92)*

1. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood. (BAR Finding)
2. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed. (BAR Finding)
3. The proposed site is on or adjacent to a minor topographic variation (i.e. gully), such that the 16 foot drop in elevation is not due to a true ridgeline or hillside condition. (P&D Finding)
4. Windmills and water tanks for agricultural purposes are exempt. (P&D Finding)
5. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications or similar service. (P&D Finding)

(Amended by Ord. 3970, 2/21/92)

Sec. 35-144A. Local Design Standards.

Local design standards for a particular community, area, or district may be developed as part of or independently of a County-processed Community/Area Plan. Such standards would serve to provide further guidance in the review of projects for said geographic area, beyond those standards of findings contained in Sec. 35-184 (Board of Architectural Review) of this Article. The following procedures shall be followed in adopting local design standards:

- (1) The County Board of Architectural Review shall review proposed local design standards at a draft stage. The BAR shall provide comments on the draft local design standards as to their consistency with the provisions of Sec. 35-184 (Board of Architectural Review), as well as their overall utility and effectiveness. These comments shall be incorporated into the draft local standards by appropriate County staff or representatives.
- (2) The Planing Commission shall hold a hearing to review the proposed local design standards and shall transmit its action to the Board of Supervisors in the form of a written recommendation.
- (3) The Board of Supervisors shall hold a hearing to review and adopt the proposed local design standards. This hearing may be held in conjunction with an overall Community/Area Plan adoption. The manner of adoption of local design standards (e.g., by ordinance, resolution) shall be at the discretion of the Board of Supervisors. Adoption of local design standards shall constitute a directive for the County Board of Architectural Review to utilize said standards in review of projects located in the applicable local community, area, or district. Adoption of local design standards shall not constitute a granting of any formal authority to any local design review board not otherwise granted by appropriate legal mechanism.

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GEN REGS - Appl. in Jurisdiction of More Than One Decisionmaker

Sec. 35-144B. Applications That are Within the Jurisdiction of More than One Final Decision Maker.

(Amended by Ord. 4227, 6/18/96)

When two or more applications are submitted that relate to the same development project and the individual applications would be under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction as follows in descending order:

1. Board of Supervisors
2. Planning Commission
3. Zoning Administrator
4. Director

If the Board of Supervisors is the decision-maker on a project, due to a companion discretionary application(s) (e.g., a Development Plan and a Rezone), then the Planning Commission shall make an advisory recommendation to the Board of Supervisors on each project.

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GEN REGS - Density Bonus for Affordable Housing Projects

~~Sec. 35-144C. Density Bonus for Affordable Housing Projects.~~

~~(Added by Ord. 4169, 10/11/94)~~

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

~~The purpose of this Section is to implement Housing Element Policy 1.1 (Density Bonus) and the State mandated density bonus program (Government Code Section 65915-65918 or successor statute(s)) to provide lower income housing units. The intent of the density bonus program is to provide incentives to developers to produce lower income housing units.~~

~~Sec. 35-144C.2. Eligibility for Density Bonus Program~~

~~A new housing development of five or more dwelling units (excluding any density bonus units) is eligible for the Density Bonus Program and is considered a "qualifying housing development" if it complies with the requirements of this Section and falls within one or more of the subcategories listed pursuant to Government Code Section 65915-65918 or successor statutes.~~

~~Density Bonus Projects Pursuant to Government Code §65915~~

- ~~a. At least 20 percent of the dwelling units are targeted for sale or rent to low income households (as defined in the Housing Guidelines). The density bonus shall not be included when determining the number of housing units which is equal to 20 percent of the total units.~~
- ~~b. At least 10 percent of the dwelling units are targeted for sale or rent to very low income households (as defined in the Housing Guidelines). The density bonus shall not be included when determining the number of housing units which is equal to 10 percent of the total units.~~
- ~~c. At least 50 percent of the dwelling units are specifically designed and targeted for sale or rent to persons who are "qualifying residents" or as defined in California Civil Code Section 51.2 and 51.3. The density bonus shall not be included when determining the number of housing units which is equal to 50 percent of the total units.~~

GEN REGS - Density Bonus for Affordable Housing Projects

~~Section 35-144C.3. Effect of the Density Bonus Program.~~

~~When a developer proposes a qualifying housing development within the jurisdiction of the County, the County shall provide one of the two following development incentives:~~

- ~~a. A density bonus of 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use designation, plus at least one additional development incentive identified in Section 35-144C.4. The additional incentive shall not be provided if the County makes the written finding as required by Government Code Sec. 65915 (B)(3).~~
- ~~b. Other incentives of equivalent financial value based upon the land cost per dwelling unit.~~

~~Section 35-144C.4. Development Incentives.~~

~~For purposes of this Section, the following development incentives may be allowed provided such incentives shall be found consistent with all applicable policies and provisions of the Local Coastal Program:~~

- ~~1. MODIFICATION OF DEVELOPMENT STANDARDS: A reduction in site development standards or a modification of zoning requirements, including but not limited to a reduction of the minimum open space requirement to 30%, allowing zero side yard setbacks throughout the development, building height, distance between buildings, setbacks, parking, building coverage, screening, or a reduction in architectural design requirements which exceed minimum building code standards.~~
- ~~2. MIXED USE PROJECTS: The County shall financially subsidize a rezone to allow mixed use development in conjunction with the housing project provided that the commercial, office, or other land uses are compatible with the proposed housing project and the existing development in the area.~~
- ~~3. ADDITIONAL DENSITY BONUS: The approval of a density bonus which is greater than the maximum allowable density and may, when involved with standard density bonus projects, exceed the standard 25% density increase. This incentive~~

GEN REGS - Density Bonus for Affordable Housing Projects

shall be limited to a maximum density increase of no more than 50% above the base zoning density.

4. ~~FINANCIAL SUBSIDY: The provision of a below market rate loan or other financial assistance by the County or by other public or private institutions in cooperation with the County.~~
5. ~~FAST TRACK PERMITTING: Subject to the provisions of the Fast Track permit process.~~
6. ~~MODIFIED FEE PAYMENT: Deferral, reduction or waiver of processing fees, exactions or impact fees as approved by the Board of Supervisors, provided that this incentive does not apply to fees or exactions necessary to implement the Local Coastal Program.~~
7. ~~MODIFICATION OF FACILITY REQUIREMENTS: Infrastructure facilities, improvements and/or development or zoning standards normally required for residential development may be modified by the decision maker if deemed necessary to ensure affordability of dwelling units or to provide additional developer incentives provided that such modifications are found consistent with all applicable policies and provisions of the Local Coastal Program.~~

~~Section 35-144C.5. Siting Criteria.~~

The following siting criteria shall apply to density bonus projects:

1. ~~All uses of land shall comply with the base zone district. In cases where conflict occurs between the regulations of the base zone district standards and the provisions of the density bonus program, the conflict shall be resolved in accordance with the provisions of the Local Coastal Program.~~
2. ~~All units within the proposed development should be of similar architectural style. The intent is to have the affordable units blend in with the proposed development.~~
3. ~~All proposed development shall be sited to provide maximum access to public forms of transportation.~~
4. ~~Density Bonus projects shall be applied in areas served by water districts and municipal sanitary districts.~~

GEN REGS - Density Bonus for Affordable Housing Projects

- ~~5. All proposed development shall be found consistent with applicable policies and provisions of the Local Coastal Program.~~

~~Section 35-144C.6. Processing of a Preliminary Density Bonus Request~~

~~Consistent with Government Code §65915(d), prior to the submittal of a formal application, an applicant may submit to the County a written preliminary proposal for a density bonus project. The preliminary proposal shall contain the following information:~~

- ~~1. The Assessor's Parcel Number(s), gross and net acreage, land use and zoning designations of the project site;~~
- ~~2. The total number of units proposed (not including the density bonus units);~~
- ~~3. The number of density bonus units requested;~~
- ~~4. The number of very low income, low income, lower or upper moderate and/or "qualifying resident" units proposed;~~
- ~~5. Any additional incentive(s) requested;~~
- ~~6. Complete financial information and projections for the project. The County may request and the applicant shall provide any additional information the County deems necessary to determine the financial feasibility of the income restricted units. The County may require the developer to pay for a review by an independent consultant to assist the County in determining whether certain development incentives are necessary to make the income restricted units economically feasible.~~
- ~~7. A site plan in accordance Section 35-169.4 (Coastal Development Permits).
Within 45 days of receipt of a complete written proposal, RMD shall notify the developer in writing of 1) the types of incentives which may be recommended in order to comply with this Section and 2) whether staff may support the granting of a density bonus on the basis of required development standards and findings.~~

~~Section 35-144C.7. Processing of a Density Bonus Project~~

- ~~1. A density bonus project shall be processed in the same manner as a similar residential project not requesting a density bonus, subject to the requirement for additional information as specified in Section 35-144C.6.~~
- ~~2. The AH-Overlay zone was established to provide density bonus and other incentives for projects that provide a significant amount of affordable housing. Density~~

GEN REGS - Density Bonus for Affordable Housing Projects

- ~~bonuses and other development incentives granted pursuant to the AH Overlay shall be inclusive of, and not in addition to the development incentives required in this Section.~~
- ~~3. The density bonus may be transferred between one or more parcels for a development project located within the boundaries of a planned development or specific plan provided such transfer is found consistent with all applicable policies and provision of the Local Coastal Program. For purposes of calculating a density bonus, the residential units may be based on more than one subdivision map or parcel.~~
- ~~4. All density bonus projects shall record an affordable housing agreement and resale and rental restrictive covenant, or such other document approved as to form by County Counsel, on the title of the affordable units which outlines the sales and/or rental prices for the various types of units to be established, provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low, lower-moderate and upper-moderate incomes. All affordable units shall be restricted for a minimum of 30 years unless the County does not grant one additional incentive listed in Section 35-144C.4, in which case the developer shall agree to, and the County shall ensure, continued affordability for 10 years of all lower income housing units receiving a density bonus (Government Code Section 65915.C.).~~

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GEN REGS -Affordable Housing Development Regs

Sec. 35-144D. Affordable Housing Development Regulations.

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

The purpose of this section is to allow modifications to standard development regulations for qualified AH Overlay or ~~Density Bonus~~ affordable housing developments pursuant to Section 35-102C and 35-144C of Article II, provided that such modification of regulations is consistent with all applicable policies and provision of the Local Coastal Program.

Sec. 35-144D.2. Applicability.

The provisions of this section shall apply to all qualified AH-Overlay projects in the Design Residential (DR) and Planned Residential Development (PRD) zone districts ~~and all qualified density bonus projects.~~

Sec. 35-144D.3. Modified Development Standards.

The following modified standards may apply to qualified AH-Overlay projects in the Design Residential (DR) and Planned Residential Development (PRD) zone districts ~~and qualified density bonus projects~~, provided that projects so modified shall be found consistent with all applicable policies and provision of the Local Coastal Program.

1. One side yard setback per lot may be reduced from the standard requirement to a zero setback. The width of any setback thereby reduced shall be applied to the opposite side yard setback. In cases of corner lots, the side yard setback may be reduced to zero with no additional setback requirement for the opposite setback.
2. The total amount of common and/or public open space may be reduced to thirty (30) percent of the gross acreage.

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GEN REGS -Hazardous Waste Generators

Sec. 35-144E. Hazardous Waste Generators.

(Added by Ord. 4048, 5/19/92)

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

The purpose of the section is to implement certain policies of the County's Hazardous Waste Element, by requiring hazardous waste generators to incorporate waste minimization and emergency response considerations into their uses and developments. The intent is to require generators to submit a Waste Minimization Plan and incorporate waste minimization techniques where technically and economically feasible; and comply with the County Environmental Health Services' Generator Permit Program and prepare an emergency response plan where required by Chapter 6.95 of the California Health and Safety Code.

Sec. 35-144E.2. Applicability.

The provisions of this Section apply to any activity for which a Coastal Development or Home Occupation Permit is required that is undertaken by a person or business who is or will be a generator of hazardous waste.

Sec. 35-144E.3. Requirements.

1. As part of the application for a Coastal Development Permit, the applicant shall submit a Waste Minimization Plan.
2. All new or modified Coastal Development Permits shall incorporate waste minimization techniques to the maximum extent economically and technically feasible.
3. Prior to issuance of a Coastal Development Permit, the applicant shall have an approved Generator Permit from the County Environmental Health Services, or an accepted application for a Generator Permit.
4. Prior to operations, any Coastal Development Permit shall require submittal of a Business Plan, if such a plan is required under Chapter 6.95 (section 25500 et seq.) of the California Health and Safety Code.

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Sec. 35-144F. Telecommunications Facilities.
(Added by City Ord. 09-09, 6/16/09)

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. 35-315 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 section 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. 35-144F.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

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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. 35-52:
- 1) Antennas are limited to panel, parabolic, 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 (“COW”) communication facilities that conform to the following development standards may be allowed in non-residential zone districts as identified in Sec. 35-52 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 50 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

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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 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. 35-52 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. 35-144F.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. A public notice shall be posted at each telecommunications site generating radiofrequency (RF) emissions. These notices shall inform employees, customers, and the general public as to the location of the facility, the owner(s) of the facility, and the level of permitted RF emissions.
 - 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

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- 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. 35-100) 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 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 substantially 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

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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. 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 co-location of the proposed facility would result in substantially 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 substantially 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. 35-144F.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.

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- d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be substantially 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 visual impacts.
 - 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 substantially 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

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- closer than two miles from another substantially visible facility within the City 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 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. 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 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

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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 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. 35-182 (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 shall be deemed final unless appealed pursuant to Sec. 35-182 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

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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 1-5 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. 35-144F.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 Land Use Permit in compliance with Sec. 35-144F.3.1 shall be given in compliance with Sec. 35-181 (Noticing) and any other applicable requirements.
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 any other applicable requirements.

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

In addition to the findings required to 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.

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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 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.

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Sec. 35-144G. Medical Marijuana Dispensaries.

(Added by City Ord. 09-08, 6/16/09)

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

The purpose of this ordinance is to prohibit the establishment and operation of any new medical marijuana dispensary within the City limits of the City of Goleta.

Sec. 35-144G.2. Applicability.

The provisions of this Section shall apply to any site, facility, location, use, cooperative or business, whether for profit or non-profit, whether permanent or mobile, which to any extent distributes, sells, exchanges, processes, delivers, gives away, or cultivates marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians pursuant to Proposition 215, Health & Safety Code § 11362.5 *et seq.* or any State regulations adopted in furtherance thereof.

This Section shall not prohibit the use or possession of quantities of marijuana by a qualified patient for personal use. This Section shall not prohibit the possession of quantities of marijuana by a primary caregiver for personal use of qualified patients of such primary caregiver.

Sec. 35-144G.3. Prohibitions and Exceptions.

- A. It shall be unlawful to establish, operate or maintain, or to participate in the establishment, operation or maintenance of a medical marijuana dispensary anywhere within the City limits of the City of Goleta.
- B. In accordance with the authority granted the City of Goleta under Government Code Section 65858(b), and pursuant to the findings stated herein, from and after the date of adoption of this ordinance, no use permit, variance, zoning clearance, business license or other applicable entitlement shall be accepted, approved or issued for the establishment or operation of a medical marijuana dispensary.
- C. Medical marijuana dispensaries shall not be permitted as a component or exclusive use under the definition of a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility or facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

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Sec. 35-144G.4. Penalties.

Violation of any provision of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or by imprisonment in the County jail for not to exceed six (6) months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Ordinance. In addition to the foregoing, any violation of this Ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.